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PART I

PAGINATION ERROR

Part III document (FR Doc. No. 74-14256) in the issue of Monday, June 24, 1974, should be renumbered from pages 23896-23932 to pages 22896-22932, respectively. A reprint of the Part III with correct pagination will be separately distributed. Today's issue begins with page 22933.

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

page no.
and date

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12351; 4-5-74; 12867; 4-9-74

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

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

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

American Upland Cotton, Revision of Grade Standards

Under authority contained in section 10 of the United States Cotton Standards Act (7 U.S.C. 61), the Agricultural Marketing Service hereby amends some of the Official Cotton Standards of the United States for the Grade of American Upland Cotton. These standards may also be termed and referred to as the Universal Standards for American Cotton.

Statement of consideration. A notice of proposed rulemaking to revise some of the Official Cotton Standards of the United States for the Grade of American Upland Cotton published in the FEDERAL REGISTER of April 23, 1974 (39 FR 14350). These proposed revisions in standards were presented at the Universal Cotton Standards Conference held at Memphis, Tennessee on May 14-15, 1974. Representatives from cotton producers, ginners, exchanges, shippers, manufacturers, and overseas signatories to the Universal Cotton Standards Agreement presented views on the proposed revisions. After considerable discussion the Agricultural Marketing Service suggested modifications to some of the proposals contained in the notice of proposed rulemaking and a general consensus was reached that a second proposal would be made to:

1. Revoke the descriptive standard for Strict Good Middling (White) cotton.
2. Revoke the descriptive standard for Good Middling Tinged cotton.
3. Change the physical standard for Strict Middling Tinged cotton to a descriptive standard.

4. Revoke the descriptive standard for Good Middling Yellow Stained cotton.

A second notice of proposed rulemaking incorporating these changes was published in the FEDERAL REGISTER of May 30, 1974 (39 FR 18795). No objections were received to the proposed changes in standards contained in the second notice of proposed rulemaking. In order to effectuate these changes in 7 CFR Part 28, Subpart C, is amended as follows:

§ 28.401 [Revoked]

1. Revoke the descriptive standard for Strict Good Middling (White) cotton, § 28.401.

§ 28.440 [Revoked]

2. Revoke the descriptive standard for Good Middling Tinged cotton, § 28.440.

3. Change the physical standard for Strict Middling Tinged cotton, § 28.441, to a descriptive standard which would read as follows:

§ 28.441 Strict Middling Tinged.

Strict Middling Tinged is American upland cotton which in color, leaf, and preparation is better than Middling Tinged.

§ 28.450 [Revoked]

4. Revoke the descriptive standard for Good Middling Yellow Stained cotton, § 28.450.

(Sec. 10, 42 Stat. 1519, 7 U.S.C. 61. Interpret or apply section 6, 42 Stat. 1518, as amended (7 U.S.C. 56); sec. 4854, 68A Stat. 580, (26 U.S.C. 4854))

Effective date. These revisions in standards are effective July 1, 1975.

Dated: June 20, 1974.

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

[FR Doc. 74-14524 Filed 6-24-74; 8:45 am]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

United States Standards for Grades of Canned Applesauce

The United States Standards for Grades of Canned Applesauce (7 CFR 52.331 to 52.349) are hereby amended pursuant to the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Statement of consideration leading to the amendment. The Standards of Identity and Standard of Fill for Canned Applesauce promulgated under the Federal Food, Drug, and Cosmetic Act (21 CFR 27.80 and 27.81, respectively) were recently amended to become effective May 6, 1974, in consideration of the proposed International Standards for Canned Applesauce. The amendments involved the following:

- (1) Changing the generic name from which the product is prepared from "Pyrus malus" to "Malus domestica Borkhausen";

- (2) To permit the use of artificial flavorings, heretofore excluded in Federal Food and Drug Standards of Identity;

- (3) Adding the word "carbohydrate"

to the optional ingredients of nutritive sweeteners;

- (4) Adding a metric measure to the requirement of fill for small glass containers, expressed previously only in fluid ounces and

- (5) Adding a sampling and acceptance procedure for determination of compliance with requirements for fill of container.

The United States Standards for Grades of Canned Applesauce are amended to include all of these changes except the sampling and acceptance procedure for determination of compliance with requirements for fill of container. A similar procedure containing the same AQL's is contained in USDA's Regulations Governing Inspection of Processed Fruits, Vegetables and Related Products and need not be included in the grade standards for canned applesauce. These changes will bring the U.S. Standards for Grades of Canned Applesauce in line with the Federal Food and Drug Standards of Identity and the proposed international standards for this product.

It is hereby found that it is unnecessary and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, or postpone the effective date beyond the date of publication hereof in the FEDERAL REGISTER (5 U.S.C. 1000-1011) in that:

- (1) The amendments do not require any changes in packing procedures;

- (2) There are no changes in the requirements for the different quality levels;

- (3) The public has already had opportunity to comment on the changes when the Food and Drug Administration published them as proposed rulemaking in the FEDERAL REGISTER of May 10, 1973 (38 FR 12234); and

- (4) It is in the interest of the public and the industry to make these amendments effective at the earliest possible date so that the USDA grade standards will be in line with the Federal Food and Drug Standards of Identity.

The amendments are as follows:

- (1) Section 52.331 Product description is changed in its entirety to read as follows:

§ 52.331 Product description.

"Canned applesauce" is the product represented as defined in the standards of identity for canned applesauce (21 CFR 27.80) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

- (2) Section 52.333 (b) is changed to read as follows:

§ 52.333 Flavor types.

(b) *Flavored*. Flavored canned apple-sauce is the product in which the flavor is derived substantially from an added flavoring ingredient, including artificial flavorings.

§ 52.334 [Amended]

(3) In § 52.334 (a) and (b), insert the word "carbohydrate" between the words "nutritive" and "sweeteners."

§ 52.337 [Amended]

(4) In § 52.337 immediately following the phrase, "except that in the case of glass containers having a total capacity of 6½ fluid ounces or less," insert in parentheses "(192 ml.)."

Effective date. These amendments shall become effective June 25, 1974.

Dated: June 20, 1974.

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

[FR Doc. 74-14525 Filed 6-24-74; 8:45 am]

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

[Lime Reg. 4, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation increases the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period June 16, 1974 to June 22, 1974. The quantity that may be shipped is increased due to improved market conditions for Florida limes. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of limes available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lime Regulation 4 (39 FR 20800). The marketing picture now indicates that there is a greater demand for limes than existed when the regulation was made

effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of limes to fill the current market demand thereby making a greater quantity of limes available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

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

(b) *Order, as amended.* Paragraph (b) (1) of § 911.404 (Lime Regulation 4, 39 FR 20800) is hereby amended to read as follows: "The quantity of limes grown in Florida which may be handled during the period June 16, 1974 through June 22, 1974, is hereby fixed at 22,000 bushels". (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 20, 1974.

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

[FR Doc. 74-14523 Filed 6-24-74; 8:45 am]

[Nectarine Reg. 5, Amdt. 1]

PART 916—NECTARINES GROWN IN CALIFORNIA

Grades and Sizes Requirements

This amended regulation, issued pursuant to the Marketing Agreement and Order 916 (7 CFR Part 916), continues the currently effective nectarine grade and size regulation to include all nectarine shipments during the 1974 season. The present regulation is effective through July 6, 1974. This regulation prescribes a minimum grade for all California nectarines of U.S. No. 1 Grade with additional tolerances for light colored smooth scars, form not considered serious, and fairly smooth or smooth russetting for two specified varieties. Minimum sizes are established for certain specified varieties. It is designed to provide markets with an ample supply of desirable fruit in the interest of consumers and producers. The said marketing agreement and order are effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Notice was published in the FEDERAL REGISTER issue of May 30, 1974 (39 FR 18795), that the Department was giving

consideration to a proposal to amend § 916.347 (Nectarine Regulation 5; FR 17831) effective pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR 916), regulating the handling of nectarines grown in California to continue the effective period of regulation to include all nectarine shipments for the 1974 season. This notice allowed interested persons until June 15, 1974, to submit data, views, or arguments for consideration relative to such proposed extension. None were received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Nectarine Administrative Committee, established under the said amended marketing agreement and order, and other available information, it is hereby found that the limitation of handling of such nectarines, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such nectarines are currently in progress and this amendment should be applicable to all nectarine shipments occurring during the effective period specified herein in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice; and (3) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. Section 916.347 Nectarine Regulation 5 is amended by revising subparagraphs (1), (2), (3), (4), (5), and (6) of paragraph (a) to read as follows:

§ 916.347 Nectarine Regulation 5.

(a) *Order.* (1) During the period May 22, 1974, through May 31, 1975, no handler shall handle any packages or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1: *Provided*, That nectarines 2 inches in diameter or smaller, or 4 x 4 size or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle ⅜ inch in diameter, and nectarines larger than 2 inches in diameter, or larger than 4 x 4 size, shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle ½ inch in diameter: *Provided further*, That additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen: *Provided further*, That 25 percent of the surface of each fruit of the Sun Free and Golden Grand varieties may be affected by fairly smooth or smooth russetting.

(2) During the period May 22, 1974, through May 31, 1975, no handler may handle any package or container of May Red variety nectarines unless:

(3) During the period May 22, 1974, through May 31, 1975, no handler shall handle any package or container of Arm King, Crimson Gold, Mayfair, or Zee Gold variety nectarines unless:

(4) During the period May 22, 1974, through May 31, 1975, no handler shall handle any package or container of June Belle, June Grand, May Grand, Red June, Spring Grand, Sunbright, Sun King, or Sunrise variety nectarines unless:

(5) During the period May 22, 1974, through May 31, 1975, no handler shall handle any package or container of Early Sun Grand, Grandandy, Independence, Moon Grand, Star Grand I, Star Grand II, Sun Flame, Summer Grand, Sun Grand, or Rose variety nectarines unless:

(6) During the period May 22, 1974, through May 31, 1975, no handler shall handle any package or container of Autumn Grand, Clinton-Strawberry, Fantasia, Flame Kist, Flavor Top, Gold King, Granderli, Grand Prize, Harry Grand, Hi-Red, Late Le Grand, Le Grand, Niagara Grand, Red Grand, Regal Grand, Richard's Grand, Royal Grand, September Grand, or Sun Free variety nectarines unless:

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

Dated: June 19, 1974.

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

[FR Doc.74-14479 Filed 6-24-74;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1201—TYPE 62, SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Adoption of Suspension of Certain Provisions

Notice was published in the FEDERAL REGISTER issue of May 28, 1974 (39 FR 18463), that the Department is considering the suspension of certain provisions of the order regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia for the fiscal period ending January 31, 1975.

The provision to be suspended is as follows:

§ 1201.53 Initial regulation fixing number of leaves that may be handled.

Commencing with the fiscal period ending on January 31, 1963, and continuing until such time as suspended, modified, or terminated pursuant to this part: (a) The maximum number of

leaves primed for any tobacco plant during a fiscal period that are eligible for handling is fixed at 18 plus the additional number of leaves provided in § 1201.55(b) (2); and (b) the maximum number of leaves primed from all tobacco plants during such fiscal period that may be handled is fixed at the number of tobacco leaves equal to 18 multiplied by the total number of tobacco plants grown during such fiscal period.

[27 FR 4763, May 19, 1962]

The Control Committee has requested this suspension because substantially reduced plantings will not meet the expected demand. The suspension of the provisions in § 1201.53 eliminates the need to count leaves and provides needed flexibility among growers.

Interested persons desiring to submit written data, views, or arguments in connection with this suspension were given until May 31, 1974, to respond. No comments were received and the proposed suspension is adopted without change.

Effective date. These regulations shall become effective June 25, 1974.

Done at Washington, D.C., this 19th day of June 1974.

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

[FR Doc.74-14475 Filed 6-24-74;8:45 am]

PART 1201—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Limitation of Handling

Notice was published in the FEDERAL REGISTER issue of May 28, 1974 (39 FR 18463) that the Secretary was considering an amendment to the Control Committee rules and regulations which are issued pursuant to Order No. 195 (7 CFR Part 1201) regulating the handling of Type 62 Shade-Grown Cigar-Leaf Tobacco Grown in Designated Area of Georgia and Florida.

Expenses in the amount of \$1,500 were requested for the period ending January 31, 1975. An assessment of 60 cents per 1,000 pounds of tobacco for each eligible handler would be necessary to provide the funds to meet the expenses.

Interested persons desiring to submit written data, views, or arguments in connection with this amendment were given until May 31, 1974, to do so. No comments were received. The Department finds that such expenses are necessary and likely to be incurred and the proposed amendment is adopted without change.

Effective date. These regulations shall become effective June 25, 1974.

Done at Washington, D.C., this 19th day of June 1974.

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

[FR Doc.74-14476 Filed 6-24-74;8:45 am]

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Expenses and Rate of Assessment

Notice was published in the May 28, 1974, issue of the FEDERAL REGISTER (39 FR 18463) regarding proposed expenses and rate of assessment of the National Potato Promotion Board for the 1974-75 fiscal period. The budget of \$1,968,937 and assessment rate of one cent per hundredweight, as hereinafter set forth, were unanimously recommended by the National Potato Promotion Board, established pursuant to the Potato Research and Promotion Plan (7 CFR Part 1207; 37 FR 5008). This nationwide research and promotion program is effective under the Potato Research and Promotion Act (7 U.S.C. 2611-2627).

The notice afforded interested persons opportunity to submit written data, views, or comments with respect to the proposal not later than June 12, 1974. None was received.

After consideration of all relevant matter, including that in the notice, it is hereby found that the expenses and rate of assessment will tend to effectuate the declared policy of the act.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that the relevant provisions of this part require that the rate of assessment for a particular fiscal period shall apply to all assessable potatoes from the beginning of such period.

The expenses and rate of assessment are as follows:

§ 1207.403 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1974, and ending June 30, 1975, by the National Potato Promotion Board for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to \$1,968,937.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the plan shall be 1 cent (\$0.01) per hundredweight of assessable potatoes handled by him as the designated handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as an operating monetary reserve.

(d) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan.

(Title III of Pub. L. 91-670; 84 Stat. 2041; (7 U.S.C. 2611-2627))

Dated June 19, 1974, to become effective July 1, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74-14477 Filed 6-24-74;8:45 am]

Title 9—Animals and Animal Products
CHAPTER 1—ANIMAL AND PLANT HEALTH
INSPECTION SERVICE, DEPARTMENT
OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 73—SCABIES IN CATTLE

Areas Quarantined

This amendment quarantines portions of Gage and Saline Counties in Nebraska because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (b) relating to Nebraska is amended to read:

§ 73.1a Notice of quarantine.

(b) Notice is hereby given that cattle in certain portions of Nebraska are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) That portion of Douglas County comprised of sec. 36, T. 14-15 N., R. 9-10 E.

(2) The premises of Hammond Farms in Otoe Precinct of Otoe County comprised of sec. 20, T. 7 N., R. 14 E.

(3) That portion of Gage County, Lincoln Precinct comprised of sec. 29, T. 3 N., R. 5 E., and Grant Precinct comprised of sec. 2, T. 5 N., R. 5 E.

(4) That portion of Saline County, De Witt Precinct, comprised of sec. 34, T. 5 N., R. 4 E.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective June 20, 1974.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good

cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of June 1974.

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

[FR Doc.74-14519 Filed 6-24-74; 8:45 am]

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Area Released From Quarantine

This amendment excludes a portion of Hidalgo county in Texas from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 82.3, in paragraph (a) (1) relating to the State of Texas, subdivision (v) relating to Hidalgo County is deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective June 19, 1974.

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of June 1974.

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

[FR Doc.74-14518 Filed 6-24-74; 8:45 am]

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

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

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

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1974 ed.), as amended January 4, 1974 (39 FR 999) January 18, 1974 (39 FR 2265), March 18, 1974 (39 FR 10115), April 4, 1974 (39 FR 12252), and June 5, 1974 (39 FR 19940), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective lists therein as follows:

OUTSIDE METROPOLITAN AREA

ONE HOUR

Add: Bangor, Maine (served from Carmel, Maine).

TWO HOURS

Add: Peabody, Massachusetts (served from Lowell, Massachusetts).

Delete: Bridgeport, Connecticut (served from Milford, Connecticut).

Delete: New Bedford, Massachusetts (served from Warren, Rhode Island).

Delete: New Haven, Connecticut (served from Milford, Connecticut).

Delete: Providence, Rhode Island (served from Warren, Rhode Island).

THREE HOURS

Add: Bangor, Maine (served from Augusta, Maine).

Delete: Bradley International Airport (served from Middletown, Connecticut).

Delete: Peabody, Massachusetts (served from Boston, Massachusetts).

FOUR HOURS

Delete: Bradley International Airport (served from Milford, Connecticut).

Delete: Groton, Connecticut (served from Milford, Connecticut).

Delete: New Bedford, Massachusetts (served from Boston, Massachusetts).

Delete: New London, Connecticut (served from Milford, Connecticut).

Delete: Providence, Rhode Island (served from Boston, Massachusetts).

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

Effective date. The foregoing amendments shall become effective June 25, 1974.

It is to the benefit of the public that these instructions be made effective at

the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 19th day of June 1974.

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

[FR Doc. 74-14520 Filed 6-24-74; 8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

[No. 74-515]

PART 584—REGULATED ACTIVITIES

Activities of Multiple Savings and Loan Holding Companies

JUNE 5, 1974.

The Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 74-61, dated January 30, 1974, proposed to amend Part 584 of the regulations for Savings and Loan Holding Companies (12 CFR Part 584) for the purposes described herein. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on February 20, 1974 (39 FR 6538), with an invitation for interested persons to submit written comments by March 22, 1974.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the proposed amendments with the changes discussed herein and one other amendment discussed herein. Accordingly, the Board hereby amends said Part 584 by adding a new § 584.2-1 thereto, immediately following § 584.2 thereof, to read as set forth below, effective July 26, 1974. The Board also hereby amends Part 584 by adding a new subdivision (2) to § 584.6(c) thereof to read as set forth below, effective June 25, 1974.

By said Resolution No. 74-61, the Board, pursuant to section 408(c) (2) (F) of the National Housing Act, as amended, proposed to prescribe by regulation—new § 584.2-1—"preapproved" services and activities for multiple savings and loan holding companies and their non-insured subsidiaries other than service corporations and the procedures for entering into those services and activities. Section 584.2-1 is adopted as proposed with two changes.

Some of the comments received by the Board expressed concern as to whether the provisions of proposed § 584.2-1 would permit multiple holding companies and their non-insured subsidiaries other than service corporations to invest in various types of government securities. In order to clarify this question and in order to provide that such investments may be made without regard to the other provisions of § 584.2-1, the following sentence is added at the end of paragraph (a) of § 584.2-1:

Notwithstanding and without regard to any other provision of this section other than this sentence, a multiple holding company and any non-insured subsidiary thereof other than a service corporation may invest in the types of securities specified in §§ 523.10, 545.9 and 545.9-3 of this chapter without regard to any limitation therein relating to amount or maturity.

Paragraph (b) (1) (i) of proposed § 584.2-1 would have "preapproved" originating, purchasing, selling and servicing "loans, and participation interests in loans, secured by first liens on real estate, including brokerage and warehousing of such real estate loans". Upon further consideration the Board has revised this provision to delete the first lien requirement. The final regulation "preapproves" for multiple holding companies and their non-insured subsidiaries other than service corporations originating, purchasing, selling and servicing "loans, and participation interests in loans, on a prudent basis and secured by real estate, including brokerage and warehousing of such real estate loans, except that such a company or subsidiary shall not invest in a loan secured by real estate as to which a subsidiary insured institution of such company has a security interest".

Upon consideration of a petition received by the Board after the adoption of said Resolution No. 74-61 the Board also hereby adds a new subdivision (2) to § 584.6(c) which is related to holding company indebtedness. Said subdivision (2) approves without application the issuance, sale, renewal or guarantee of any debt security, or the assumption of any debt incurred "in connection with the issuance of any policy or contract of insurance in the ordinary course of business by a savings and loan holding company's subsidiary insurance company which is authorized to do business subject to regulation by appropriate State authorities".

Since the above amendment to § 584.6(c) relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment is unnecessary 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 thereof would, in the opinion of the Board, likewise be unnecessary for the same reason, the Board hereby provides that the above amendment to § 584.6(c) will become effective as here-

inbefore set forth. The Board also hereby provides that the above amendment adding a new § 584.2-1 to Part 584 will also become effective as hereinbefore set forth.

§ 584.2-1 Services and activities of multiple savings and loan holding companies.

(a) *General.* For the purposes of § 584.2(b) (6), the Corporation hereby prescribes for multiple savings and loan holding companies, or subsidiaries thereof which are neither insured institutions nor service corporation subsidiaries of subsidiary insured institutions, services and activities which are deemed for such purposes to be a proper incident to the operations of insured institutions and not detrimental to the interests of savings account holders therein. Services and activities of service corporation subsidiaries of multiple savings and loan holding company subsidiary insured institutions are prescribed by § 584.2(c). Notwithstanding and without regard to any other provision of this section other than this sentence, a multiple savings and loan holding company and any non-insured subsidiary thereof, other than a service corporation, may invest in the types of securities specified in §§ 523.10, 545.9, and 545.9-3 of this chapter without regard to any limitation therein relating to amount or maturity.

(b) *Prescribed services and activities.* Subject to the provisions of paragraph (c) of this section, a multiple savings and loan holding company or a subsidiary thereof which is neither an insured institution nor a service corporation of a subsidiary insured institution may furnish or perform the following services and engage in the following activities to the extent that it has legal power to do so:

(1) Originating, purchasing, selling and servicing any of the following:

(i) Loans, and participation interests in loans, on a prudent basis and secured by real estate, including brokerage and warehousing of such real estate loans, except that such a company or subsidiary shall not invest in a loan secured by real estate as to which a subsidiary insured institution of such company has a security interest;

(ii) Mobile home chattel paper (written evidence of both a monetary obligation and a security interest of first priority in one or more mobile homes, and any equipment installed or to be installed therein), including brokerage and warehousing of such chattel paper;

(iii) Loans, with or without security, for the altering, repairing, improving, equipping or furnishing of any residential real estate; and

(iv) Educational loans;

(2) Subject to the provisions of § 584.3, furnishing or performing clerical, accounting and internal audit services primarily for its affiliates;

(3) Subject to the provisions of § 584.3, furnishing or performing the following

services primarily for its affiliates, and for any insured institution and service corporation subsidiary thereof, and for other multiple holding companies and affiliates thereof:

- (i) Data processing;
- (ii) Credit information, appraisals, construction loan inspections, and abstracting;
- (iii) Development and administration of personnel benefit programs, including life insurance, health insurance, and pension or retirement plans;
- (iv) Research, studies, and surveys;
- (v) Purchase of office supplies, furniture and equipment;
- (vi) Development and operation of storage facilities for microfilm or other duplicate records; and
- (vii) Advertising and other services to procure and retain both savings accounts and loans;

(4) Acquisition of unimproved real estate lots, and acquisition of other unimproved real estate for the purpose of prompt development and subdivision, for (i) construction of improvements, (ii) resale to others for such construction, or (iii) use as mobile home sites;

(5) Development, subdivision and construction of improvements on real estate acquired pursuant to subparagraph (4) of this paragraph (b), for sale or rental;

(6) Acquisition of improved real estate and mobile homes to be held for rental;

(7) Acquisition of improved real estate for remodeling, rehabilitation, modernization, renovation, or demolition and rebuilding for sale or for rental;

(8) Maintenance and management of improved real estate; and

(9) Underwriting or reinsuring contracts of credit life or credit health and accident insurance in connection with extensions of credit by the savings and loan holding company or any of its subsidiaries, or extensions of credit by any insured institution or service corporation subsidiary thereof, or any other multiple savings and loan holding company or subsidiary thereof.

(c) *Procedures for commencing services or activities.* (1) Before a multiple savings and loan holding company or a subsidiary thereof may commence performing or engaging in a service or activity prescribed by paragraph (b) of this section, either de novo or by an acquisition of a going concern, it shall file a notice of intent to do so in a form prescribed by the Corporation. The original and one copy of such notice shall be filed with the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and two copies of such notice shall be sent to the Supervisory Agent. The activity or service may be commenced unless before the close of the calendar-day period stipulated in the next sentence, the Corporation finds that the service or activity proposed would not be, in the circumstances, a proper incident to the operations of insured institutions or would be detrimental to the interests of savings account holders therein. The period shall be 30 calendar days after the date of

receipt of such notice, in the case of a de novo entry, and 60 calendar days after the date of receipt of such notice, in the case of an acquisition of a going concern. The Director may extend the appropriate calendar-day period for a period not to exceed 15 calendar days on the basis of the circumstances in a particular case. The Director or Supervisory Agent may request additional information from such holding company or subsidiary after receipt of notice, but the Corporation need not consider additional information forthcoming from the holding company or subsidiary as a result of such a request which is received by the Director less than 10 calendar days before the end of the original or extended calendar-day period. The Director may permit such holding company or subsidiary to commence the activity at an earlier date on the basis of the circumstances in a particular case.

(2) The Corporation may require a multiple savings and loan holding company or subsidiary thereof which has commenced a service or activity pursuant to this section to modify or terminate, in whole or in part, such service or activity as the Corporation finds necessary in order to ensure compliance with the provisions and purposes of this part and of section 408 of the National Housing Act, as amended, or to prevent evasions thereof.

(3) Except as may be otherwise provided in a resolution by or on behalf of the Corporation in a particular case, a service or activity commenced pursuant to this section shall not be altered in any material respect from that described in the notice filed under subparagraph (1) of this paragraph (c), unless before making such alteration notice of intent to do so is filed in compliance with the appropriate procedures of said subparagraph (1).

§ 584.6 Holding company indebtedness.

(c) *Exemptions from computation of 15 percent limitation.* The Corporation, without limitation upon and in addition to the exemption contained in paragraph (a) (2) of this section, hereby approves without application the issuance, sale, renewal or guarantee of any debt security, or the assumption of any debt incurred:

(2) In connection with the issuance of any policy or contract of insurance in the ordinary course of business by a savings and loan holding company's subsidiary insurance company which is authorized to do business subject to regulation by appropriate State authorities.

(Sec. 402, 48 Stat. 1256, as amended, sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; (12 U.S.C. 1725, 1730a), Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

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

[FR Doc. 74-14529 Filed 6-24-74; 8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 12, Amdt. 11]

PART 121—SMALL BUSINESS SIZE STANDARDS

Effective Date of Size Determinations

It always has been the position of the Small Business Administration that a size determination made under delegated authority by a Small Business Administration regional director (or any other person with delegated authority) becomes immediately effective and remains in full force and effect unless it is reversed by the Small Business Size Appeals Board. Recently it was argued that, because § 121.3-4 of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations provides that "Such [a] determination shall be final unless appealed * * *", the filing of an appeal from such a determination stays the effect of the determination until the appeal has been decided. However, in Decision No. B-178701 dated December 28, 1973, the Comptroller General of the United States ruled otherwise. In order to clarify this issue, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising the third sentence of § 121.3-4 to read as follows:

§ 121.3-4 Size determinations.

* * * Such determination shall become effective immediately and shall remain in full force and effect unless and until reversed by the Small Business Size Appeals Board pursuant to § 121.3-6. * * *

Since this amendment makes no substantive change, it is being adopted without recourse to public rulemaking.

(Catalog of Federal Domestic Assistance Program Nos. 59.001 through 59.018)

Effective date: June 25, 1974.

Dated: June 6, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc. 74-14496 Filed 6-24-74; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-WA-12]

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

Alteration of Additional Control Area

On May 13, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 17108) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would expand the additional control area in the vicinity of Sault Ste. Marie, Mich.

Interested persons were afforded an opportunity to participate in the pro-

posed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth. Section 71.163 (39 FR 346) is amended as follows:

In Sault Ste. Marie, Mich., "The airspace within Canada is excluded." is deleted and "Also that airspace extending upward from 1,200 feet AGL in an area bounded by a line beginning at Lat. 46°48'45" N., Long. 84°33'00" W., to Lat. 46°33'00" N., Long. 85°01'40" W., to Lat. 47°00'00" N., Long. 86°25'30" W., to Lat. 47°19'40" N., Long. 86°10'10" W., thence to the point of beginning. The airspace within Canada is excluded." is substituted therefor.

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

Issued in Washington, D.C., on June 19, 1974.

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

[FR Doc.74-14445 Filed 6-24-74;8:45 am]

[Airspace Docket No. 74-GL-1]

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

Alteration of Transition Area

On page 7593 of the FEDERAL REGISTER dated February 27, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Macomb, Illinois.

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

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

This amendment shall be effective 0901 G.m.t., August 15, 1974.

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

Issued in Des Plaines, Ill. on June 5, 1974.

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

In § 71.181 (39 FR 440), the following transition area is amended to read:

MACOMB, ILL.

That airspace extending upward from 700 feet above the surface within a 6 mile radius of Macomb Municipal Airport (latitude 40°31'11" N.; longitude 90°39'17" W.); and within 3 miles each side of the 084° bearing

from Macomb Municipal Airport extending from the 6 mile radius area to 8 miles east of the airport.

[FR Doc.74-14446 Filed 6-24-74;8:45 am]

[Airspace Docket No. 74-SO-44]

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

Alteration of Transition Area

On May 2, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 15308), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Milton, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Milton, Fla. transition area is amended as follows:

All after "northwest of the TACAN," is deleted and " * * * and within a 5-mile radius of OLF Santa Rosa (Navy), Milton, Fla. (latitude 30°36'00" N., longitude 86°56'00" W.) * * * " is substituted therefor.

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

Issued in East Point, Ga., on June 13, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74-14447 Filed 6-24-74;8:45 am]

[Airspace Docket No. 74-SO-48]

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

Alteration of Transition Area

On May 10, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 16901), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Tifton, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Tifton, Ga., transition area is amended as follows:

" * * * long. 86°29'06" W.) * * * " is deleted and " * * * long. 86°29'06" W.); within a 5-mile radius of Eaglehead Airport (lat. 31°23'00" N., longitude 83°36'00" W.) * * * " is substituted therefor.

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

Issued in East Point, Ga., on June 13, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74-14448 Filed 8-24-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Clopidol, Roxarsone, Bacitracin Methylene Disalicylate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (41-541V) filed by The Dow Chemical Co., P.O. Box 1706, Midland, MI 48640, proposing safe and effective use of premixes containing clopidol, roxarsone, and bacitracin methylene disalicylate for manufacture of broiler chicken feeds. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135e are amended as follows:

1. In § 135.501(c) by changing the address of code No. 012 as follows:

§ 135.501 Names, addresses and code numbers of sponsors of approved applications.

(c) * * *	Code No.	Firm name and address
	012-----	The Dow Chemical Co., P.O. Box 1706, Midland, MI 48640.

2. In § 135e.46 by revising paragraph (b) (1) and adding a new paragraph (b) (3) as follows:

§ 135e.46 Clopidol

(b) *Approvals.* (1) Premix level of clopidol 25% granted to code No. 012 of § 135.501(c) of this chapter.

(3) Premix levels, combinations of clopidol 25%, roxarsone 10%, and bacitracin methylene disalicylate, 4, 10, 15 or 25 grams per pound, granted to No. 012 of § 135.501(c) of this chapter.

Effective date. This order shall be effective June 25, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: June 18, 1974.

FRED J. KINGMA,
Acting Director, Bureau of
Veterinary Medicine.

[FR Doc.74-14482 Filed 6-24-74; 8:45 am]

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

N-(Mercaptomethyl) Phthalimide S-(O,O-dimethyl Phosphorodithioate)

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (44-757V) filed by Stauffer Chemical Co., 1200 South 47th St., Richmond, CA 94804, proposing safe and effective use of N-(mercaptomethyl) phthalimide S-(O, O-dimethyl phosphorodithioate) for control of lice on beef cattle. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended in § 135a.14 by revising paragraph (c) (1) to read as follows:

§ 135a.14 N-(Mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithioate) emulsifiable liquid.

(c) **Conditions of use.** (1) It is used for control of cattle grubs, lice, and horn flies by spray application as follows: One volume is diluted with 49 volumes of water and sprayed on cattle at the rate of about 1 gallon of the diluted spray per adult animal, wetting the skin sufficiently so that the material will run off the animal, with lesser amounts used on younger animals. Repeat spray treatment as necessary but no more often than once every 7 days for control of horn flies. For control of cattle grubs and lice by a pour-on application as follows: One volume of the product is diluted with two volumes of water and applied to cattle at the rate of 1 fluid ounce of the freshly diluted mixture per 100 pounds of body weight (to a maximum of 8 ounces per head) down the centerline of each animal's back. For optimum grub control, cattle should be treated as soon as possible after the heel fly season and before the grub larvae reach the gutlet or spinal canal. A single spray or pour-on treatment will control cattle grubs and biting and sucking lice.

Effective date. This order shall be effective on June 25, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: June 18, 1974.

FRED J. KINGMA,
Acting Director, Bureau of
Veterinary Medicine.

[FR Doc.74-14484 Filed 6-24-74; 8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Sodium Thiamylal for Injection, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (39-483V) filed by Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, MO 64502, proposing revised labeling reflecting revised specifications for sodium thiamylal for injection. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135b.39 is amended by revising paragraph (a) (1) to read as follows:

§ 135b.39 Sodium thiamylal for injection, veterinary.

(a) (1) **Specifications.** Sodium thiamylal for injection, veterinary, is a sterile dry powder containing a mixture of sodium thiamylal and anhydrous sodium carbonate. It is contained in vials with directions for adding the necessary amount of water for injection or of sodium chloride for injection in order to produce a 0.5 to 4.0 percent solution of sodium thiamylal.

Effective date. This order shall be effective on June 25, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: June 18, 1974.

FRED J. KINGMA,
Acting Director, Bureau of
Veterinary Medicine.

[FR Doc.74-14483 Filed 6-24-74; 8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin; Monensin Sodium

The Commissioner of Food and Drugs has evaluated a new animal drug application (93-532V) filed by Agricultural Processing Corp., Salem, VA 24153, proposing safe and effective use of a premix containing monensin sodium in manufacturing chicken feeds. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.50 is amended by revising paragraph (b) to read as follows:

§ 135e.50 Monensin; monensin sodium.

(b) **Approvals.** Premix levels of monensin acid activity from monensin or monensin sodium granted to firms as sponsor(s) and identified by code numbers in § 135.501(c) of this chapter for the specific usage indicated in paragraph (f) of this section:

- (1) 44 or 45 grams per lb. to 014; item 1.
- (2) 44 grams per lb. with 18 grams per

lb. of 3-nitro-4-hydroxyphenylarsonic acid to 014; item 2.

(3) 110 grams per lb. to 014; items 3 and 5.

(4) 110 grams per lb. with 45 grams per lb. of 3-nitro-4-hydroxyphenylarsonic acid to 014; item 4.

(5) 303.5 grams per ton with 0.0138 percent 3-nitro-4-hydroxyphenylarsonic acid to 006; item 4.

(6) 11.786 grams per lb. with 1.063 percent 3-nitro-4-hydroxyphenylarsonic acid, 22 grams per lb. with 1.98 percent 3-nitro-4-hydroxyphenylarsonic acid to 110; item 4.

(7) 14.67 grams per lb. to 110; item 3.

Effective date. This order shall be effective on June 25, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: June 18, 1974.

FRED J. KINGMA,
Acting Director, Bureau of
Veterinary Medicine.

[FR Doc.74-14485 Filed 6-24-74; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Particulate Control Strategy for Hawaii

On January 19, 1972 the Governor of Hawaii requested in a letter to the Administrator an 18-month extension of the deadline for submittal of a control strategy for attaining the National Secondary Standard for Particulate Matter. On March 16, 1972 the Administrator in accord with § 51.31 of Chapter I, Title 40 CFR granted this time extension of 18 months.

On August 15, 1973 the Governor submitted to the EPA Region IX Office the control strategy developed by the State during this 18-month time extension. Notice of receipt of the submittal and of 30-day public comment period was published by the Administrator on November 12, 1973 (38 FR 31183).

The control strategy consists of emission limitations for process industries, incinerators and bagasse combustion, prohibition of open burning except agricultural, and a permit system for such agricultural burning. It is based on air quality obtained during 1972 rather than the 1971 data used in the original plan submittal, and is also based on a revision of the emission inventory originally used for plan development. The emission inventory was revised to reflect recalculation of particulate matter emissions attributed to agricultural burning due to the development of new emission factors for sugar cane and pineapple field burning.

July 31, 1975 is specified as the date by which the State will achieve compliance with the standard, and the strategy is demonstrated mathematically as being adequate to achieve the standard by that date.

No public comment was received on this control strategy during the public comment period. The agency review is complete and the submittal has been found to meet all applicable requirements of 40 CFR Part 51.

Accordingly, 40 CFR Part 52 is being amended to reflect approval of the Control Strategy to attain the National Secondary Standard for Particulate Matter submitted by the State of Hawaii.

(42 U.S.C. 1857c-5)

Dated: June 18, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart M—Hawaii

1. In § 52.620, paragraph (c) is revised to read as follows:

§ 52.620 Identification of plan.

(c) Supplemental information was submitted on:

(1) April 4, 1972, May 15, 1973, and April 25, 1974, by the Department of Health and,

(2) May 8, May 22, June 15, November 21, 1972, and August 15, 1973.

§ 52.628 [Amended]

2. In § 52.628, the attainment date table is amended by replacing the letter "b", which indicates that an 18-month extension has been granted to submit the control strategy to attain the national secondary standard for particulate matter, with the letter "a", indicating an attainment date of July 1975, and by revoking footnote "b".

[FR Doc.74-14533 Filed 6-24-74;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Maryland and Virginia State Implementation Plans

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans, the Administrator granted the States of Maryland and Virginia 18-month extensions for submission of plans to attain and maintain the national secondary ambient air quality standard. Maryland was granted an extension for sulfur oxides in the Metropolitan Baltimore Intrastate Region and Virginia was granted an extension for particulate matter in the State Capital Intrastate Region.

The required plans were submitted on July 31, 1973, by the Governor of Maryland and on August 20, 1973, by the Governor of Virginia. On September 18, 1973 (38 FR 26151), and November 14, 1973 (38 FR 31455), the plans were published as proposed rulemaking and opportunity was provided for the public to comment on the approvability of the plans. No comments were received.

The Maryland plan does not alter the present emission limitations for sulfur oxides. The plan demonstrates that implementation and enforcement of existing Maryland regulations in the Metropolitan Baltimore Intrastate Region will be sufficient to achieve the national secondary ambient air quality standard for sulfur oxides by 1975.

The Virginia plan does not alter the present emission limitations for particulate matter. The report entitled "Technical Services Support for Virginia State Capital AQCR" was also submitted to demonstrate that implementation and enforcement of existing Virginia regulations in the State Capital Intrastate Region will be sufficient to achieve the secondary standards for particulate matter by 1975.

The plans to attain and maintain the national secondary ambient air quality standard for sulfur oxides in the Metropolitan Baltimore Intrastate Region and for particulate matter in the State Capital Intrastate Region meet the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act and 40 CFR 51, and are hereby approved.

(42 U.S.C. 1857c-5)

Dated: June 18, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart V—Maryland

1. Section 52.1070 is amended by revising paragraph (c) to read as follows:

§ 52.1070 Identification of plan.

(c) Supplemental information was submitted on:

(1) February 25, March 3, March 7, April 4, April 28, and May 8, 1972, by the Maryland Bureau of Air Quality Control, and

(2) July 27, 1972, by the Maryland Department of Natural Resources, and

(3) April 16, May 5, June 15, June 22, June 28, July 9, and July 31, 1973.

§ 52.1078 [Amended]

2. In § 52.1078, the attainment date table is amended by replacing the letter "b" for attainment of the national secondary standard for sulfur oxides in the Metropolitan Baltimore Intrastate region by the letter "a", and footnote "b" is revoked.

Subpart VV—Virginia

3. Section 52.2420 is amended by revising paragraph (c) to read as follows:

§ 52.2420 Identification of plan.

(c) Supplemental information was submitted on:

(1) May 4, 1972, by the Virginia Air Pollution Control Board, and

(2) June 30 and July 26, 1972, and (3) April 11, May 30, July 9, July 11, August 20, and December 6, 1973.

§ 52.2429 [Amended]

4. In § 52.2429, the attainment date table is amended by replacing the letter "b" for attainment of the national secondary standard for particulate matter in the State Capital Intrastate region by the letter "a", and footnote "b" is revoked.

[FR Doc.74-14534 Filed 6-24-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER H—UTILIZATION AND DISPOSAL

[FPMR Amdt. H-85]

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 101-47.2—Utilization of Excess Real Property

SURPLUS DETERMINATIONS

JUNE 18, 1974.

The President in a memorandum to the heads of departments and agencies dated April 19, 1974, concerning energy self-sufficiency, directed the Administrator of General Services and the Administrator of the Federal Energy Administration to make arrangements to ensure that energy site needs are considered with other competing needs in the disposal of surplus real property under existing laws and regulations. To implement the Presidential directive, § 101-47.204-1 is amended to provide that the Administrator of the Federal Energy Administration will be notified when real property is determined surplus and advised of any known interest in the property for its use or development for energy facilities. Appropriate steps will be taken to ensure that energy site needs are considered along with other competing needs in the disposal of surplus real property since such property may become available for such use under section 203(e)(3)(G) or (H) of the Federal Property and Administrative Services Act of 1949, as amended.

Section 101-47.204-1 is amended as follows:

§ 101-47.204-1 Reported property.

(a) The holding agency, the Secretary of Health, Education, and Welfare, and the Secretary of the Interior will be notified of the date upon which determination as surplus becomes effective. The Secretary of Housing and Urban Development also will be so notified but only regarding those properties that HUD identifies as having potential for housing and for related public, commercial, or industrial facilities under section 414 of the Housing and Urban Development Act of 1969, as amended. (See § 101-47.203-5.) Any Federal agency that has identified a property as being required for replacement housing for displaced persons under section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 also will be notified of the date upon which determination as

surplus becomes effective. The Administrator of the Federal Energy Administration also will be notified when real property is determined surplus and advised of any known interest in the property for its use or development for energy facilities. Appropriate steps will be taken to ensure that energy site needs are considered along with other competing needs in the disposal of surplus real property since such property may become available for such use under section 203(e) (3) (G) or (H) of the Federal Property and Administrative Services Act of 1949, as amended.

(b) The notices to the Secretary of Health, Education, and Welfare, the Secretary of the Interior, and the Administrator of the Federal Energy Administration will be sent to the offices designated by them to serve the area in which the property is located. The notices to the Secretary of Housing and Urban Development will be sent to the central office of HUD. The notices to the Federal agencies having a requirement pursuant to section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 will be sent to the office making the request unless another office is designated.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))
(Catalog of Federal Domestic Assistance
Program No. 39.002, Disposal of Federal Surplus Real Property.)

Effective date. This amendment is effective June 25, 1974.

Dated: June 18, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc. 74-14493 Filed 6-24-74; 8:45 am]

Title 46—Shipping
CHAPTER I—COAST GUARD,
DEPARTMENT OF TRANSPORTATION
[CGD 73-172]

MARINE PORTABLE TANKS

The purpose of these amendments to the Coast Guard regulations is to add requirements for the approval and use of a new type of portable tank for carrying dangerous articles. These amendments include operating requirements for the filling and discharging of portable tanks on board vessels and for equipment used in the filling and discharging of portable tanks. These amendments are established for vessel safety.

Present Coast Guard regulations concerning portable tanks include the following:

1. Subparts 30.01, 70.05, and 90.05 presently authorize the carriage of certain combustible liquids in portable tanks that conform to Subpart 98.35 on board cargo and miscellaneous and passenger vessels. Subpart 98.35 contains construction and operating requirements for such portable tanks.

2. Subpart 90.05 authorizes the carriage on board cargo vessels of certain inflammable and combustible liquids in special design portable tanks approved

and authorized by the Commandant. There are no construction or operating requirements for such special design portable tanks in the Coast Guard regulations.

3. Subparts 30.01 and 90.05 authorize the carriage of certain inflammable liquids in portable tanks in accordance with Part 146 on board cargo vessels. Part 146 authorizes the carriage of these inflammable liquids in portable tanks that meet various Department of Transportation specifications in Part 178 of Title 49. Such portable tanks are not required to be designed to be filled or discharged while on board vessels.

Because of the limited purpose of each of the presently authorized portable tanks, the National Offshore Industry Advisory Committee submitted proposed regulations to the Coast Guard that would provide for the carriage of combustible liquids, inflammable liquids, corrosives, and other dangerous articles in portable tanks that can be not only on and off loaded when full or empty but also filled or emptied while on board a vessel.

The regulations were proposed in the December 5, 1973, issue of the *FEDERAL REGISTER* (38 FR 33494). Interested persons were given 47 days in which to submit written comments and were also given an opportunity to make oral comments at a public hearing held on January 15, 1974 in New Orleans, La. More than 70 written and oral comments were received concerning the proposal.

These amendments are based on that notice and in general are as follows:

Subchapter F is amended to add new Part 64 containing design, construction, stamping, testing, approval and periodic inspection requirements for the new portable tank for marine service, and design, construction, and inspection requirements for associated piping and equipment used in filling and discharging the tank.

Part 98 of Subchapter I is amended to add new Subpart 98.30 containing rules for the handling, stowage, and safe transportation of portable tanks, approved under Part 64.

Parts 30, 70, and 90 are amended to identify the cargoes which are allowed to be carried in portable tanks approved under Part 64.

Discussion of specific comments and changes follows.

PART 64

The portion of proposed Part 64 that received the most comments was the general requirements of Subpart A. These comments expressed a concern that the proposed tank requirements for marine service affect portable tanks carried by water, railway, and highway modes of transportation, the specifications for which are contained in 49 CFR Part 178. In general, the comments suggested that the proposed requirements for portable tanks for marine service be distinguished by adding to the Subpart heading that the regulations concern tanks designed to be carried by vessels. Accordingly, the

title of Part 64 is changed to "Marine Portable Tanks (MPT)", and the designation "MPT" is used in the text of the regulations when reference is made to a marine portable tank.

In addition, proposed Part 64 is renumbered to allow for future amendments and addition.

Section 64.1 The minimum service temperature of 0° F. in the proposed § 64.1 was questioned and concern was expressed as to whether or not a tank may be carried on a vessel when the atmospheric temperature is 0° F. or below. It should be noted that the minimum service temperature requirement in the proposal concerns temperatures due to refrigerated service and is not concerned with atmospheric conditions. Since the Coast Guard determined that clarification of the requirement was not needed, no change was made to the minimum service temperature.

Section 64.2 It was pointed out that the proposed definition in § 64.2(a) did not apply to an MPT that is capable of being lifted on board a vessel in a filled condition. In order to avoid any confusion, the proposed definition is changed from the notice to clarify that the requirements apply to an MPT that is capable of being lifted onto and off of a vessel in a filled and in an empty condition. This definition is renumbered § 64.5(a).

The proposed definition of "start-to-discharge pressure" in § 64.2(e) was eliminated because it is not a term generally used in the United States for relief devices and it created confusion. The term "set pressure" is substituted in the text of the regulations without definition because it is a recognized term used by United States relief valve manufacturers.

The dynamic loading conditions proposed in § 64.2(g) are consistent with IMCO design requirements for marine portable tanks contained in section 13 of the International Maritime Dangerous Goods Code. Because of this conformance to international standards, all requests for modification of the dynamic loading conditions were rejected. Section 64.2(g) is renumbered § 64.5(f).

Section 64.7. The allowable stress in proposed § 64.7 was questioned. In consideration of the comments, the section is rewritten to clarify the intent. The section as rewritten provides the allowable stress for the tank at design conditions and at test pressure. Section 64.7 is renumbered § 64.13.

Section 64.10. The purpose of the requirements in proposed § 64.10 was questioned. The external pressure requirements in § 64.10 are design requirements and not test requirements. The purpose of the requirements is to have the tank designed for an external pressure in accordance with Division 1 of Section VIII of the ASME Code, 1974 edition. The external pressure limit specified in § 64.10 (a) is for a tank not required to have a vacuum breaker and in § 64.10(b) for a tank required to have a vacuum breaker. No further clarification is considered

necessary by the Coast Guard in § 64.10. Section 64.10 is renumbered § 64.19.

Section 64.14. The purpose of proposed § 64.14 was questioned. The purpose of requiring the tank base to be as wide and as long as the tank is to provide for the support, securing, and mechanical protection of the tank while it is on a vessel. The Coast Guard considers this requirement to be essential for the support, securing and mechanical protection of the tank and no change is made. Section 64.14 is renumbered § 64.27.

Section 64.15. A comment was received concerning whether or not tank saddles must be attached to the MPT. Saddles are usually a part of a portable tank. In those limited number of cases where the saddles are not attached to the MPT, the Commandant may give special consideration to the portable tank design under 46 CFR 50.20-30. Since Subchapter F, in which Part 64 will be published, contains procedures for the acceptance of equivalents, no further changes are considered necessary. Section 64.15 is renumbered § 64.29.

Section 64.19. The meaning of the word "guard" in proposed § 64.19 caused some confusion. Tank valves and fittings can be placed to take advantage of the protection provided by the tank structure. In order to clarify the intent of the requirement, § 64.19 is changed to specify that the tank, tank saddle, or framework may function as a guard. Section 64.19 is renumbered § 64.37.

Section 64.20. The meaning of the word "locking" in proposed § 64.20 elicited some response. The intent of the regulation is to prevent the unintentional opening of a filling or discharge valve. This may be done by placing the valve in an enclosure that is secured by fitting the valve handwheel with a securing lever, or by a seal. The Coast Guard did not intend to require a padlock or a similar lock to be fitted to the valve. To clarify the intent of the regulations, the word "securing" is substituted for the word "locking". Section 64.20 is renumbered § 64.39.

Section 64.23. It was suggested that proposed 64.23 be rewritten to include the devices used to secure "intermodal" portable tanks on trucks. The suggestion was not adopted because such securing devices are not used in marine transportation. Section 64.23 is renumbered § 64.45.

Section 64.24. A request to include fusible elements in proposed § 64.24 as a type of pressure relief devices for an MPT was considered but not adopted by the Coast Guard because a fusible element senses temperature and does not sense pressure. Section 64.24 is renumbered § 64.47.

Section 64.31. The proposed requirement in § 64.31 that a spring loaded pressure relief valve must be set at a nominal pressure of 125 percent of the maximum allowable working pressure elicited comments. This requirement is accepted by IMCO and the Coast Guard for portable tanks where total containment of the cargo is considered necessary to the

safety of the vessel. Accordingly, no change was made to § 64.31. Section 64.31 is renumbered § 64.59.

Table 1. Several comments pointed out that the values for the required minimum emergency venting capacity in Table 1 were less than the values that would be obtained by the calculation of "Q" in the formula. Table 1 is corrected.

Subpart E. Commenters had many suggestions for the time intervals for periodic inspections contained in Subpart E and other aspects of the inspection requirements. The periodic inspection intervals for an MPT are consistent with IMCO recommendations.

Some concern was expressed as to how the tanks could be inspected on board an inspected drilling vessel that might be drilling for six years. During this time an MPT aboard such a vessel would require at least five inspections of the pressure and vacuum relief devices, two visual inspections, and one hydrostatic test. It was the intention of the proposed regulations that the periodic inspections may be performed by the owner or his designated representative. For clarification, proposed §§ 64.40, 64.41, 64.42, and 64.43 have been changed to provide that the inspector may be the owner or his representative. Sections 64.40, 64.41, 64.42, and 64.43 are renumbered §§ 64.77, 64.79, 64.81, and 64.83, respectively.

Section 64.43. The use of water in the hydrostatic tests instead of an inflammable, a combustible, or a corrosive liquid raised some questions. The reasons why this test must be performed with water instead of a liquid or a dangerous article is because the Coast Guard is concerned for the safety of the testing personnel.

Other questions directed to § 64.43 concerned the removal of tank insulation during routine inspection. Tank insulation does not have to be removed for a hydrostatic test; however, if the tank is in questionable condition, the inspector must remove the insulation to determine the condition of the tank. For clarification, § 64.43(a) (4) has been changed by replacing the words "by the inspector" with the words "for the inspection". Section 64.43 is renumbered § 64.83.

PART 98

The use in proposed Part 98 of the phrase "dangerous article" created some confusion. This phrase is used in 46 U.S.C. 170 and is denoted to include inflammable and corrosive liquids. In 46 CFR 146.03-8, "dangerous article" is defined as including inflammable and corrosive liquids. Since the MPT is designed and constructed to carry inflammable and corrosive liquids, the term "dangerous article" has been retained for consistency with the law and current regulations.

Subpart 98.30. Some commenters felt that transferring to or from portable tanks should be restricted to those tanks carried on vessels in the offshore industry because there is no need to pump from container ships. The Coast Guard recognizes that the need to transfer to or from portable tanks on container ships is very

limited compared to the need on vessels in the offshore industry; however, no substantial reason could be found to prohibit transferring to or from portable tank on a containership. Accordingly, the proposal is not changed.

Subpart 98.30 is renumbered to allow for future amendments and additions.

Section 98.30-7. The proposed requirement in § 98.30-7 drew some response. Those who commented questioned the "open deck" stowage limitation for portable tanks because IMCO permits "below deck" stowage. The Coast Guard recognizes that IMCO standards allow below deck stowage of a few cargoes in portable tanks, but these standards impose many additional vessel operating requirements. By requiring "open deck" stowage for these cargoes, the necessary safety requirements are provided with a minimum of operating restriction. Accordingly, no change is made to § 98.30-7, except to renumber as § 98.30-9.

Section 98.30-11. Some commenters, in discussing the requirements for the qualifications of a person in charge of a transfer operation, pointed out that an operator is not required to have knowledge of such operation. The Coast Guard recognizes that an operator of an inspected vessel may not be qualified to supervise the transfer of a dangerous article or a combustible liquid. Accordingly, § 98.30-11(d) is clarified by requiring that the person in charge of the transfer of dangerous articles or combustible liquids be a person who holds a valid tankerman's endorsement on his merchant mariner's document that is obtained as required in 46 CFR Subpart 12.20. Section 98.30-11 is renumbered § 98.30-17.

Subpart 98.35. Some commenters asked the Coast Guard to retain the standards in Subpart 98.35 for portable tanks constructed on or after October 1, 1974. The proposal was not changed because the Coast Guard has determined that Subpart 98.35 standards do not meet IMCO standards, and is, therefore, considered by the Coast Guard to be outmoded. Subpart 98.35 standards do not provide for total containment of the product being carried which is now considered necessary for the overall safety of the vessel.

In consideration of the foregoing, the proposed regulations are hereby adopted subject to the changes and corrections discussed in the preceding paragraphs. Accordingly, Chapter I of Title 46 of the Code of Federal Regulations is amended as follows:

SUBCHAPTER D—TANK VESSELS

PART 30—GENERAL PROVISIONS

1. By revising the authority citation of Part 30 to read as follows:

Authority: Sec. 201, 86 Stat. 427 (46 U.S.C. 391a), R.S. 4472, as amended (46 U.S.C. 170), Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655 (b)(1)); 49 CFR 1.46(b) and (c)(4), unless otherwise noted.

2. By amending § 30.01-5 by revising paragraphs (a)(1)(i) and (ii), (a)(2)(i) and (ii), and (a)(3)(i), and by add-

ing paragraphs (a) (3) (ii) and (iii) to read as follows:

§ 30.01-5 Application of regulations—TB/ALL.

(a) * * *

(1) * * *

(i) Grade E in an integral tank, in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(ii) Grade D in a portable tank in accordance with Part 146 of this chapter.

(2) * * *

(i) Grades D and E in an integral tank, in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(ii) Dangerous articles in a portable tank in accordance with Part 146 of this chapter, or in a marine portable tank approved for the article under Part 64 of this chapter.

(3) * * *

(i) Grades B and lower in a fixed independent or an integral tank authorized by the Commandant.

(ii) Grades D and E in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(iii) Dangerous articles in a portable tank in accordance with Part 146 of this chapter, or a marine portable tank approved for the article under Part 64 of this chapter.

**SUBCHAPTER F—MARINE ENGINEERING
PART 64—MARINE PORTABLE TANKS (MPT)**

3. By amending Subchapter F by adding Part 64 to read as follows:

Subpart A—General

Sec.	Purpose.
64.1	Applicability.
64.3	Definitions.
64.5	Plan approval for an MPT.
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64.93	Pump Controls.
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64.97	Cargo hose.

AUTHORITY: R.S. 4472, as amended (46 U.S.C. 170), sec. 201, 86 Stat. 427 (46 U.S.C. 391a), sec. 6(b) (1), 80 Stat. 937 (49 U.S.C. 1655(b) (1)); 49 CFR 1.46(b) and (c) (4).

Subpart A—General

§ 64.1 Purpose.

This part contains—

(a) The requirements for the design, construction, testing, and stamping requirements of marine portable tanks which are authorized to be carried under §§ 30.01-5, 70.05-30, and 90.05-35 of this chapter;

(b) The design and construction requirements for cargo handling systems that are used in conjunction with these tanks; and

(c) The requirements for the periodic inspection required in § 98.30 for these tanks and portable tanks approved under Subpart 98.35, which are authorized to be carried on vessels under §§ 30.01-5, 70.05-30, and 90.05-35 of this chapter.

§ 64.3 Applicability.

(a) To be approved under this part, a marine portable tank must meet the requirements in this part and have a minimum service temperature of 0° F or more; and

(b) Contain more than 110 U.S. gallons of a liquid cargo that has a vapor pressure of 43 pounds per square inch absolute (psia) or less at a temperature of 122° F.

§ 64.5 Definitions.

As used in this part:

(a) "Marine portable tank" or "MPT" means a liquid carrying tank that—

(1) Is designed to be carried on board a vessel;

(2) Can be lifted onto and off of a vessel in a filled or in an empty condition, or filled and discharged while on board a vessel; and

(3) Is not permanently attached to a vessel.

(b) "Tank" means the pressure vessel and the associated fittings of an MPT that come in contact with the product being carried.

(c) "Total containment pressure" means the minimum pressure for total product containment under normal operating conditions at a gauge pressure consisting of the absolute vapor pressure of the product at 122° F added to the dynamic pressure, based on the tank dimensions and the location of the relief devices, of not less than 5 pounds per square inch gauge (psig) at the top of the tank in the operating position.

(d) "Maximum allowable working pressure" means the maximum gauge pressure at the top of the tank in the operating position at 122° F, equal to or greater than the total containment pressure, as defined in paragraph (c) of this section. The maximum allowable working pressure is used in the calculation of the minimum thickness of each element of the tank, excluding the allowance for corrosion and the thickness required for loadings other than pressure, as provided for in Division 1 of Section VIII of the ASME Code, 1974 Edition.

(e) "Test pressure" means a hydrostatic pressure of at least one and one-half times the maximum allowable working pressure.

(f) "Dynamic loading conditions" means the following:

(1) A loading in the vertical down direction equal to 2 times the weight of the tank and the heaviest product carried.

(2) A loading in the transverse direction equal to the weight of the tank and the heaviest product carried.

(3) A loading in the longitudinal direction equal to the weight of the tank and the heaviest product carried.

(g) "Owner" means the person, corporation, company, partnership, or organization in which is vested the ownership, dominion, or title of a portable tank.

§ 64.7 Plan approval for an MPT.

(a) Each owner or manufacturer who desires an MPT and pressure relief devices on the tank to be approved by the Coast Guard must submit the following information in accordance with the procedures contained in § 50.20-5 of this chapter:

(1) The calculations for each pressure containment component including the working pressure, the hydrostatic test pressure, and the pressure relief device setting.

(2) The joint design and method of attachment of each pressure containment component.

(3) The design calculations and method of attachment of the foundations and supports.

(4) A listing of material meeting the requirements of Division 1 of Section VIII of the ASME Code, 1974 edition.

(5) A diagrammatic arrangement drawing of the assembled MPT that shows the location of each internal and external component.

(b) In addition to the requirement contained in paragraph (a) of this sec-

tion, each owner or manufacturer who desires a cargo handling system to be tested and inspected must submit information to the U.S. Coast Guard in accordance with the requirements in § 56.01-10 of this chapter.

§ 64.9 Dangerous articles for which tanks may be approved.

Portable tanks may be approved for the following dangerous articles under this part:

- (a) Acetone.
- (b) Alcohol.
- (c) Ethyl methyl acetone.
- (d) Toluol (toluene).
- (e) Xylol (xylene).
- (f) Benzene (benzol).
- (g) Gasoline.
- (h) Hydrochloric—hydrofluoric acid mixtures containing not more than 2 percent hydrofluoric acid.
- (i) Sulfuric acid of concentrations 65.25 percent or greater: *Provided*, The corrosive effect on steel measured at 100° F is not greater than that of 65.25 percent sulfuric acid.
- (j) Sulfuric acid concentration not to exceed 51 percent, if the tank is rubber-lined.

Subpart B—Standards for an MPT

§ 64.11 MPT design.

- An MPT must be designed—
- (a) In accordance with Division 1 of Section VIII of the ASME Code, 1974 edition, and this subpart;
- (b) With a maximum gross weight of 55,000 pounds;
- (c) With a maximum allowable working pressure of at least 20 pounds per square inch gauge (psig) but not more than 48 psig; and
- (d) To withstand dynamic loading conditions applied simultaneously.

§ 64.13 Allowable stress; tank.

- (a) The calculated stress in the tank under design conditions, including dynamic loading conditions applied simultaneously, must not exceed the allowable stress listed in Division 1 of Section VIII of the ASME Code, 1974 edition, for a design temperature of 122° F.
- (b) The calculated stress in the tank at test pressure must not exceed 75 percent of the minimum yield stress,¹ or 37.5 percent of the minimum tensile stress¹ of the material, whichever is less.

§ 64.15 Allowable stress; framework.

The calculated stress for the framework must be 80 percent or less of the minimum yield stress of the framework material under the dynamic loading conditions that are applied simultaneously.

§ 64.17 Minimum tank thickness.

- (a) Except as allowed in paragraph (b) of this section, a tank with a diameter of—
- (1) 6 feet or less must have a shell and head of $\frac{3}{16}$ inch thickness or more; or
- (2) More than 6 feet must have a shell and head of $\frac{1}{4}$ inch thickness or more.

- (b) If the tank has additional framework to guard against accidental puncturing of the tank, the shell and head thickness must be $\frac{1}{8}$ inch or more.

§ 64.19 External pressure.

- (a) A tank without a vacuum breaker must be designed to withstand an external pressure of 7½ psig or more.
- (b) A tank with a vacuum breaker must be designed to withstand an external pressure of 3 psig or more.

§ 64.21 Material.

The material for a tank must meet the requirements in Division 1 of Section VIII of the ASME Code, 1974 edition.

§ 64.23 Gasket and lining.

- Each gasket and lining must be made of material that is—
- (a) Chemically compatible with the product for which the tank is approved; and
- (b) Resistant to deterioration from the product for which the tank is approved.

§ 64.25 Cross section.

- A tank must have a cross section design that is—
- (a) Circular; or
- (b) Other than circular and stress analyzed experimentally by the method contained in UG-101 of the ASME Code, 1974 edition.

§ 64.27 Base.

The base of an MPT must be as wide and as long as the tank.

§ 64.29 Tank saddles.

If a tank is not completely supported by a framework, it must be supported by two or more external saddles, each of which extends to 120 degrees or more of the shell circumference.

§ 64.31 Inspection opening.

An MPT must have an inspection opening that is designed in accordance with Division 1 of Section VIII of the ASME Code, 1974 edition.

§ 64.33 Pipe connection.

Each pipe connection that is not a pressure relief device must be fitted with a manually operated stop valve or closure located as close to the tank as practicable.

§ 64.35 Bottom filling or discharge connection.

If an MPT is designed with a filling or discharge connection in the bottom, the connection must be fitted with a bolted blank flange, threaded cap, or similar device to protect against leakage of the product, and a manually operated valve that is located—

- (a) Inside the tank and operated outside the tank; or
- (b) Outside the tank but as close to it as practicable.

§ 64.37 Valve and fitting guard.

- Each valve and fitting must be protected from mechanical damage by—
- (a) The tank;
- (b) A tank saddle;
- (c) The framework; or
- (d) A guard.

§ 64.39 Valve securing device.

Each filling and discharge valve must have a securing device to prevent unintentional opening.

§ 64.41 Stop valve closure.

A stop valve that operates by a screwed spindle must close in a clockwise direction.

§ 64.43 Lifting fittings.

Each MPT must have attached lifting fittings so that the tank remains horizontal and stable while being moved.

§ 64.45 Securing devices.

An MPT or its framework must have sufficient number of positive action securing devices, including hooks, lugs, or padeyes, to attach the unit to the vessel so that—

- (a) The stress does not exceed the standard contained in § 64.15; and
- (b) Additional lashing is not needed.

§ 64.47 Type of relief devices.

- (a) An MPT with an internal capacity of more than 550 U.S. gallons must have one or more spring loaded relief valves. In addition, a rupture disc may be attached.
- (b) An MPT with an internal capacity of 550 U.S. gallons or less must have a rupture disc or a spring loaded relief valve.

§ 64.49 Labeling openings.

Each opening of a tank must be labeled to identify the function such as "suction", "discharge", "heating coil".

§ 64.51 Tank parts marking.

- Any part of a tank furnished by an outside supplier may not be used in a tank unless it bears—
- (a) The Coast Guard symbol;
- (b) The Marine Inspection Office identification letters;
- (c) The word "Part";
- (d) The manufacturer's name and serial number; and
- (e) The design pressure.

§ 64.53 Metal information plate.

- (a) A corrosion resistant metal plate, containing the information in paragraph (b) of this section, must be permanently attached to the tank.
- (b) Each metal information plate required in paragraph (a) of this section must have the following information completed in legible letters that are $\frac{3}{16}$ inch in height or more:
 - (1) Owner's name.
 - (2) Manufacturer's name.
 - (3) Date of manufacture.
 - (4) Tank serial number.
 - (5) Maximum allowable working pressure in psig.
 - (6) Test pressure in psig.
 - (7) External pressure in psig rating.
 - (8) Total capacity in gallons.
 - (9) Maximum net weight in tons.
 - (10) Maximum gross weight in tons.
 - (11) Percent ullage at 122° F.
 - (12) Hydrostatic test date.

§ 64.55 Relief device location.

A pressure relief device must be located on an MPT in a place that—

¹ Listed in Division 1 of Section VIII of the ASME Code, 1974 edition.

- (a) Is the highest practical point of the tank; and
 (b) Allows direct communication with the vapor space.

Subpart C—Pressure Vacuum Relief Devices

§ 64.57 Pressure relief device acceptance.

A pressure relief device must be—
 (a) From a supplier² accepted under Chapter I of Title 46, Code of Federal Regulations; or

(b) Accepted by the Coast Guard in accordance with the procedures in § 50.25-10 of this chapter.

§ 64.59 Spring loaded pressure relief valve.

A spring loaded pressure relief valve must—

(a) Be set at a nominal pressure of 125 percent of the maximum allowable working pressure;

(b) Have a minimum normal venting capacity that is sufficient to prevent the tank pressure from exceeding 137.5 percent of the maximum allowable working pressure;

(c) Close after discharge of a pressure not lower than 115 percent of the maximum allowable working pressure; and

(d) If closed, remain closed at any pressure less than 115 percent of the maximum allowable working pressure.

§ 64.61 Rupture disc.

If a rupture disc is the only pressure relief device on the tank, the rupture disc must—

(a) Rupture at a pressure of 125 percent of the maximum allowable working pressure; and

(b) Have a minimum normal venting capacity that is sufficient to prevent the tank pressure from exceeding 137.5 percent of the maximum allowable working pressure.

§ 64.63 Minimum emergency venting capacity.

(a) The total emergency venting capacity (Q) of the relief devices of an uninsulated MPT must be in accordance with Table 1 or the following formula based upon the pressure relief device operating at a pressure not to exceed the test pressure:

$$Q = \frac{633,000(A)^{0.82}}{LC} \sqrt{\frac{ZT}{M}}$$

where:

Q=Minimum required rate of discharge in cubic feet per minute of free air at standard conditions (60° F and 14.7 psia).

M=Molecular weight of the product, or 86.7.

T=Temperature, degrees Rankine (460° + temperature in degrees F of gas at relieving temperature), or 710° Rankine.

A=Total external surface area of the tank compartment in square feet.

L=Latent heat of the product being vaporized at relieving conditions in Btu per pound, or 144 Btu per pound.

Z=Compressibility factor of the gas at relieving conditions, or 1.0.

C=Constant based on relation of specific heats, in accordance with Appendix J of Division 1 of Section VIII of the ASME Code, 1974 edition, or 315.

(b) The total emergency venting capacity (Q) of an insulated portable tank may have a reduction if—

(1) It is shown to the Coast Guard that the insulation reduces the heat transmission to the tank;

(2) The present reduction of the emergency venting capacity (Q) is limited to the percent reduction of the heat transmission to the tank or 50 percent, whichever is less; and

(3) The insulation is sheathed.

TABLE 1.—Minimum emergency venting capacity in cubic feet: free air/hour (14.7 lb/in² and 60° F)

Exposed area square feet ¹	Cubic feet free air per hour	Exposed area square feet ¹	Cubic feet free air per hour
30	27,600	275	237,000
30	38,500	300	250,000
40	48,600	350	289,500
50	58,600	400	322,100
60	67,700	450	355,900
70	77,000	500	391,000
80	85,500	550	417,500
90	94,800	600	450,000
100	104,000	650	479,000
120	121,000	700	512,000
140	136,200	750	540,000
160	152,100	800	569,000
180	168,200	850	597,000
200	184,000	900	621,000
225	199,000	950	656,000
250	219,500	1,000	685,000

¹ Interpolate for intermediate sizes.

§ 64.65 Vacuum relief device.

A vacuum relief device must—

(a) Open at an external pressure not less than 3 psig; and

(b) Have an opening with a cross section of 0.44 square inches or more.

§ 64.67 Shutoff valve.

A shutoff valve may not be located—

(a) Between the tank opening and pressure relief device; or

(b) On the discharge side of the pressure relief device.

§ 64.69 Location of the pressure relief device.

A pressure relief device must be—

(a) Accessible for inspection and repair before stowage of the tank; and

(b) Attached so that escaping gas does not impinge on the tank or framework.

§ 64.71 Marking of pressure relief devices.

A pressure relief device must be plainly and permanently marked with the—

(a) Set pressure rating;

(b) Rated flow capacity expressed as cubic feet of standard air (60° F, 14.7 psia) per minute and the pressure at which the flow capacity is determined;

(c) Manufacturer's name and identifying number; and

(d) Pipe size of inlet.

Subpart D—Shop Inspection

§ 64.73 Request for shop inspection.

(a) After the information required in § 64.7 is approved by the Coast Guard,

the manufacturer must request a shop inspection and hydrostatic test for each MPT from the cognizant Officer in Charge, Marine Inspection.

(b) If a shop inspection and hydrostatic test for an MPT can not be performed within a reasonable time, the Officer in Charge, Marine Inspection may accept the manufacturer's certification that the MPT meets the requirements in Subpart B of this part. However, this MPT must pass a hydrostatic test in the presence of a Coast Guard inspector before it may be stamped in accordance with § 64.75.

§ 64.75 Stamping.

If an MPT conforms to the approved plan and passes a hydrostatic test required in § 54.10-10 of this chapter, a Coast Guard inspector stamps on the metal information plate required in § 64.53 the—

(a) Coast Guard symbol, in accordance with § 50.10-25 of this chapter; and

(b) Coast Guard number, in accordance with § 50.10-30 of this chapter.

Subpart E—Periodic Inspections and Tests

§ 64.77 Inspection and test.

For the handling and stowage requirements in § 98.30-3 of this chapter, each portable tank must pass the following inspections and tests conducted by the owner or his representative:

(a) Pressure relief and vacuum relief devices must be inspected one time or more during each 12 month period of service in accordance with § 64.79.

(b) An MPT must be inspected during the 30 months before any month in which it is in service in accordance with § 64.81.

(c) An MPT must pass a hydrostatic test in accordance with § 64.83 during the 60 months before any month in which it is in service.

(d) After each welded repair, an MPT must pass a hydrostatic test in accordance with § 64.83.

§ 64.79 Inspection of pressure and vacuum relief device.

(a) The inspection of the pressure and vacuum relief device required in § 64.77(a) must include—

(1) Disassembling;

(2) A visual inspection for defective parts; and

(3) A test of the accuracy of the pressure setting.

(b) If the pressure and vacuum relief valve passes the inspection required in paragraph (a) of this section, the owner or his representative may attach to the device a metal tag containing the date of the inspection.

§ 64.81 30-month inspection of an MPT.

(a) The 30-month inspection of an MPT required in § 64.77(b) must include—

(1) An internal and external examination for—

(i) Corrosion;

(ii) Cracking of base material; and

(iii) Weld defects; and

² Accepted suppliers are listed in CG-190, Equipment List.

(2) A visual inspection for defective parts and a manual operation of the gauging device, remote operating mechanism, and each valve, except the pressure relief device.

(b) If the tank passes the inspection required in paragraph (a) of this section, the owner or his representative may stencil the date of the inspection on the MPT near the metal identification plate that is required in § 64.53 in durable and legible letters that are 1 1/4 inch in height or larger.

§ 64.83 Hydrostatic test.

(a) The hydrostatic test required in § 64.77(c) includes—

(1) Closing each manhole and other openings by normal means of closure;

(2) Using wrenches or other tools that are used during normal operations to close the manhole and other openings;

(3) Using the same type of gaskets as used in service;

(4) If required for the inspection, removing tank insulation;

(5) Filling the tank with water and pressurizing to the test pressure indicated on the metal identification plate without leaking; and

(6) It fitted with an internal heating coil, the heating coil passing a hydrostatic test at a pressure of 200 psig or more or 50 percent or more above the rated pressure of the coil, whichever is greater.

(b) If the tank passes the hydrostatic test required in paragraph (a) of this section, the owner or his representative may stamp the date of the test and his initials on the metal identification plate required in § 64.53.

§ 64.85 Portable tanks constructed before October 1, 1974.

(a) If a portable tank is constructed, maintained, marked, and inspected in accordance with Subpart 98.35 of this chapter, it may carry combustible liquids until October 1, 1984.

(b) If a portable tank does not meet the requirements in paragraph (a) of this section or the requirements in this part, it may carry a dangerous article or combustible liquid until October 1, 1977 if—

(1) The owner, lessee, charterer, or person in charge submits in accordance with § 50.20-5 of this chapter—

(i) The date and place of manufacture;

(ii) The portable tank's serial number;

(iii) The design drawing and calculation;

(iv) The type, manufacturer, and setting of each relief device;

(v) The dangerous article or combustible liquid proposed to be carried in the portable tank; and

(vi) A history of the portable tank's service; and

(2) The information submitted in accordance with paragraph (b)(1) of this section, is accepted by the Coast Guard;

(3) The portable tank passes a Coast Guard inspection to determine conformance with the accepted information; and

(4) The Coast Guard notifies the owner in writing that the portable tank

is accepted and may continue in service until October 1, 1977. If allowed to remain in service, the owner may complete and mark on the accepted portable tank in letters 3 inches in height or larger:

LIMITED FOR
(dangerous article or combustible
liquid accepted for carriage)
UNTIL October 1, 1977

(c) An appeal from the decision required in paragraph (b)(2) of this section may be made in accordance with § 50.20-40 of this chapter.

Subpart F—Cargo Handling System

§ 64.87 Purpose.

Each cargo handling system required to meet § 98.30-25 of this chapter must meet the requirements of this subpart.

§ 64.89 Cargo pump unit.

(a) A cargo pump unit that fills or discharges a portable tank must be—

(1) Constructed of materials that are compatible with the product to be pumped; and

(2) Designed to be compatible with the hazard associated with the product to be pumped.

(b) The cargo pump power unit must be—

- (1) Diesel;
- (2) Hydraulic;
- (3) Pneumatic; or
- (4) Electric.

(c) The starting system for a cargo pump power unit must be designed to be compatible with the hazard associated with the product to be pumped.

(d) A diesel engine that is used to drive a cargo pump must have a spark arrestor on the exhaust system.

§ 64.91 Relief valve for the cargo pump discharge.

The cargo pump discharge must have a relief valve that is—

(a) Fitted between the cargo pump discharge and the shut-off valve, with the relief valve discharge piped back to the cargo pump suction or returned to the tank; and

(b) Set at the maximum design pressure of the piping and discharge hose, or less.

§ 64.93 Pump controls.

(a) A pressure gauge must be installed—

- (1) On the pump discharge;
- (2) Near the pump controls; and
- (3) Visible to the operator.

(b) A pump must have a remote, quick acting, manual shutdown that is conspicuously labeled and located in an easily accessible area away from the pump. The quick acting, manual shutdown for remote operation must provide a means of stopping the pump power unit.

§ 64.95 Piping.

(a) Piping, valves, flanges, and fittings used in the pumping system must be designed in accordance with Part 56 of this chapter.

(b) A cargo loading and discharge header or manifold must—

(1) Have stop valves to prevent cargo leakage; and

(2) Be visible to the operator at the cargo pump controls.

(c) Each pipe and valve in the pumping system that has an open end must have a plug or cap to prevent leakage.

(d) Each hose connection must be threaded or flanged except for a quick connect coupling that may be specifically accepted by the U.S. Coast Guard in accordance with the procedures in § 50.25-15 of this chapter.

(e) A non-return valve must be in the pump discharge if a backflow condition may occur during pumping.

(f) Any non-metallic flexible hose that is used in the piping system must comply with § 56.60-25(c) of this chapter.

§ 64.97 Cargo hose.

Each hose assembly, consisting of couplings and a hose that has an inside diameter—

(a) Larger than three inches, must meet the requirements in 33 CFR 154.500; or

(b) Three inches or less, must be designed to withstand the pressure of the shutoff head of the cargo pump or pump discharge relief valve setting, but not less than 100 pounds per square inch.

SUBCHAPTER H—PASSENGER VESSELS

PART 70—GENERAL PROVISIONS

4. By revising § 70.05-30(a)(1) and (2) to read as follows:

§ 70.05-30 Combustible liquid cargo in bulk.

(a) * * *

(1) Grade E in an integral tank, in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(2) Grade D in a portable tank in accordance with Part 146 of this chapter.

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 90—GENERAL PROVISIONS

5. By amending § 90.05-35 by revoking and reserving paragraph (a)(1)(iii) and by revising paragraphs (a)(1)(i) and (ii) and (a)(2)(i), and by adding paragraphs (a)(2)(ii) and (a)(2)(iii) to read as follows:

§ 90.05-35 Flammable and combustible liquid cargo in bulk.

(a) * * *

(1) * * *

(i) Grades D and E in an integral tank, in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(ii) Dangerous articles in a portable tank in accordance with Part 146 of this chapter, or in a marine portable tank approved for the article under Part 64 of this chapter.

(iii) [Reserved]

(2) * * *

(i) Grades B and lower in a fixed independent or an integral tank authorized by the Commandant.

(ii) Grades D and E in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(iii) Dangerous articles in a portable tank in accordance with Part 146 of this chapter, or in a marine portable tank approved for the article under Part 64 of this chapter.

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

6. By amending Part 98 by adding a new Subpart 98.30 to read as follows:

Subpart 98.30—Handling and Stowage of Portable Tanks

- Sec.
- 98.30-1 Applicability.
 - 98.30-3 Vessels carrying portable tanks.
 - 98.30-5 Lifting a portable tank.
 - 98.30-7 Smoking.
 - 98.30-9 Portable tank stowage.
 - 98.30-11 Cargo pumps.
 - 98.30-13 Ground connection.
 - 98.30-15 Leakage containment.
 - 98.30-17 Qualifications of person in charge.
 - 98.30-19 Supervision by person in charge.
 - 98.30-21 Inspection prior to transfer.
 - 98.30-23 Requirements for transfer; general.
 - 98.30-25 Requirements for transfer; cargo handling system.
 - 98.30-27 Connections.
 - 98.30-29 Piping incompatible products.
 - 98.30-31 Conditions for pumping.
 - 98.30-33 Warning signals.
 - 98.30-35 Warning sign at gangway.
 - 98.30-37 Firefighting requirements.
 - 98.30-39 Alternate fire extinguishing system.

AUTHORITY: R.S. 4472, as amended (46 U.S.C. 170), Sec. 201, 86 Stat. 427 (46 U.S.C. 391a), sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b) and (c)(4).

Subpart 98.3—Handling and Stowage of Portable Tanks

§ 98.30-1 Applicability.

This subpart prescribes regulations for the loading, carrying, handling and stowing, and transfer of products to or from portable tanks—

(a) Designed, constructed, and marked in accordance with the requirements in Part 64 of this chapter which are authorized to be carried on board vessels under §§ 30.01-5, 70.05-30, and 90.05-35 of this chapter; and

(b) Constructed, marked, and maintained in accordance with the requirements in Subpart 98.35 of this chapter, which are authorized to be carried on board vessels under §§ 30.01-5, 70.05-30, and 90.05-35 of this chapter.

§ 98.30-3 Vessels carrying portable tanks.

Except to complete a voyage, no person may operate a vessel to which this subpart applies unless each portable tank on board—

(a) Contains the information required in—

(1) Section 64.53(b) of this chapter and—

(i) An inspection date that is within 12 months before the month during which the vessel is operated. The inspection date must be on a metal tag in ac-

cordance with § 64.80(b) of this chapter;

(ii) An inspection date that is within 30 months before the month during which the vessel is operated. The inspection date must be stenciled in accordance with § 64.81(b) of this chapter; and

(iii) A hydrostatic test date that is within 60 months before the month during which the vessel is operated. The inspection date must be stenciled in accordance with § 64.83(b) of this chapter;

(2) Section 64.85(b) of this chapter; or

(3) Section 64.85(a) of this chapter including a periodic test and inspection date that is within 48 months before the month during which the vessel is operated. The inspection date must be stamped in accordance with § 98.35-15 (a), and

(b) Is approved for the carriage of the following combustible liquids or dangerous articles:

- (1) Grade D.
- (2) Grade E.
- (3) Acetone.
- (4) Alcohol.
- (5) Ethyl methyl acetone.
- (6) Toluol (toluene).
- (7) Xylol (xylene).
- (8) Benzene (benzol).
- (9) Gasoline.
- (10) Hydrochloric—hydrofluoric acid mixtures containing not more than 2 percent hydrofluoric acid.

(11) Sulfuric acid of concentrations 65.25 percent or greater provided the corrosive effect on steel measured at 100° F is not greater than that of 65.25 percent sulfuric acid.

(12) Sulfuric acid concentration not to exceed 51 percent, if the tank is rubber-lined.

§ 98.30-5 Lifting a portable tank.

No person may lift a portable tank with another portable tank.

§ 98.30-7 Smoking.

No person may smoke within 50 feet of a portable tank on the deck on which the tank is stowed.

§ 98.30-9 Portable tank stowage.

(a) No person may operate a vessel to which this subpart applies unless each portable tank is stowed on an open deck.

(b) No person may stow a portable tank—

(1) In the vicinity of another tank that contains a chemically incompatible product; and

(2) Unless all electrical equipment is explosion-proof or intrinsically safe, as defined in § 111.80-5 of this chapter, in the area of the tank and its associated equipment that is—

(i) Within 10 feet in any horizontal direction; and

(ii) Within 8 feet above the deck.

§ 98.30-11 Cargo pumps.

No person may operate a cargo pump to transfer a product to or from a portable tank unless the pump is installed—

(a) Above deck; or

(b) Below deck, in conformance with Subpart 32.60 of this chapter.

§ 98.30-13 Ground connection.

No person may transfer an inflammable or combustible product to or from a vessel unless—

(a) The portable tank and its pumping equipment is electrically grounded to the hull of the vessel; and

(b) The vessel is electrically grounded to an offshore platform, shore piping, or another vessel by a—

(1) Cargo hose constructed with an integral grounding wire if the end connections are used for electrical continuity; or

(2) Separate grounding that is maintained until the cargo hose is disconnected and drained.

§ 98.30-15 Leakage containment.

(a) No person may transfer a product to or from a vessel unless there is a container or enclosed deck area that meets the requirements of this section under or around each transfer connection area.

(b) Each container or enclosed deck area must hold, in all conditions of vessel list or trim to be encountered during the transferring operation, 5 gallons or more and must have a means of draining or removing any leakage without mixing incompatible products or discharging into the water.

§ 98.30-17 Qualifications of person in charge.

No person may serve, and the operator of a vessel may not use the services of a person, as a person in charge of the transfer of a product to and from a portable tank unless—

(a) On self-propelled tank vessels, he holds a valid license authorizing service on inspected vessels as a master, mate, pilot, or engineer;

(b) For tank barges, he holds a valid license authorizing service on inspected vessels as a master, mate, engineer, or is a tankerman certificated for the grade of cargo carried;

(c) For vessels other than tank vessels that are required by this chapter to have a licensed officer on board, he holds a valid license as a master, mate, pilot, or engineer;

(d) For other inspected vessels not specified in paragraphs (a), (b), and (c) of this section he holds a valid tankerman's endorsement on a merchant mariner's document; or

(e) For foreign vessels he holds a license or certificate authorizing service on that vessel as a master, mate, pilot, engineer, or operator.

§ 98.30-19 Supervision by person in charge.

(a) No person may connect, top off, disconnect, or engage in any other critical product transfer operation unless the person in charge designated in § 98.30-17, personally supervises the operation.

(b) No person may start the flow of a product to or from a portable tank unless instructed to do so by the person in charge.

(c) No person may transfer a product to or from a portable tank unless the person in charge is in the immediate vicinity

of the transfer operation and immediately available to the person transferring the product.

§ 98.30-21 Inspection prior to transfer.

No person may transfer to or from a portable tank a product with a flashpoint of less than 300° F unless the person in charge of the transfer determines that—

(a) Each warning signal and sign required in §§ 98.30-33 and 98.30-35 is displayed;

(b) No repair work in the vicinity of any portable tank is done without permission of the person in charge of the transfer operation; and

(c) Riveting, welding, burning, or a similar operation is not done in the vicinity of a portable tank unless an inspection by the person in charge of the transfer ensures that the operation can be done safely.

§ 98.30-23 Requirements for transfer; general.

No person may transfer a product to or from a portable tank unless—

(a) The vessel's moorings are strong enough to hold in all expected conditions of surge, current, and weather and are long enough to allow adjustment for changes in draft, drift, and tide during the transfer operation;

(b) Transfer hoses or loading arms are long enough to allow the vessel to move the limits of its mooring without placing strain on the hose, loading arm, or transfer piping system;

(c) Each transfer hose is supported in a manner that prevents strain on its coupling;

(d) Each part of the transfer system necessary to allow the flow of the product is lined up for the transfer;

(e) Each transfer hose has no loose covers, kinks, bulges, soft spots, and no gouges, cuts, or slashes that penetrate the hose reinforcement;

(f) Each coupling meets the requirements of § 98.30-27;

(g) Each scupper or drain in a discharge containment system is closed;

(h) The person in charge of the transfer operations on the transferring vessel or facility and the person in charge of the transfer operations on the receiving vessel or facility have held a conference, to ensure that each person in charge understands—

(1) The identity of the product to be transferred;

(2) The sequence of transfer operations;

(3) The transfer rate;

(4) The name or title and location of each person participating in the transfer operation;

(5) Particulars of the transferring and receiving systems;

(6) Critical stages of the transfer operations;

(7) Federal, state, and local rules that apply to the transfer of dangerous articles and combustible liquids;

(8) Emergency procedures;

(9) Discharge containment procedures;

(10) Discharge reporting procedures;

(11) Watch or shift arrangement; and

(12) Transfer shutdown procedures;

(i) The person in charge of the transfer operations on the transferring vessel or facility and the person in charge of transfer operations on the receiving vessel or facility agree to begin the transfer operations; and

(j) Each person in charge required in this subpart is present.

§ 98.30-25 Requirements for transfer; cargo handling system.

No person may transfer a product to or from a portable tank unless the cargo handling system meets the requirements in Subpart F of Part 64 of this chapter.

§ 98.30-27 Connections.

(a) Each person who makes a connection for a transfer operation shall—

(1) Use suitable material in joints and couplings to make a tight seal;

(2) Use a bolt in at least every other hole and in no case less than four bolts in each temporary connection utilizing an American National Standards Institute (ANSI) standard flange coupling;

(3) Use a bolt in each hole of couplings other than ANSI standard flange couplings;

(4) Use a bolt in each hole of each permanently connected flange coupling;

(5) Use bolts of the same size in each bolted coupling; and

(6) Tighten each bolt and nut uniformly to distribute the load.

(b) No person who makes a connection for a transfer operation may use any bolt that shows signs of strain or is elongated or deteriorated.

(c) No person may use a connection for transfer operations unless it is—

(1) A bolted or full threaded connection; or

(2) A quick-connect coupling accepted by the Coast Guard.

§ 98.30-29 Piping incompatible products.

No person may pipe a portable tank with another tank that contains a chemically incompatible product.

§ 98.30-31 Conditions for pumping.

No person may start pumping a product to or from a portable tank or if started, continue to pump if—

(a) There is an electrical storm;

(b) A fire occurs—

(1) On the deck;

(2) On the vessel;

(3) In the vicinity; or

(c) The cargo hose ruptures or leaks.

§ 98.30-33 Warning signals.

(a) If the vessel is moored, no person may transfer to or from a portable tank a product with a flashpoint of less than 300° F unless the person in charge displays a—

(1) Red flag by day; and

(2) Red electric lantern by night.

(b) If the vessel is at anchor, no person may transfer to or from a portable tank a product with a flashpoint of less

than 300° F unless the person in charge displays a red flag.

(c) The signal required in paragraphs (a) and (b) of this section must be visible on all sides of the vessel.

§ 98.30-35 Warning sign at gangway.

If a vessel is moored, no person may transfer to or from a portable tank a product with a flashpoint of less than 300° F unless the person in charge displays at each gangway or access that is open for use a warning placard containing the following in letters 2 inches in height or larger:

WARNING

No open lights

No smoking

§ 98.30-37 Firefighting requirements.

No person may lift a portable tank on or off a vessel, or transfer a product with a flashpoint of less than 300° F to or from a portable tank unless—

(a) Water pressure is maintained on the firemain;

(b) Firehoses, fitted with a Coast Guard approved combination nozzle, are attached to each fire hydrant in the vicinity of the portable tanks;

(c) Except as provided in § 98.30-39, fire extinguishers of a dry chemical type are—

(1) Located to protect the deck area 10 feet in any horizontal direction from each portable tank and its associated cargo handling system;

(2) Coast Guard approved; and

(3) Capable of covering the deck area without being moved;

(d) In a deck area of 500 square feet or less, there are 2 or more dry chemical fire extinguishers of 300 pounds or more total capacity of extinguishing agent; and

(e) In a deck area of more than 500 square feet, there are 3 or more dry chemical fire extinguishers of 450 pounds or more total capacity of extinguishing agent.

§ 98.30-39 Alternate fire extinguishing system.

An alternative to the fire extinguishing system required in § 98.30-37(c) may be approved in accordance with procedures contained in Subpart 90.15 of this chapter.

7. By revising the heading of Subpart 98.35 to read as follows:

Subpart 98.35—Portable Tanks Constructed Before October 1, 1974 That Carry Combustible Liquids

8. By amending § 98.35-1 by striking in paragraph (c) the reference "98.35-35", by revising the first sentence of paragraph (a), and adding paragraph (f), to read as follows:

§ 98.35-1 Scope.

(a) This subpart contains the requirements for the construction, testing, loading, and discharging of a portable tank for the carriage of combustible liquids that is constructed before October 1, 1974. * * *

(f) Each portable tank constructed and maintained in accordance with the requirements contained in this Subpart may continue in service until October 1, 1984.

§§ 98.35-3 and 98.35-10 [Amended]

9. By amending § 98.35-3(a) by adding the words ", constructed before October 1, 1974," to follow the words "portable tanks".

10. By revoking and reserving § 98.35-10(e).

11. By revising § 98.35-25 to read as follows:

§ 98.35-25 Handling and stowage.

Each portable tank must be handled and stowed in accordance with the requirements contained in Subpart 98.30 of this part.

12. By revising § 98.35-30 to read as follows:

§ 98.35-30 Firefighting requirements.

The firefighting requirements are contained in §§ 98.30-37 and 98.30-39.

§§ 98.35-35 and 98.35-40 [Reserved]

13. By revoking and reserving §§ 98.35-35 and 98.35-40.

(R.S. 4472, as amended (46 U.S.C. 170), sec. 201, 86 Stat. 427 (46 U.S.C. 391a), Sec. 6(b) (1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b) and (c)(4))

Effective date. These amendments shall become effective on October 1, 1974.

Dated: June 19, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.74-14488 Filed 6-24-74;8:45 am]

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Exemption Applications No. 15, No. 16, No. 17]

PART 531—PUBLICATION, POSTING, AND FILING OF FREIGHT RATES AND CHARGES IN THE DOMESTIC OFFSHORE TRADE

Exemption for Carriage of Miscellaneous Cargoes Between Ports

Applications for amendments to and extension of the currently existing exemptions from the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916, and regulations applicable thereto, for miscellaneous cargoes transported between all ports in the contiguous continental United States (except ports in the Mississippi River System above Baton Rouge, Louisiana) on the one hand, and, on the other, the Arctic Coast of Alaska between Beechey Point, Tigvariak Island (Prudhoe Bay) via the Gulf of Alaska, the Bering Sea and the Arctic Ocean were published in the FEDERAL REGISTER on April 15 and May 7, 1974.

The applicants request that the present exemption be amended immediately to include all ports in the contiguous continental United States (not including the Mississippi River System above Baton Rouge, Louisiana). The exemption, as amended, will eliminate the current "liquid in bulk" restriction applicable to Puget Sound Tug and Barge Company in connection with Houston, Texas. It is further requested by the applicants that the exemption, as amended, be extended for an additional three-year period terminating with December 31, 1977.

The effect of such exemption would be a continuation of authority to provide transportation by barge to the area involved with freedom from tariff filing requirements and regulation with respect to the reasonableness of rates.

Protests were received from the City of Long Beach, the Port of Oakland and Sea-Land Service, Inc. A satisfactory revision to the proposed exemption has eliminated the basis for protests as far as the City of Long Beach and the Port of Oakland are concerned.

The protest filed by Sea-Land Service, Inc. was received relative to the granting of the application. Sea-Land is concerned because it operates a land/water route between Seattle and Prudhoe Bay which may be competitive with the barge route for which exemption is sought. Sea-Land operates under joint through rates filed with a different regulatory agency over which this Commission has no effective control. It is not a direct vessel service such as proposed here and the cargo handled by Sea-Land is apparently limited, by the nature of Sea-Land's service, to containerizable cargoes. The barge service involved here is concerned primarily with bulk cargoes which do not lend themselves to containerization. The requirements of the shippers using the barge transportation appear to be radically different from the requirements of shippers who would choose to use the combination sea/water route of Sea-Land. Consequently, we do not think that the competition is significant. Sea-Land has not shown that the proposed exemption would be detrimental to the commerce nor that it would substantially impair effective regulation by the Commission or be unjustly discriminatory. If Sea-Land chooses to initiate a direct vessel service, such as has been proposed in this application, and the conditions are similar to the conditions set forth in the instant application, its application will expeditiously be handled and considered.

In April 1972, the Commission exempted for three years (the Commission granted yearly exemptions for the years 1970 and 1971), to and including December 31, 1974, the carriage of miscellaneous cargoes between Seattle, Washington and Houston, Texas, on the one hand, and Beechey Point and Tigvariak Island (Prudhoe Bay) via the Gulf of Alaska, the Bering Sea and the Arctic Ocean, on the other. The exemption applies

specifically to Alaska Barge & Transport, Inc., Fos Alaska Line, Inc., Foss Launch & Tug Co., and Puget Sound Tug and Barge Company, except that it does not apply to liquid, in bulk, from or to Houston via Puget Sound Tug and Barge Company. The aforementioned carriers have now petitioned the Commission for an extension of the exemption to and including December 31, 1977 and have requested that the exemption be amended to (1) eliminate the bulk liquid exception from Houston; and (2) include all contiguous continental United States Ports (excluding ports in Mississippi River System above Baton Rouge, Louisiana) for the 1974 season.

The conditions under which the original exemptions were granted have not materially changed. Continuation of the exemptions, as amended, limited to an annual basis, will not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory or be detrimental to commerce. Therefore, pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 553 and sections 35 and 43 of the Shipping Act, 1916, 46 U.S.C. 833(a) and 841(a); Part 531 of Title 46 CFR is amended as follows:

Section 531.26 is amended by revising paragraph (c) to read as follows:

§ 531.26 Exemptions.

(c) The provisions of the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916, as amended, shall not apply to direct transportation by water between ports in the contiguous continental United States (excluding ports in the Mississippi River System above Baton Rouge, Louisiana) and Prudhoe Bay, Alaska of miscellaneous cargoes (including liquid in bulk) provided by Foss Launch & Tug Co., Fos Alaska Line, Inc., Puget Sound Tug & Barge Company, and Alaska Barge & Transport, Inc. for a period commencing with the publication of this exemption in the FEDERAL REGISTER and ending with December 31, 1975. Any exemption granted to a specific carrier is applicable only to the so specified carrier and may not be used by another carrier, either by merger, change of name or adoption by another carrier. These exemptions will be subject to the submission of the following information 30 days after each voyage begins:

(1) Each contract of carriage entered into between the carriers and shippers, indicating the services provided by the carriers and the charges assessed;

(2) If not included in the contract furnished under subparagraph (1) of this paragraph, any contractual arrangements and charges therefor, for other services to shippers, such as storage, warehousing, handling charges, or any other special services provided to the shippers in connection with the movement of this cargo;

(3) To the extent not included in subparagraphs (1) and (2) of this paragraph, any contractual arrangements for liability for loss or damage and responsibility for insurance coverage;

(4) An identification of all commodities carried, the tonnage for each commodity, and the names of shippers of each such commodity; and

(5) An indication of the amount of barge space contracted to each shipper, i.e., was the shipper chartered the full

reach of a barge or merely part capacity of a barge.

* * * * *

Effective date. The exemption granted herein supersedes and takes the place of the currently effective exemption and shall become effective on June 25, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-14527 Filed 6-24-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

MECHANICALLY HARVESTED AMERICAN (EASTERN TYPE) GRAPES FOR PROCESSING

Proposed United States for Grades

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Mechanically Harvested American (Eastern Type) Grapes for Processing.¹ These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than December 30, 1974, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27 (b)).

Statement of considerations leading to the proposed issuance of the grade standards. Mechanical harvesting of grapes began in New York State in the middle 1960's. Since that time, growers in the principal producing States of New York, Pennsylvania, Michigan, Ohio, Arkansas and Washington have turned increasingly to mechanical harvesting because of every increasing labor problems and costs of hand picking. Currently more than ninety percent of the crop is machine harvested.

The United States Standards for American (Eastern Type) Bunched Grapes for Processing and Freezing provide that quality determination be made on a bunch basis and since machine harvesting results in shattered berries, i.e. berries completely removed from the bunch, the application of these stand-

ards would result in the entire crop failing to meet any grade.

In 1968 the U.S. Department of Agriculture, in cooperation with the States of New York and Pennsylvania, instituted a program whereby the grapes could be inspected before harvest. This was known as "Vineyard Grapemobile Inspection". It marked the first time that the Inspection Service had ever made quality determination of any product before harvest. This program offered many advantages to the grape industry. The most important being advance information as to quality and soluble solids before the product was brought to the plant. These advantages were soon nullified by the prohibitive cost of this program to the industry.

In 1969 the National Grape Cooperative Association, Inc. (Welch Foods, Inc.) requested that USDA develop standards for machine harvested grapes for processing. A study, in cooperation with National Grape and the Pennsylvania Federal-State Inspection Service, was started in 1969 at Welch Foods' Northeast, Pennsylvania plant. This study focused on determining the quality factors involved in mechanically harvested grapes. Harvesting, bulk bin handling and sampling practices were also studied. Part of the study was devoted to testing to establish a procedure for accurately determining the percentage of soluble solids in a load, soluble solids being the principal factor in determining the price the grower receives for his grapes. This study was the first step towards the development of standards that would be applicable to machine harvested grapes.

During subsequent harvesting seasons other studies were conducted in New York State, Arkansas, Michigan, and Washington State. In these studies various aspects of sampling and inspection were tried and either accepted as practical, rejected as unfeasible or modified.

In June of 1973 a study draft based on data compiled from the studies was prepared. This draft was used by Welch Foods, Inc. as the basis for contract specifications for the 1973 season. Data were collected in the five major growing areas during that season and was used in setting the tolerance levels in the proposed standards. In order to provide the industry ample time to study and apply these proposed standards, the period for submission of written comments will extend through the 1974 harvest season.

The proposed standards would provide the grape industry with standards

specifically designed for machine harvested grapes. They contain two grades setting minimum soluble solids requirements and tolerances for various quality factors.

The proposed standards are as follows:

Subpart—United States Standards for Grades of Mechanically Harvested American (Eastern Type) Grapes for Processing

GENERAL	
Sec.	General.
51.2150	General.
GRADES	
51.2151	U.S. No. 1.
51.2152	U.S. No. 2.
TOLERANCES	
51.2153	Tolerances.
DEFINITIONS	
51.2154	Mature.
51.2155	Fairly well matured.
51.2156	Foreign material.
51.2157	Damage.
51.2158	Serious damage.
51.2159	Classification of defects.

AUTHORITY: Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GENERAL

§ 51.2150 General.

(a) These standards apply to American (Eastern Type) grapes which have been machine harvested and are to be processed.

(b) The grade of a lot of mechanically harvested grapes shall be determined on the basis of a composite sample drawn from bulk containers in the lot.

GRADES

§ 51.2151 U.S. No. 1.

"U.S. No. 1" consists of grapes and juice which meet the following requirements:

- (a) Basic requirements:
 - (1) Mature; and,
 - (2) Showing similar varietal characteristics.
- (b) Free from:
 - (1) Decay;
 - (2) Visible mold;
 - (3) Immature berries;
 - (4) Sunburn;
 - (5) Freezing;
 - (6) Attached insect or insect injury; and,
 - (7) Foreign material.
- (c) Free from damage by any cause. (See § 51.2158)
- (d) For tolerances. (See § 51.2153)

§ 51.2152 U.S. No. 2.

"U.S. No. 2" consists of grapes and juice which meet the requirements of the U.S. No. 1 grade except:

¹ Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

- (a) Berries shall be at least fairly well matured; and,
(b) Increased tolerances for defects.
(See § 51.2153.)

TOLERANCES

§ 51.2153 Tolerances.

- (a) No tolerance is provided in these standards for grapes which fail to meet the maturity requirement for the specified grade.
(b) In order to allow for variations incident to proper culture, harvesting and handling in each of the foregoing grades, tolerances, by weight, other than for maturity, are set forth in Table I.

TABLE I

	U.S. No. 1 percent (by weight)	U.S. No. 2 percent (by weight)
A. Total defects.....	10	10
1. Serious damage (in- cluded in "A").....	6	6
(a) Berries affected by mold or decay (in- cluded in "1").....	3	3
(b) Berry moth, other injury or attached in- sects (included in "1").....	1/2 of 1	1
B. Foreign material.....	3	4
1. Leaves, petioles or other plant parts (in- cluded in "B").....	3	4
2. Other foreign mate- rial (included in "B")..	1/2 of 1	1/2 of 1

DEFINITIONS

§ 51.2154 Mature.

"Mature" means that representative samples of grapes and juice from bulk containers in a lot shall test not less than 15.5 percent soluble solids, as determined by an approved hand refractometer.

§ 51.2155 Fairly well matured.

"Fairly well matured" means that representative samples of grapes and juice from bulk containers in a lot shall test not less than 14.5 percent soluble solids, as determined by an approved hand refractometer.

§ 51.2156 Foreign material.

"Foreign material" means sticks, stones, leaves, petioles or other plant parts or other extraneous material.

§ 51.2157 Damage.

"Damage" means any specific defect described in § 51.2159, Table II; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the processing quality of the grapes.

§ 51.2158 Serious Damage.

"Serious damage" means any specific defect described in § 51.2159, Table II; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the processing quality of the grapes.

§ 51.2159 Classification of defects.

TABLE II

Defects	Damage	Serious damage
Dried berries.	When berries are dry and shriveled to the extent that practically no moisture is present within the berries.	
Pulp discoloration.	When darker than plate 10.0 R 6/4 in the Munsell Book of Color.	When darker than plate 7.5 RP 3/4 in the Munsell Book of Color.
Sunburn.....	See serious damage.	When sunken, discolored and dried area caused by sunburn affects the skin or flesh of the grape.
Decay or mold.	do.....	Any visible decay or mold on the grape skin or penetrating the flesh.
Insects or insect injury.	do.....	Any insect injury penetrating the flesh or any insect attached to the grape.
Immature berries.	do.....	When berries are hard and green and generally small.

Dated: June 19, 1974.

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

[FR Doc.74-14478 Filed 6-24-74; 8:45 am]

[7 CFR Part 52]

FROZEN BROCCOLI

Proposed United States Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Frozen Broccoli (7 CFR, 52.631-52.642). This grade standard is issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624) which provides for the issuance of official U.S. grade standards to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of the applicant and upon payment of a fee to cover the cost of such service.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than November 30, 1974, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act,

or with applicable State laws and regulations.

Statement of consideration leading to the proposed revision. The American Frozen Food Institute formally requested the Department to revise the grade standards for frozen broccoli to convert them to attributes type standards.

Experience with the frozen asparagus grade standard, which was converted to the attributes approach effective April 8, 1970, indicated this statistical approach has proved satisfactory.

During a portion of the 1973 frozen broccoli season, a preliminary study was conducted in cooperation with the broccoli freezing industry to determine the applicability of the attributes approach for this product.

Incorporating the attributes approach in standards means these rules are followed:

(1) Any deviation from a specific requirement for any of the quality factors is a defect;

(2) Each defect is classified as to its relative severity as minor, major, severe, or critical;

(3) A standard sample unit size is provided for the various styles regardless of container size;

(4) Allowances for the various defect classifications are set to specific Acceptable Quality Levels (AQL's) based on this sample unit size;

(5) Allowances are cumulative for the sample instead of on an individual sample unit basis;

(6) Defects are counted and tallied according to class, thereby eliminating the need for calculating percentages;

(7) The scoring system is eliminated. Acceptance or rejection would be on a "go" or "no go" basis for each grade classification; and

(8) Specific requirements for compliance with a particular style are provided.

In response to the request of the American Frozen Food Institute to revise the frozen broccoli standards and in consideration of the favorable results of the aforementioned study and in recognition of the Institute's request for a more statistically sound approach to standardization, the Department herein proposes to revise the current frozen broccoli standards which have been in effect since April 14, 1962.

The USDA Photo-Guides illustrating various degrees of development and trim referenced in the proposal will be available for review in all the USDA Processed Products Inspection offices during the period of the proposal.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND STYLE COMPLIANCE

- Sec.
52.631 Product description.
52.632 Styles.
52.633 Style classification and compliance.

DEFINITIONS OF TERMS

- 52.634 Definitions of terms.

SAMPLE UNIT SIZES

52.635 Sample unit sizes.

GRADES, FACTORS OF QUALITY, AND GRADE COMPLIANCE

52.636 Grades.

52.637 Factors of quality and grade compliance.

SAMPLE SIZES, METHOD OF ANALYSIS, AND LOT COMPLIANCE

52.638 Sample sizes.

52.639 Determining proportions of head material and leaf material.

52.640 Lot acceptance for style.

52.641 Lot acceptance for quality.

TALLY SHEET

52.642 Tally sheet.

AUTHORITY: Agricultural Marketing Act of 1946, Sec. 205, 60 Stat. 1090, as amended (7 U.S.C. 1624)

PRODUCT DESCRIPTION, STYLES, AND STYLE COMPLIANCE

§ 52.631 Product description.

"Frozen broccoli" is the product prepared from the fresh, clean, sound stalks or shoots of the broccoli plant (*Brassica oleracea* [Italica group]) by trimming, washing, blanching, sorting, and properly draining. The product is frozen in accordance with good commercial practice and maintained at temperatures necessary for preservation of the product.

§ 52.632 Styles of frozen broccoli.

(a) "Spears" or "stalks" consist of the head and adjoining portions of the stem, with or without attached leaves, ranging from not less than $3\frac{1}{2}$ inches to not more than 6 inches in length. Such spears or stalks may be cut longitudinally.

(b) "Short spears" or "florets" consist of the head and adjoining portions of the stem, with or without attached leaves, ranging in length from not less than 1 inch to less than $3\frac{1}{2}$ inches and weigh more than 0.2 ounce. Such short spears or florets may be cut longitudinally.

(c) "Cuts" consist of spears or stalks cut into portions ranging from $\frac{3}{4}$ inch or more but not more than 2 inches in length. This style contains not less than 25 percent, by weight, of head material and not more than 25 percent, by weight, of leaf material.

(d) "Chopped" consists of spears or stalks cut into portions predominately less than $\frac{3}{4}$ inch in length. This style contains not less than 25 percent, by weight, of head material and not more than 25 percent, by weight, of leaf material.

(e) "Pieces" consist of cut or chopped portions of spears or stalks not more than 2 inches in length which do not meet the requirements for "cuts" or "chopped" style.

§ 52.633 Style classification compliance.

(a) General. For the purpose of determining compliance with the require-

ments for the various style classifications, the following are considered as minor length defects and shall not exceed the acceptance numbers in Table I, II, or III, as applicable, for the style.

(1) "Spears" or "stalks"—units longer than $6\frac{1}{8}$ inches, or units shorter than $3\frac{3}{8}$ inches.

(2) "Short spears" or "florets"—units longer than $3\frac{5}{8}$ inches, or units shorter than $\frac{7}{8}$ inch.

(3) "Cuts"—units less than $\frac{1}{2}$ inch, or more than 2 inches in the longest dimension.

(4) "Chopped"—units more than $\frac{3}{4}$ inch in the longest dimension.

(b) For the styles of cuts and chopped, shattered head material and pieces of leaves are not considered as length defects.

TABLE I.—Spears; short spears; tolerances for style compliance

Number of sample units	Number of units	Maximum number defects permitted ¹
1	50	9
2	100	15
3	150	21
4	200	27
5	250	33
6	300	38
7	350	44
8	400	50
9	450	55
10	500	62
11	550	66
12	600	72
13	650	77
14	700	83
15	750	88
16	800	95
17	850	99
18	900	105
19	950	110
20	1,000	115
21	1,050	121
22	1,100	126
23	1,150	132
24	1,200	137

¹ Minor—AL value—11, AQL=10.0.

TABLE II.—Cuts; tolerances for style compliance

Number of sample units	Weight of product (ounces)	Maximum number defects permitted ¹
1	10	16
2	20	28
3	30	41
4	40	53
5	50	65
6	60	77
7	70	88
8	80	100
9	90	112
10	100	124
11	110	135
12	120	147
13	130	158
14	140	170
15	150	181
16	160	192
17	170	204
18	180	215
19	190	227
20	200	238
21	210	249

¹ Minor—AL value—20, AQL=18.0. Based on an estimated count of 6 per ounce of product exclusive of chaff.

TABLE III.—Chopped; tolerances for style compliance

Number of sample units	Weight of product (ounces)	Maximum number defects permitted ¹
1	10	23
2	20	43
3	30	62
4	40	81
5	50	99
6	60	118
7	70	136
8	80	154
9	90	172
10	100	191
11	110	209
12	120	226
13	130	244
14	140	262
15	150	280
16	160	298
17	170	316
18	180	334
19	190	351
20	200	369
21	210	387

¹ Minor—AL value—28, AQL=8.5. Based on an estimated count of 20 per ounce of product exclusive of chaff.

DEFINITION OF TERMS

§ 52.634 Definition of terms.

(a) Absolute limit (AL): Limit for maximum number of defects permitted in a sample unit.

(b) Acceptable Quality Level (AQL): Acceptable Quality Level (AQL) is the maximum percent defective, or the maximum number of defects per hundred units, that, for purposes of sampling inspection, can be considered satisfactory as a process average.

(c) Blemished: A unit of broccoli that is blemished by pathological injury, hollow stems, pithy stems, insect injury, or discolored by other means to the extent that the appearance or eating quality is adversely affected:

- (1) Not more than slightly;
- (2) Materially; or
- (3) Seriously.

(d) Broken in the styles of spears or short spears means any broken or detached portions, other than loose leaves or portions thereof, which weigh more than 0.2 ounce and are definitely not intact units.

(e) Color. (1) Good color. The outside of the stalk is a bright, distinct green. The top of the head is a bright, distinct green and may show a slight purplish cast. Such color may also include lighter colored areas on the outside of the head typical of young and tender broccoli.

(2) Reasonably good color. The outside of the stalk may be dull and may possess a slight brownish, yellowish, or grayish cast. The head may be dull and possess a slight brownish, grayish, or yellowish cast and/or yellow buds due to flowering or small orange or yellowish-orange buds that do not seriously affect the color appearance.

(3) Poor color. The presence of yellow buds due to flowering or small orange or yellowish-orange buds and/or any brownish, grayish, or yellowish casts that

seriously affect the color appearance of the broccoli unit.

(f) **Damage:** A spear or short spear on which the head is damaged by mechanical injury, other than "broken," to the extent that the appearance or eating quality is materially affected.

(g) **Defect:** Any specifically defined variation from a particular requirement. "Defects" are classified as "minor," "major," "severe," or "critical."

(h) **Detached fragments:** In the styles of spears and short spears a detached fragment is any small piece or detached portion other than loose leaves or portions thereof, which weigh 0.2 ounce or less.

(i) **Development:**

(1) **Well developed—**(i) *Spears and short spears.* (a) The spreading of the branching bud clusters which comprise the head of the unit does not materially affect the appearance of the unit; and (b) The broccoli is in the early stage of maturity such that the individual buds and the immediate stems supporting the individual buds form a compact bud cluster, as illustrated by USDA Photo-Guides for Evaluating Maturity and Development in Frozen Broccoli Nos. 1, 2, and 3.

(ii) *All styles.* The individual buds are all practically closed and are not more than slightly enlarged.

(2) **Reasonably well developed—**(i) *Spears and short spears.* (a) The spreading of the branching bud clusters which comprise the head of the unit does not seriously affect the appearance of the unit; and

(b) The broccoli is in the intermediate stage of maturity such that the individual buds and the immediate stems supporting the individual buds form a reasonably compact bud cluster, as illustrated by USDA Photo-Guides for Evaluating Maturity and Development in Frozen Broccoli Nos. 4, 5, 6, 7, and 8.

(ii) *All styles.* The individual buds are not more than moderately enlarged and practically none of the individual buds are in the flowered stage.

(3) **Poorly developed—**(i) *Spears and short spears.* (a) The branching bud clusters which comprise the head of the unit may be spread to the extent that the appearance of the unit is seriously affected; and

(b) The broccoli is in the advanced stage of maturity such that the individual buds and the immediate stems supporting the individual buds form a loosely structured bud cluster.

(ii) *All styles.* The individual buds are in the flowered stage or are more than moderately enlarged with or without reaching the flowered stage.

(j) **Deviant.** As applied to these standards, "deviant" means a sample unit which fails the requirements for one or more of the prerequisite quality factors specified in § 52.636 by not more than one grade below the intended grade.

(k) **Diameter.** The diameter of a spear

is the greatest dimension at approximate right angles to the longitudinal axis of the spear approximately 1 inch from the base end.

(l) **Extraneous vegetable material:**

(1) **Class 1.** Tender, green blades of grass or weeds or leaves which are harmless.

(2) **Class 2.** Coarse blades of grass or weeds or leaves which may or may not be tender or green and which are harmless.

(m) **Fiber.** Fiber that is developed near the outside portion of the broccoli stem that is tough and/or woody.

(n) **Flavor and odor:**

(1) **Good flavor and odor.** The product has a good characteristic flavor and odor and is free from objectionable flavors or objectionable odors of any kind.

(2) **Fairly good flavor and odor.** The product may be lacking in good flavor and odor but is free from objectionable flavors or objectionable odors of any kind.

(o) **Head material:** "Head material" in the styles of cuts and chopped consists of buds or bud clusters whether or not attached to a portion of a spear and includes the fine stem material to which buds or bud clusters are attached to the main stem.

(p) **Leaf material:** "Leaf material" in the styles of cuts, chopped, and pieces means any portion of a leaf whether or not attached to a portion of a spear.

(q) **Loose leaves or pieces of leaves:** Broccoli leaves or pieces of leaves in the styles of spears and short spears not attached to a unit.

(r) **Sample:** The number of sample units to be used for inspection.

(s) **Sample unit:** The amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container; or

(2) A portion of the contents of a container; or

(3) A combination of the entire or partial contents of two or more containers; or

(4) A portion of unpacked product.

(t) **Trim:**

(1) "Well trimmed" (spears; short spears only) means that the appearance of the unit is not materially affected by the presence of attached leaves or pieces of leaves and not more than slightly affected by ragged or partial removal of leaves or small side shoots, or by poor cutting of the stem, as illustrated by USDA Photo-Guides for Illustrating Trimming in Frozen Broccoli.

(2) "Reasonably well trimmed" (spears; short spears only) means that the appearance of the unit is not seriously affected by the presence of attached leaves or pieces of leaves and not materially affected by ragged or partial removal of leaves or small side shoots or by poor cutting of the stem as illustrated by USDA Photo-Guides for illustrating Trimming in Frozen Broccoli.

(3) "Poorly trimmed" (spears; short spears only) means that the appearance of the unit is seriously affected by the presence of attached leaves or pieces of leaves, by ragged or partial removal of leaves or small side shoots, or by poor cutting of the stem as illustrated by USDA Photo-Guides for Illustrating Trimming in Frozen Broccoli.

(u) **Unit:** Any individual portion of broccoli other than loose leaves or individual buds.

SAMPLE UNIT SIZES

§ 52.635 Sample unit sizes.

(a) For head material and leaf material.

(1) **Cuts—**10 ounces (283 grams) of product.

(2) **Chopped—**1¼ ounces (50 grams) of product.

(b) For style (other than head material and leaf material) and quality factors.

(1) **Spears; short spears—**50 units.

(2) **Cuts; chopped; pieces—**10 ounces (283 grams) of product.

Broken, crushed, or similarly damaged portions of units of product in the styles of spears and short spears are reassembled and included in the count as whole units. Head and leaf material in the styles of cuts and chopped, loose leaves or pieces in the styles of spears and short spears, and extraneous material in all product styles associated with the sample unit are part of the standard sample unit size. They are not included in the count of spears and short spears but are included in the weight of cut and chopped broccoli; "associated" means in the same container when the container is one of several used to compose the sample unit and all of the product in it is included in the standard sample unit size. When only a portion of the last one of several containers is included in the standard sample unit size, all of the pieces and extraneous material in the container are considered associated with the portion taken as a sample unit if such portion is 50 percent or more of the contents of the container. None of the pieces and extraneous material are taken if less than 50 percent of the contents is used as a sample unit. If all of a standard sample unit includes only a portion of the contents on one container, the "associated" material is that material in physical juxtaposition to the representative portion of product taken from the contents.

GRADES, FACTORS OF QUALITY, AND GRADE COMPLIANCE

§ 52.636 Grades.

(a) U.S. Grade A (or U.S. Fancy) is the quality of frozen broccoli that:

(1) Meets the following prerequisites (with deviants as specified in § 52.641 (a));

(i) Has similar varietal characteristics;

PROPOSED RULES

TABLE IV—Classification of Defects

(ii) Has a good flavor and odor;
(iii) Is practically free from grit or silt;

(iv) Has a good, bright, overall color appearance;

(v) With respect to the styles of cuts, chopped, and pieces; has individual buds that are at least reasonably well developed; and

(2) Meets requirements for the various quality factors in Table V, VI, or VII as applicable for the style.

(b) U.S. Grade B (or U.S. Extra Standard) is the quality of frozen broccoli that:

(1) Meets the following prerequisites (with deviants as specified in § 52.641 (a));

(i) Has similar varietal characteristics;

(ii) Has at least a fairly good flavor and odor;

(iii) Has no more than a trace of grit or silt;

(iv) Has at least a reasonably good overall color appearance which may be slightly dull;

(v) With respect to the styles of cuts, chopped, or pieces; may have poorly developed buds that do not materially affect the appearance of the product; and

(2) Meets requirements for the various quality factors in Table V, VI, or VII as applicable for the style.

(c) Substandard is the quality of frozen broccoli that fails to meet the requirements for U.S. Grade B.

§ 52.637 Factors of quality and grade compliance.

(a) The grade of a lot of frozen broccoli is based on compliance with the prerequisites specified in § 52.636 and with requirements for the following quality factors:

- (1) Color;
- (2) Uniformity of size;
- (3) Detached fragments;
- (4) Loose leaves or pieces of leaves;
- (5) Damaged; broken; blemished;
- (6) Trimming, with respect to the styles of spears and short spears;
- (7) Development;
- (8) Fiber; and
- (9) Harmless extraneous material.

Quality factor	Defect	Classification			
		Minor	Major	Severe	Critical
Color	Spears and short spears: Reasonably good (in grade A only).		X		
	Poor			X	
Uniformity of size	Spears: Length variation—greater than $\frac{3}{4}$ in.		X		
	Diameter variation—greater than $\frac{3}{4}$ in.	X			
	Short spears: Weight variation—largest unit is 4 times or more greater than smallest unit.	X			
Detached fragments	Spears and short spears: Each 1.0 oz. or fraction thereof in increments of at least 0.5 oz.		X		
Loose leaves and pieces of leaves	Spears and short spears: Each 0.5 oz. or fraction thereof in increments of at least 0.2 oz.	X			
Broken	Spears and short spears	X			
Damaged	Mechanical or other means	X			
Blemished	Units adversely affected:				
	More than slightly	X			
	Materially		X		
	Seriously			X	
Trim	Spears and short spears:				
	Reasonably well (in grade A only)	X			
	Poorly:				
	In grade A		X		
	In grade B	X			
Development	Spears and short spears:				
	Reasonably well (in grade A only)	X			
	Poorly		X		
Fiber	All styles:				
	Not woody		X		
	Woody			X	
Harmless extraneous material	Spears and short spears:				
	Class 1 (each piece)			X	
	Class 2 (each piece)				X
	Cuts, chopped, pieces:				
	Class 1—each 1 in. or fraction thereof			X	
	Class 2—each 1 in. or fraction thereof				X

TABLE V.—Grade compliance; spears; short spears

	Grade A				Grade B				
AQL.....	20.0	6.5	0.65	0.30	25.0	10.0	2.5	0.65	
Absolute limit (AL).....	20.0	9.0	3	2	24.0	12.0	5.0	3	
Number of sample units	Number of short spears	Total ¹	Major	Severe	Critical	Total ¹	Major	Severe	Critical
1	50	15	6	1	0	18	9	3	1
2	100	27	11	2	1	33	15	5	2
3	150	39	15	3	1	48	21	7	2
4	200	50	19	3	2	62	27	9	3
5	250	62	23	4	2	75	33	10	4
6	300	73	27	4	3	89	39	12	4
7	350	84	31	5	3	103	45	14	5
8	400	95	34	5	3	116	50	15	5
9	450	105	38	6	3	130	56	17	6
10	500	116	42	6	4	143	62	18	6
11	550	127	46	7	4	157	67	20	7
12	600	138	49	7	4	170	73	21	7
13	650	149	53	8	4	183	78	23	8
14	700	159	57	8	5	197	84	24	8
15	750	170	60	9	5	210	89	26	9
16	800	181	64	9	5	223	95	27	9
17	850	191	67	10	5	236	100	29	10
18	900	202	71	10	6	250	105	30	10
19	950	213	75	10	6	263	111	32	10
20	1,000	223	78	11	6	276	116	33	11
21	1,050	234	82	11	6	289	122	35	11

¹ Total equals minor plus major plus severe plus critical.

TABLE VI—Grade Compliance; Cuts; Pieces

		Grade A				Grade B			
AQL ²		8.5	2.0	0.65	0.30	20.0	4.5	1.0	0.65
Absolute limit (AL)		18.	5.	3	2	34.0	11.0	5.0	4
Number of sample units	Weight of product (ounces)	Total ¹	Major	Severe	Critical	Total ¹	Major	Severe	Critical
1	10	13	4	2	1	27	8	3	2
2	20	24	7	3	2	50	14	4	3
3	30	34	10	4	3	73	20	6	4
4	40	44	13	5	3	95	25	7	5
5	50	53	15	6	4	118	30	9	6
6	60	63	18	7	4	138	36	10	7
7	70	72	20	8	5	159	41	11	8
8	80	81	23	9	5	181	46	13	9
9	90	91	25	10	6	202	51	14	10
10	100	100	27	11	6	223	56	15	11
11	110	109	30	12	6	244	61	17	12
12	120	119	32	12	7	266	66	18	12
13	130	128	34	13	7	287	71	19	13
14	140	137	37	14	8	308	76	20	14
15	150	146	39	15	8	329	81	21	15
16	160	155	41	16	9	349	86	23	16
17	170	164	44	17	9	370	91	24	17
18	180	173	46	17	9	390	96	25	17
19	190	182	48	18	10	412	101	26	18
20	200	191	50	19	10	433	105	27	19
21	210	200	53	20	11	454	110	29	20

¹ Total equals minor plus major plus severe plus critical.

² Based on an estimated count of 6 per ounce of product exclusive of chaff.

TABLE VII—Grade compliance; chopped

AQL ¹ Absolute limit (AL)	Grade A				Grade B					
	5.0 12.0	1.5 6.0	0.65 4	0.30 2	10.0 20.0	3.0 9.0	1.0 5.0	0.65 4		
	Number of sample units	Weight of product	Total ¹	Major	Severe	Critical	Total ¹	Major	Severe	Critical
1	10	9	4	2	1	15	6	3	2	
2	20	15	6	3	2	27	10	4	3	
3	30	21	8	4	3	39	14	6	4	
4	40	27	10	5	3	50	18	7	5	
5	50	33	12	6	4	62	21	9	6	
6	60	39	14	7	4	73	25	10	7	
7	70	45	16	8	5	84	29	11	8	
8	80	50	18	9	5	95	32	13	9	
9	90	56	20	10	6	105	36	14	10	
10	100	62	21	11	6	116	39	15	11	
11	110	67	23	12	6	127	42	17	12	
12	120	73	25	12	7	138	46	18	12	
13	130	78	27	13	7	149	49	19	13	
14	140	84	29	14	8	159	53	20	14	
15	150	89	30	15	8	170	56	21	15	
16	160	95	32	16	9	181	59	23	16	
17	170	100	34	17	9	191	63	24	17	
18	180	105	36	17	9	202	66	25	17	
19	190	111	37	18	10	213	69	26	18	
20	200	116	39	19	10	223	73	27	19	
21	210	122	41	20	11	234	76	29	20	

¹ Total equals minor plus major plus severe plus critical.

² Based on an estimated count of 20 per ounce of product exclusive of chaff.

LOT COMPLIANCE

§ 52.638 Sample size.

(a) *Lot Inspection.* The sample size to determine compliance with requirements for style in the case of spears and short spears, and for prerequisites specified in § 52.636 and other quality factors, shall be as specified in the sampling plans in the "Regulations Governing Inspection of Processed Fruits and Vegetables and Related Products" (§ 52.1-52.83).

(b) *On-Line Inspection.* (1) *Normal production rate.* The sample size to determine compliance with requirements for spears and for prerequisites specified in § 52.636 and other quality factors, is based on a sampling frequency of one sample unit approximately every 45 minutes during production, but in no case shall be less than three sample units.

(2) *Slow production rate.* When the production rate is the equivalent of ap-

proximately 400 cases or less (up to one pound containers—24 per case) in a basic grading period, the sample size to determine compliance with requirements for style in the case of spears and short spears and for prerequisites specified in § 52.636 and other quality factors is based on a sampling frequency of one sample unit approximately every two hours during production, but in no case shall be less than three sample units.

(c) *Deviant.* The acceptance numbers for deviants specified in the sampling plans cited in paragraph (a) of this section applies only to the prerequisite factors specified for the grade in § 52.636. They do not apply to the quality factors covered by the sampling plans in § 52.637.

§ 52.639 Determining proportions of head material and leaf material.

(a) *Method.* The percent, by weight, of head material, loose leaves or portions

thereof in cut and chopped broccoli may be determined as follows:

(i) *Equipment needed.* (i) 250 ml beaker.

(ii) Gram scale, or other suitable scale graduated to 0.1 ounce.

(iii) Laboratory tweezers, scalpel, or other instrument suitable for separating the stem material, leaf material, and head material.

(iv) Flat grading tray.

(2) *Procedure.* (i) Thoroughly mix sample unit to be tested if sample unit is not the entire contents of the container.

(ii) Weigh approximately 50 grams (1.76 ounces) in the case of chopped product in a previously tared 250 ml beaker.

(iii) In the case of cut style weigh 283.5 grams (10 ounces) of product in a suitable previously tared container.

(iv) Spread the weighed product out on a flat grading tray.

(v) Separate the stem material from the head and leaf material; weigh the stem material, and record.

(vi) Separate the leaf material from the head material; weigh each separately and record.

(vii) The weight of the head material divided by the sum of the weights of the stem, head, and leaf materials multiplied by 100 is the percent, by weight, of head material.

(viii) The weight of leaf material divided by the sum of the weights of the stem, head, and leaf materials multiplied by 100 is the percent, by weight, of leaf material.

§ 52.640 Lot acceptance for style.

(a) *Spears; short spears.* A lot of frozen broccoli is considered as meeting the style requirements for spears or short spears, as applicable, if the defects permitted and the AL value specified in Table I are not exceeded.

(b) *Cuts; chopped.* (1) A lot of frozen broccoli is considered as meeting the style requirements for cuts or chopped for head material and leaf material; *Provided, That:*

(i) The average of all the sample units in the sample does not exceed 25 percent, by weight, of leaf material; and

(ii) The average of all the sample units in the sample is not less than 25 percent, by weight, of head material; and

(iii) No single sample unit contains less than 15 percent, by weight, of head material, or more than 25 percent, by weight, of leaf material.

(2) *Length.* The AL values and/or the cumulative acceptance numbers for the defects permitted, specified in Table II or III as applicable, are not exceeded.

§ 52.641 Lot acceptance for quality.

A lot of frozen broccoli is considered as meeting the requirements for quality if:

(a) The number of deviants for the prerequisites specified for the applicable grade in § 52.636 does not exceed the acceptance number specified in the sampling plans in the "Regulations Governing Inspection of Processed Fruits and

Vegetables and Related Products" (§§ 52.1-52.83); and

(b) The AL values and/or the cumulative acceptance numbers for the defects permitted for the applicable defects

classifications specified in Tables V, VI, and VII are not exceeded.

TALLY SHEET

§ 52.642 Tally sheet.

Defect tally for frozen broccoli

Number, size, and kind of container

Label

Container mark

Net weight

Sample unit No.

Prerequisite grade

Reason downgraded

Defect	Minor	Major	Severe	Critical	Minor	Major	Severe	Critical
Color								
Uniformity of size								
Detached fragments								
Leaves, loose and pieces								
Damage:								
Broken								
Blemished								
Mechanical & other								
Trimming:								
Reasonably well								
Poorly								
Development:								
Reasonably well								
Poorly								
Fiber								
Harmless extraneous material								
Total (each class)								
Cumulative total (each class)								
Total (all classes)								
Cumulative total (all classes)								
Style								
Total								
Cumulative total								

Dated: June 14, 1974.

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

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[7 CFR Part 980]

ONION IMPORTS

Proposed Establishment of Minimum Quality Requirements

This proposal would establish minimum quality requirements for imported onions.

Notice is hereby given of proposed grade, size, and maturity requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would be based on, and comply with, regulations to be made effective under the Federal marketing order for onions grown in certain designated counties in Idaho, and Malheur County, Oregon.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are filed

in quadruplicate with the Hearing Clerk, Room 112-A, United States Department of Agriculture, Washington, D.C. 20250, not later than July 11, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposal is as follows:

§ 980.113 Onion import regulation.

Except as otherwise provided herein, during the period beginning July 18, 1974, and continuing through April 30, 1975, no person may import onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Grade, size and maturity requirements.*—(1) *Yellow varieties.* U.S. No. 2, or better grade, 1½ inches minimum diameter.

(2) *White varieties.* U.S. No. 2, or better grade, 1 inch minimum diameter.

(3) *Yellow and white varieties.* At least "moderately cured."

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of Section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e (7 U.S.C. 608e-1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for in-

spection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points...	L. M. Danbo, P.O. Box 107, San Juan, Tex. 78589 (Phone 512-787-4081 or 6881).	1 day.
All Arizona points.	B. O. Morgan, P.O. Box 1014, Nogales, Ariz. 85621 (Phone 602-287-2002).	Do.
All California points.	D. F. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90021 (Phone 213-622-8766).	3 days.
All Hawaii points.	Stevenson Ching, P.O. Box 5425, Pawa Substation, 1428 South King St., Honolulu, Hawaii 96814 (Phone 808-941-3071).	1 day.
All Puerto Rico points.	Darrell G. McNeal, P.O. Box 10163, Santurce, P.R. 00908 (Phone 809-783-2230 or 4116).	2 days.
New York City...	Frank J. McNeal, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone 212-991-7669 or 7668).	1 day.
New Orleans.....	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone 504-527-6741 or 6742).	Do.
All Florida points.	Hubert S. Flynt, P.O. Box 20194, Orlando, Fla. 32814 (Phone 305-894-5111).	Do.
All other points....	D. S. Matheson, Fruit and Vegetable Division, AMS, Washington, D.C. 20250 (Phone 202-447-8870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

- The date and place of inspection;
- The name of the shipper, or applicant;
- The commodity inspected;
- The quantity of the commodity covered by the certificate;
- The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e-1.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. "Importation" means release from custody of the United States Bureau of Customs.

Dated: June 19, 1974.

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

[FR Doc.74-14521 Filed 6-24-74; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 124]

[CGD 73-253 P]

EXPLOSIVES OR CERTAIN SPECIFIED DANGEROUS CARGOES

Proposed Advance Notice of Arrival of Laden Vessels

The Coast Guard is considering amending the list of dangerous cargoes involving particular hazards.

Section 124.14(b)(1) lists those dangerous cargoes which are considered to involve particular hazards when transported on vessels or handled on waterfront facilities in bulk quantities. Newly developed chemicals and increased knowledge of the characteristics of previously existing chemicals indicate a need for revising the present list of cargoes of particular hazard.

Interested persons may participate in this proposed rulemaking by submitting written data, views or arguments to the Coast Guard (G-CMC/82) Washington, DC 20590. Each person submitting comments should identify the notice number (CGD 73-253 P), any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commenter. All comments received by August 8, 1974, will be fully considered and evaluated before final action is taken on this proposal.

Copies of all written communications received will be available for examination by interested persons in Room 7315, 400 Seventh Street SW., Washington, D.C. The proposal may be changed in light of the comments received.

In consideration of the foregoing, it is proposed to amend Part 124 of Title 33 of the Code of Federal Regulations by revising § 124.14(b)(1) to read as follows:

§ 124.14 Advance notice of arrival of vessel laden with explosives or certain specified dangerous cargoes.

(b)(1) A dangerous cargo considered to involve a particular hazard, when transported in bulk quantities on board vessels, or when handled in bulk quantities on waterfront facilities, is any commodity which by virtue of its properties would create an unusual hazard if released. The commodities subject to this section are:

Acetaldehyde
Acetone Cyanohydrin
Acrolein
Acrylonitrile
Allyl chloride
Ammonia, anhydrous
Butadiene
Butane
Butene
Butylene Oxide
Carbon Disulfide
Chlorine
Chlorosulfonic Acid
Dimethylamine
Epichlorohydrin
Ethane
Ethylene
Ethylene Oxide
Ethylamine
Ethyl Ether
Hydrofluoric Acid, aqueous (70 percent)
Hydrogen Chloride, anhydrous
Hydrogen Fluoride, anhydrous
Methane
Methyl Acetylene, Propadiene Mixture, stabilized
Methyl Bromide
Methyl Chloride
Motor Fuel Antiknock Compounds containing Lead Alkyls
Oleum
Phosphorus, elemental
Propane
Propylene
Propylene Oxide
Sulfur Dioxide
Toluene Diisocyanate
Vinyl Chloride

(5 U.S.C. 191, 49 USC 1655 (b); E.O. 10173, 10277, 10352; 49 CFR 1.46(b))

Dated: June 11, 1974.

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

[FR Doc.74-14487 Filed 6-24-74; 8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-NW-12]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Astoria, Oregon, Control Zone.

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 Chief, Operations Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received on or before July 25, 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, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

A review of the Astoria, Oregon, Control Zone airspace disclosed that additional controlled airspace is needed to contain the Clatsop County Airport VOR Rwy 13 Instrument Approach Procedure.

In consideration of the foregoing, the FAA proposes to amend Part 71 of the Federal Aviation Regulations as follows:

In § 71.171 (39 FR 354) the description of the Astoria, Oregon, Control Zone would be amended to read:

ASTORIA, OREG.

Within a 5-mile radius of Clatsop County Airport, Astoria, Ore. (Latitude 46°09'25" N., Longitude 123°52'38" W.), within 2 miles each side of the Astoria VOR 268° radial, extending from the 5-mile radius zone to 8 miles W of the VOR, and within 4.5 miles each side of the Astoria VOR 309° radial, extending from the 5-mile radius zone to 16 miles NW of the VOR.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Wash., on June 13, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.74-14450 Filed 6-24-74; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-WE-16]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Victorville, California control zone.

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 Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261. All communications received on or before July 25, 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, 15000 S. Aviation Boulevard, Lawndale, California 90261.

The Department of the Air Force has revised two instrument approach procedures for George AFB (TACAN RWY 16—HI-TACAN RWY 16). A small control zone extension is required to provide controlled airspace for aircraft executing the prescribed procedures while operating below 1,000 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (39 FR 354), the description of the Victorville, Calif. control zone as amended by (39 FR 18424) is further amended to read as follows:

VICTORVILLE, CALIF.

Within a 5-mile radius of George AFB, Victorville, Calif. (latitude 34°35'45" N., longitude 117°22'55" W.), and within 2 miles each side of the 005° radial of the George TACAN (latitude 34°35'40" N., longitude 117°23'20" W.) extending from the 5-mile radius zone to 9 miles north of the TACAN. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif. on June 13, 1974.

JAMES V. NIELSEN,
Acting Director, Western Region.

[FR Doc.74-14449 Filed 6-24-74; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-GL-10]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations so as to alter the transition area at Madison, Wisconsin.

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, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 25, 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, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new public instrument approach procedure has been developed for the Morey Airport, Middleton, Wisconsin. Accordingly, it is necessary to alter the Madison, Wisconsin transition area to adequately protect the aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

MADISON, WISCONSIN

Add "and within a seven mile radius of the Morey Airport (latitude 43°07'00" N., longitude 89°32'00" W.). 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 sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on May 31, 1974.

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

[FR Doc.74-14451 Filed 6-24-74; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-60]

TRANSITION AREA

Proposed Designation

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

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636,

Atlanta, Ga. 30320. All communications received on or before July 25, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

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

The Perry transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Perry-Foley Airport (Lat. 30°04'09" N., Long. 83°34'43" W.).

The proposed designation is required to provide controlled airspace protection for IFR operations at Perry-Foley Airport. A prescribed instrument approach to this airport, utilizing the Foley (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in East Point, Ga., on June 13, 1974.

DUANE W. FREER,

Acting Director, Southern Region.

[FR Doc.74-14452 Filed 6-24-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 120]

COLORADO RIVER SYSTEM

Salinity Control Policy and Standards

Procedures

Correction

In FR Doc. 74-13683 appearing at page 20703 in the issue of Thursday, June 13, 1974, insert the following after the second line of § 120.5(d): "ministrator established procedures for".

[40 CFR Part 227]

OCEAN DUMPING

Proposed Designation of Site

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972 (Pub. L. 92-532) gives the Administrator of the Environmental Protection Agency the authority to designate sites where ocean dumping may be permitted. The EPA ocean dumping regulations (40 CFR Ch. I, Subchapter H, § 220.4(d)) state that ocean dumping sites will be designated by publication in this part.

The Regional Administrator of EPA Region VI has recommended the designation of a new site in the Gulf of Mexico for the disposal of wastes from the DuPont plant at Belle, West Virginia. A baseline survey of the site will be conducted prior to using it for ocean waste disposal, and a monitoring program of the impact of the wastes on the site will be initiated as soon as dumping begins.

The area proposed is in the southeastern part of the Gulf of Mexico approximately 200 statute miles from the nearest land in water approximately 1,600 fathoms deep. On June 7, 1974 (39 FR 20206) EPA published an interim dump site regulation designating the site for use effective immediately. That interim regulation is being withdrawn and the site in question is being published as proposed rulemaking.

The site is proposed for interim use until an environmental impact statement is prepared and the site is formally approved for continuing use or withdrawn from use. Management authority for the site will be delegated to the Regional Administrator of Region VI, providing however, that the site may not be used for the disposal of wastes other than those from the DuPont plant at Belle, West Virginia, without the prior approval of the Deputy Assistant Administrator for Water Program Operations.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency, WH-448, Room 731E, Waterside Mall, 401 M Street SW., Washington, D.C. 20460, Attention: Chief, Marine Protection Branch.

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 SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before July 25, 1974 will be considered.

Dated: June 21, 1974.

JOHN QUARLES,
Acting Administrator.

Part 227, Ocean Dumping, Subchapter H, Chapter I of Title 40 CFR is (1) Amended by withdrawing from the list of approved interim ocean dumping sites (38 FR 12875-77; 39 FR 20206) the area bounded by the following coordinates:

26 degrees, 50 minutes North latitude
27 degrees, 10 minutes North latitude
86 degrees, 50 minutes West longitude
87 degrees, 10 minutes West longitude

(hereinafter the "Southeast Gulf Dump Site"); and

(2) Proposed to be amended by designation of the Southeast Gulf Dump Site.

[FR Doc.74-14656 Filed 6-24-74;10:05 am]

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On or before July 25, 1974, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008 Federal Building, 300 Booth Street, Reno, Nevada 89502.

The Department's regulations (43 CFR 2351.4(c)), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

- T. 43 N., R. 52 E.,
Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 12, N $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 44 N., R. 52 E.,
Sec. 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$;
Sec. 20, all;
Sec. 30, E $\frac{1}{2}$;
Sec. 31, NE $\frac{1}{4}$.
T. 41 N., R. 54 E.,
Sec. 17, W $\frac{1}{2}$ W $\frac{1}{2}$.
T. 43 N., R. 54 E.,
Sec. 33, N $\frac{1}{2}$ S $\frac{1}{2}$.
T. 28 N., R. 56 E., partially unsurveyed,
Sec. 13, E $\frac{1}{2}$;
Sec. 24, E $\frac{1}{2}$;
Sec. 26, SE $\frac{1}{4}$;
Sec. 35, E $\frac{1}{2}$.
T. 25 N., R. 57 E.,
Sec. 3, lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 10, all.
T. 26 N., R. 57 E., partially unsurveyed,
Sec. 15, SE $\frac{1}{4}$;
Sec. 22, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 34, W $\frac{1}{2}$.
T. 27 N., R. 57 E., partially unsurveyed,
Sec. 12, E $\frac{1}{2}$;
Sec. 13, E $\frac{1}{2}$;
Sec. 24, NE $\frac{1}{4}$;
Sec. 25, lots 1, 3, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 36, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

- T. 31 N., R. 57 E.,
Sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$.
T. 28 N., R. 58 E., partially unsurveyed,
Sec. 4, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 5, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$;
Sec. 9, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 17, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 20, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 29, W $\frac{1}{2}$;
Sec. 30, SE $\frac{1}{4}$;
Sec. 31, NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 32, W $\frac{1}{2}$.
T. 29 N., R. 58 E., partially unsurveyed,
Sec. 3, NE $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 10, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 16, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 21, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$;
Sec. 28, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 29, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 32, W $\frac{1}{2}$ E $\frac{1}{2}$.
T. 30 N., R. 58 E.,
Sec. 13, SE $\frac{1}{4}$;
Sec. 24, lots 1, 2, 3, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$
SE $\frac{1}{4}$;
Sec. 25, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 26, lots 1, 2, 3, 4, 5, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, lots 2, 3, 4, 5, 7, 8, W $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 30 N., R. 59 E., partially unsurveyed,
Sec. 7, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, lot 4, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 19, lots 1, 2, 3, E $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 31 N., R. 59 E.,
Sec. 32, lots 2, 3, 4, 5, 7, 8.
T. 36 N., R. 61 E.,
Sec. 2, lots 1, 2, 7, 8, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Aggregating approximately 13,900 acres of which 298.51 acres are privately owned.

WILLIAM J. MALENCIK,
Chief,

Division of Technical Services.

[FR Doc.74-14466 Filed 6-24-74; 8:45 am]

[OR 12170 (Wash.)]

WASHINGTON

Proposed Withdrawal and Reservation of Lands

JUNE 14, 1974.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 12170 (Wash.), for withdrawal of the national forest lands described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public recreation areas and sites.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than July 20, 1974, to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2965 (729 NE Oregon St.), Portland, Oregon 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources.

He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

PROTRACTED DESCRIPTION; GIFFORD PINCHOT NATIONAL FOREST

Big Creek Falls Management Unit

- T. 7 N., R. 7 E., W.M.,
Sec. 14, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$.

Curley Creek Campground

- T. 7 N., R. 7 E.,
Sec. 29, SE $\frac{1}{4}$.

Lewis River Management Unit

- T. 8 N., R. 7 E.,
Sec. 24, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 25, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$
SW $\frac{1}{4}$.
T. 8 N., R. 7 $\frac{1}{2}$ E.,
Sec. 13, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 24, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ N $\frac{1}{2}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 25, W $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 8 N., R. 8 E.,
Sec. 18, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 19, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Midway Management Unit

- T. 9 N., R. 9 E.,
Sec. 12, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 13, E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 9 N., R. 10 E.,
Sec. 3, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 5, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$;
Sec. 6, NE $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 7, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$;
Sec. 18, W $\frac{1}{2}$ W $\frac{1}{2}$.
T. 10 N., R. 10 E.,
Sec. 33, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 34, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$.

The areas described aggregate approximately 4,920 acres in Skamania County, Washington.

VIRGIL O. SEISER,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-14492 Filed 6-24-74; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Systems Technical Advisory Committee of the U.S. Department of Commerce will meet July 9, 1974, at 9:30 a.m. in Room 4833 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Report on the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee.
4. Discussion of technology content and interchange panel.
5. Report on the work program.
6. Executive Session:
 - a. Continuation of report on the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee.
 - b. Continuation of discussion of technology content and interchange panel.
 - c. Discussion of, and preparation of work papers on, the work program:
 - (1) Foreign availability.
 - (2) Performance characteristics.
 - (3) Safeguards.

The public will be permitted to attend the discussion of agenda items 1-5, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (6), "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined, pursuant to section 10(d) of Pub. L. 92-463, that this agenda item should be exempt from the provision of section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202-967-4196).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the

meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: June 21, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.74-15648 Filed 6-24-74;8:45 am]

Office of the Secretary

ACTIVITIES OF ADVISORY COMMITTEES

Public Availability of Reports on Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II 1972) and OMB Circular A-63 of March 27, 1974, those advisory committees of the Department of Commerce which held closed or partially closed meetings in 1973 have prepared reports on the activities of these meetings. Copies of the reports have been filed and are available for public inspection at two locations:

Library of Congress, Microform Reading Room
Room MB-140B, Main Building
10 First Street, SE.
Washington, D.C.
Department of Commerce
Central Reference and Records Inspection Facility
Room 7043, Main Commerce Building
14th Street and Constitution Ave., NW.
Washington, D.C.

The names of the subject committees are listed below.

Advisory Board to the U.S. Merchant Marine Academy
Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee
Computer Related Test Equipment Subgroup, and
Memory Equipment Subgroup of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee
Computer Systems Technical Advisory Committee
Performance Characteristics and Performance Measurements Subgroup, and
Safeguard Subgroup of the Computer Systems Technical Advisory Committee
Marine Fisheries Advisory Committee
National Advisory Committee on Oceans and Atmosphere
Numerically Controlled Machine Tool Technical Advisory Committee
Sea Grant Advisory Panel
Semiconductor Manufacturing and Test Equipment Technical Advisory Committee
Semiconductor Technical Advisory Committee
Telecommunications Equipment Technical Advisory Committee
PCM Transmission Equipment Subgroup, and
Processors for Electronic Switching Subgroup of the Telecommunications

Equipment Technical Advisory Committee
Travel Advisory Board

HENRY B. TURNER,
Assistant Secretary
for Administration.

JUNE 5, 1974.

[FR Doc.74-14444 Filed 6-24-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute for Occupational Safety and Health

GAS DETECTOR TUBE UNITS

Applications for Certification

In the FEDERAL REGISTER of May 8, 1973 (38 FR 11458), the Department adopted regulations which set forth the requirements and procedures for the evaluation and certification of gas detector tube units (42 CFR Part 84). In accordance with § 84.3(a) of the regulations, notice is hereby given that the National Institute for Occupational Safety and Health will accept applications for certification of gas detector tube units pursuant to the following schedule:

Gas	Dates for submittal	Test standard
1. Mercury (Hg).	July 1 to July 30, 1974.....	0.05 mg/m ³ .
2. Nitric Oxide (NO).	Sept. 1 to Sept. 30, 1974.....	25 ppm.
3. Phosgene (COCl ₂).	Aug. 1 to Aug. 31, 1974.....	.1 ppm.

All applications and any questions concerning the certification program should be submitted to the Institute's Testing and Certification Laboratory, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

Dated: June 19, 1974.

JACK BUTLER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.74-14472 Filed 6-24-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

CHEVROLET AND BUICK CARBURETORS

Public Proceeding Regarding Defect Investigation

On June 5, 1974 (39 FR 19975), the NHTSA published notice of a public proceeding regarding the above captioned matter, to be held on July 9, 1974. Interested persons were invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Nancy Martus, Office of Defects Investigation, National Highway Traffic Safety

Administration, Washington, D.C. 20590, Tel. (202) 426-2850, before the close of business on July 5, 1974.

(Sec. 113, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1402), delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on June 19, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74-14510 Filed 6-24-74;8:45 am]

ATOMIC ENERGY COMMISSION ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

JUNE 20, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on July 11-13, 1974, in Room 1046, 1717 H Street, NW., Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

THURSDAY, JULY 11, 1974

11 a.m.-12 a.m.—Presentation by M. Levenson—Electric Power Research Institute (EPRI). To hear presentation and hold discussions regarding EPRI reactor safety research program.

1 p.m.-3:30 p.m.—Babcock and Wilcox Company Water Cooled Power Reactors Using the B&W 17x17 Fuel Element. The Committee will review the proposed design of the B&W Nuclear Steam Supply System (Belefonte Nuclear Plant, Surry Power Station Units 3 & 4 and the Greenwood Energy Center Units 2 & 3) that will make use of the B&W 17x17 fuel element. This will include presentations by and discussions with representatives of the AEC Regulatory Staff and the Babcock and Wilcox Company. This session will include closed portions, if required, to discuss proprietary information related to the design, fabrication, or operation of the plant, its systems, or components. Closed portions will also be held, if required, for Committee deliberative sessions.

The Committee will review the application 3:30 p.m.-5 p.m.—Belefonte Nuclear Plant, for a Construction Permit for this facility. This will include presentations by and discussions with representatives of the AEC Regulatory Staff and the Tennessee Valley Authority. This will include closed portions if required to discuss security plans for this facility; to discuss the design, construction, and operation of the plant, its systems, or components; and for Committee deliberative sessions.

5 p.m.-6:30 p.m.—Surry Power Station Units 3 and 4. The Committee will review the application for a Construction Permit for this facility. This will include presentations by and discussions with representatives of the AEC Regulatory Staff and the Virginia Electric Power Company. This will include closed portions, if required to discuss security plans for this facility; to discuss the design, construction, and operation of the plant, its systems, or components; and for Committee deliberative sessions.

FRIDAY, JULY 12, 1974

9:30 a.m.-11 a.m.—Meeting with representatives of the AEC Regulatory Staff to hear

presentations and discuss matters relating to reactor operating experience and current licensing activity, including the following: Quad Cities Station Unit 2—Feedwater Valve Failure

Bolting Deficiencies in Nuclear Facilities 11 a.m.-12:30 p.m.—Pilgrim Nuclear Power Station. The Committee will consider the results of reactor pressure vessel inspection at this facility. This will include presentations by and discussions with representatives of the AEC Regulatory Staff and the Boston Edison Company. This will include closed portions, if necessary, to discuss proprietary information related to the design, construction and operation of the reactor pressure vessel.

It should be noted that, in addition to the closed portions of the agenda items noted above, the Committee will hold other sessions not open to the public under the authority of section 10(d) of Pub. L. 92-463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined in accordance with subsection 10(d) of Pub. L. 92-463 that it is necessary to close such portions of the meeting to protect proprietary data (5 U.S.C. 552(b)(4)), and to protect the free interchange of internal views to avoid undue interference with agency or Committee operation (5 U.S.C. 552 (b)(5)). Any non-exempt material that may be discussed during the closed portions of the meeting will be inextricably intertwined with discussion of exempt material and no further separation is practical. Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than July 3, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and as follows:

Belefonte Nuclear Plant, Units 1 and 2
Scottsboro Public Library
1002 South Broad Street
Scottsboro, Alabama 35768
Surry Power Station, Units 3 and 4
Swem College
College of William and Mary
Williamsburg, Virginia 23185
Greenwood, Units 2 and 3
St. Clair County Library
210 McMorran Boulevard
Port Huron, Michigan 48060

Pilgrim Nuclear Power Station
Plymouth Public Library
North Street
Plymouth, Massachusetts 02360

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been canceled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 10, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m. eastern daylight saving time.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) Persons desiring to attend portions of the meeting where proprietary information is being discussed may do so by providing to the Executive Secretary 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., on or after September 11, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.74-14489 Filed 6-24-74;8:45 am]

REGULATORY GUIDES

Issuance and Availability

The Atomic Energy Commission has issued two revised guides in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The revised guides are in Division 1, "Power Reactor Guides." Regulatory Guide 1.3 (Revision 2), "Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss-of-Coolant Accident for Boiling Water Reactors," and Regulatory Guide 1.4 (Revision 2), "Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss-of-Coolant Accident for Pressurized Water Reactors," are revisions of Regulatory Guides 1.3 and 1.4 respectively. The guides were revised to indicate the acceptable procedure of using 150 rem thyroid and 20 rem whole body dose during the construction permit stage review.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in any published guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

- Tornado Design Classification
- Availability of Electric Power Sources
- Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors
- Shared Emergency and Shutdown Power Systems at Multi-Unit Sites
- Isolation of Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary
- Requirements for Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records
- Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake

- Fire Protection Criteria for Nuclear Power Plants
- Protective Coatings for Light Water Nuclear Reactor Containment Facilities
- Inservice Surveillance of Grouted Prestressing Tendons
- Seismic Input Motion to Uncoupled Structural Model
- Primary Reactor Containment (Concrete) Design and Analysis
- Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems
- Quality Assurance Requirements for Installation, Inspection and Testing of Structural Concrete and Structural Steel
- Fracture Toughness Requirements for Vessels Under Overstress Conditions
- Material Limitations for Component Supports
- Protection Against Postulated Events and Accidents Outside of Containment
- Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants
- Assumptions Used for Evaluating the Potential Radiological Consequences of a Gas Holdup Tank Failure in a Boiling Water Reactor
- Quality Assurance Requirements for Procurement of Equipment, Materials, and Services
- Quality Assurance Requirements for Lifting Equipment
- Maintenance and Testing of Batteries
- Qualification of Class I Electrical Equipment
- Type Tests for Class IE Cables, Connections, and Field Splices for Nuclear Power Plants
- Seismic Qualification of Class I Electric Equipment
- Fracture Toughness Requirements for Materials for Class 2 and 3 Components
- Maintenance of Water Purity in PWR Secondary Systems
- Main Steam Line Sealing System Design
- Guidelines for Boiling Water Reactors
- Criteria for Heat-up and Cool-down Procedures
- Effects of Residual Elements on Predicted Radiation Damage
- Inservice Inspection and Testing of Steam Generators Tubing
- Component Design Criteria for Elevated Temperature Reactors
- Preoperational Testing of Emergency Core Cooling Systems for Pressurized Water Reactors
- Fuel Oil Supplies for Standby Diesel-Generators
- Assumptions Used for Evaluating the Habitability of a Nuclear Power Plant Control Room During a Postulated Toxic Chemical Release
- Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident
- Code Case Acceptability for ASME Section III Materials
- Sumps for Emergency Core Cooling and Containment Spray Systems
- Surveillance and Examination and Testing of Irradiated Fuel Rods
- Elevated Temperature Inservice Surveillance Tests for HTGR Plants
- Design Load Combinations for Component Supports
- Termination of Nuclear Reactor Operating Licenses
- Preoperational Testing of Instrument Air Systems
- Requirements for Containment Isolation
- Probable Maximum Storm Surge Flooding on Lakes and Sea Shores
- Requirements for Concrete Reactor Vessels and Containments (ASME Section III Division 2)
- Instrument Span and Trip Setting
- Failed Fuel Detection System for Nuclear

- Power Plants
- Code Case Acceptability—ASME Section III Design and Fabrication
- Code Case Acceptability—ASME Section III Nonmetallic Materials
- Design, Qualification Test and Installation Requirements for Class 2 and 3 Safety-Related Pumps
- Seismic Response Combination of Modes and Spatial Components Analysis of Seismic Recorded Data
- Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release
- Self-Operated and Power Operated Safety-Related Valves Functional Specification
- Nuclear Power Plant Environmental Characteristics for Designated Sites
- Evaluation of Explosions Postulated to Occur on Transportation Routes Near Nuclear Power Plant Sites

(5 U.S.C. 522(a))

Dated at Rockville, Md., this 17th day of June, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-14469 Filed 6-24-74;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Modification of License

I. Vermont Yankee Nuclear Power Corporation, Turnpike Road, Route 9, Westboro, Massachusetts 01581 (the licensee) is the holder of License No. DPR-28, which authorizes full-power operation (1593 Mwt) of the Vermont Yankee Nuclear Power Station (the facility) located on the Connecticut River near Vernon, Vermont. The operating license was amended on October 12, 1972, to authorize full-power operation.¹

II. Section 3.7.A of the Technical Specifications, which are a part of License No. DPR-28, provides for the operation of Vermont Yankee in an inerted mode, i.e., the containment atmosphere during power operation is inerted with

¹ On April 16, 1974, the Commission's Atomic Safety and Licensing Appeal Board issued a "Memorandum and Order" (ALAB-194), as a result of its review of the Atomic Safety and Licensing Board's Initial Decision dated February 27, 1973 (RAL-73-2) on the issue of inerting the facility containment atmosphere with nitrogen to protect against possible consequences of post-accident hydrogen combustion. This Memorandum and Order directed that the record be reopened for further consideration of the inerting question. In addition, the Order required that pending the outcome of further proceedings, the containment atmosphere should be deinerted unless staff was able to make a showing that there was justification for a stay from the deinerting requirement. On April 30, 1974, in response to the Memorandum and Order, staff submitted a brief with accompanying affidavits showing why the Board's Order with respect to deinerting should be stayed. On May 2, 1974, the Board issued another Memorandum and Order which, among other things, granted the stay for such time after May 17, 1974, as the Board may require to issue its decision on the request for a longer stay. The stay is still in effect.

nitrogen gas. Subsection 3.7.A.7.a permits a limited exception to the inerting requirement. Specifically it states that:

*After completion of the startup test program and demonstration of plant electrical output, the primary containment atmosphere shall be reduced to less than 4 percent oxygen with nitrogen gas during reactor power operation with reactor coolant pressure above 90 psig * * * [emphasis added]*

The Regulatory staff (staff) has reviewed the basis for the above-quoted limited exception in the Technical Specifications from the requirement to operate Vermont Yankee in an inerted mode, and the staff has concluded that the protection of the health and safety of the public requires that further power operation of Vermont Yankee be permitted only with an inert containment atmosphere. The bases for this conclusion are set forth in the staff's safety evaluation in support of this Order entitled, "Safety Evaluation by the Directorate of Licensing Supporting Amendment No. 7 to License No. DPR-28," dated June 19, 1974. Said safety evaluation is hereby incorporated by reference and made a part of this Order.

The Commission's Advisory Committee on Reactor Safeguards (ACRS) has reviewed the general question of whether the Vermont Yankee Nuclear Power Station operating license should be amended to permit operation without inerting of the containment. The ACRS stated in its June 12, 1974, report to Dr. Ray that "at this time, the Committee believes that there is insufficient new information to warrant relaxation of its earlier recommendation that inerting be employed."

Although this order becomes effective immediately upon issuance, the licensee has indicated that it does not have an adequate supply of nitrogen at the site to inert the containment atmosphere. The procurement of the necessary nitrogen by the licensee will take some time, and, therefore, the licensee will be allowed twenty (20) days to complete the inerting operation.

III. In view of the foregoing, the Director of Regulation finds that an amendment to the Technical Specifications of Facility License No. DPR-28 by issuing Amendment No. 7 to the license incorporating Change No. 18 is required, and that the public health, safety and interest require that the amendment be immediately effective upon issuance.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Commission's rules and regulations of 10 CFR Parts 2 and 50, and the license: it is ordered, That: A. The Technical Specifications of Facility License No. DPR-28 are amended by issuing Amendment No. 7 to the license incorporating Change No. 18 which revises subsection 3.7.A.7.a of Limiting Conditions for Operation to read as follows:

a. The primary containment atmosphere shall be reduced to less than 4 percent oxygen with nitrogen gas during reactor power operation with reactor coolant pressure above 90 psig, except as specified in Specification 3.7.A.7.b.

B. This order shall become immediately effective upon issuance.

C. The company will be allowed twenty (20) days from the date of issuance of this order to complete the inerting operation.

D. Within twenty (20) days of the date of issuance of this order, the licensee may file a request for a hearing with respect to this order. Within the same twenty (20) day period, any other person whose interest may be affected may file a request for a hearing with respect to this order. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order. A request for a hearing must be filed with the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. A copy of the request for a hearing should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details with respect to this order, see (1) Facility Operating License No. DPR-28, as amended, and the Technical Specifications § 3.7 of the Limiting Conditions of Operation contained in Appendix A thereto, (2) the change (No. 18) to the Technical Specifications as incorporated by Amendment No. 7 to the license, (3) the concurrently issued Safety Evaluation by the Regulatory staff, and (4) the report of the Advisory Committee on Reactor Safeguards dated June 12, 1974.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Brooks Memorial Library at 224 Main Street, Brattleboro, Vermont 05301.

A single copy of each of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Md., this 19th day of June 1974.

For the Atomic Energy Commission.

JOHN F. O'LEARY,
Director of Licensing.

[FR Doc. 74-14467 Filed 6-21-74; 8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE FAST FLUX TEST FACILITY

Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Fast Flux Test Facility (FFTF) Subcommittee will hold a meeting on July 19, 1974 in the auditorium of the Federal Building at 125 Jadwin Avenue, Richland, Washington, for the purpose of obtaining information to aid the continuing ACRS review of the project.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, July 19, 1974, 8:30 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the AEC Regulatory Staff and the AEC Division of Reactor Research and Development and its contractors and will hold discussions with these participants regarding matters pertinent to the current status of the FFTF project and related research, development and analytical programs and plans and schedules for future work required to accomplish the objectives of the Commission for the construction and operation of this facility.

In connection with the above agenda item, the Subcommittee may hold Executive Sessions, not open to the public, at 8 a.m. on July 19 and at the end of the day to consider matters relating to the above project. These sessions will involve discussion of preliminary views and will consist of an exchange of opinions and recommendations of Subcommittee members and consultants and internal deliberations for the purpose of formulating recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Subcommittee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply.

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than July 12, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents related to the Fast Flux Test Facility on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make an oral statement concerning the written statement. Such

requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period or no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 9:30 a.m. and 12 noon on July 19, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 18, 1974, to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., E.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 22, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after September 19, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory,
Committee Management Officer.

[FR Doc.74-14660 Filed 6-24-74;10:24 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Hearing

On June 19, 1974, the Director of Licensing issued an "Order for Modification of License" which would modify Subsection 3.7.A.7.a of the Technical

Specifications of Facility License No. DPR-28. (See 39 FR 22972, June 25, 1974.) That order is directly related to the subject matter of this proceeding.

Notice is hereby given that the Atomic Safety and Licensing Appeal Board, pursuant to 10 CFR 2.717(b), will hold a hearing to consider, inter alia, whether the subject order should be modified for the purposes of this proceeding. The hearing will commence at 9:30 a.m., on July 1, 1974, in the Appeal Panel hearing room, fifth floor, East West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the
Appeal Board.

JUNE 21, 1974.

[FR Doc.74-14659 Filed 6-24-74;10:34 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23080-2; Order 74-6-95]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of June 1974.

By Order 73-12-70, dated December 19, 1973, the Board, in Phase 1 of this proceeding (Docket 23080-1), established final domestic service mail rates for certain routes served by 28 air taxi operators and commuter air carriers and Pacific Southwest Airlines, Inc., for the period December 12, 1970, through March 27, 1973, and terminated the investigation in Docket 23080-1. This leaves the domestic service mail rates for the air taxi/commuter operators and Pacific Southwest Airlines, Inc., open for the period on and after March 28, 1973.

By Order 74-1-89, dated January 16, 1974, the Board, in Phase 2 of this proceeding (Docket 23080-2), established temporary domestic service mail rates for the certificated air carrier parties to this investigation for sack mail and for standard and daylight container mail, container minimum charge weights, and pickup and delivery rates, effective on and after March 28, 1973. By this order the Board proposes to establish temporary domestic service mail rates for the air taxi/commuter operators and Pacific Southwest Airlines, Inc., for the same period. After the formal proceeding in this docket is completed, pursuant to section 298.21(f) of the Board's Economic regulations (14 CFR 298.21(f)), any adjustment of the final service mail rates established in this proceeding or any new rates for air taxi/commuter operators will be established by contract between the operators and the Postal Service under the Postal Reorganization Act, and particularly sections 5402(b) and 5402(c) thereof.

On the basis of the foregoing, the Board proposes to issue an order adopting the following findings and conclusions:

1. On and after March 28, 1973, the fair and reasonable temporary rates of compensation to be paid by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, to Air East, Inc., Air Indies Corporation, Air Midwest, Inc., Air North, Inc., Air South, Inc., Air Wisconsin, Inc., Apache Airlines, Inc., Cascade Airways, Inc., Commuter Airlines, Inc., Crown Airways, Inc., Executive Airlines, Inc., Fischer Bros. Aviation, Inc., Florida Air Taxi, Georgia Air, Inc., Henson Aviation, Inc., Hub Airlines, Inc., Imperial Airways, Inc., Mississippi Valley Airways, Inc., Northern Airlines, Inc., Pacific Southwest Airlines, Inc., Pilgrim Aviation and Airlines, Inc., Pocono Air Lines, Inc., Puerto Rico International Airlines, Inc., Shawnee Airlines, Inc., Southeast Airlines, Inc., Trans Central Airlines, Travel-Air Aviation, Inc., Verco Air Service, Inc., and Wright Air Lines, Inc., over their routes specified in Orders 70-4-98, 70-8-43, 70-9-161, 71-3-65, 70-10-111, 70-5-16, 69-7-73, 69-8-121, 70-5-73, 69-12-18, 70-10-25, 71-8-25, 70-6-107, 71-3-35, 71-7-180, 70-1-21, 69-3-72, 69-7-72, 69-10-42, 70-1-71, 70-2-117, 70-4-145, 71-2-66, 69-7-3, E-26998, 69-8-96, E-26189, 69-6-16, 70-7-43, 71-2-73, 70-3-146, 70-7-45, 70-11-1, 69-6-131, 70-4-143, 69-11-26, 71-4-105, 68-9-21, 70-10-2, 69-6-41, E-26701, 69-6-139, 69-9-121, 68-10-11, and 71-6-14, and subject to the conditions in those orders, orders, are the rates established by Order 74-1-89, dated January 16, 1974.

2. The temporary service mail rates established herein shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment to March 28, 1973, as may be required by the order establishing final service mail rates in Docket 23080-2.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons, and particularly Air East, Inc., Air Indies Corporation, Air Midwest, Inc., Air North, Inc., Air South, Inc., Air Wisconsin, Inc., Apache Airlines, Inc., Cascade Airways, Inc., Commuter Airlines, Inc., Crown Airways, Inc., Executive Airlines, Inc., Fischer Bros. Aviation, Inc., Florida Air Taxi, Georgia Air, Inc., Henson Aviation, Inc., Hub Airlines, Inc., Imperial Airways, Inc., Mississippi Valley Airways, Inc., Northern Airlines, Inc., Pacific Southwest Airlines, Inc., Pilgrim Aviation and Airlines, Inc., Pocono Air Lines, Inc., Puerto Rico International Air Lines, Inc., Shawnee Airlines, Inc., Southeast Airlines, Inc., Trans Central Airlines, Travel-Air Aviation, Inc., Verco Air Service, Inc., Wright Air Lines, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing findings and conclusions and fix, determine, and publish the temporary rates and charges specified herein pending the fixing of final rates and charges in this investigation;

2. Further procedures herein shall be in accordance with the rules of practice, 14 CFR Part 302, and if there is any objection to the rates and charges or to the other findings and conclusions proposed herein, notice thereof shall be filed within 8 days, and, if notice is filed, written answer and supporting documents shall be filed within 15 days, after the date of service of this order;

3. If notice of objection is not filed within 8 days, or if notice is filed and answer is not filed within 15 days after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of an order fixing temporary service mail rates, minimum container charges, and pickup and delivery charges, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the temporary rates and charges herein specified;

4. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable temporary rates and charges herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307; and

5. This order shall be served upon the parties enumerated in paragraph 1 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-14508 Filed 6-24-74;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Deletion From Procurement List

Notice of proposed deletion from Procurement List 1974, November 29, 1973 (38 FR 33038) was published in the FEDERAL REGISTER on April 25, 1974 (39 FR 14626).

Pursuant to the above notice the following commodity is deleted from Procurement List 1974.

COMMODITY

CLASS 8415

Strap, Chin
8415-360-0232

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-14478 Filed 6-24-74;8:45 am]

PROCUREMENT LIST 1974

Notice of Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85

Stat. 79, of the proposed additions of the following commodities to Procurement List 1974, November 29, 1973 (38 FR 33038.)

COMMODITIES

CLASS 6532

Smock, Man's, Dental, Operating

6532-159-4881

6532-926-9964

6532-926-9975

6532-926-9976

Comments and views regarding these proposed additions may be filed with the Committee not later than July 25, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-14500 Filed 6-24-74;8:45 am]

PROCUREMENT LIST 1974

Notice of Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1974, November 29, 1973 (38 FR 33038).

COMMODITIES

CLASS 7510

Pad, Typewriter

7510-257-2576

7510-530-6412

7510-849-1137

CLASS 7920

Brush, Kitchen

7920-061-0038

Brush, Aircraft

7920-051-4384

CLASS 8405

Cover, Service Cap

8405-965-1548

Comments and views regarding these proposed additions may be filed with the Committee not later than July 25, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-14499 Filed 6-24-74;8:45 am]

PROCUREMENT LIST 1974

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICE

INDUSTRIAL CLASS 7641

Furniture Rehabilitation
Elson Air Force Base, Alaska and
Fairbanks, Alaska (including Fort Wainwright)

Comments and views regarding this proposed addition may be filed with the Committee not later than July 25, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-14497 Filed 6-24-74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Receipt

Environmental impact statements received by the Council on Environmental Quality from June 10 through June 14, 1974. The date of receipt for each statement is noted in the summary. Under Council Guidelines, the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (August 5, 1974)

Copies of individual statements are available for review from the originating agency. Back copies will also be available from a commercial source, the Environmental Law Institute, of Washington, D.C.

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, AEC, Washington, D.C. 20545, 301-973-4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P-722, AEC, Washington, D.C. 20545, 301-973-7373.

Draft

Pilgrim Nuclear Station, Units 2 and 3, Massachusetts, July 12: Proposed is the issuance of construction permits to the Boston Edison Company for two new units at its Pilgrim Nuclear Station. Each of the units will employ a pressurized water reactor with a thermal output of 3456 MWt; net electrical output will be 1180MW. Cooling water will be drawn from Cape Cod Bay at 800,000 gpm/unit, and passed back through an open-channel surface jet discharge. About 3.5 acres of Irish moss (5% of the vicinity's harvestable area) will be lost. A maximum of 0.02% of the Cape Cod plankton population will be killed each day from the combined operational impacts of Units 1, 2, and 3. (ELR Order No. 40969.)

Final

Bellefonte Nuclear Power Plant, Jackson County, Ala., June 12: The statement refers to the proposed issuance of construction permits to the Tennessee Valley Authority for the two unit Bellefonte Nuclear Plant. The identical pressurized water reactors will produce 3600 MWt each, with steam turbine

generators converting the heat to 1221 MWe (net); future power levels of 3760 MWT and 1269 MWe (net) are anticipated. Cooling water will be obtained from the Tennessee River and circulated through two natural draft towers. Fifteen hundred acres of agricultural and forested land will be committed to the project site. Comments made by: HUD, USDA, HEW, USCG, DOC, DOI, TVA, EPA, FPC, COE, State and local agencies. (ELR Order No. 40966.)

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Timber Management Plan, Kistachie National Forest, several counties, Louisiana, June 12: Proposed is the implementation of a 10-year timber management plan for the Kistachie National Forest. The plan proposes even-aged forest management for general use, with provisions for modified silvicultural systems for special purposes. The estimated annual yield is 91.6 million board feet of sawtimber and 148.1 thousand cords of small roundwood products from an annual average cut area of 32,081 acres. There will be impact from the timber cutting, as well as from related road construction (60 pages). (ELR Order No. 40963.)

Final

Timber Sales, Sierra National Forest, Fresno County, Calif., June 10: Proposed is the continued preparation of the Home Camp, Line Creek, Billy Creek, and Bear Creek Timber Sales, to be advertised and awarded to the highest bidder. The 8,115 acre Study Area is located within the 23,020 acre Kaiser inventoried roadless area of the Sierra National Forest. There will be soil erosion, water sedimentation, noise and air pollution from logging activities. There is potential for stimulation of development of private property in Line Creek Basin (275 pages). Comments made by: USDA, COE, DOI, DOT, EPA, State and local agencies and concerned citizens. (ELR Order No. 40942.)

SOIL CONSERVATION SERVICE

Final

Lower Clear Boggy Creek Watershed Protection, Oklahoma, July 6: Proposed is a project that is planned for watershed protection and flood control on the Lower Clear Boggy Creek Watershed. Project measures will include 28 floodwater retarding structures, 2.0 miles of stream channel work, and conservation land treatment measures. Adverse impact will include the inundation of 20 miles of stream fishery and 1,067 acres of wildlife habitat; ten farm operations and one dwelling will be displaced by project measures (34 pages). Comments made by: COE, HEW, DOI, EPA, State agencies. (ELR Order No. 40947.)

Paluxy River Watershed Project, Erath, Hood, and Somervell Counties, Texas, June 10: The proposal is for a watershed protection, flood prevention project, which would include land treatment on 55,279 acres of grassland and cropland, and construction of 23 floodwater retarding structures and 3 multiple-purpose structures. Approximately 4,105 acres will be committed to project structures; 2,842 acres will be occasionally inundated; vegetation will be temporarily cleared on 359 acres and permanently cleared on 904 acres (77 pages). Comments made by:

COE, HEW, DOI, DOT, EPA, State agencies. (ELR Order No. 40946.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-7168.

Draft

Libby Dam and Lake Kootcanusa, Kootenai River, Lincoln County, Mont., June 10: The Libby Additional Units and Reregulating Dam project in Lincoln County would consist of the installation of 4 additional 105-megawatt generators and turbines at the main Libby Dam plus construction of a regulating dam, reservoir and control works on the Kootenai River 10 miles downstream. Adverse impacts include the inundation of 10 miles of the free-flowing Kootenai River, inundation of 1,000 acres of bottom and forest land, relocation of Rte. 37, excavation and transport of 9.0 million cu. yds. of earth materials, loss of fish and wildlife, and the displacement of 70 families (Seattle District). (ELR Order No. 40943.)

Walkkill River Flood Control Project, New York and New Jersey, July 10: The proposed action is Congressional authorization of a flood control project in the "Black Dirt" area of the Walkkill River, Orange County, N.Y. The purpose of the plan under consideration is to reduce flood damages to farming in the "Black Dirt" Area of the Walkkill River Basin. Adverse impacts include turbidity during construction, reduction of the value of the streams for aquatic life, and the loss of some farmland (New York District). (ELR Order No. 40948.)

San Juan Harbor, Puerto Rico, June 10: The statement refers to consideration of a plan to deepen, widen, and possibly realine and extend San Juan Harbor navigation channels, turning basins, maneuvering areas, and anchorages, creation of a new anchorage and cruiseship basin and incorporation of Sabana approach channel into the authorized Federal project. Adverse impacts include the destruction of benthic organisms, temporary increased turbidity and some localized increased toxicity. (ELR Order No. 40949.)

Draft

Channel to Port Bolivar, Maintenance Dredging, Galveston County, Tex., June 13: The statement refers to the maintenance of the existing Federal navigation project in Galveston County by periodic removal of shoaled materials. Maintenance will be accomplished by hydraulic pipeline dredges, and dredged materials will be disposed of in an open water area near the project. Adverse impacts include the loss of some marine habitat, and increased turbidity during dredging (Galveston District). (ELR Order No. 40975.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, NW., Washington, D.C. 20405, 202-343-4161.

Draft

Peace Arch and Pacific Highway Border Stations, Whatcom County, Wash., June 10: Proposed is the construction of two new border stations in order to replace two existing, inadequate facilities. The major environmental impacts will result from heavy ve-

hicular traffic routed through the stations over I 5 and State Highway 543 from Canada. (ELR Order No. 40944.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street, SW., Washington, D.C. 20410, 202-755-5980.

Draft

"The Seasons", Washington, D.C. District of Columbia, July 11: Proposed is the construction of a ten story highrise apartment building at 1755 Que St. NW, Washington; Federal insurance has been applied for under Section 221(d)(4) of the National Housing Act. There will be visual impact from the project. The project may adversely affect (by blocking sun and air) adjacent Victorian-era townhouses (33 pages). (ELR Order No. 40952.)

Water Mill Lane Project, Long Island, Nassau County, N.Y., June 12: Proposed is HUD approval of "Turnkey" housing projects involving the construction of a maximum of 72 units of low income housing on 3.7 acres of a 5 acre site. Adverse impact could result from the project's proximity to a line of the Long Island railroad, and the Udall Cove salt water marshland (112 pages). (ELR Order No. 40960.)

NATIONAL CAPITAL PLANNING COMMISSION

Contact: Mr. Donald F. Bozarth, Director of Current Planning and Programming, Washington, D.C. 20576, 202-382-1471.

Final

H Street Urban Renewal Area, District of Columbia, July 11: The statement refers to the adopted and approved actions for the First and Third Action Years of the D.C. Neighborhood Development Program for the H Street Urban Renewal Area. Included are: the designation of 1,326 acres for acquisition, clearance, and redevelopment; the designation of 1.95 acres for acquisition, clearance and development for the expansion of existing school facilities; and the designation of 12.54 acres containing 334 buildings in the H Street Urban Renewal Plan. Comments made by: EPA, DOC, local agencies. (ELR Order No. 40954.)

Shaw School Urban Renewal Area, District of Columbia, July 11: The statement refers to the adopted and approved actions for the First, Second, and Third Action Years of the D.C. Neighborhood Development Program for the Shaw School Urban Renewal Area. Included are: designation of 35.49 acres for acquisition, clearance, and residential redevelopment; the designation of 7.44 acres for acquisition, clearance, and public institutional and open space redevelopment; the designation of 4.45 acres for acquisition, clearance, and commercial redevelopment; the designation of 27.7 acres containing 739 buildings for rehabilitation; and the designation of 4.85 acres for clearance only. Comments made by: EPA, DOC, local agencies. (ELR Order No. 40955.)

Downtown Urban Renewal Area, District of Columbia, July 11: The statement refers to the adopted and approved actions for the First and Third Action Years of the D.C. Neighborhood Development Program for the Downtown Urban Renewal Area. Included are: the designation of 1.91 acres along 7th Street in Squares 425 and 426 for acquisition and clearance, and future use for Federal City College; the designation of 5.3 acres in Square 515 for acquisition, clearance, and residential and commercial redevelopment; and the designation of 2.60 acres in Square 449 for acquisition, clearance, and anticipated future residential development. Com-

ments made by: EPA, DOC, local agencies. (ELR Order No. 40956.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF OUTDOOR RECREATION

Draft

Mercer Slough, Bellevue, Wash., June 10: Proposed is the granting of \$1,495,711 to the City of Bellevue, through the State of Washington, for the acquisition of 181 acres of land in the Mercer Slough. The land, to be acquired in two stages, would be used for extensive recreation and outdoor education purposes. Adverse impact will include the displacement of 19 families (53 pages). (ELR Order No. 40945.)

NATIONAL PARK SERVICE

Final

Ross Lake National Recreational Area, Wash., July 12: Proposed is the expansion and improvement of the Diablo Lake Resort and the development of recreational facilities in the resort area at Ross Lake National Recreation Area. There will be adverse impact from increased visitation, including that to the relatively undisturbed Deer Creek Valley. Comments made by: HEW, HUD, EPA, DOI, DOT, state and local agencies. (ELR Order No. 40961.)

Yellowstone Master Plan, Wyo., July 12: The statement refers to a proposed master plan for future management activity in Yellowstone National Park. Included are proposals to minimize visitor impact and to provide a quality park experience. There will be adverse impact from visitor use and road construction (two volumes). Comments made by: USDA, DOI, EPA, agencies of Wyoming and Idaho. (ELR Order No. 40958.)

LABOR DEPARTMENT

Draft

Proposed Regulation of Vinyl Chloride, June 11: Proposed is the establishment by the Occupational Safety and Health Administration of a standard of "no detectable level" for vinyl chloride in order to protect employees potentially exposed to vinyl chloride from its health hazards, particularly liver angiosarcoma. Possible adverse impacts of the action will include increased capital expenses for manufacturers, overall reduced productivity, and substitution of scarce raw materials for vinyl chloride. (ELR Order No. 40957.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, 202-428-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Michigan Regional Airport, South Bend, St. Joseph County, Ind., June 12: The project consists of acquiring in fee simple and clearing 1.3 acres in the clear zone area west of Runway 9/27; obtaining easements over 11.7 acres in the approach path of Runway 9; acquiring easements over 202 acres at a later date extending 2 runways; relocating the localizer unit of the Instrument Landing System; and replacing high intensity runway lights on a runway. Adverse impacts include the loss of some wildlife, the closing of a section of Butternut Road, and increased air and noise pollution. (ELR Order No. 40964.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Tenth Street Improvements, Bartholomew Co., Bartholomew County, Ind., June 12: The statement refers to the proposed improvement to Tenth Street in Columbus from Central Avenue east to U.S. 31, including extensions of Eighth Street and Taylor Road. The total project length is approximately 2 miles. Adverse impacts are the disruption of 23 acres of land and the displacement of 15 families. (54 pages). (ELR Order No. 40959.)

Kansas Rte. 6, Kansas City, Kans., July 11: The statement refers to the proposed construction of 0.948 mile of Kansas Rte. 6 from I-635 to the Fairfax Industrial District, all in Kansas City, Kansas. Included will be right of way acquisition, grading, bridges, fencing, seeding and high type pavement. Adverse impacts include, the relocation of some residents, increased noise levels, and inconveniences normally associated with construction (69 pages). (ELR Order No. 40953.)

North-South Arterial, Ulster County, N.Y., June 12: The statement refers to the construction of 2.48 miles of arterial highway through the City of Kingston and into the Towns of Esopus and Ulster. Adverse impacts include increased air and noise pollution and the displacement of 60 families and 4 businesses. A 4(f) determination must be made concerning Ferry Street Park, Murray Street Playground, Kingman Pond Skating Area, and Kingston National Little Field. (ELR Order No. 40968.)

Final

Sawmill Creek Road, Sitka, Alaska, July 13: The statement refers to the improvement of the Sawmill Creek Road in the town of Sitka. The project requires the improvement of the existing roadway surface with some reconstruction and modifications in various sections to eliminate existing and potential accident locations. Adverse impacts are: increases in air and noise pollution levels during construction; sedimentation and spillage in Thimbleberry Creek and the proximal waters during construction; and loss of vegetation and slopes. (103 pages). Comments made by: USDA, HUD, EPA, State agencies. (ELR Order No. 40971.)

I-40, Kingman, Mohave County, Ariz., June 13: Proposed is the construction of two new segments of 4-lane I-40 to the north and west of the City of Kingman. An unspecified amount of land will be committed to right-of-way (211 pages). Comments made by: EPA, DOI, State and local agencies. (ELR Order No. 40972.)

South Bend Bypass (US 20), St. Joseph County, Indiana, June 13: The statement refers to the proposed construction of a segment of the U.S. 20 expressway to bypass South Bend, Mishawaka, Osceola and Elkhart. Project length is approximately six miles. Five families will be displaced. Temporary increases in noise levels and air and water pollution will occur (24 pages). Comments made by: DOT, DOI, USDA, EPA, State and local agencies. (ELR Order No. 40973.)

U.S. 64 Rocky Mount Bypass (2), Nash and Edgecombe Counties, N.C., June 10: This revised final involves the construction of a four-lane divided freeway from US 64 west of Rocky Mount to US 64 east of Rocky Mount. The project length is 4.5 miles. The new road will pass through an area of possible archaeological importance and will involve the relocation of 60 families and 5 businesses (68 pages). Comments made by: USDA, COE, EPA, GSA, HUD, DOI, State and local agencies. (ELR Order No. 40951.)

Mission St.-S.E. Bellevue St., Salem, Marion County, Oreg., June 10: The proposed project involves the reconstruction of the 12th St.-13th St. connector between Mission and Bellevue Streets. Total length of the project is 1,300 ft. The facility will result in increased noise and air pollution levels (78 pages). Comments made by: USDA, DOI, COE, EPA, State agencies. (ELR Order No. 40950.)

Tennessee State Rte. 42, Algood, Putnam County, Tenn., June 13: The project involves the relocation of State Route 42 to serve as a bypass around Algood. The length of the project is approximately 2.0 miles. Adverse impacts include the relocation of 3 families, loss of wildlife habitat for small game, and increased noise and air pollution. Comments made by: DOI, HUD, EPA, HEW, TVA, DOT, USDA, COE. (ELR Order No. 40970.)

I 45, Harris County, Tex., June 13: The project consists of improvements to approximately 4.7 miles of I-45, a controlled access freeway in the City of Houston, Harris County. Adverse impact of the project includes the displacement of 150 families and 30 businesses and there will be an increase in noise pollution. Comments made by: HEW, HUD, COE, USDA, DOI, EPA, local agencies. (ELR Order No. 40974.)

U.S. WATER RESOURCES COUNCIL

Contact: Mr. Don Maughan, Director, 2120 L Street, NW., 8th Floor, Washington, D.C. 20037, 202-254-6303.

Draft

North Atlantic Regional Water Resources Study, June 10: The statement analyzes the North Atlantic Regional (NAR) Water Resources Study, which is a framework program emphasizing the estimation of broad-scale demands and supplies of water resource system outputs. The principal objectives of the NAR Study are to estimate the supply and demand for the river networks; and to identify priority areas for investment and management plans and for research. The NAR includes the District of Columbia, Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, and Virginia. (ELR Order No. 40940.)

GARY L. WIDMAN,
General Counsel.

[FR Doc. 74-14522 Filed 6-24-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ASTON MARTIN LAGONDA, INC.

Granting of 1975 Suspension

In the May 23, 1974, FEDERAL REGISTER (39 FR 18135), notice was given of application by Aston Martin Lagonda, Inc. for a one year suspension of the 1975 light duty vehicle exhaust emission standards. Pursuant to procedures set forth in that notice, Aston Martin's application was made available for public review and comment to determine whether or not, on the basis of public comments received, a useful purpose would be served by conducting a public hearing. The application was also reviewed by EPA to determine whether Aston Martin has made all good faith efforts to meet the statutory standards.

I have determined that Aston Martin has demonstrated all good faith efforts to

meet the standards. Since no public comments have been received, I have determined that no useful purpose would be served by conducting a public hearing on the application.

I hereby grant to Aston Martin the requested one-year suspension of the 1975 light duty vehicle emission standards as allowed by section 202(b)(5)(D) of the Clean Air Act. Aston Martin will be required to meet the interim standards set forth at 38 FR 17441 (July 2, 1973) for all 1975 model year vehicles sold in the United States.

Dated: June 18, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc. 74-14532 Filed 6-24-74; 8:45 am]

[OPP-50005]

IDAHO DEPARTMENT OF AGRICULTURE **Issuance of Experimental Use Permit for** **Predator Control (Coyotes)**

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 983), the Idaho State Department of Agriculture applied to the Environmental Protection Agency (EPA) for an experimental use permit. This permit (No. 34272-EXP-1G) is hereby issued in accordance with 40 CFR 162.19 as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939) and allows the shipment and use of sodium cyanide in the sodium cyanide spring-loaded ejector mechanism (SCSLEM) for control of predation by coyotes. The SCSLEM is to be used only in an experimental program approved by the EPA in 10 approved counties in the State of Idaho only, under the supervision and control of approved SCSLEM applicators as designated by the Idaho State Department of Agriculture.

This program began on May 24, 1974, and will expire on June 30, 1975. However, it may be revoked at any time for violation of the terms thereof, or to avoid deleterious effects on the environment.

EPA invites interested persons to submit written comments with reference to this notice to the FEDERAL REGISTER Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Room EB-1, Washington, D.C. 20460. Three copies of the comments must be submitted to facilitate the work of EPA and others interested in inspecting them. The comments must be received on or before July 25, 1974, and should bear the notation OPP-50005. All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4 p.m., Monday through Friday.

The application, the permit issued and the label and directions for use of sodium cyanide in the SCSLEM are available for public inspection at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C.

PROGRAM FOR THE EXPERIMENTAL USE OF THE **SODIUM CYANIDE SPRING LOADED EJECTOR** **MECHANISM (SCSLEM) FOR PREDATOR CON-** **TROL IN THE STATE OF IDAHO**

I. Purpose. Sodium cyanide will be used in the spring loaded ejector mechanism in an experimental program. This experimental program is designed to measure the usefulness of this tool as a method of reducing domestic livestock and wild animal losses due to predation by coyotes. This program will also evaluate the effect of the method on nontarget species.

II. Objectives. A. Determine the effectiveness of the SCSLEM in preventing or reducing livestock and wild animal losses when used alone and in conjunction with trapping, denning, shooting and aerial hunting.

B. Determine the most effective placement location of the SCSLEM for taking coyotes.

C. Determine the influence of climatic conditions upon the effectiveness of the SCSLEM.

D. Determine the cost of controlling coyotes by using the SCSLEM in comparison to alternative control methods of trapping, denning, shooting, and aerial hunting.

E. Determine the effects of the use of the SCSLEM in coyote control with regard to human safety.

F. Determine the economic benefits derived from the use of the SCSLEM to livestock producers.

G. Determine the selectivity of the SCSLEM when used to control coyotes.

H. Determine the amount of coyote control that can be achieved through the use of the SCSLEM without causing "unreasonable adverse effects" on the environment.

I. Determine the effectiveness of the use of the SCSLEM in comparison to the control of coyotes by trapping, denning, shooting, and aerial hunting.

III. Control—A. Program Coordinator. The program will be directed by Dr. Robert Simmons, DVM, Idaho State Sheep Commission, Idaho State Department of Agriculture.

B. Distribution. The office of the Sheep Commission will control the distribution of the SCSLEM and capsules. This office will be the only distribution point in the State of Idaho. The SCSLEM and capsules will only be sold to approved applicators.

C. Applicators. Applicators of the SCSLEM will be selected ranchers in the six designated areas of the experimental program. These applicators will be required to successfully complete the training program conducted by the U.S. Bureau of Sport Fisheries and Wildlife, Department of the Interior.

IV. Procedures for implementation—A. Training program for applicators. The training program will include information necessary for the applicator to understand the nature of the chemical and the mechanism, the techniques of selection of placement sites, actual setting of the mechanism, visitation periods, record keeping and reporting, legal responsibility, and proper storage of the chemical capsule and mechanism when not in use. Special emphasis will be given to environmental and human safety precautions to be observed when using the SCSLEM.

B. Purchase of SCSLEMs. SCSLEMs will be purchased by the Sheep Commission from the M-44 Safety Predator Control Company, Midland, Texas.

C. Distribution of SCSLEMs. Each approved applicator will be issued SCSLEMs by the Sheep Commission to be used only within assigned experimental areas during the program. Additional SCSLEMs will be provided only after initial supplies are accounted for through proper reporting procedures. No explosive devices will be permitted.

The antidote, amyl nitrite capsules, must be available for the applicators. Each applicator must be advised of the antidote.

D. Recordkeeping. A record of each applicator who obtains the chemical capsules and/or device will be kept. These records will include:

1. Name of the approved applicator.
2. Location and/or address of ranch or farm headquarters.
3. The number of devices and capsules purchased.
4. A signed agreement to comply with the terms of the damage assessment reporting system and the conditions of the experimental program.

E. Data reporting. Each applicator must submit the following information to the Sheep Commission at least once each month or when he purchases additional capsules and/or devices, whichever comes first.

1. Name of ranch or farm and name of owner.
2. Type of ranch or farm operation (range, feeder, etc.).
3. Name of applicator of SCSLEM.
4. Number of SCSLEMs in use each month and a map showing the layout of devices in each area. The map should be of sufficient detail so that a person unfamiliar with the placement of the SCSLEM will be able to locate them.
5. Number of capsules used in each device at each location each month.
6. Number of coyote and nontarget animals taken by species at each device location each month.
7. Number of discharges at each device location each month which results in no animal recovery.
8. Number of livestock losses to coyotes in 1973 (need only be included in first monthly report).
9. Number of livestock losses to coyotes each month of SCSLEM use.
10. Number and type of livestock on hand at time of first purchase.
11. Specifics on accidents involving humans.
12. Number and type of livestock losses in experimental and control areas:
 - a. To coyotes;
 - b. To other known causes;
 - c. To unknown causes.

F. Devices and capsules will be available only to and be used only by approved applicators. These applicators may purchase the capsules and devices only from the approved distribution point. Capsules may be purchased by applicators for use in devices already owned, provided the device owners agreed to abide by the conditions of the experimental use program and reporting system. Permission must be granted at time of purchase to allow representatives of the State Agency, or its representatives, EPA, and U.S. Bureau of Sport Fisheries and Wildlife to enter upon the property where the device is to be used for the purpose of monitoring all aspects of the experimental program. Inspection may be made at the convenience of the Agencies. Any person (supervisor, applicator, or other person) found to be using the device improperly will have his certification as an approved applicator revoked and will be denied further use of the device and capsules by the State Agency or the EPA and be subject to appropriate civil and criminal penalties.

V. Data summarization and analysis. A. The Idaho Sheep Commission will be responsible for collecting, summarizing and computing data in cooperation with the University of Idaho. Quarterly reports shall be sent to the Division of Hazardous Materials Control (EPA Region 10), Seattle, Washington. The data from control areas will con-

sist of livestock losses due to coyote predation, losses due to other or unknown causes, and coyote kills due to other control methods, such as trapping, snaring, shooting, and denning.

A precensus of livestock to be protected and the index of coyote populations both in the control areas and in those districts in the SCSLEM use program must be conducted prior to the introduction of SCSLEM use. This information will be provided as indicated in paragraph B of this section.

A postcensus of livestock populations and the index of coyote populations will be conducted in both areas at the completion of this program.

B. Census and loss data will be supplied by the U.S. Bureau of Sport Fisheries and Wildlife. This data will give the number of sheep in each area and number lost to predators in 1973 (the only full year when the SCSLEM or similar devices were not in use) as compared to losses in 1974. This information is to be obtained by polling of producers.

C. This program will begin May 24, 1974, and will end June 30, 1975. No mechanisms or capsules may be distributed after June 30, 1975. All unused capsules must be returned to distribution points before July 15, 1975. Final data summaries and analyses must be submitted to the Registration Division of the Environmental Protection Agency, Washington, D.C., by September 15, 1975.

D. Use of the SCSLEM will not be permitted where use of the mechanism will harm endangered or threatened species that may be attracted to the SCSLEM.

VI. *Experimental program.* A. This program will be conducted on deeded property belonging to the following approved applicators who operate in the following counties or portions of counties:

Bill Walters—Idaho County
Soulen Livestock, Little Livestock—Washington, Payette, and Gem County
Vanderford Inc.—Bingham and Power County
Hatch Livestock—Bear Lake County
Siddaway Sheep Co.—Fremont and Jefferson County
Whittaker Livestock—Lemhi County

1. Approximately 100 devices and 500 capsules will be permitted to be purchased and set in each district by the approved applicators.

2. All expenses incurred in purchasing and placement of the mechanisms and sodium cyanide capsules will be the responsibility of the qualified applicators.

3. Control areas have been selected where SCSLEMs will not be used, but nonchemical control methods such as trapping, snaring, shooting and denning will be employed. These areas are adjacent to and similar to certain of the SCSLEM use areas and will be used to collect comparative data. These areas are:

1. Idaho County—Riggins to Allison Creek, North side of Salmon River on the Mickey Carson Range.

2. Washington County—along Sturgill Creek on east side of Snake River on Soulen Livestock Range.

3. Bingham County—in the Sterling area on the Stroschein Range.

4. Jefferson County—on the U.S. Sheep Experimental Station.

B. *Work to be accomplished.* 1. Training of approved applicators.

2. Establish a distribution point and methods of the distribution of the mechanisms and antidote to approved applicators.

3. Collection of program data from approved applicators.

4. Establishment of activities needed for monitoring and surveillance of all aspects of the experimental program by the Idaho Sheep Commission and EPA.

5. Establishment of a method to evaluate selectivity of the SCSLEMs.

6. Establishment of a method to evaluate the program as a mechanism for measuring efficacy of the SCSLEMs in order to meet the program objectives.

7. Coordination of the program work and objectives in order to use the data already being collected and generated by predator control of the Department of Interior's Bureau of Sport Fisheries and Wildlife, the U.S. Department of Agriculture's W-123 Predator Control Research Committee, and the U.S.D.A. Economic Research Service's study on the economic aspects of the livestock industry and predator control.

8. Establishment of a method for an economic analysis of coyote control with the SCSLEMs.

9. Establishment of methods to census the livestock and the coyote in the SCSLEM use areas where no SCSLEMs are used.

10. Collection of monthly program data from SCSLEM use areas and control areas where no SCSLEMs are in use.

11. Submission of all data to the Idaho Sheep Commission for summarization, analysis and distribution to the Environmental Protection Agency.

Dated: June 20, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for
Water and Hazardous Materials.

[FR Doc. 74-14530 Filed 6-24-74; 8:45 am]

[OPP-32000/73]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FFIRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before August 26, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to

usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 26, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 14651-RN. Agricultural Enterprises, Inc., 933 West 6th St., Fremont, Nebraska 68025. *Agri-Team Insecticide Spray*. Active Ingredients: Dimethyl Phosphate of Alpha-Methylbenzyl 3-Hydroxy-Cis-Crotonate 1.00%; 2,2-Dichlorovinyl Dimethyl Phosphate 0.23%; Related Compounds 0.02%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14651-O. Agricultural Enterprises, Inc., 933 West 6th St., Fremont, Nebraska 68025. *Agri-Cid Emulsifiable Insecticide*. Active Ingredients: Dimethyl phosphate of alpha-methylbenzyl 3-hydroxy-cis-crotonate 14.4%; Petroleum hydrocarbons 72.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 255-RGR. American Fluoride Corporation, 17 Huntington Place, New Rochelle, New York 10801. *AFC 1-2-3 Fogging Concentrate*. Active Ingredients: Petroleum Distillate 94.00%; N-octyl bicycloheptene dicarboximide 3.00%; Technical piperonyl butoxide 2.00%; Pyrethrins 1.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5481-RTU. Amvac Chemical Corp., 4100 E. Washington Blvd., Los Angeles, California 90023. *Alco Ice-Sickle De-Weeds Ice Plant*. Active Ingredients: Magnesium Chloride Hexahydrate $MgCl_2 \cdot 6H_2O$ 59.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3876-RRL. Betz Laboratories, Inc., 4636 Somerton Road, Trevose, Pennsylvania 19047. *Betz SLMicide DE-599*. Active Ingredients: Sodium pentachlorophenolate 25%; 4-chloro-2-cyclopentyl phenol 7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3876-RRU. Betz Laboratories, Inc. *Betz SLMicide DE-598*. Active Ingredients: Sodium pentachlorophenolate 22%; 2,3,4,6-tetrachlorophenol 3%; 4-chloro-2-cyclopentylphenol 7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3876-RRG. Betz Laboratories, Inc. *Betz SLMicide DP-364*. Active Ingredients: β -Bromo β -Nitrostyrene 10.0%; Isooctyl Phenyl Polyethoxy Ethanol 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9601-T. Chardon Laboratories, Inc., 545 Stimmel Road, Columbus, Ohio 43223. *Slime D*. Active Ingredients: Disodium cyanodithioimidocarbonate 4.23%; Ethylenediamine 1.60%; Potassium N-methylthiocarbamate 5.83%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9404-UR. Chase & Company, P.O. Box 1697, Sanford, Florida 32771. *Sunniland 10% Chlordane Dust Insecticide*. Active Ingredients: Technical Chlordane 10.00%. Method of Support: Appli-

- cation proceeds under 2(c) of interim policy.
- EPA File Symbol 11598-EI. Connecticut Aerosols Inc., 85 Furniture Row, Milford, Connecticut 06460. *King Ant & Roach Spray*. Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.260%; Chlorpyrifos [O,O-diethyl O-diethyl O-(3,5,6-trichloro-2-pyridyl)phosphorothioate] 0.500%; Petroleum Distillate 98.736%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 33834-R. Ecological and Specialty Products, Inc., 111 Fifth Avenue, Paterson, New Jersey 07524. *Action Creosote Oil Preserves Lumber*. Active Ingredients: Coal Tar Distillates 86%; Coal Tar Acids 6%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 33834-E. Ecological and Specialty Products, Inc., 111 Fifth Avenue, Paterson, New Jersey 07524. *Action Creosote Oil Compound Preserves Lumber*. Active Ingredients: Creosote Oil (Coal Tar Distillates, Coal Tar Acids) 50%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 12130-GA. Farm Chemicals, Inc., P.O. Box 456, Aberdeen, North Carolina 28315. *4-2-1 Tox-Ethyl Methyl*. Active Ingredients: Toxaphene 33.36%; Parathion (O,O-diethyl O-p-nitrophenyl phosphorothioate) 16.68%; O,O-dimethyl O-p-nitrophenyl thiophosphate 8.34%; Xylene 36.62%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 12130-GT. Farm Chemicals, Inc. *6-1 1/2 Tox-Methyl*. Active Ingredients: Toxaphene (Technical Chlorinated Camphene Chlorine Content 67% to 69%) 55.07%; O,O-dimethyl O-p-nitrophenyl thiophosphate 13.77%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 12130-GO. Farm Chemicals, Inc. *Mal-Methyl 3-3*. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 32.18%; O,O-dimethyl O-p-nitrophenyl thiophosphate 32.18%; Xylene 30.64%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 12130-UN. Farm Chemicals, Inc. *6-2-1 Tox-Ethyl Methyl*. Active Ingredients: Toxaphene 53.28%; Parathion (O,O-diethyl O-p-nitrophenyl phosphorothioate) 17.75%; O,O-dimethyl O-p-nitrophenyl thiophosphate 8.88%; Xylene 15.09%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 12130-GL. Farm Chemicals, Inc. *5-2-1 Tox-Ethyl Methyl*. Active Ingredients: Toxaphene 46.41%; Parathion (O,O-diethyl O-p-nitrophenyl phosphorothioate) 18.51%; O,O-dimethyl O-p-nitrophenyl thiophosphate 9.28%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 654-RRE. Federal Chemical Company, Inc., 2630 Winthrop Ave., Indianapolis, Indiana 46205. *Arab Wasp and Hornet Spray*. Active Ingredients: O-isopropoxyphenyl methylcarbamate 0.500%; 2-Butoxyethanol 4.500%; 2,2-dichlorovinyl dimethyl phosphate (DDVP) 0.325%; Related Compounds 0.025%; Petroleum distillate 64.615%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 22558-U. First U.S. Chemical, 1915 Lausanne, Memphis, Tennessee 38117. *Microbiocide 10*. Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

- EPA Reg. No. 279-126. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Kolodust Fungicide-Insecticide*. Active Ingredients: Sulphur 84.00%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 25581-I. G & G Chemical Co., Inc., 1550 Carroll Ave., San Francisco, California 94124. *Formula 4031 Concentrated Detergent, Sanitizer, Fungicide, Disinfectant, Deodorizer*. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.
- EPA File Symbol 25581-T. G & G Chemical Co., Inc. *Concentrated Swimming Pool Algicide Formula 4032*. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy.
- EPA File Symbol 25581-A. G & G Chemical Co., Inc. *Formula 4033 Disinfectant, Sanitizer, Deodorizer*. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy.
- EPA File Symbol 2496-RU. The General Pest Control Co., 3561 West 105th St., Cleveland, Ohio 44111. *Velsinol M*. Active Ingredients: Pyrethrins 0.050%; Piperonyl Butoxide 0.125%; Malathion 2.000%; Aliphatic Petroleum Solvent 97.825%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 31970-RL. Haynes Chemical Company, P.O. Box 30, East Grand Forks, Minnesota 56721. *TOX*. Active Ingredients: Toxaphene (Technical Chlorinated Camphene) 59.5%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 5905-URO. Helena Chemical Company, Clark Tower, Suite 2900, 5100 Poplar Ave., Memphis, Tennessee 38137. *Helena Dimethoate 25 Systemic Insecticide*. Active Ingredients: Dimethoate (O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorodithioate) 25.0%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 266-GG. SwimChem Products, A Division of Hill Brothers Chemical Company, 15017 E. Clark Ave., City of Industry, California 91745. *SwimChem Hi-Tabs Stabilized Chlorine Tablets*. Active Ingredients: Trichloro-s-Triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 266-GE. SwimChem Products, A Division of Hill Brothers Chemical Company, 15017 E. Clark Ave., City of Industry, California 91745. *Hi-Chem Floating Chlorinator*. Active Ingredients: Trichloro-s-Triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 1239-GT. Industrial Chemical Laboratories, Inc., 1015 North Fourteenth Street, Omaha, Nebraska 68102. *Karpet Kleen, The Carpet Sanitizer*. Active Ingredients: Sodium-o-phenylphenate tetrahydrate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 12459-E. Robert P. Knisely Co., 17126 Detroit Ave., Cleveland, Ohio

44107. *Microbiocide R*. Active Ingredients: Disodium cyanodithioimidocarbonate 6.35%; Ethylenediamine 2.40%; Potassium N-methyldithiocarbamate 8.75%. Method of Support: Application proceeds under 2(b) of interim policy.
- EPA File Symbol 2342-OGI. Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City, Oklahoma 73125. *Fasco Diazinon Bait-2*. Active Ingredients: O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 2342-OGA. Kerr-McGee Chemical Corp. *Fasco Terpene Parathion 4-1 EC*. Active Ingredients: Toxaphene 41.67%; Parathion (O,O-diethyl O-p-nitrophenyl phosphorothioate) 10.42%; Xylene 42.75%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 2342-OGO. Kerr-McGee Chemical Corp. *Fasco Endrin-Methyl Parathion 16-16*. Active Ingredients: Endrin 18.3%; O,O-dimethyl O-p-nitrophenyl phosphorothioate 18.3%; Xylene 55.7%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 10631-U. Los Angeles Seed Co., Inc., 736 Merchant Street, Los Angeles, California 90021. *Angel City Tomato & Vegetable Insect Spray*. Active Ingredients: Pyrethrins 0.030%; Piperonyl Butoxide, Technical 0.160%; Rotenone 0.128%; Other Cube Resins 0.238%; Petroleum Distillate 0.120%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 1021-RGRO. McLaughlin Gormley King Company, 8810 Tenth Avenue N., Minneapolis, Minnesota 55427. *Pyrocid Intermediate 7223*. Active Ingredients: Pyrethrins 1.43%; Piperonyl butoxide technical 2.86%; N-octyl bicyclohexene dicarboximide 4.78%; Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 14.29%; Petroleum distillate 24.83%; Aromatic petroleum distillate 8.01%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 34284-R. Mid-America Chemical, Inc., 215 S. Compress Street, Oklahoma City, Oklahoma 73125. *X-It Algae Concentrate*. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 40.0%. Method of Support: Application proceeds under 2(b) of interim policy.
- EPA File Symbol 34284-G. Mid-America Chemical, Inc. *Tower-Cide NF*. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.
- EPA File Symbol 34284-E. Mid-America Chemical, Inc. *X-It Algae*. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 8637-I. Mitco, Inc., 1601 Steele Ave., S.W., Grand Rapids, Michigan 49502. *Mitco CC-14-L Algaecide*. Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.
- EPA File Symbol 5967-RGG. Moyer Chemical Company, P.O. Box 945, San Jose, California 95108. *Dipel Dust No. 110*. Active Ingredients: Bacillus Thuringiensis, Berliner. Potency of 240 International Units per mg. (at least 0.38 billion viable spores per gm.) 0.048%. Method of Support: Application proceeds under 2(c) of interim policy.
- EPA File Symbol 5967-REA. Moyer Chemical Company. *Moyer Chlordane Spray 8E*. Ac-

Active Ingredients: Technical Chlordane 72.0%; Xylene 20.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-RGI. Moyer Chemical Company. *Moyer Maximul*. Active Ingredients: Petroleum Oil 80.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6830-IL. Octagon Process Inc., 596 River Road, Edgewater, New Jersey 07020. *Wood Preservative: Water-Repellent TT-W-572B Composition A*. Active Ingredients: Pentachlorophenol 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1839-TR. Onyx Chemical Company, 190 Warren Street, Jersey City, New Jersey 07302. *Onyx BTC-E 8248-80 Concentrated Germicide*. Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 80.0%; Ethyl Alcohol 20.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1839-TN. Onyx Chemical Company. *Onyx BTC-E 2125-80 Concentrated Germicide*. Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 40.0%; n-Alkyl (C12 50%, C14 30%, C16 17%, C18 3%) Dimethyl Ethylbenzyl Ammonium Chlorides 40.0%; Ethyl Alcohol 20.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1839-AO. Onyx Chemical Company. *Onyx BTC-E 2125M-80, Dual-Quat 80 Concentrated Germicide*. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 40%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 40%; Ethyl Alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1839-AI. Onyx Chemical Company. *Onyx BTC-E-8358 Concentrated Germicide*. Active Ingredients: n-Alkyl (C12 40%, C14 50%, C16 10%) Dimethyl Benzyl Ammonium Chlorides 80%; Ethyl Alcohol 20%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 3635-191. Oxford Chemicals, P.O. Box 80202, Atlanta, Georgia 30341. *Oxford Micro-Sep Concentrated Detergent, Sanitizer, Fungicide, Disinfectant, Deodorizer*. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%; Sodium Sesquicarbonate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3635-ROL. Oxford Chemicals. *Oxford 2525*. Active Ingredients: (5-Benzyl - 3 - furyl)methyl 2,2-dimethyl-3-(2 - methylpropenyl)cyclopropanecarboxylate 0.25%; Related compounds 0.034%; d-trans Allethrin (allyl homolog of Cinerin I) 0.250%; Related compounds 0.019%; Aromatic petroleum hydrocarbons 0.331%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3635-ROG. Oxford Chemicals. *Oxford 2515 Insecticide*. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl - 3-(2-methylpropenyl)cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Pyrethrins 0.150%; Piperonyl butoxide technical 0.600%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 98.625%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8728-T. Precision Chemicals, Inc., 2190 DeFoor Hills Road, NW,

Atlanta, Georgia 30325. *Precision GL-211*. Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 655-316. Prentiss Drug & Chemical Co., Inc., 363 Seventh Avenue, New York, New York 10001. *Prentox Pyronyl 6-15-15, An Insecticide for Formulating Use*. Active Ingredients: Pyrethrins 6.0%; Piperonyl Butoxide, Technical 15.0%; N-octyl bicycloheptene dicarboximide 15.0%; Petroleum Distillates 64.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655-312. Prentiss Drug & Chemical Co., Inc. *Prentox Pyronyl 10-2.5 Concentrate, An Insecticide for Formulating Use*. Active Ingredients: Petroleum Distillates 87.50%; Piperonyl Butoxide, Technical 10.00%; Pyrethrins 2.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655-308. Prentiss Drug & Chemical Co., Inc. *Prentox Pyrethrum Extract "25", An Insecticide for Formulating Use*. Active Ingredients: Pyrethrins 25%; Petroleum Distillates 75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655-303. Prentiss Drug & Chemical Co., Inc. *Prentox Pyronyl Special Concentrate 5-20-18, An Insecticide for Formulating Use*. Active Ingredients: Pyrethrins 5.00%; Piperonyl Butoxide, Technical 20.00%; N-octyl bicycloheptene dicarboximide 18.00%; Petroleum Distillates 57.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655-302. Prentiss Drug & Chemical Co., Inc. *Prentox Pyrethrum Extract 10%, An Insecticide for Formulating Use*. Active Ingredients: Pyrethrins 10.00%; Petroleum Distillates 90.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 829-EGT. Southern Agricultural Insecticides, Inc., P.O. Box 218, Palmetto, Florida 33561. *S A Brand 5 0 Diazinon 14G Granular Insecticide*. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 14.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11715-GE. Speer Products, Inc., P.O. Box 9383, Memphis, Tennessee 38109. *Speer Total Release Aerosol Containing Vapona and Baygon*. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 6.50%; Related compounds 0.50%; o - Isopropoxyphenyl methylcarbamate 1.00%; Petroleum distillate 5.00%; Xylene 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 998-RRE. Superior Chemical Products Inc., 3942 Frankford Avenue, Philadelphia, Pennsylvania 19124. *Pyrethrins 6% Concentrate for Manufacturing Purposes Only*. Active Ingredients: Pyrethrins 6%; Deodorized Kerosene 70%; Petroleum Distillate 24%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9861-U. Technical Specialties Corporation, 114 South Columbia Drive, Decatur, Georgia 30030. *TSC 908*. Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33722-RN. Tex-Ag Company, Inc., P.O. Box 633, Mission, Texas 78572. *Methyl Parathion 7.2 Lb. Active Ingredients*: O,O-dimethyl O-p-nitrophenyl phosphorothioate 71.92%; Xylene range aromatic solvent 21.08%. Method of Support:

Application proceeds under 2(c) of interim policy.

EPA File Symbol 2724-ELO. Thuron Industries, Inc., 12200 Denton Drive, Dallas, Texas 75234. *Golden Malrin RF-57 Sugar Bait*. Active Ingredients: 2,2-Dichlorovinyl dimethyl phosphate 0.050%; Related compounds 0.004%; Z-9-tricosene 0.125%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2724-ELT. Thuron Industries, Inc. *Golden Malrin RF-56 Sugar Bait*. Active Ingredients: 2,2-Dichlorovinyl dimethyl phosphate 0.500%; Related compounds 0.038%; Z-9-tricosene 0.125%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2724-ELI. Thuron Industries, Inc. *Golden Malrin RF-56 Sugar Bait*. Active Ingredients: o-Isopropoxyphenyl methylcarbamate 0.125%; (Z)-9-Tricosene 0.04%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12355-RE. Timco Livestock Products, 521 State Street, Amarillo, Texas 79105. *Ready To Use Premixed Insecticide No. 633*. Active Ingredients: Malathion 2.0%; Neutral Base Oil 98.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12355-RG. Timco Livestock Products, 521 State Street, Amarillo, Texas 79105. *Ready To Use Premixed Insecticide No. 633*. Active Ingredients: Dimethyl Phosphate of Alpha-Methylbenzyl 3-Hydroxy-Clis-Crotonate 1.00%; 2,2-Dichlorovinyl Dimethyl Phosphate 0.23%; Related Compounds 0.02%; Neutral Base Oil 98.52%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2829-RRN. Ventron Corporation, Congress Street, Beverly, Massachusetts 01915. *Vinyzene BP-5-2MEK*. Active Ingredients: 10,10'-oxybisphenoxarsine 2.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2829-RNO. Ventron Corporation, Congress Street, Beverly, Massachusetts 01915. *Vinyzene BP-5-2MS*. Active Ingredients: 10,10'-oxybisphenoxarsine 2.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9782-UL. Woodbury Chemical Company of Homestead, P.O. Box 4319, Princeton, Florida 33030. *Cythion Insecticide*. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 95%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-UU. Woodbury Chemical Company of Homestead. *BHC Liquid*. Active Ingredients: Gamma Isomer of Benzene Hexachloride 11.50%; Other Isomers of Benzene Hexachloride 17.73%; Xylene Range Aromatic Hydrocarbon Solvent 66.80%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-UR. Woodbury Chemical Company of Homestead. *Avitrol FC Corn Chops-99 for the Management of Nuisance and Predatory Birds*. Active Ingredients: 4-Aminopyridine 0.03%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-UE. Woodbury Chemical Company of Homestead. *Avitrol Whole Corn-15 for the Control of Feral Pigeons*. Active Ingredients: 4-Aminopyridine 0.02%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-UN. Woodbury Chemical Company of Homestead. *Avitrol Whole Corn-15 for the Control of Feral Pigeons*. Active Ingredients: 4-Aminopyridine 0.03%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9784-UG. Woodbury Chemical Company of Homestead. *Pyrethrum Powder*. Active Ingredients: Pyrethrins 1.3%. Method of Support: Application proceeds under 2(e) of interim policy.

Dated: June 12, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-13986 Filed 6-24-74; 8:45 am]

FEDERAL MARITIME COMMISSION CITY OF OAKLAND AND UNITED STATES LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 5, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. Kerwin Rooney
Port Attorney
Port of Oakland
66 Jack London Square
P.O. Box 2064
Oakland, California 94607

Agreement No. T-2758-B-1, between the City of Oakland (City) and United States Lines, Inc. (USL) modifies the basic agreement between the parties which provides for the lease to USL of two container cranes owned by City and located in the Middle Harbor Terminal Area on the Oakland Inner Harbor. The purpose of this modification is to remove language from the original agreement that relates to a "crane operators charge" assessed against secondary users of these cranes. References made to other charges for such secondary use will remain unchanged.

Dated: June 20, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-14526 Filed 6-24-74; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-14203, etc.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Notice of Applications and Petitions¹

JUNE 17, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate

action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-14203 C 5-30-74	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	Transcontinental Gas Pipe Line Co., Block 76 Field, Vermilion Area, offshore Louisiana.	126.0	15.025
G-14203 D 5-30-74	Union Oil Co. of California.	do.	(?)	
C174-528 C 5-28-74 ³	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	36.5	14.65
C174-624 (C164-672) F 4-26-74	Petroleum Corp. of Texas (successor to Cities Service Oil Co.), P.O. Box 911, Breckenridge, Tex. 76024.	Northern Natural Gas Co., acreage in Meade County, Kans.	17.0	14.65
C174-677 (C172-680) F 5-20-74	Exxon Corp. (successor to Helmerich & Payne, Inc.).	Michigan Wisconsin Pipe Line Co., Cree Flowers Field, Roberts County, Tex.	21.5	14.65
C174-678 (C172-733) F 5-20-74	Exxon Corp. (successor to American Natural Gas Production Co.).	do.	21.5	14.65
C174-681 (C163-1360) B 5-22-74	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Chalkley, northwest field, Calcasieu Parish, La.	(?)	
C174-682 (G-4203) F 5-20-74	Hi-Gar Petro, Inc. (successor to J.M. Huber Corp.), 1145 North Prospect, Liberal, Kans. 67901.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Morton County, Kans.	18.5	14.65
C174-682 (G-11511) F 5-20-74	Hi-Gar Petro, Inc. (successor to Clinton Oil Co.).	do.	17.5	14.65
C174-683 A 5-22-74	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Bayou Latene Field, Point Coupee Parish, La.	45.0	15.025
C174-684 A 5-23-74	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	35.0	14.65
C174-685 (C871-516) B 5-16-74	Bel Oil Corp. (operator) et al., Lake Charles, La. 70601.	Texas Gas Transmission Corp., Oberlin Field, Allen Parish, La.	(?)	
C174-686 (C168-1161) F 5-17-74	J. Peter Grace (successor to T. F. Hodge), 114 Avenue of the Americas, New York, N.Y. 10036.	Arkansas Louisiana Gas Co., North Drummond Field, Garfield and Major Counties, Okla.	15.04	14.65
C174-691 A 5-30-74	Marathon Oil Co., 539 South Main St., Findlay, Ohio 43840.	Texas Eastern Transmission Corp., East Cameron Area, Block 321, offshore Louisiana.	60.0	15.025

Filing codes: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI74-692 (CST-213) D 5-23-74	Nemours Corp., 1203 Mid South Towers, Shreveport, La. 71101.	Arkansas Louisiana Gas Co., Carthage Field, Panola County, Tex.	(9)	—
CI74-666 A 5-23-74	Amerada Hess Corp., P.O. Box 2040, Tulsa, Okla. 74102.	Texas Eastern Transmission Corp., Block 321 Field, East Cameron Area, offshore Louisiana.	* 60.0	15,025

- 1 Subject to downward Btu adjustment.
 2 Nonproductive.
 3 Amendment to a pending application.
 4 Subject to upward and downward Btu adjustment; estimated upward adjustment is 4.9 cents per Mcf. Price includes 1.5 cents for gathering.
 5 Applicant is willing to accept a certificate conditioned in accordance with opinion No. 662.
 6 Subject to upward and downward Btu adjustment; estimated upward adjustment is 3.70 cents per Mcf.
 7 Deliveries of gas have ceased and leases have terminated.
 8 Subject to upward and downward Btu adjustment.
 9 Depleted.
 10 Subject to a deduction for compression by buyer.
 11 Applicant is willing to accept a certificate in accordance with opinion No. 598.

[FR Doc.74-14320 Filed 6-24-74; 8:45 am]

[Docket Nos. RI74-255 etc.]

JURISDICTIONAL SALES OF NATURAL GAS

Proposed Changes in Rates and Charges
JUNE 18, 1974.

In the matter of an order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund.¹

Respondents have filed proposed changes in rates and charges for juris-

dictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

¹ Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
	Shell Oil Co.	334	* 11	El Paso Natural Gas Co. (JM et al., Fields, Crockett, Terrell and Val Verde Counties, Tex.) (Permian Basin).	—	5-23-74	6-23-74	7 Accepted	—	—	—
RI74-255	do	138	* 12	do	(9)	5-23-74	—	11-23-74	* 23.0	46.1725	—
	The Superior Oil Co.	138	2-3	Transwestern Pipeline Co. (Bell Lake Unit, Lea County, N. Mex.) (Permian Basin).	\$01	5-24-74	7-1-74	7 Accepted	22.86	23.1132	—
RI74-183	do	2	* 1-9	do	426	5-22-74	—	* 9-1-74	22.86	23.8769	RI74-183.
RI70-700	Gulf Oil Corp.	213	1-11	Transwestern Pipeline Co. (Atoka Penn. Field, Eddy County, N. Mex.) (Permian Basin).	381	6-21-74	—	7-2-74	27.3309	27.6353	RI70-700.
RI70-700	do	215	1-11	Transwestern Pipeline Co. (White City Penn. Field, Eddy County, N. Mex.) (Permian Basin).	4,240	5-21-74	—	7-2-74	27.3309	27.6353	RI70-700.

* Unless otherwise stated, the pressure base is 14.65 psia.

1 Contract agreement.

2 Subject to quality adjustments pursuant to opinion No. 662.

3 Not known.

4 Applicable only to deliveries made pursuant to supplement No. 11.

5 Correction to a prior increase to 23.8769 cents per Mcf suspended in docket No. RI74-183.

6 Date last filed rate becomes effective subject to refund in docket No. RI74-183.

7 Accepted to become effective as of the date set forth in the "Effective date unless suspended" column.

The proposed rate increases of The Superior Oil Company and Gulf Oil Corporation reflect partial reimbursement for the 1.25 percent increase in the New Mexico severance tax which will become effective July 1, 1974. One of the tax increases does not exceed the applicable area ceiling under Opinion No. 662 and it is accepted. The other tax increases exceed the applicable ceiling under Opinion No. 662 and are suspended in the existing suspension proceeding for one day until July 2, 1974, or until the expiration of the suspension period for the underlying rate, whichever is later.

The proposed renegotiated rate increase of Shell Oil Company is suspended for five months since the proposed rate exceeds the applicable area ceiling rate in Opinion No. 662.

[FR Doc.74-14422 Filed 6-24-74; 8:45 am]

[Docket No. CP74-307]

FLORIDA GAS TRANSMISSION CO. AND SOUTHERN NATURAL GAS CO.

Notice of Application

JUNE 19, 1974.

Take notice that on May 30, 1974, Florida Gas Transmission Company (Florida), P.O. Box 44, Winter Park, Florida 32789, and Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP74-307 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in Escambia Coun-

ty, Alabama, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Florida and Southern seek authorization for the transportation by Southern of up to a maximum volume of 2,000 Mcf of natural gas per day from the point of receipt in Escambia County, Alabama, to the redelivery point in Escambia County, Alabama, a distance of approximately three miles, where such volumes of gas will be delivered to Florida by means of existing delivery facilities. Southern and Florida state that pursuant to the Transportation Agreement between the two parties dated May 10, 1974, which provides for a term of 20 years, delivery of gas produced by Exxon Company, U.S.A.,

for the account of Florida will be made into Southern's 10-inch Escambia Creek Field Line at the tailgate of the Mallard Exploration Company plant and Southern will redeliver, on a daily basis, an equal volume of gas to Florida at the point of the existing connection between the Escambia Creek Field Line and Florida's main pipeline. Southern and Florida state that no new facilities will be required to accomplish the proposed transportation. Southern and Florida further state that Florida will not pay any transportation charge to Southern for this transportation service.

Southern and Florida anticipate that the proposed transportation of gas will be commenced on or about May 22, 1974, pursuant to the provisions of § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22).

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14453 Filed 6-24-74; 8:45 am]

[Docket No. CP73-295]

LACLEDE GAS CO., ET AL.

Petition To Amend

JUNE 19, 1974.

In the matter of Laclede Gas Co., Illinois Power Co., Mississippi River Transmission Corp., Natural Gas Pipeline Co. of America.

Take notice that on May 30, 1974, Laclede Gas Company (Laclede), 720 Olive Street, St. Louis, Missouri 63101, Illinois Power Company (IPC), 500 South 27th Street, Decatur, Illinois 62525, Mississippi River Transmission Corporation (Mississippi), 9900 Clayton Road, St. Louis, Missouri 63124, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois, 60603 (Petitioners) filed in Docket No. CP73-295 a petition to amend the order of the Commission issued in the subject docket on July 16, 1973 (50 FPC —), pursuant to section 7(c) of the Natural Gas Act by authorizing a one year extension of the term of that order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners were authorized in the subject docket to exchange up to 10,000 Mcf of natural gas per day for one year until April 15, 1974, to permit the testing of potential storage reservoirs in the Stubblefield Storage Area, Bond County, Illinois. Petitioners now claim that despite disappointing first year test results, Laclede's geologists are still not satisfied that the Stubblefield Area lacks sufficient delivery capacity to be of use. Petitioners state that a conclusive determination of overall feasibility necessitates the testing and development of the North Beaver Creek reservoir, which is immediately adjacent to Stubblefield. Petitioners contemplate that, upon completion of this program, a reliable overall evaluation as to Laclede's proposed storage operations in Bond County, Illinois, will be possible. Laclede proposes to begin immediate preparations for initial injection tests in the North Beaver Creek reservoir but anticipates no withdrawals for the 1974-75 winter season.

Petitioners request the Commission to extend until April 15, 1975, the authorizations contained in the aforementioned July 16, 1973, order, modified only to reduce the injection, transportation and exchange volume to 5,000 Mcf per day and to include injection into the North Beaver Creek reservoir.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 10, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14454 Filed 6-24-74; 8:45 am]

[Docket No. ID-1612]

LEONARD A. O'CONNOR
Supplemental Application

JUNE 19, 1974.

Take notice that on June 10, 1974, Leonard A. O'Connor (Applicant) filed a supplemental application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act, to hold the following positions:

Treasurer, Holyoke Water Power Company, Public Utility.
Treasurer, Holyoke Power and Electric Company, Public Utility.

By Commission order issued March 31, 1970, Applicant was authorized to hold the following positions:

Treasurer, The Connecticut Light and Power Company, Public Utility.
Treasurer, The Hartford Electric Light Company, Public Utility.
Treasurer, Western Massachusetts Electric Company, Public Utility.

Holyoke Water Power Company is a Massachusetts corporation engaged principally in the manufacture, purchase, transmission, distribution and sale of electricity to industrial, municipal and wholesale customers in the Cities of Holyoke and Chicopee and the Town of South Hadley in western Massachusetts.

Holyoke Power and Electric Company is a wholly-owned subsidiary of Holyoke Water Power Company, which conducts certain of that Company's electric operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14455 Filed 6-24-74; 8:45 am]

[Docket No. CI74-492]

LONE STAR PRODUCING CO.

Extension of Time and Postponement of Hearing

JUNE 19, 1974.

On June 7, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued May 21, 1974 in the above-designated matter. The motion states that no party objects to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter be modified as follows:

Service of direct case by Lone Star and interveners, June 21, 1974.
Service of direct testimony by Staff and interveners opposing, July 5, 1974.
Service of rebuttal evidence, July 11, 1974.
Hearing, July 11, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14456 Filed 6-24-74; 8:45 am]

[Docket No. RP71-107; Phase I]

NORTHERN NATURAL GAS CO.

Extension of Time

JUNE 18, 1974.

On June 11, 1974, Northern Natural Gas Company filed a motion for an extension of the briefing schedule fixed by order issued May 30, 1974, in the above-designated matter. The motion states that the parties filing briefs in the Court of Appeals had no objection to the requested extension of time.

Upon consideration, notice is hereby given that the briefing dates in the above matter are modified as follows:

Northern and any supporting party, June 27, 1974.
Answering briefs, July 29, 1974.
Reply briefs, August 12, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14457 Filed 6-24-74; 8:45 am]

[Project No. 175]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Annual License

JUNE 19, 1974.

On June 29, 1970, Pacific Gas and Electric Company, Licensee for Balch Project No. 175, located in Fresno County, near the city of Fresno, in Sequoia and Sierra National Forests, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for Project No. 175 was issued effective July 28, 1922, for a period ending July 27, 1972. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company for continued operation and maintenance of Project No. 175.

Take notice that an annual license is issued to Pacific Gas and Electric Company (Licensee) under section 15 of the Federal Power Act for the period July 28, 1974, to July 27, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Balch Project No. 175, sub-

ject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14458 Filed 6-24-74; 8:45 am]

[Project No. 344]

SOUTHERN CALIFORNIA EDISON CO.

Issuance of Annual License

JUNE 18, 1974.

On April 20, 1970, Southern California Edison Company, Licensee for San Geronio No. 1 and 2 Project No. 344, located in the counties of Riverside and San Bernardino, California, on the east and south forks of the Whitewater and San Geronio Rivers near the cities of Yucaipa and Banning, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for San Geronio No. 1 and No. 2 Project No. 344 was issued effective April 27, 1923, for a period ending April 26, 1973. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Southern California Edison Company for continued operation and maintenance of Project No. 344.

Take notice that an annual license is issued to Southern California Edison Company (Licensee) under section 15 of the Federal Power Act for the period April 27, 1974, to April 26, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the San Geronio No. 1 and No. 2 Project 344, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14459 Filed 6-24-74; 8:45 am]

[Docket No. CP74-311]

SOUTHERN NATURAL GAS CO.

Notice of Application

JUNE 19, 1974.

Take notice that on May 31, 1974, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP74-311 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon service to Atlantic Creosoting Company, Inc. (Atlantic), and facilities related to that service located on Applicant's Savannah branch line in Chatham County, Georgia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the delivery of natural gas to Atlantic as a result of the cancellation by Atlantic of

the contract of sale between the two parties. The application indicates that since Atlantic is no longer equipped to burn natural gas, the service which Applicant proposes to abandon was discontinued to Atlantic on April 4, 1974. Applicant also proposes to abandon the metering and regulating facilities related to said service. Applicant states that no service is being rendered by means of the facilities proposed to be abandoned.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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 permission and approval for the proposed abandonment are 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.74-14460 Filed 6-24-74; 8:45 am]

[Docket No. CI74-222]

TENNECO OIL CO.

Extension of Time and Postponement of Hearing

JUNE 18, 1974.

On June 12, 1974, Tenneco Oil Company filed a motion to reschedule the procedural dates fixed by order issued May 15, 1974, in the above-designated matter. The motion states that neither staff nor intervenors oppose this motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of evidence by Tenneco, July 2, 1974.
 Service of evidence by interveners and staff,
 July 12, 1974.
 Service of rebuttal evidence by Tenneco,
 July 23, 1974.
 Hearing, July 30, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
 Secretary.

[FR Doc.74-14461 Filed 6-24-74; 8:45 am]

[Docket No. CP74-308]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 19, 1974.

Take notice that on May 31, 1974, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP 74-308 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing August 12, 1974, and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally co-extensive with said system.

Applicant states that the total cost of the proposed facilities will not exceed \$7,000,000, with no single onshore project to exceed \$1,000,000, and no single offshore project to exceed \$1,750,000. Applicant states that the proposed facilities will be financed initially from temporary bank loans and internal funds, with permanent financing to be arranged as part of an overall financing program.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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.74-14462 Filed 6-24-74; 8:45 am]

[Docket No. CI74-690]

TRIBAL OIL CO., ET AL.

Notice of Application

JUNE 19, 1974.

Take notice that on May 28, 1974, Tribal Oil Company (Operator), et al. (Applicant), P.O. Box 52343, Lafayette, Louisiana 70501, filed in Docket No. CI74-690 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Trunkline Gas Company (Trunkline) from the Oretta Field Area, Beauregard Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Trunkline an estimated 30,000 Mcf of natural gas per month for one year from the Oretta Field Area at a rate of 45.0 cents per Mcf at 15.025 psia, subject to upward Btu adjustment from a base of 1,050 Btu per cubic foot and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant states that it intends to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29).

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any 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. 74-14463 Filed 6-24-74; 8:45 am]

[Project No. 20]

UTAH POWER AND LIGHT CO.

Issuance of Annual License

JUNE 19, 1974.

On June 26, 1970, Utah Power and Light Company, Licensee for Soda Project No. 20, located on the Bear River in Caribou County, Idaho, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder §§ 16.1-16.6).

The license for Soda Project No. 20, was issued effective July 5, 1923, for a period ending July 4, 1973. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Utah Power and Light Company for continued operation and maintenance of Soda Project No. 20.

Take notice that an annual license is issued to Utah Power and Light Company (Licensee) under section 15 of the Federal Power Act for the period July 5, 1974, to July 4, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Soda Project No. 20 subject to the terms and conditions of its license.

KENNETH F. PLUMB,
 Secretary.

[FR Doc.74-14464 Filed 6-24-74; 8:45 am]

FEDERAL RESERVE SYSTEM

MERCANTILE NATIONAL CORP.

Formation of Bank Holding Company

Mercantile National Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors')

qualifying shares) of Mercantile National Bank at Dallas, Texas. 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 Dallas. 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 July 15, 1974.

Board of Governors of the Federal Reserve System, June 17, 1974.

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

[FR Doc.74-14495 Filed 6-24-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-39]

THERM-X-GLOW, LTD.

Intent To Grant Exclusive Patent License

Notice is hereby given of intent to grant to Therm-X-Glow, Ltd., Bourne, Massachusetts, an exclusive, revocable license to practice the invention described in U.S. Patent No. 3,152,344 for "Life Preserver", issued on October 13, 1964, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR 1245.2, as revised April 1, 1972. NASA will grant the exclusive license unless, within 30 days of this Notice, the Chairman, Inventions and Contributions Board, NASA, Washington, DC, 20546, receives in writing any of the following, together with supporting documentation: (i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (ii) an application for a non-exclusive license under such invention, in accordance with § 1245.206(b) in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: June 14, 1974.

R. TENNEY JOHNSON,
General Counsel.

[FR Doc.74-14486 Filed 6-24-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Notice of Extension

Determination pursuant to Executive Order 11769 (Advisory Committee Man-

agement) and Pub. L. 92-463 (Federal Advisory Committee Act).

In the determination order of the Director of the Bureau of the Budget, dated June 29, 1962, it was determined that the formation and continued use of the Advisory Council on Federal Reports (now Business Advisory Council on Federal Reports) as an advisory committee to the Bureau of the Budget (now Office of Management and Budget) was in the public interest.

There has been no significant change in the facts relied upon to support the above mentioned determination order. The need for the Business Advisory Council continues. Therefore, and for the reasons set forth in that order, it is hereby determined that it would be in the public interest to extend the life of the Business Advisory Council on Federal Reports.

The Business Advisory Council on Federal Reports is hereby extended until June 30, 1976. The authority to make determinations as to the formation and utilization of advisory committees and panels of the Business Advisory Council is hereby delegated to the Deputy Associate Director for Statistical Policy. That authority may be redelegated. All other terms and conditions of the above mentioned determination order remain in effect.

Dated: June 13, 1974.

ROY L. ASH,
Director.

[FR Doc.74-14471 Filed 6-24-74;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 June 20, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, Foreign Investment Survey in U.S. Fishing Industry, Form NOAA 88-85T,

Single time, Hulett, Processing and wholesaling firms.

DEPARTMENT OF DEFENSE

Defense Civil Preparedness Agency, Critical Resources Survey Form, Form DCPA 914, Single time, NSD/Sheftel, Local CD Directors & other Govt. officials.

DEPARTMENT OF THE INTERIOR

National Park Service, Study of Fire Island Exempted Communities, Form —, Single time, Caywood, Households on Fire Island National Seashore.

REVISIONS

FEDERAL ENERGY OFFICE

Producers and Wholesale Purchaser-Resellers Monthly Report, Form FEO 100A, Monthly, Weiner, Refiners-Importers suppliers & certain resellers of propane and butane.

FEDERAL ENERGY OFFICE

Storage Operators Monthly Report, Form 103B, Monthly, Weiner, Operators of propane/Butane Storage facilities.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service:

Harvest and Storage of Hay for Emergency Use, Form ASCS 99, Occasional, Evinger, Farm producers desiring to release stored hay.

Request to Graze or Harvest Hay, Form ASCS 100, Occasional, Evinger, Farm producers desiring to graze & harvest hay from CAP and CCP acreage.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:

Authorization to Release Notice of Determination and Request for Medical Information, Form OA-D 439, Occasional, Evinger (x).

Without Fault Questionnaire, Form SSA 634, Occasional, Evinger (x).

Partnership Questionnaire, Form SSA 7104, Annual, Evinger (x).

Payment Record Transmittal, Form SSA 1606, Weekly, Evinger (x).

Modification of Existing Hospital Cost Reimbursement Forms, Form SSA 1992, Annual, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-14583 Filed 6-24-74;8:45 am]

POSTAL SERVICE

INCREASE IN CERTAIN TEMPORARY POSTAGE RATES

Effective Date

On September 25, 1973, the United States Postal Service requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on changes in rates of postage and fees for postal services pursuant to chapter 36 of title 39, United States Code.

By notice published in the daily issue of the FEDERAL REGISTER on October 19, 1973 (38 FR 29198), the Postal Service announced that, should the Postal Rate Commission not transmit its recommended decision to the Governors of the Postal Service within 90 days after submission of the Postal Service's request (September 25, 1973), the Postal Service

intended to place in effect specified temporary changes in rates of postage and fees for postal services under the authority of 39 U.S.C. 3641. The Postal Service further announced that, if permanent rates were not recommended by the Commission prior to July 6, 1974, further temporary changes would be implemented in rates for classes of mail or kinds of mailers referred to in 39 U.S.C. 3626.

Notice is hereby given that, effective 12:01 a.m. on July 6, 1974, the third step of phased postage rate increases will be placed in effect at temporary rate levels for the following classes of mail: Second-class; controlled circulation; third-class bulk mail for qualified non-profit organizations; special fourth-class and library fourth-class. This action represents the

next step of scheduled rate increases for the designated classifications of mail to be phased in over a period of 5 or 10 years, depending on the particular mail classification involved. The applicable authority and procedures are set forth in the notice in the FEDERAL REGISTER of October 19, 1973, (38 FR 29198).

The rates of postage to be established, effective 12:01 a.m. on July 6, 1974, are set forth in column (3) of the schedule published below, except that, should S. 411 as passed by the Senate on May 9, 1974, be enacted prior to July 6, 1974, the rates of postage will be as set forth in column (4) of the schedule.

(39 U.S.C. 101(d), 401, 403, 404, 3621-3641; 84 Stat. 719)

ROGER P. CRAIG,
Deputy General Counsel.

Schedule of phased postage-rate increases, July 6, 1974

Mail class	Postage rate unit	Temporary rates (cents) ¹	Temporary rates (cents)
(1)	(2)	(3)	(4)
Second class:			
In-county:			
Pound rate matter.....	Pound.....	1.6	1.6
Per-piece charge.....	Piece.....	.4	.3
Per-copy charge.....	Copy.....	1.4 or 2.4	1.3 or 2.3
Outside county:			
Nonprofit:			
Nonadvertising.....	Pound.....	3.1	2.9
Advertising: ²			
Zones:			
1 and 2.....	do.....	5.2	5.1
3.....	do.....	6.0	5.8
4.....	do.....	7.5	7.3
5.....	do.....	9.2	8.9
6.....	do.....	10.1	9.9
7.....	do.....	10.8	10.4
8.....	do.....	11.4	11.0
Per-piece charge.....	Piece.....	.6	.4
Classroom:			
Nonadvertising.....	Pound.....	2.7	2.6
Advertising:			
Zones:			
1 and 2.....	do.....	3.9	4.0
3.....	do.....	4.6	4.7
4.....	do.....	6.0	6.1
5.....	do.....	7.5	7.6
6.....	do.....	9.1	9.2
7.....	do.....	10.1	10.2
8.....	do.....	11.9	11.8
Per-piece charge.....	Piece.....	.4	.4
Regular rate:			
Nonadvertising.....	Pound.....	5.9	5.4
Advertising:			
Zones:			
1 and 2 (Science of Agriculture).....	do.....	5.4	5.2
1 and 2.....	do.....	7.7	7.3
3.....	do.....	8.6	8.2
4.....	do.....	10.3	10.0
5.....	do.....	12.3	12.1
6.....	do.....	14.5	14.2
7.....	do.....	16.1	15.7
8.....	do.....	18.4	18.1
Per-piece charge ³	Piece.....	1.6	1.1
Per piece ⁴	do.....	.6	.4
Controlled circulation:			
Per pound.....	Pound.....	16.0	16.0
Minimum per piece.....	Minimum per piece.....	4.9	4.6
Third class:			
Nonprofit bulk rate:			
Circulars:			
Per pound.....	Pound.....	12.0	11.0
Minimum per piece.....	Piece.....	1.9	1.8
Book, catalogs, etc.:			
Per pound.....	Pound.....	9.0	9.0
Minimum per piece.....	Minimum per piece.....	1.9	1.8
Fourth class:			
Special rate:			
Per pound.....	Pound.....	20.0	18.0
Each additional.....	Each additional pound.....	8.0	8.0
Library rate:			
Per pound.....	Pound.....	8.0	7.0
Each additional.....	Each additional pound.....	3.0	3.0

¹ Same as step 3 of table B, attachment B, USPS request of Sept. 25, 1973, filed in docket No. R74-1.

² Not applicable to publications containing 10 percent or less advertising content.

³ Publications mailing 5,000 or more copies per issue outside county of publication.

⁴ Publications mailing fewer than 5,000 copies per issue outside county of publication.

[FR Doc.74-14371 Filed 6-24-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Delayed Effectiveness to Option Plan Amendments

Notice is hereby given that the Chicago Board Options Exchange, Inc., (CBOE) has filed an amendment to certain of its proposed changes to its Option Plan filed pursuant to Rule 9b-1 (17 CFR 240.9b-1) delaying their effectiveness. CBOE's amendment delays the effectiveness of these proposed amendments until the Commission may allow their effectiveness or shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

The following proposed changes were originally noticed on May 9, 1974 at 39 FR 16521. The proposed amendment to Rule 101(c) of its Clearing Corporation would eliminate the requirement that Clearing Banks be located in Chicago, Illinois.

The proposed amendment to Rule 204 of the Clearing Corporation would designate the copy of any item delivered by the Clearing Corporation to a Clearing Member's lock box in Chicago as the original and definitive copy of that item.

The proposed amendment to Rule 903 of the Clearing Corporation would expressly require Clearing Members delivering and receiving underlying securities in jurisdictions other than Illinois to pay any applicable stock transfer or other taxes imposed by the jurisdiction where delivery takes place, to hold the Clearing Corporation harmless in respect of such taxes, and to furnish to the Clearing Corporation on request evidence as to the payment thereof.

In addition the following changes were noticed April 17, 1974 at 39 FR 13815.

The proposed guideline under Rule 6.42 would change the expression of bids and offers for series trading below \$2 from eighths to sixteenths. Proposed Rule 6.54 would establish cabinet trading for closing transactions only at a price of \$1 per contract. The rationale for these changes is discussed in the following paragraphs.

Proposed guideline .01 under Rule 6.42 reflects the Floor Procedure Committee's determination that continuity is improved and more meaningful bids and offers obtained where quotations may be made in sixteenths for series trading under \$2.

Proposed Rule 6.54 would establish a procedure for all persons trading on the Exchange to liquidate a position in options at the fixed price of \$1 per contract. This will enable persons to close out essentially worthless positions in situations where they otherwise would not do so, even at a price of 1/16 (per unit of underlying stock, or \$6.25 per contract). All trades under this rule would be reported to the Exchange at the close of each business day and would be reported on the CBOE tape prior to the opening the following morning. On such trades

the commission would be as mutually agreed, under Rules 14.3 and 14.5. This proposed rule would not prohibit members from executing transactions off the Exchange pursuant to Rule 6.49.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 132-37784. The proposed amendments including the reasons for such amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 13, 1974.

[FR Doc.74-14507 Filed 6-24-74; 8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Amendments to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed amendments to certain of its proposed changes to its Option Plan filed pursuant to Rule 9b-1 (17 CFR 240.9b-1).

In general the proposed amendments to the proposed changes originally filed are intended to assure the presence of continuous, competitive market-making on the CBOE floor. In addition the amendments are intended to assure that market makers assume the affirmative market-making obligation whenever they enter a trading crowd for a class of options in which they hold Supplemental appointments.

The original proposed changes were noticed on March 13, 1974 at 39 FR 10671. The CBOE filed an amendment to these changes, noticed on April 22, 1974 at 39 FR 14259, delaying their effectiveness until the Commission may allow their effectiveness or shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 132-37784. The proposed amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 13, 1974.

[FR Doc.74-14506 Filed 6-24-74; 8:45 am]

[812-3649]

SOURCE CAPITAL, INC.

Filing of Application for an Order Exempting A Proposed Transaction

JUNE 13, 1974.

Notice is hereby given that Source Capital, Inc., 1888 Century Park East, Los Angeles, California 90067 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a closed-end, diversified, management investment company, has filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed purchase by Arnava Industries, Inc. ("Arnava") of 180,000 shares of its Common Stock upon the tender of such shares by the Applicant. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Since December 1968, Applicant has owned 180,000 shares or approximately 15 percent of the Common Stock of Arnava plus a Warrant initially entitling Applicant to purchase an additional 121,500 shares at exercise prices ranging from \$15 to \$18 per share. The shares owned by Applicant may be deemed to be restricted securities since they were acquired in a transaction not involving a public offering and were not the subject of an effective registration statement under the Securities Act of 1933. On June 3, 1974, Applicant received by mail an Invitation for Tenders of up to 250,000 shares of Common Stock of Arnava (the "Tender Offer"). Pursuant to the terms of the Tender Offer which expires on June 20, 1974 (the "Expiration Date"), Arnava will purchase all shares tendered up to 180,000 and, at its option, may purchase all or any additional shares up to a maximum of 250,000. If fewer than all shares tendered are purchased, the shares purchased will be purchased on a pro rata basis. Arnava has reserved the right to extend the Tender Offer beyond the Expiration Date. If the Tender Offer is extended, all shares tendered prior to the Expiration Date will be purchased and shares tendered during the extension period will be purchased on a pro rata basis. In no event will more than 250,000 shares be purchased pursuant to the Tender Offer. The purchase price will be \$3.50 per share. Applicant desires to tender its 180,000 shares pursuant to the Tender Offer.

Prior to the receipt of the Tender Offer, Applicant and Arnava had entered into negotiations looking toward the purchase by Arnava of the 180,000 shares held by Applicant at a price of \$3.50 per share. No agreement was reached as a result of those negotiations which included the purchase of the Warrant. On May 28, 1974, the highest bid in the over-the-counter market for Arnava Common Stock was \$3.00 per share. The price range for Arnava Common Stock since January 1, 1973, has fluctuated from a high of \$4.25 during the first quarter of 1973 to a low of \$2.50 during the second quarter of 1974 up through May 28.

Applicant states that, since it owns approximately 15 percent of the outstanding voting securities of Arnava, Applicant and Arnava might be deemed to be affiliated persons of each other within the definition of "affiliated person" set forth in section 2(a)(3) of the Act. Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer. Pursuant to section 17(b) of the Act, the Commission, upon application, may grant an exemption from such prohibition after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

Applicant submits that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned since the price to be received by Applicant is the same price which will be received by all other shareholders of Arnava who tender their shares pursuant to the Tender Offer. Applicant asserts that the price of \$3.50 per share is fair and reasonable in view of the price range of Arnava Common Stock over the past few years. It is stated that, in view of the relatively thin market for Arnava Common Stock, it would be practically impossible for Applicant to dispose of its holdings without further depressing the market price of the stock. Applicant believes that the market will continue to place a low value on the shares of Arnava and that, in view of the large block of restricted shares held by Applicant, it is not likely that such shares could be sold at any price approximating a market price at the time of such a sale. Applicant asserts that the Tender Offer represents an advantageous opportunity for its shareholders since, in Applicant's view, the funds to be received pursuant to the Tender Offer can be invested more favorably elsewhere. Applicant submits that the proposed transaction is consistent with its policies and the general purposes of the Act.

Notice is further given that any interested person may, not later than July 15, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing).

upon Applicant at the address stated above. Proof of such service (by affidavit, or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following July 15, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14505 Filed 6-24-74; 8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Notice of Suspension of Trading

JUNE 18, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent, the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 19, 1974 through June 28, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14504 Filed 6-24-74; 8:45 am]

SUSQUEHANNA RIVER BASIN COMMISSION

REVIEW OF PROJECTS

Public Hearing

JUNE 18, 1974.

Notice is hereby given that the Susquehanna River Basin Commission will hold a public hearing on Thursday, July 11, 1974, at the Sheraton-Harrisburg Inn, off I-83 at Exit 18-A in New Cumberland, Pennsylvania. The hearing will begin at 2:30 p.m. The purpose of the hearing is to receive public comment and reaction to the Commission's proposed rules and regulations for review of projects.

The proposed rules and regulations for review of projects set forth the purposes

of review by the Commission, the scope of review, and the application and public hearing procedures. Commission review of Federal, State, local and private sector proposals is provided for in the Susquehanna River Basin Compact § 3.10. In general this section provides review authority over projects that may result in a significant interstate effect on the water resources of the basin and projects that would affect immediate and long-range alternatives for the management, development, conservation or utilization of the basin's water resources.

Copies of the proposed rules and regulations for review of projects may be obtained by writing to the Susquehanna River Basin Commission, 5012 Lenker Street, Mechanicsburg, Pennsylvania 17055.

All persons wishing to testify are requested to notify the Commission in writing as early as possible.

ROBERT J. BIELO,
Executive Director.

[FR Doc.74-14465 Filed 6-24-74; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 536]

ASSIGNMENT OF HEARINGS

JUNE 20, 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 June 25, 1974.

MC 107295 Sub-664, Pre-Fab Transit Co., is continued to September 23, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB 1 Sub 17, Chicago and North Western Transportation Company Abandonment Between Janesville and Fort Atkinson, in Rock and Jefferson Counties, Wisconsin, AB 1 Sub 17, Chicago and North Western Transportation Company Abandonment Between Beloit and Evansville, also Between Afton and Janesville, all in Rock County, Wisconsin, now being assigned hearing July 29, 1974 (1 week), in the City Council Chambers, 2nd Floor, Municipal Service Center, 220 W. Grand Avenue, Beloit, Wisconsin.

W-381 Sub 18, Federal Barge Lines, Inc., now being assigned continued hearing July 31, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 130228, Moreno Tours, Inc., now being assigned hearing, September 9, 1974 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 130216, Il Progresso Italo-Americano Publishing Co., Inc., now being assigned hearing September 11, 1974 (3 days), at New York, N.Y., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-14516 Filed 6-24-74; 8:45 am]

[Special Permission No. 74-2525]

EMERGENCY FUEL SURCHARGE FOR LINE-HAUL TRANSPORTATION CHARGES AND OTHER CHARGES—MOTOR COMMON CARRIERS

Petition To Base Surcharge on Distance

JUNE 19, 1974.

Notice is hereby given that on June 4, 1974, the National Small Shipments Traffic Conference, Drug and Toilet Preparation Traffic Conference, and Eastern Industrial Traffic League jointly filed a petition for issuance of a new fuel surcharge.

In support, petitioners allege that fuel costs are incurred on a mileage basis rather than on a basis related to freight charges. Consequently, according to petitioners, to place the surcharge on an equitable basis it should be related to distance. Petitioners calculate that motor carriers generally have incurred increased fuel costs averaging 4 cents per mile. If a surcharge based on freight charges is to be continued, petitioners urge that it be reduced to 1 percent on less-than-truckload traffic, while retaining the 6 percent maximum on truckload traffic.

Any person interested in the matter which is the subject of the petition and who wishes to participate actively in any further proceedings shall notify this Commission, by filing with the Interstate Commerce Commission, Office of Proceedings, Room 5342, 12th Street and Constitution Avenue NW., Washington, D.C. 20423, on or before July 15, 1974, an original and one copy of a statement of his intention to participate. Thereafter, the nature of further proceedings, if any, will be designated. The petition and statements of intent to participate, if any, will be available for public inspection at the offices of the Commission during regular business hours. Petitioners have served their petition on all parties to docket Ex Parte No. MC-92, Investigation of Impact of Rising Costs on Motor Common Carriers.

A copy of this notice will be served upon petitioners and upon each party to this proceeding and to the proceeding in Ex Parte No. MC-92, and notice of the filing of the petition will be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C. 20423, and by delivering a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-14517 Filed 6-24-74; 8:45 am]

[Notice 109]

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 July 16, 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-75130. By order of June 18, 1974 the Motor Carrier Board approved the transfer to Abraham Dadian, 79 North Street, Laconia, New Hampshire 03246 of Certificate No. MC-76814 issued March 22, 1973, to Richard Willey, doing business as E. J. Pelletier and Son Movers, Laconia, N.H., authorizing the transportation such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses from railroads and rail sidings in Laconia, N.H., to Wells River and White River Junction, Vt.; and from Laconia, N.H., to points in five named counties in New Hampshire; and household goods between points in Belknap County, N.H., on the one hand, and, on the other, points in Vermont, Massachusetts, Rhode Island, Connecticut, Maine, and New York.

No. MC-FC-75138. By order of June 14, 1974, the Motor Carrier Board approved the transfer of Western Tex-Pack, Inc., Stamford, Tex., of that portion of the Certificates of Registration in Nos. MC-120309 (Sub-No. 1) and MC-120309 (Sub-No. 3) issued May 13, 1964, and September 4, 1973, respectively, to R. G. Dudley and C. C. Westfall, a partnership, doing business as Mistletoe Transit Company, Lubbock, Tex., evidencing the right to engage in transportation in interstate or foreign commerce corresponding to the following grant of authority in certificate No. 3037 issued by the Railroad Commission of Texas: (1) newspapers and motion picture films only, from Dallas to Girard; from Wichita Falls to Haskell; and from Anson to Roby, serving all intermediate points, except those between Dallas, Fort Worth, and Throckmorton; motion picture films, equipment, advertising and supplies and newspapers between Dallas and Fort Worth, on the one hand, and, on the other, Lake Worth Theatre near Fort Worth, Azle; Springtown, Lueders; and Benjamin, restricted

against originating shipments at Dallas destined for Fort Worth and intermediate points, or vice versa; and (2) motion picture films, theatre equipment, supplies and advertising, magazines, and newspapers, unrestricted as to weight, to, from and between all points on the following routes and serving all intermediate points: (a) U.S. Highway 80, State Highway 183 and Interstate 20 between Dallas and Fort Worth; (b) Interstate 35-W and U.S. Highway 81 between Fort Worth and Itasca; (c) F.M. Road 66 and 934 between Itasca and Osceola; (d) State Highway 171 between Osceola and Cleburne; (e) State Highway 174 between Burleson and Cleburne; (f) U.S. Highway 67 between Cleburne and its junction with State Highway 220, thence over State Highway 220 to Hico; (g) U.S. Highway 281 between Hico and Hamilton; (h) State Highway 36 between Hamilton and Gatesville; (i) U.S. Highway 84 between Gatesville and McGregor; (j) State Highway 317 between McGregor and Valley Mills; (k) State Highway 6 between Valley Mills and Meridian; and (l) State Highway 144 between Meridian and Glen Rose serving all intermediate points; and (3) general commodities, restricted against the transportation of packages weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day, from, to and between all points between Dallas and Fort Worth; between Fort Worth and Jacksboro; between Jacksboro and Rule; between Wichita Falls and Abilene; between Munday and Knox City; between Benjamin and Rule; between Anson and Aspermont; between Anson and Roby; between Roby and Rotan; between Rotan and the junction of U.S. Highway 277 and State Highway 92 near Stamford; between Aspermont and Girard; between Aspermont and Albany; between Fort Worth and Itasca; between Itasca and Osceola; between Burleson and Cleburne; between Cleburne and Hico; between Hico and Hamilton; between Hamilton and Gatesville; between Gatesville and McGregor; between McGregor and Valley Mills, and between Meridian and Glen Rose, over specified routes. Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, attorney for applicants.

No. MC-FC-75139. By order of June 14, 1974, the Motor Carrier Board approved the transfer to R. G. Dudley, doing business as Mistletoe Transit Company, Lubbock, Tex., of that portion of the Certificates of Registration in Nos. MC-120309 (Sub-No. 1) and MC-120309 (Sub-No. 3) issued May 13, 1964, and September 4, 1973, respectively, to R. G. Dudley and C. C. Westfall, a partnership, doing business as Mistletoe Transit Company, Lubbock, Tex., evidencing a right to engage in transportation in interstate or foreign commerce corresponding to the following intrastate authority granted in certificate No. 3037 by the Railroad Commission of Texas: (1) Newspapers, moving picture films, (a) between Dallas and

diate point; and (b) between Fort Worth and Spur and thence to Lubbock, serving no intermediate points between Fort Worth and Spur, but serving Stamford and Girard for interlining purposes, and serving all intermediate points between Spur and Lubbock; motion picture films, equipment, advertising and supplies and newspapers, between Dallas and Fort Worth, on the one hand, and, on the other, Petersburg, Olton, Dimmitt, and Hereford; and magazines from Dallas to Lubbock, serving no intermediate point; (2) general commodities, to, from and between all points along the routes indicated hereafter, subject to the restriction that no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day, (a) U.S. Highway 80, Interstate 10, State Highways 114, 121, and 183 between Dallas and Fort Worth, thence over State Highway 99 and U.S. Highway 82 between Fort Worth and the intersection of U.S. Highway 82 with F. M. Road 143, east of Guthrie, without service to any intermediate point between Dallas and such intersection; (b) U.S. Highway 80, Interstate 10, U.S. Highway 180, State Highway 6, U.S. Highway 380 and State Highway 70 between Dallas and Spur, without service to any intermediate point except for the purpose of interlining with other carriers at Stamford and Girard; (c) State Highway 283 between Quanah and Crowell; (d) State Highway 70 between Spur and Turkey; (e) U.S. Highways 70 and 62 between Vernon and Earth; (f) U.S. Highways 82 and 62 between Dickens and Lubbock; (g) State Highway 86 between Turkey and Tulia; (h) U.S. Highway 87 between Lubbock and Amarillo; (i) U.S. Highway 385 between Springlake and Hereford; (j) U.S. Highway 62 between Floydada and Ralls; (k) F. M. Road 54 between its junction with U.S. Highway 62 and its junction with U.S. Highway 87; and (l) U.S. Highways 62 and 83 between Childress and Paducah, serving all intermediate points. Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, attorney for applicants.

No. MC-FC-75191. By order of June 18, 1974 the Motor Carrier Board approved the transfer to Frank Wolfe's Bonded Warehouse, Inc., Greenville, Tex., of Permit No. MC-136638 Sub 1 and Certificate No. MC-104558 issued June 6, 1973, and June 18, 1973, respectively, to Mrs. Willie Harris Wolfe, doing business as Frank Wolfe's Bonded Warehouse, Greenville, Tex., authorizing the transportation of telephone equipment, materials, and supplies between Greenville, Tex., on the one hand, and, on the other, points in 11 named counties in Texas; and household goods from, to, and between points in named counties in Texas and points in Louisiana, Oklahoma, Arkansas, and Kansas, respectively. Paul D. Angenend, Esq., P.O. Box 2207, Austin, Tex. 76767.

No. MC-FC-75198. By order entered June 18, 1974 the Motor Carrier Board approved the transfer to Louis Szepesi, doing business as Stratford Freight Company, Stratford, Conn., of that portion of the operating rights set forth in Certificate No. MC-66669, issued November 26, 1940, to Sofield Transfer Co., Inc., Newark, N.J., authorizing the transportation of general commodities, with the usual exceptions, between points in the New York, N.Y. Commercial Zone, as defined by the Commission in 1 M.C.C. 665, on the one hand, and, on the other, points in Fairfield County, Conn. Thomas W. Murrett, 342 N. Main St.,

P.O. Box 17067, West Hartford, Conn. 06117, attorney for applicants.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-14514 Filed 6-24-74; 8:45 am]

[Notice 4]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
No. MC-110563 (Sub-No. 78)	No. MC-110563 (Sub-No. 75)	Mar. 22, 1974
No. MC-110563 (Sub-No. 78)	No. MC-110563 (Sub-No. 81)	Apr. 2, 1973
No. MC-112854 (Sub-No. 28)	No. MC-112854 (Sub-No. 20)	Aug. 1, 1973
No. MC-113024 (Sub-No. 98)	No. MC-113024 (Sub-No. 112)	Aug. 31, 1973
No. MC-113843 (Sub-No. 188)	No. MC-113843 (Sub-No. 179)	Aug. 13, 1973
No. MC-113855 (Sub-No. 250)	No. MC-113855 (Sub-No. 200)	Aug. 31, 1973
No. MC-114725 (Sub-No. 51)	No. MC-114725 (Sub-No. 53)	Do.
No. MC-115311 (Sub-No. 117)	No. MC-115311 (Sub-No. 120)	Aug. 20, 1973
No. MC-115667 (Sub-No. 6)	No. MC-115667 (Sub-No. 5)	May 10, 1974
No. MC-115814 (Sub-No. 8)	No. MC-115814 (Sub-No. 9)	Aug. 28, 1973
No. MC-116273 (Sub-No. 155)	No. MC-116273 (Sub-No. 157)	Aug. 16, 1973
No. MC-116273 (Sub-No. 159)	No. MC-116273 (Sub-No. 157)	Do.
No. MC-116273 (Sub-No. 161)	No. MC-116273 (Sub-No. 157)	Do.
No. MC-116632 (Sub-No. 14)	No. MC-116632 (Sub-No. 15)	Aug. 23, 1973
No. MC-116645 (Sub-No. 14)	No. MC-116645 (Sub-No. 15)	Aug. 25, 1973
No. MC-117639 (Sub-No. 5)	No. MC-117639 (Sub-No. 6)	Aug. 27, 1973
No. MC-117686 (Sub-No. 138)	No. MC-117686 (Sub-No. 137)	Aug. 31, 1973
No. MC-117765 (Sub-No. 125)	No. MC-117765 (Sub-No. 126)	Aug. 21, 1973
No. MC-117765 (Sub-No. 144)	No. MC-117765 (Sub-No. 123)	Aug. 14, 1973
No. MC-117883 (Sub-No. 105)	No. MC-117883 (Sub-No. 166)	Aug. 27, 1973
No. MC-118270 (Sub-No. 6)	No. MC-118270 (Sub-No. 7)	Aug. 28, 1973
No. MC-119435 (Sub-No. 2)	No. MC-119435 (Sub-No. 3)	Aug. 23, 1973
No. MC-135212 (Sub-No. 1)	No. MC-135212 (Sub-No. 2)	Jan. 23, 1974
No. MC-138409 (Sub-No. 1)	No. MC-138409 (Sub-No. 2)	Mar. 8, 1974

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-14515 Filed 6-24-74; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 20, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 5, 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-1380 (Sub-No. E1), filed May 13, 1974. Applicant: COLONIAL

MOTOR FREIGHT LINE, INC., P.O. Box 5468, High Point, N.C. 27262. Applicant's representative: Max H. Towery (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 to or contaminating to other lading), between points in that part of Virginia bounded by a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 21 to Wytheville, thence along U.S. Highway 11 to the North Carolina-Virginia State line at Bristol, on the one hand, and, on the other, points in that part of North Carolina east of a line formed by a circle of 150 miles radius having Charlotte, N.C., as its center, between the junction of U.S. Highway 15 and the North Carolina-Virginia State line on the north, and Little River Inlet on or south. The purpose of this filing is to eliminate the gateways of Raleigh and Charlotte, N.C.

No. MC-1380 (Sub-No. E2), filed May 13, 1974. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., P.O. Box 5468, High Point, N.C. 27262. Applicant's representative: Max H. Towery (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 to or contaminating to other lading), between Charlotte, N.C., on the one hand, and, on the other, points in that part of North Carolina in and east of Vance, Warren, Nash, Wilson, Wayne, Dupin, and Onslow Counties. The purpose of this filing is to eliminate the gateway of Raleigh, N.C.

No. MC-8768 (Sub-No. E1), filed May 8, 1974. Applicant: SECURITY VAN LINES, INC., P.O. Box 830-100 West Airline Hwy., Kenner, Louisiana 70062. Applicant's representative: Donald Goldwasser (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Proposal (1): *Household goods*, as defined by the Commission, (a) between points in California, on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Connecticut, and Rhode Island, (b) between points in Oregon, on the one hand, and on the other, points in Rhode Island, Connecticut, and Massachusetts. The purpose of this filing is to eliminate the gateway points in Georgia. Proposal (2): *Household goods*, as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, points in New York, Georgia, and Louisiana, and the District of Columbia. The purpose of this filing is to eliminate the gateway of El Paso, Texas. Proposal (3): *Household goods*, as defined by the Commission, between points in Louisiana, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. The purpose of this filing is to eliminate the gateway points in New York. Proposal (4): *Household goods*, as defined by the Commission, between points in Alabama, Mississippi, and Texas, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway points in New York. Proposal (5): *Household goods*, as defined by the Commission, between points in Arizona, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway points in Georgia.

No. MC-25798 (Sub-No. E5), (CORRECTION), filed April 15, 1974, published in the *FEDERAL REGISTER* May 16, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Abundale, 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 food products* in containers, in vehicles, equipped for temperature control, from Charleston, S.C., to points in Tennessee, Rhode Island, Massachusetts, Pennsylvania, on and west of a line beginning at the intersection of the Pennsylvania-Maryland State line and U.S. Highway 15, thence

along U.S. Highway 15 to its intersection with U.S. Highway 11, thence north on U.S. Highway 11 to its intersection with Interstate Highway 80, thence along Interstate Highway 80 to its intersection with Interstate Highway 81, thence north on Interstate Highway 81 to the Pennsylvania-New York State line; New York on, west, and north of a line beginning at the New York-New Jersey State line and U.S. Highway 209, thence along U.S. Highway 209 to its intersection with Interstate Highway 87, thence north on Interstate Highway 90 to the New York-Massachusetts State line; Connecticut on and east of a line beginning at the Atlantic Ocean and Connecticut Highway 85 thence along Connecticut Highway 85 to its intersection with Connecticut Highway 2, thence north on Connecticut Highway 2 to its intersection with Connecticut Highway 3, thence along Connecticut Highway 3 to its intersection with Interstate Highway 91, thence north on Interstate Highway 91 to the Connecticut-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C. The purpose of this correction is to clarify the destination territory of Pennsylvania.

No. MC-25798 (Sub-No. E11), (CORRECTION) filed April 18, 1974, published in the FEDERAL REGISTER May 17, 1974. Applicant: CLAY HYDER TRUCKING LINE, 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 vegetables*, from points in Michigan, Minnesota, Ohio, West Virginia, Wisconsin, Kentucky (when from points in Kentucky west of a line beginning at the Kentucky-Tennessee State line and Kentucky Highway 61 to Elizabethtown, thence north along U.S. Highway 31W to its intersection with U.S. Highway 60, thence west on U.S. Highway 60 to its intersection with Kentucky Highway 79, thence north on Kentucky Highway 79 to the Kentucky-Indiana State line to points in Florida east and southeast of the eastern boundary of Jefferson County), Illinois (when from points in Illinois southeast of a line beginning at the Illinois-Indiana State line to its intersection with U.S. Highway 40, thence west on U.S. Highway 40 to the Illinois-Missouri State line to points in Florida east and southeast of the eastern boundary of Jefferson County), Indiana (when from points in Posey, Vanderburgh, Warrick, Spencer, Perry, Dubois, Gibson, and Pike Counties to points in Florida east and southeast of the eastern boundary of Jefferson County), to points in Florida. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C. The purpose of this correction is to correctly describe the origin and destination territories involved herein.

No. MC-25798 (Sub-No. E15), (CORRECTION), filed April 28, 1974, published in the FEDERAL REGISTER May 9, 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 vegetables*, from points in Florida to points in Michigan, Minnesota, Ohio, West Virginia, Wisconsin, Illinois (when from points in Florida west of the eastern boundary of Jefferson County, and destined to points in Illinois, applicable only to points in Illinois on and north of U.S. Highway 460 beginning at the Illinois-Indiana State line to its intersection with U.S. Highway 40, thence west on U.S. Highway 40 to the Illinois-Missouri State line), Indiana (when from points in Florida west of the eastern boundary of Jefferson County and destined to points in Indiana, not applicable to points in Posey, Vanderburgh, Warrick, Spencer, Perry, Dubois, Gibson and Pike Counties), Kentucky (when from points in Florida west of the eastern boundary of Jefferson County and destined to points in Kentucky, applicable only to points east of Kentucky Highway 61, beginning at the Kentucky-Tennessee State line to Elizabethtown, thence north along U.S. Highway 31W to its intersection with U.S. Highway 60, thence west on U.S. Highway 60 to its intersection with Kentucky Highway 79, thence north on Kentucky Highway 79 to the Kentucky-Indiana State line). The purpose of this filing is to eliminate the gateway of Hendersonville, N.C. The purpose of this correction is to correctly describe the origin and destination territories of Illinois, Indiana, and Kentucky.

No. MC-25798 (Sub-No. E16), (CORRECTION), filed April 28, 1974, published in the FEDERAL REGISTER May 14, 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 vegetables* in containers, from points in Florida to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, District of Columbia, Tennessee on and east of U.S. Highway 411 beginning at the Tennessee-Georgia State line to its intersection with U.S. Highway 129, thence north on U.S. Highway 129 to Knoxville, Tenn., thence north on Interstate Highway 75 to the Tennessee-Kentucky State line, Virginia (when from points in Florida east of U.S. Highway 441 and north of Florida Highway 50, beginning at the Florida-Georgia State line on U.S. Highway 441 and south to Orlando, thence east on Florida Highway 50 to the Atlantic Ocean not applicable to points in Virginia east of Interstate Highway 95). The purpose of this filing is to eliminate the gateway of

Hendersonville, N.C. The purpose of this correction is to correctly describe the destination territory of Virginia.

No. MC-25798 (Sub-No. E22), filed May 2, 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 meats and frozen meat products*, in containers, in vehicles equipped for temperature control, (1) from points in Texas on, south, and west of U.S. Highway 10 beginning at the Texas-Louisiana State line to its intersection with U.S. Highway 290, thence west on U.S. Highway 290, to its intersection with U.S. Highway 87, thence along U.S. Highway 87, to its intersection with U.S. Highway 287, thence along U.S. Highway 287 to the Texas-Oklahoma State line, to points in Tennessee on and east of Interstate Highway 75 beginning at the Tennessee-Kentucky State line to its intersection with U.S. Highway 129, thence along U.S. Highway 129 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC-25798 (Sub-No. E31), filed May 30, 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: *Chocolate, chocolate syrup, cocoa and chocolate coating compounds* from Jersey City, N.J., to points in Colorado, Kansas, Nebraska; points in North Dakota on and west of U.S. Highway 281; South Dakota, on, south, and west of U.S. Highway 14, beginning at the South Dakota-Minnesota State line, and west along U.S. Highway 14 to its intersection with U.S. Highway 81; thence along U.S. Highway 81, to the South Dakota-North Dakota State line, and to points in Iowa on, south, and west of Iowa Highway 15 beginning at the Iowa-Missouri State line to Iowa Highway 2; thence along Iowa Highway 2 to U.S. Highway 63; thence along U.S. Highway 63, to Iowa Highway 163; thence along Iowa Highway 163 to Interstate 80; thence along Interstate 80 to U.S. Highway 169; thence along U.S. Highway 169 to U.S. Highway 30; thence along U.S. Highway 30 to U.S. Highway 59; thence along U.S. Highway 59 to Iowa Highway 3; thence along Iowa Highway 3 to U.S. Highway 59; thence along U.S. Highway 59 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC-25798 (Sub-No. E32), filed May 30, 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 meat products, in containers, in vehicles equipped for temperature control, from the plantsites and warehouses of Sterling Colorado Beef Packers at or near Sterling, Colo. and the plantsites and warehouses of American Beef Packers, Inc., at or near Fort Morgan, Colo., to the District of Columbia and points in Virginia on and east of U.S. Highway 19, and on and south of U.S. Highway 50; Delaware on and south of Delaware Highway 8, and points in Maryland on and south of U.S. Highway 1 beginning at Washington, D.C.; thence along U.S. Highway 1 to Maryland Highway 2; thence along Maryland Highway 2, to U.S. Highway 301; thence along U.S. Highway 301 to Maryland Highway 300; thence along Maryland Highway 300 to the Maryland-Delaware State line. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC-26739 (Sub-No. E1), filed May 10, 1974. Applicant: CROUCH BROTHERS, INC., P.O. Box 1059, St. Joseph, Missouri 64502. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H Street, NW., Washington, D.C. 20006. 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). (A) (1) between points in Scott, Muscatine, Washington, Louisa, Des Moines, Lee, Henry, Jefferson, Van Buren, Wapello, Davis, Appanoose, Wayne, Decatur, Ringgold, and Taylor Counties, Iowa, on the one hand, and, on the other, points in, west, and south of Valentine, Blaine, Loup, Valley, Greely, Nance, Merrick, Polk, Seward, Lancaster, Otoe, Nemaha, and Richardson Counties, Nebr.; (2) between points in, south, and east of Allamakee, Fayette, Bremer, Black Hawk, Brundy, Marshall, Story, Dallas, Adair, Adams, and Taylor Counties Iowa, on the one hand, and, on the other, points located in and south of Scotts Bluff, Morrill, Garden, Arthur, McPherson, Logan, Lincoln, Dawson, Buffalo, Hall, Hamilton, York, Seward, Lancaster and Otoe Counties Nebr.; (3) between points located in and south of Dubuque, Delaware, Linn, Benton, Poweshiek, Jasper, Polk, Warren, Madison, Adair Adams, and Taylor Counties, Iowa, on the one hand, and, on the other, points in and south of Sioux, Dawes, Box Butte, Morrill, Garden, Grant, Arthur, McPherson, Logan, Custer, Sherman, Howard, Hall, Hamilton, York, Seward, Lancaster, and Otoe Counties, Nebr.; (4) between points in and south of Louisa, Washington, Keokuk, Mahaska, Monroe, Wayne, Decatur, and Ringgold Counties, Iowa, on the one hand, and, on the other, points in Nebraska; and (5) between points in and east of Kossuth, Humbolt, Webster, Calhoun, Greene, Guthrie, Adair, Adams, and Taylor Counties, Iowa, on the one hand, and, on the other,

points in Scottsbluff, Kimball, Cheyenne, Deuel, Keith, Perkins, Chase, Dundy, Hayes, Hitchcock, Red Willow, Furnas, Harlan, Franklin, Webster, Nuckolls, Thayer Jefferson, Gage, Johnson, Nemaha, Pawnee, and Richardson Counties, Nebr.; (Pickering, Mo.) *;

(B) (1) Between points in and east of Rossuth, Humbolt, Webster, Calhoun, Greene, Guthrie, Cass, Montgomery, and Fremont Counties, Iowa, on the one hand, and, on the other, points in Kansas, and (2) between points in and east of Seaward, Meade, Clark, Comanche, Barber, Harper, Sumner, Sedgwick, Butler, Chase, Lyon, Osage, Shawnee, Jackson, and Brown Counties, Kansas, on the one hand, and, on the other, points in Iowa (Maryville Junction, Mo.) *; (C) (1) between points in Douglas, Wyandotte, Johnson, Franklin, Miami, Anderson, Linn, Allen, Bourbon, Neosho, Crawford, Labette and Cherokee Counties, Kansas, on the one hand, and, on the other, points in Nebraska; (2) between points in Stevens, Seward, Meade, Clark, Kiowa, and Comanche Counties, Kansas, on the one hand, and, on the other, points in Burt, Washington, Douglas, and Sarpy Counties, Nebr., and (3) between points in Woodson, Wilson, Montgomery, and Chautauqua Counties, Kansas, on the one hand, and, on the other, points in and north of Perkins, Lincoln, Custer, Sherman, Howard, Nance, Boone, Madison, Stanton, Cuming, and Burt Counties, Nebr.; (Maryville, Junction, Mo.) *; (D) between points in and west of Brown, Nemaha, Marshall, Washington, Clay, Dickerson, Marion, Harvey, Sedgwick, and Sumner Counties, Kansas, on the one hand, and, on the other, points in and north of Pike, Scott, Morgan, Sangamon, Christian, Macon, Moultrie, Coles, and Edgar Counties, Ill., (2) between points in and west of Brown, Nemaha, Marshall, Washington, Republic, Cloud, Mitchell, Osborne, Ellis, Rush, Ness, Hodgeman, Ford, and Meade Counties, Kansas, on the one hand, and, on the other, points in Illinois, and (3) between points in and north of Hancock, McDonough, Fulton, Mason, Tazewell, McLean, Champaign, and Vermilion Counties, Ill., on the one hand, and, on the other, points in Kansas, restricted in (D) (1), (2) and (3) against service at Springfield, Ill. (Maryville Junction, Mo.) *;

(E) (1) Between points, in and west of Washington, Cloud, Mitchell, Osborne, Ellis, News, Hodgeman, Ford, and Clark Counties, Kansas, on the one hand, and, on the other, points in and north of Buchanan, Clinton, Caldwell, Livingston, Linn, Macon, Monroe, Audrain, Montgomery, Warren, St. Charles and St. Louis Counties, Mo., (2) between points in Smith, Phillips, Norton, Decatur, Rawlins, Thomas, Sherman, and Cheyenne Counties, Kansas, on the one hand, and, on the other, points in Missouri, and (3) between points in and west of Doniphan, Atchison, Jackson, Pottawatomie, Wabaunsee, Lyon, Greenwood, Elk, and Cowley Counties, Kansas, on the one hand, and, on the other, points in

and North of Nodaway, Gentry, Harrison, Grundy, Linn, Macon, Shelby, and Marion Counties, Mo. (Maryville Junction, Mo.); (F) (1) between points, in, west, and south of Mercer, Henry, Bureau La Salle, Kendall, Du Page, and Cook Counties, Ill., on the one hand, and, on the other, points in and west of Cherry, Brown, Loup, Garfield, Greeley, Nance, Merrick, Polk, Butler, Saunders and Douglas Counties, Nebr., (2) between points in and south of Henderson, Warren, Knox, Stark, Marshall, Putnam, Woodford, Livingston, and Kankakee Counties, Ill., on the one hand, and, on the other, points in Nebraska, and (3) between points in, south, and west of Dawes, Box Butte, Morrill, Garden, Grant, Hooker, Thomas, Custer, Sherman, Howard, Merrick, Hamilton, York, Seward, Lancaster, Otoe, Nemaha, and Richardson Counties, Nebr., on the one hand, and, on the other, points in Illinois, restricted in (F), (1), (2), and (3) against service at Springfield, Ill., (Pickering, Mo.) *;

(G) (1) Between points in and south of Calhoun, Greene, Macoupin, Montgomery, Shelby, Moultrie, Piatt, Champaign, and Vermilion Counties, Ill., on the one hand, and, on the other (a) points in Woodbury, Monona, Harrison, Shelby, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams, Union, Fremont, Page, Taylor, and Ringgold Counties, Iowa, and (b) points in Atchison, Nodaway, Worth, Gentry, Andrew, and Holt Counties, Mo., (2) between points in and south of Randolph, Washington, Clinton, Fayette, Effingham, Cumberland, Coles, Douglas, Champaign, and Vermilion Counties, Ill., on the one hand, and, on the other (a) points in Atchison, Holt, Andrew, Nodaway, Gentry, and Worth Counties, Mo., and (b) points in and south of Woodbury, Monona, Shelby, Cass, Adams, Union and Ringgold Counties, Iowa, (3) between points in Montgomery, Shelby, Christian, Sangamon, Morgan, Scott, Cass, and Menard Counties, Ill., on the one hand, and, on the other, (a) points in Atchison, Holt, and Nodaway Counties, Mo., and (b) points in and south of Pottawattamie, Cass, Adams, and Taylor Counties, Iowa, (4) between points in Kandakee, Iroquois, Vermilion, Champaign, Piatt, Ford, De Witt, McLean, Livingston, Woodford, Tazewell, and Peoria Counties, Ill., on the one hand, and, on the other (a) points in Atchison, Nodaway, Worth, Harrison, Gentry, De Kalb, Andrew, Holt, Buchanan, Clinton, Clay, and Platte Counties, Mo., and (b) points in Pottawattamie, Mills, Montgomery, Adams, Fremont, Page and Taylor Counties, Iowa, (5) between points in Lake, McHenry, De Kalb, Kane, Du Page, Cook, Will, Kendall, Grundy, and La Salle Counties, Ill., on the one hand, and, on the other (a) points in Mills, Montgomery, Fremont, Page, and Taylor Counties, Iowa, and (b) points in west, and north of Harrison, Daviess, Caldwell, Clinton, Clay, and Platte Counties, Mo., and (6) between points in Boone, De Kalb, Lee, Oele, Winnebago, Stephenson, Jo

Daviess, Carroll, and Whiteside Counties, Ill., on the one hand, and, on the other, (a) points in Mills, Montgomery, Fremont, Page, and Taylor Counties, Iowa, and (b) points located in Atchison, Holt, Nodaway, Andrew, De Kalb, Caldwell, Clinton, Buchanan, Platte, Clay, and Jackson Counties, Mo., restricted in (G) (1) through (6) against service at Springfield, Ill., (Maryville Junction, Mo.); and (H) between St. Paul, Minn., on the one hand, and, on the other, points in Otoe, Johnson, Nemaha, Pawnee and Richardson Counties, Nebr., Fremont, Page, and Taylor Counties, Iowa; points in that part of Missouri in and west of Worth, Gentry, Daviess, Livingston, Carroll, Saline, Pettis, Morgan, Camden, Laclede, Texas, Howell, and Oregon Counties, and all points in Kansas (Estherville, Iowa, and Maryville Junction and Pickering, Mo.). The carrier shall not pursuant to any irregular route authority contained herein transport shipments moving between any points authorized in No. MC-26739 (Sub-No. E64 paragraph (B)) to be served by it in regular-route operations. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-61592 (Sub-No. E8), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts and attachments* thereto (except those commodities the transportation of which because of size or weight require the use of special equipment and farm tractors), from the plant site of Midland Manufacturing Company, Inc., at or near Electric Mills, Miss., to points in Montana and Washington. The purpose of this filing is to eliminate the gateways of Memphis, Tenn. and Port Washington, Wis.

No. MC-64932 (Sub-No. E8), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (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 Peoria, Ill., to points in California. The purpose of this filing is to eliminate the gateway of the plantsite of Baird Chemical Industries, Inc., at or near Mapleton, Ill.

No. MC-64932 (Sub-No. E9), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (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 St. Louis, Mo., to points in California. The purpose of this filing is to eliminate the gateway of the plantsite of Baird Chemical Industries, Inc., at or near Mapleton, Ill.

No. MC-64932 (Sub-No. E10), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper vehicles from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Alabama, Kansas, Nebraska, North Carolina, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Chicago Heights, Ill.

No. MC-64932 (Sub-No. E11), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper vehicles, from Cleveland, Ohio to points in Kansas, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Chicago Heights, Ill.

No. MC-64932 (Sub-No. E12), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper vehicles, from Louisville, Ky., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Chicago Heights, Ill.

No. MC-64932 (Sub-No. E13), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper vehicles, from Detroit, Mich., to points in Nebraska, Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Chicago Heights, Ill.

No. MC-64932 (Sub-No. E14), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, from Peoria, Ill., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Pike County, Mo.

No. MC-64932 (Sub-No. E15), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (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 St. Louis, Mo., to points in Nebraska. The

purpose of this filing is to eliminate the gateway of Pike County, Mo.

No. MC-73165 (Sub-No. E13), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cotton gin machinery and cotton gin machinery parts* (except those requiring special equipment), from points in Georgia, and points in Tennessee on and east of U.S. Highway 231, to points in Texas. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC-73165 (Sub-No. E15), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fibre pipe and fibre pipe fittings, iron and steel, and iron and steel articles* (except those requiring special equipment) and restricted against the transportation of commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (1) points in Georgia to points in Arkansas and Oklahoma, (2) points in Tennessee on and east of Interstate Highway 75 to points in Arkansas on and south of Interstate Highway 40, and points in Oklahoma. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC-83539 (Sub-No. E1) (CORRECTION), filed May 3, 1974, published in the FEDERAL REGISTER May 31, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials, and supplies*, used in, or in connection with (1) the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, or (2) the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, restricted in (2) above to pipelines used for the transmission of natural gas and petroleum and their products and by-products, and further restricted against the stringing or picking up of pipe in connection with main or trunk pipelines; (B) *Commodities* other than those specified in (A) above, the transportation of which because of size or weight, requires the use of special equipment, and parts thereof; and (C) *Self-propelled articles*, each weighing 15,000 pounds or more, and related ma-

chinery, tools, parts and supplies, moving in connection therewith, restricted to commodities which are transported on trailers, between points in Alaska, on the one hand, and, on the other, points in Alabama (points in Kansas*), Florida, Georgia (points in Kansas, Arkansas or Texas*), Mississippi (points in Arkansas*), North Carolina, and Tennessee (points in Kansas or Arkansas*); (D) (1) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and (2) *related machinery parts, and related contractor's materials and supplies* when their transportation is incidental to the transportation of those commodities specified in (D)(1) above, restricted against the transportation of those commodities specified in A (1) and (2) above, and those commodities specified in (C) above, between points in Alaska, on the one hand, and, on the other, points in California (points in Oregon*);

(E) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and those commodities specified in (C) above between points in Alaska, on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, Rhode Island, and the District of Columbia (Philadelphia, Pa.*); (F) Those *commodities* specified in (C) and (E) above, and *related machinery parts, and related contractor's materials and supplies*, when their transportation is incidental to the transportation of those commodities specified in (E) above, between points in Alaska, on the one hand, and, on the other, points in Maryland (points in Pennsylvania*), and Idaho (those points in Montana west of a line extending north and south through Dupuyer and Butte, Mont.*); (G) *Heavy machinery, heavy machinery parts, and commodities other than heavy machinery*, the transportation of which, because of size or weight, requires the use of special equipment, and *parts* of such commodities when moving in connection therewith and those commodities specified in (C) above, between points in Alaska, on the one hand, and, on the other, points in Indiana and Kentucky (points in Illinois*); (H) Those *commodities* specified in (C) and (F) above (except aircraft and missiles, and parts thereof), between points in Alaska, on the one hand, and, on the other, points in South Carolina (points in Kansas or Arkansas, and points in North Carolina or Georgia*); (I) *Machinery*, the transportation of which, because of size or weight, requires the use of special equipment, and those commodities specified in (C) above between points in Alaska, on the one hand, and, on the other, points in Vermont (points in New York within 50 miles of East Port Chester, Conn., and East Port Chester, Conn., and Worcester, Mass.*); and (J) Those *commodities* specified in (C) and (F) above, between points in Alaska, on the one hand, and, on the other, points in Virginia and West Virginia (points in Kansas and points within a 50-mile radius of Nashville,

Tenn.*). The purpose of this filing is to eliminate those gateways in parenthesis indicated by asterisks above. The purpose of this correction is to set forth the commodity listed in (C) above.

No. MC-38368 (Sub-No. E1), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* (1) from points in Alabama to points in Colorado (points in Mississippi and Kansas)*, Connecticut (Harlan, Ky., points in Jefferson County, Ohio, and Philadelphia, Pa.)*, Idaho (points in Mississippi, Kansas, Colorado, Butte, Mont., and points within 125 miles thereof)*, Illinois (points in Mississippi and Missouri)*, Iowa (points in Alabama, Mississippi, and Missouri)*, Kansas (points in Mississippi)*, Maine (points in Harlan County, Ky., Jefferson County, Ohio, and Philadelphia, Pa.)*, Montana (points in Mississippi, Kansas, and Colorado)*, Michigan (points in Harlan County, Ky.)*, Nebraska (points in Mississippi, Kansas, and Missouri)*, New Hampshire (points in Harlan County, Ky., Jefferson County, Ohio, and Philadelphia, Pa.)*, New Jersey (points in Harlan County, Ky., Jefferson County, Ohio, and Philadelphia, Pa.)*, New Mexico (points in Arkansas and Canadian County, Okla.)*, New York (points in Harlan County, Ky., Jefferson County, Ohio, and Philadelphia, Pa.)*, Ohio (points in Harlan County, Ky.)*, Oklahoma (points in Arkansas, Mississippi, and Missouri)*, Oregon (points in Mississippi, Kansas, and Colorado)*, Pennsylvania (points in Harlan County, Ky., and Jefferson County, Ohio)*, Rhode Island (points in Harlan County, Ky., Jefferson County, Ohio, Philadelphia, Pa., Boston, Mass., and points within 25 miles thereof)*, South Dakota (points in Mississippi, Missouri, Harlan, Ky., and points with 15 miles of Harlan)*, Utah (points in Mississippi, Kansas, Colorado, and Montana)*, Vermont (points in Harlan County, Ky., Jefferson County, Ohio, Philadelphia, Pa., Boston, Mass., and points within 25 miles thereof)*, Virginia (points in Harlan County, Ky.)*, Washington (points in Mississippi, Kansas, and Colorado)*, West Virginia (points in Harlan County, Ky.)*, Wisconsin (points in Mississippi, Missouri, and Bloomington, Ill., and points within 25 miles thereof)*, Wyoming (points in Mississippi, Newton, Kans., and points within 15 miles thereof, and points in Kimball, Banner, and Cheyenne Counties, Nebr.)*, and points in Tennessee in and west of Macon, Trousdale, Wilson, Rutherford, Bedford, Moore, and Lincoln Counties, Tenn. (points in Alabama)*;

(2) From points in Montgomery, Lee, Russell, Bullock, Barbour, Crenshaw, Pike, Covington, Coffee, Butler, Geneva, Dale, Houston, Henry, Macon, Lauder-

dale, Colbert, Jackson, and Dekalb Counties, Ala., to points in Arkansas on and north of U.S. Highway 64 (Florence, Sheffield, and Tusculumbia, Ala., and points in Missouri, and Mississippi)*; (3) from points in Mobile, Baldwin, Washington, Escambia, Conecuh, Monroe, Clark, Choctaw, Wilcox, and Sumter Counties, Ala., to points in Mississippi County, Ark. (Florence, Sheffield, and Tusculumbia, Ala., and points in Mississippi and Missouri)*; (4) from points in Alabama on and north of U.S. Highway 78 to points in California on and north of Interstate Highway 80 (points in Mississippi, Kansas, Colorado, and Washington)*; (5) from points in and south of Pikesburg, Tuscaloosa, Bibb, Chilton, Coosa, Tallapoosa Counties, Ala., within 100 miles of Birmingham, Ala., not including Montgomery, Ala., to points in Berkeley, Dorchester, Colleton, Hampton, Jasper, Beaufort, and Charleston Counties, S.C. (Valdosta, Ga.)*; (6) from points in Madison, Jackson, Marshall, Morgan, and Limestone Counties, Ala., to points in McLennan, Falls, Coryell, Limestone, Bosque, Hamilton, and Burnett Counties, Tex. (points in Mississippi, Missouri, and Oklahoma)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC-95540 (Sub-No. E70), filed April 18, 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: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Ohio. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E92), filed April 19, 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: *Frozen foods*, from points in California on and south of a line beginning at San Francisco, and extending along Interstate Highway 80 to Sacramento, thence along U.S. Highway 50 to the California-Nevada State line, to points in Massachusetts on and east of U.S. Highway 5. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E102), filed April 19, 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 *com-*

mon carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in California on, west, and south of a line beginning at Eureka and proceeding along U.S. Highway 101 to Santa Rosa, thence along California Highway 12 to Glen Ellen, thence along an unnumbered highway to Oakville, thence along California Highway 29 to Rutherford, thence along California Highway 128 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with California Highway 16, thence along California Highway 16 to its junction with California Highway 49, thence along California Highway 49 to its junction with California Highway 120, thence along California Highway 120 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to its junction with California Highway 168, thence along California Highway 168 to the California-Nevada State line, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E318), filed May 15, 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: *Frozen foods*, from points in California, to points in Virginia (except Richmond and Norfolk). The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-95540 (Sub-No. E320), filed May 15, 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: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Pennsylvania, to points in Arkansas. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-95540 (Sub-No. E321), filed May 15, 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: *Frozen nutria meat*, from points in Louisiana on and east of a line beginning at the Arkansas-Louisiana State line and extending along Louisiana Highway 275 to Oakland; thence along Louisiana Highway 549 to its junction with Louisiana Highway 2; thence along Louisiana Highway 2 to its junction with Louisiana Highway 143; thence along Louisiana Highway 143 to its junction

with U.S. Highway 80; thence along U.S. Highway 80 to Monroe; thence along U.S. Highway 165 to its junction with Louisiana Highway 559; thence along Louisiana Highway 559 to its junction with Louisiana Highway 124; thence along Louisiana Highway 124 to Jonesville; thence along the Black River to the confluence of the Atchafalaya and Black Rivers, thence along the Atchafalaya River to Simmesport, thence along Louisiana Highway 105 to Krotz Springs; thence along the Atchafalaya River to Grand Lake; thence along the eastern banks of the Grand Lake to Atchafalaya Bay, to Denver, Colo. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC-95540 (Sub-No. E322), filed May 15, 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: *Frozen foods*, from Tifton, Ga., to points in Montana. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC-95540 (Sub-No. E323), filed May 15, 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: *Frozen foods*, from Tifton, Ga., to points in Oregon. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC-95540 (Sub-No. E326), filed May 13, 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: *Frozen foods* (except in bulk, in tank vehicles), from Buffalo, N.Y., to points in New Mexico, on, west, and south of a line beginning at the New Mexico-Texas State line, and extending along U.S. Highway 66 to its junction with New Mexico Highway 104, thence along New Mexico Highway 104 to Las Vegas, thence along Interstate Highway 25 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to its junction with New Mexico Highway 4, thence along New Mexico Highway 4 to its junction with New Mexico Highway 126, thence along New Mexico Highway 126 to its junction with New Mexico Highway 44 thence on New Mexico Highway 44 to the New Mexico-Colorado State line. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC-95540 (Sub-No. E328), filed May 13, 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: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Pennsylvania on and east of a line beginning at the Pennsylvania-Ohio State line, thence along Pennsylvania Highway 58 to Mercer; thence along Pennsylvania Highway 19 to but excluding Pittsburgh, thence along Pennsylvania Highway 51 to but excluding Uniontown, thence along Pennsylvania Highway 40 to the Pennsylvania-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in New York.

No. MC-95540 (Sub-No. E333), filed May 13, 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: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Pennsylvania, to points in Arizona, California, and New Mexico. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis and points in the commercial zone thereof).

No. MC-95540 (Sub-No. E334), filed May 13, 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: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Pennsylvania on and east of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to Pennsylvania Highway 153, thence along Pennsylvania Highway 153 to its junction with Pennsylvania Highway 555, thence along Pennsylvania Highway 555 to its junction with Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to its junction with Pennsylvania Highway 155, thence along Pennsylvania Highway 155 to Port Allegany, thence along U.S. Highway 6 to Coudersport, thence along Pennsylvania Highway 44 to its junction with Pennsylvania Highway 49, thence along Pennsylvania Highway 49 to its junction with Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to the Pennsylvania-New York State line, to points in Mississippi on and south of Interstate Highway 20. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E335), filed May 13, 1974. Applicant: WATKINS

NOTICES

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: *Frozen fruits, frozen berries, and frozen vegetables*, from points in New Jersey, on and south of a line beginning at Jersey City and extending along U.S. Highway 1 to its junction with New Jersey Highway 7, thence along New Jersey Highway 7 to its junction with New Jersey Highway 10, thence along New Jersey Highway 10 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to Netcong, thence along U.S. Highway 46 to the Delaware River at Manunkachunk, to points in Mississippi on and south of U.S. Highway 78. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-105984 (Sub-No. E12), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., dba JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James M. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum and *pipe, pipe line materials, machinery and equipment*, incidental to, or used in, the construction, repairing, or dismantling of gas, gasoline and oil, pipelines (except the stringing and picking up of pipe in connection with main pipelines); and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or injection or removal of commodities to or from holes or wells, between Socorro and Torrance Counties, N. Mex., on the one hand, and, on the other, Park County, Wyo. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-107295 (Sub-No. E27), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel building panels*, from the plantsite of H. H. Robertson Company at Connersville, Ind., to points in Arizona, California,

Nevada, Idaho, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Galesburg Ill.

No. MC-107295 (Sub-No. E30), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Carteret, N.J., to points in (1) Arizona and California (Truman, Ark.)*, and (2) Idaho, Nevada, Oregon, Utah, and Washington (Kalamazoo, Mich.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-107295 (Sub-No. E34), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing*, from the plantsite and storage facilities of Robertson Fence Co., at Mt. Sterling, Ohio, to points in Mississippi, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Kokomo, Ind.

No. MC-107295 (Sub-No. E35), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, from Marro, La. to points in (1) Nebraska (Fort Dodge, Iowa)*, and (2) Minnesota, North Dakota, Pennsylvania, and South Dakota (Paris, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-107295 (Sub-No. E36), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing*, from La Grange, Tex., to points in (1) Ohio (Crawfordsville, Ind.)*, and (2) New York, Pennsylvania, and West Virginia (Kokomo, Ind.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-107295 (Sub-No. E45), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, from points in Henry County, Tenn., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Paris, Ill.

No. MC-107295 (Sub-No. E48), filed May 9, 1974. Applicant: PRE-FAB

TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, from Edgewater, N.J., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Paris, Ill.

No. MC-107295 (Sub-No. E50), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, from Sunbury, Pa., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Paris, Ill.

No. MC-107295 (Sub-No. E118), (CORRECTION), filed May 13, 1974, published in the FEDERAL REGISTER June 7, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mortar cement, and carpet and linoleum paste cement* (except in bulk), from the plant and warehouse facilities of C. E. Kaiser Company at Houston, Tex., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of New Philadelphia, Ohio. The purpose of this correction is to set forth the correct "E" number—previously published as E1.

No. MC-111545 (Sub-No. E19), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Alabama within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways of Piedmont, Ala., and Cairo, Ill.

No. MC-111545 (Sub-No. E31), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Commodities* (except knitting machines and commodities to be used in, or in connection with, main or trunk pipelines), the transportation of which, because of size or weight, requires the use of special equipment, between points

in Arizona, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateways of Fort Scott, Kans., and Ringgold, Ga.

No. MC-111545 (Sub-No. E40), filed May 23, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Marion, Sequatchie, Hamilton, Bradley, and Polk Counties, Tennessee, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC-111545 (Sub-No. E42), filed May 23, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Alabama within 175 miles of Chattanooga, Tenn., and on and south of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 278 to Guin, thence along U.S. Highway 78 to Jasper, thence along Alabama Highway 69 to Cullman, thence along U.S. Highway 278 to the Alabama-Georgia State line on the one hand, and, on the other, points in that part of Missouri on and north of a line beginning at the Mississippi River, thence along Missouri Highway 32 to Farmington, thence along U.S. Highway 67 to junction Missouri Highway 72, thence along Missouri Highway 72 to Ironton, thence along Missouri Highway 21 to junction Missouri Highway 32; thence along Missouri Highway 32 to Licking, thence along U.S. Highway 63 to Cabool, thence along U.S. Highway 60 to the Missouri-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Cedar-town, Ga.

No. MC-111545 (Sub-No. E47), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Michigan, New York, Ohio, and West Virginia to points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to Montgomery, thence along U.S. Highway 82 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Asheville, N.C.

No. MC-111545 (Sub-No. E48), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, and Rhode Island to points in that part of Tennessee west of the Tennessee River, and points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to Montgomery, thence along U.S. Highway 82 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC-111545 (Sub-No. E49), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Maryland and Vermont, to points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to Montgomery, thence U.S. Highway 82 to the Alabama-Mississippi State line, and points in that part of Tennessee on and west of a line beginning at the Tennessee-Mississippi State line, thence along U.S. Highway 45 to Fairview, thence along U.S. Highway 45W to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC-111545 (Sub-No. E51), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Minnesota, Nebraska, Wisconsin, and Wyoming, to points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to Selma, thence along Alabama Highway 22 to Stafford, thence along Alabama Highway 5 to Grove Hill, thence U.S. Highway 43 to Mobile, thence along U.S. Highway 98 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateways of (1) Atlanta, Ga., and (2) Cairo, Ill.

No. MC-111545 (Sub-No. E52), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of South Carolina on and north of a line beginning at the South Carolina-Georgia State line, thence along South Carolina Highway 72 to Clinton, thence along U.S. Highway 76 to Marion, thence U.S. Highway 501 to Myrtle Beach, to points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to Montgomery, thence along U.S. Highway 82 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Anderson, S.C.

PORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of South Carolina on and north of a line beginning at the South Carolina-Georgia State line, thence along South Carolina Highway 72 to Clinton, thence along U.S. Highway 76 to Marion, thence U.S. Highway 501 to Myrtle Beach, to points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to Montgomery, thence along U.S. Highway 82 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Anderson, S.C.

No. MC-112822 (Sub-No. E101), filed May 17, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Petroleum products*, in containers, from Beaumont, Texas, to points in that part of Kansas on, north, and east of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50 to Dodge City, thence along U.S. Highway 283 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of (1) points in Missouri south of U.S. Highway 36 and west of a line beginning at Macon, Missouri and extending along U.S. Highway 63 to Jefferson City, Missouri, thence along U.S. Highway 54 to Camdenton, Missouri, thence along Missouri Highway 5 to Lebanon, Missouri, thence along U.S. Highway 66 to Springfield, Missouri, and thence along U.S. Highway 65 to the Missouri-Arkansas State line; and (2) points in Kansas east of U.S. Highway 81 and south of a line beginning at McPherson, Kansas, and extending along U.S. Highway 56 (formerly U.S. Highway 50N) to junction U.S. Highway 59, thence along U.S. Highway 59 to Lawrence, Kansas, and thence along U.S. Highway 40 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateways of (1) points in Missouri south of U.S. Highway 36 and west of a line beginning at Macon, Missouri, and extending along U.S. Highway 63 to Jefferson City, Missouri, thence along U.S. Highway 54 to Camdenton, Missouri, thence along Missouri Highway 5 to Lebanon, Missouri, thence along U.S. Highway 66 to Springfield, Missouri, and thence along U.S. Highway 65 to the Missouri-Arkansas State line and (2) points in Kansas east of U.S. Highway 81 and south of a line beginning at McPherson, Kansas, and extending along U.S. Highway 56 (formerly U.S. Highway 50N) to junction U.S. Highway 59, thence along U.S. Highway 59 to Lawrence,

Kansas, and thence along U.S. Highway 40 to the Kansas-Missouri State line.

No. MC-113843 (Sub-No. E57), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except in bulk and except frozen foods), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouses of the Pillsbury Company at or near East Greenville, Pa., to points in Illinois and Michigan, that portion of Kentucky on and west of a line beginning at the Kentucky-Tennessee State line at or near Providence, thence over Interstate Highway 65 to its junction with U.S. Highway 231, thence over U.S. Highway 231, to the Kentucky-Indiana State line, and that portion of Indiana on, north, and west of a line beginning at the Indiana-Ohio State line at or near Edgerton, thence over Indiana Highway 14 to its intersection with Interstate Highway 69, thence over Interstate Highway 69 to its intersection with Indiana Highway 32, thence over Indiana Highway 32 to its intersection with U.S. Highway 41, thence south over U.S. Highway 41 to the Ohio River and the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC-114019 (Sub-No. E231), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the plant site and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Connecticut and Vermont, restricted to traffic originating at the above-described origin. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC-117119 (Sub-No. E124), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products, and commodities in bulk), from Peoria, Streator, Washington, Morton, and Eureka, Ill., to Reno, Carson City, and Las Vegas, Nev., and points in Oregon on and west of Interstate Highway 5. The purpose of this filing is to eliminate the gateway of Springdale, Ark. (a point within the Fayetteville, Ark., commercial zone).

No. MC-117119 (Sub-No. E131), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from Chicago and Deerfield, Ill., to points in Mississippi, Louisiana, and Alabama. The purpose of this filing is to eliminate the gateway of La Porte, Ind.

No. MC-117119 (Sub-No. E133), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant site and warehouse facilities utilized by the Pillsbury Company at New Albany, Ind., and Louisville, Ky., to points in Arizona, California, New Mexico, Texas, and Oklahoma City, Okla. The purpose of this filing is to eliminate the gateway of Jackson, Tenn.

No. MC-117119 (Sub-No. E135), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except dairy products and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities utilized by the Pillsbury Company at New Albany, Ind., and Louisville, Ky., to points in Washington (except Grandview and Kennewick), Oregon, and Nevada. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC-117119 (Sub-No. E141), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in containers, from Belvidere, Ill., to points in Florida. The purpose of this filing is to eliminate the gateway of Hoxie, Ark.

No. MC-117119 (Sub-No. E143), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from LaPorte, Ind., to points in Arizona, California, New Mexico, and to Reno, Carson City, and Las Vegas, Nev. The purpose of this filing is to eliminate the gateway of Fayetteville, Ark.

No. MC-117119 (Sub-No. E144), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188,

Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from LaPorte, Ind., to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC-117119 (Sub-No. E145), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Traverse City, Mich., to points in Arizona, California, Colorado, Idaho, Nevada, Nebraska, New Mexico, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of St. Joseph, Mo.

No. MC-117119 (Sub-No. E146), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products* (except commodities in bulk, in tank vehicles), from Traverse City, Mich., to points in Kansas and points in Nebraska west of Nebraska Highway 14. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC-117119 (Sub-No. E147), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from Lawton, Mich., to points in Arizona, California, Colorado, Nevada, and New Mexico. The purpose of this filing is to eliminate the gateway of St. Joseph, Mo.

No. MC-117119 (Sub-No. E148), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except in bulk), from Lawton, Mich., to points in Kansas, Oregon, and Washington, and points in that part of Nebraska west of Nebraska Highway 14. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC-117119 (Sub-No. E150), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk, in tank vehicles), from Detroit, Mich., to points in Kansas and points in that part of Nebraska west of Nebraska Highway

14. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC-117119 (Sub-No. E154), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Deerfield, Ill., to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC-117119 (Sub-No. E155), filed May 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago, Ill., to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Van Buren, Ark. (a point within the Fort Smith, Ark., commercial zone).

No. MC-123639 (Sub-No. E17), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dairy products* (except commodities in bulk, in tank or hopper type vehicles), from Chicago, Ill., to points in New Mexico and points in Los Animas, Baca, Huerfano, Otero, Bent, Prowers, Pueblo, El Paso, Douglas, Jefferson, Boulder, and Larimer Counties, Colo. The purpose of this filing is to eliminate the gateway of Hillsboro, Kans.

No. MC-123639 (Sub-No. E18), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Hutchinson, Wichita, and Hillsboro, Kans., to points in Arizona. The purpose of this filing is to eliminate the gateway of Trinidad, Ohio.

No. MC-123639 (Sub-No. E19), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing-houses* (except hides and commodities in bulk, in tank vehicles), 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 the plant site of Armour and Company near Sterling, Ill., to points in that part of Colorado south and west of a line along U.S. Highway 36 from the Colorado-Kansas State line to junction U.S. Highway

85 at Denver, thence along U.S. Highway 85 to junction U.S. Highway 34 at Greeley, thence along U.S. Highway 34 to junction U.S. Highway 287 at Loveland, thence along U.S. Highway 287 to the Colorado-Wyoming state line. The purpose of this filing is to eliminate the gateway of Emporia, Kans.

No. MC-127196 (Sub-No. E5), filed May 17, 1974. Applicant: KLINE TRUCKING, INC., P.O. Box 355, Millville, Pa. 17846. Applicant's representative: James L. Kline (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and component parts* used in the manufacture and assembly of mobile homes, (1) between points in New Jersey, on the one hand, and, on the other, points in Ohio (service is not authorized from points in Bergen, Essex, Hudson, and Union Counties, N.J., points in that part of Passaic and Morris Counties, N.J., south and east of U.S. Highway 202, points in that part of Middlesex County, N.J., north of the Raritan River, and the plant site of Flint-Kote Company in Camden, N.J., to points in Ohio); (2) between points in New Jersey, on the one hand, and, on the other, points in Michigan (service is not authorized from points in Bergen, Essex, Hudson, and Union Counties, N.J., points in that part of Passaic and Morris Counties, N.J., south and east of U.S. Highway 202, points in that part of Middlesex County, N.J., north of the Raritan River, and the plant site of Flint-Kote Company in Camden, N.J., to points in Michigan); (3) from points in New Jersey (except points in Bergen, Essex, Hudson, and Union Counties, points in that part of Passaic and Morris Counties south and east of U.S. Highway 202, points in that part of Middlesex County north of the Raritan River, and the plant site of Flint-Kote Company in Camden), to points in that part of Pennsylvania west of a line beginning at the New York-Pennsylvania state line, thence along U.S. Highway 219 to junction Pennsylvania Highway 153, thence along Pennsylvania Highway 153 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 350 at Philipsburg, thence along Pennsylvania Highway 350 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-Ohio state line; (4) from points in that part of New Jersey south of a line beginning at the Pennsylvania-New Jersey state line, thence along U.S. Highway 202 to junction U.S. Highway 287 near Somerville, thence along U.S. Highway 287 to the Delaware River at Lambertville, thence along the Delaware River to the New Jersey state line and the Atlantic Ocean, to points in that part of New York, west of New York Highway 14. The purpose of this filing is to eliminate the gateway of Millville, Pa.

No. MC-127196 (Sub-No. E6), filed May 17, 1974. Applicant: KLINE TRUCKING, INC., P.O. Box 355, Mill-

ville, Pa. 17846. Applicant's representative: James L. Kline (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and component parts* used in the manufacture and assembly of motor homes, (1) between points in that part of Pennsylvania east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to the Susquehanna River at Williamsport, thence along the Susquehanna River to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in that part of Indiana west of a line beginning at the Indiana-Kentucky State line, thence along U.S. Highway 65 to junction U.S. Highway 31 at Indianapolis, thence along U.S. Highway 31 to the Michigan-Indiana State line; (2) between points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13 near Horseheads, thence along New York Highway 13 to junction U.S. Highway 81, thence along U.S. Highway 81 to the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in that part of Ohio south of U.S. Highway 70 (service is not authorized from New York, N.Y., to points in Ohio); (3) from points in North Carolina to points in that part of Pennsylvania north and east of a line beginning at the New York-Pennsylvania State line, thence along Pennsylvania Highway 449 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 144 at Galeton, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 44 at Carter Camp, thence along Pennsylvania Highway 44 to junction U.S. Highway 15 near Allenwood, thence along U.S. Highway 15 to junction U.S. Highway 80 near White Deer, thence along U.S. Highway 80 to the Pennsylvania-New Jersey State line; (4) from points in that part of West Virginia south of Marshall County, to points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13 near Horseheads, thence along New York Highway 13 to junction U.S. Highway 81, thence along U.S. Highway 81 to the International Boundary line between the United States and Canada; (5) from points in that part of West Virginia south of Marshall County and west of Morgan County to points in that part of Pennsylvania north and east of a line beginning at the New York-Pennsylvania State line, thence along Pennsylvania Highway 14 to junction U.S. Highway 15 at Trout Run, thence over U.S. Highway 15 to junction U.S. Highway 80 at White Deer, thence along U.S. Highway 80 to the Pennsylvania-New Jersey State line; (6) from points in Virginia (except points in Accomack and Northampton Counties), to points in that part of Pennsylvania north and east of a line

beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to junction U.S. Highway 220 near Williamsport, thence along U.S. Highway 220 to junction Pennsylvania Highway 147 near Muncy, thence along Pennsylvania Highway 147 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction Pennsylvania Highway 44 near Tasbotville, thence along Pennsylvania Highway 44 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 6 near Scranton, thence along U.S. Highway 6 to junction Pennsylvania Highway 191, thence along Pennsylvania Highway 191 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Millville, Pa.

No. MC-128746 (Sub-No. E1) (CORRECTION), filed May 12, 1974, published in the FEDERAL REGISTER May 31, 1974. Applicant: D'AGATA NATIONAL TRUCKING CO., 3240 South 61st Street, Philadelphia, Pa. 19153. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1620, Philadelphia, Pa.

19102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (7) *Malt beverages*, from New York, N.Y., and Newark and East Orange, N.J., to Wilmington, Del., Bethesda, Claiborne, Cambridge, and Salisbury, Md., and points in Maryland on U.S. Highway 40 between the Maryland-Delaware State line, and Baltimore, Md., including Baltimore and points in New Jersey on and south of a line extending from the Delaware River over New Jersey Highway 73 to junction of U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 9, thence south along U.S. Highway 9 to junction New Jersey Highway 52, thence along New Jersey Highway 52 to the Atlantic Ocean; *Empty malt beverage containers*, from the above-specified destination points to the above-specified origin points. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (16) *Malt beverages*, in containers, from Willimansett, Mass., to Wilmington, Del., Bethesda, Claiborne, Cambridge, and Salisbury, Md., and points in

Maryland on U.S. Highway 40 between the Maryland-Delaware State line and Baltimore, Md. (including Baltimore), and points in that part of New Jersey on and south of a line beginning at the Delaware River, near Burlington, N.J., and extending along New Jersey Highway 528 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction at New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. The purpose of this correction is to (a) correctly describe the sought destination territory in New Jersey in (7), and (b) to correctly identify the gateway to be eliminated as Philadelphia, Pa., in (16).

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-14513 Filed 6-24-74; 8:45 am]

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

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PART II

DEPARTMENT OF COMMERCE

Domestic and International
Business Administration

■

DEFENSE MATERIALS SYSTEM
AND DEFENSE PRIORITIES
SYSTEM

Title 32A—National Defense, Appendix
CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION,
DEPARTMENT OF COMMERCE

[DMS Reg. 1, as revised July 1, 1974]

**DMS REG. 1—BASIC RULES OF THE
DEFENSE MATERIALS SYSTEM**

On October 1, 1973, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (38 FR 27252) proposing to revise DMS Regulation 1. All comments received in response to the proposal were given due consideration.

As a result of comments received and as a result of further agency review, the following changes are made:

1. Section 8(f) has been broadened to provide that nondiscrimination in prices and terms shall apply to all types of mandatory acceptance orders rather than only to rated orders, and to make the nondiscrimination provision applicable both before and after acceptance.

2. Section 9(f) which permitted the placement of oral orders has been deleted as unnecessary, since it required a confirming written order complying with the provisions of the section.

3. Section 12(a) which permitted combination of ACM orders and non-ACM orders under certain conditions has been revised to prohibit such combination.

4. Section 21 now includes an express provision permitting appeals from adverse agency decisions to the Appeals Board for the Department of Commerce.

5. In Schedule II the Defense Supply Agency has been added as a Sub-Claimant Agency of the Department of Defense.

6. The Bureau of Domestic Commerce (BDC) has been substituted for the references to the Bureau of Competitive Assessment and Business Policy (BCABP) throughout the regulation. These substitutions were made because the name of the agency was changed from BCABP to BDC subsequent to publication on October 1, 1973, of the notice of proposed rulemaking.

7. A number of other modifications have been made in the regulation and its schedules which are mainly clarifications or modifications of an editorial or technical nature.

This revised regulation (including its five Schedules and two Directions) is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this revised regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

DMS Regulation 1 in 32A CFR Chapter VI is revised to read as follows:

**DMS REG. 1—BASIC RULES OF THE
DEFENSE MATERIALS SYSTEM**

Sec.

1. What this regulation does.
2. Definitions.
3. Requirements and related procedures.
4. Allotment and self-authorization procedures.
5. Types of authorized controlled material orders and preferential status.

Sec.

6. Directives and preferential status.
7. Mandatory use of program determination, allotment, self-authorization, and rating authority.
8. Self-authorization procedure for Class A and Class B products.
9. Statements and certifications to accompany ACM orders and rated orders for Class A and Class B products.
10. Elements of ACM orders.
11. Limitations on use of self-authorization.
12. Combination of orders and minimum quantities.
13. Restrictions on placing ACM orders and on use of controlled materials.
14. Rated orders and ratings.
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16. Intracompany deliveries.
17. Delivery for unlawful purposes prohibited.
18. Applicability of regulations and orders.
19. Protection against claims for damages.
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Schedule

- I. Controlled Materials.
- II. Authorized Program Identifications and Claimant and Sub-Claimant Agencies.
- III. Mill Lead Times.
- IV. Minimum Mill Quantities.
- V. Form for Statement of Controlled Material Requirements for Class A products.

Direction 1

1. Self-authorization procedure for MRO needed to fill mandatory acceptance orders.
2. Controlled materials producers and distributors.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949-1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Orders 10-3, 38 FR 33624, and 40-1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41-1, as amended, 39 FR 2780, 39 FR 18490; 45-1, 39 FR 18488; 45-2, 39 FR 18489; Department of Commerce Organization Order 20-11, 32 FR 10825.

Section 1. What this regulation does.

(a) This regulation is a major revision and simplification of the Defense Materials System and supersedes DMS Reg. 1 of December 1, 1959 (including its Schedules, Directions and Amendments issued prior to the effective date of this regulation). DMS not only helps to keep current defense, atomic energy, and space programs (collectively referred to as "defense programs") on schedule but also provides an established operating mechanism that can be expanded or converted if the need arises. This regulation complements and is being issued concurrently with a major revision of Defense Priorities System Regulation 1.

(b) Defense contractors and their suppliers should thoroughly familiarize themselves with the provisions of DPS

¹ Directions 1 and 2 contained in FR Docs. 74-13165 and 74-13167 published at pages ----- and ----- of this issue.

Reg. 1 and with the provisions of this regulation which define their rights and obligations and set forth the basic rules of the Defense Materials System. One of the principal differences between DPS and DMS, which complement each other, is that the former relates primarily to products and materials other than controlled materials while the latter relates primarily to controlled materials (steel, copper, aluminum, and nickel alloys).

(c) Persons engaged in production, construction, or research and development for defense programs are required to follow all the applicable rules of this revised regulation. Proper identification of delivery orders placed for products and materials needed to fill defense orders and contracts is particularly important. The rule for mandatory identification of orders is an essential part of both the Defense Materials System and the Defense Priorities System. It avoids delays which could adversely affect timely completion of defense programs by requiring preferential delivery against properly identified orders and by furnishing a mechanism for expediting assistance where needed.

(d) The changes effected by this revised regulation are comprehensive in scope and include, but are not limited to:

(1) Under the former DMS Reg. 1 allotments of controlled materials were made by the Office of Emergency Preparedness to Claimant Agencies which then made allotments to Allotting Agencies. The latter, in turn, made allotments to prime consumers producing Class A products. This revised regulation provides for controlled material authorizations by the General Services Administration to Claimant Agencies and for allotments by Claimant Agencies to Sub-Claimant Agencies (a new term which replaces the former designation of "Allotting Agencies"). However, in the interest of simplification, allotments to prime consumers no longer will be made. All defense contractors and subcontractors in all degrees of remoteness under DMS are now self-authorizing consumers but may be requested, as heretofore, to submit statements of controlled material requirements for Class A products (although they will not receive allotments). Section 15 of this regulation explains the status of outstanding allotments.

(2) The definitions of Class A product and Class B product have been modified. The principal effect of these modifications is to make the definitions self-contained so that defense contractors and subcontractors under DMS may determine which are Class A and Class B products without reference to any other separate publication.

(3) Self-authorizing consumers (producers of Class A and Class B products) are now required, with certain exceptions, to use their inventory first in filling rated orders.

(4) The revised regulation expressly prohibits discrimination against mandatory acceptance orders with respect to prices and terms of sale.

(5) An express provision authorizing appeals from adverse decisions has been incorporated in the revised regulation.

(6) Modifications have been made in Schedules I through V and in Directions 1 and 2. These modifications are principally, but not entirely, technical and procedural rather than substantive. Former Direction 2 (Small Order Procedure for Allotting Agencies) has been eliminated and former Direction 3 (Controlled Materials Producers and Distributors) has been renumbered as Direction 2.

(7) Numerous other changes, simplifications, and consolidations have been effected in this revised regulation, the full text of which (including its Schedules I through V and Directions 1 and 2) should be studied carefully by defense contractors and their suppliers.

Sec. 2. Definitions.

As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "BDC" means the Bureau of Domestic Commerce, Domestic and International Business Administration, United States Department of Commerce.

(c) "GSA" means the General Services Administration of the United States Government.

(d) "Controlled material" means domestic and imported steel, copper, aluminum, and nickel alloys, in the forms and shapes specified in Schedule I of this regulation, whether new, remelted, re-rolled, or redrawn.

(e) "Claimant Agency" means the Department of Defense, the Atomic Energy Commission, BDC, or any other Government agency or subdivision thereof designated as such by GSA for submission to it of controlled material program requirements. Schedule II of this regulation lists the Claimant Agencies.

(f) "Sub-Claimant Agency" means any Government agency or subdivision thereof designated as such by GSA for submission of controlled material program requirements to a Claimant Agency. Schedule II of this regulation lists the Sub-Claimant Agencies.

(g) "Authorized program" means a military, atomic energy, or other program specifically approved by GSA and which is subject to any regulation or order of BDC.

(h) "Program determination" means an authorization by GSA of the amount and kind of controlled materials which may be procured or used by or for a Claimant Agency, or which may be allotted by a Claimant Agency to a Sub-Claimant Agency, for authorized programs during specified periods of time.

(i) "Allotment" means an authorization by a Claimant Agency of the amount and kind of controlled materials which may be procured or used by or for a Sub-Claimant Agency for authorized programs during specified periods of time.

(j) "Set-aside" means the amount and kind of any product or material, including controlled materials, which a person is required to reserve for filling mandatory acceptance orders during specified periods of time, as prescribed by BDC.

(k) "Self-authorizing consumer" means any person who receives authority to obtain controlled material by self-authorization pursuant to the provisions of this regulation. A self-authorizing consumer for a construction project may designate another person to act as the self-authorizing consumer for him.

(l) "Class A product" means any product containing controlled material made to special specifications for authorized programs and which is not itself a controlled material. It also includes a construction project or research and development which requires for its completion any controlled material or Class A product.

(m) "Class B product" means any product containing controlled material which is not made to special specifications for authorized programs (usually civilian-type products) and which is not itself a controlled material. It also includes a service which requires for its completion any controlled material.

(n) "Delivery order" means any purchase order, contract, shipping or other instruction calling for delivery of any material or product, or performance of construction or service, on a particular date or dates or within specified periods of time.

(o) "Authorized controlled material order" (ACM order) means any delivery order for any controlled material (as distinct from a product containing controlled material) bearing an authorized program identification, the calendar quarter in which delivery is required, and the certification required by this regulation or any other applicable regulation or order of BDC. The term "ACM order" shall have the same meaning as "authorized controlled material order."

(p) "Rated order" means any delivery order for any product, service, or material other than controlled material bearing an authorized rating and the certification required by this regulation, DPS Reg. 1, or any other applicable regulation or order of BDC.

(q) "Mandatory acceptance order" means a rated order, an ACM order, or any other delivery order which a person is required to accept pursuant to any regulation or order of BDC, or pursuant to a specific authorization or directive of BDC.

(r) "Controlled materials distributor" means (1) a distributor of steel controlled materials as defined in DMS Order 1, (2) a distributor of nickel alloy controlled materials as defined in DMS Order 2, (3) a distributor of aluminum controlled materials as defined in DMS Order 3, or (4) a distributor of copper controlled materials as defined in DMS Order 4.

(s) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-

in-place on the site of materials or products which are to be an integral and permanent part of the building, structure, or project, but it does not include maintenance and repair.

(t) "Construction project" means a construction plan contemplated for execution, irrespective of the time when it is to be put into effect in full or in part, involving all or portions of a single building or structure, or involving two or more buildings or structures, or portions thereof, which are physically contiguous, or are parts of an integrated design or plan, so that each is an element of a single operation. In addition, a construction project also means a type of construction which is not a building or structure, but which requires a construction operation for its completion, such as a freight yard, airport runway, or oil refinery.

Sec. 3. Requirements and related procedures.

(a) Claimant Agencies will submit controlled material requirements for authorized programs to GSA in accordance with procedures prescribed by GSA.

(b) Sub-Claimant Agencies will submit controlled material requirements for authorized programs to Claimant Agencies in accordance with procedures prescribed by GSA or Claimant Agencies.

(c) GSA will issue program determinations to each Claimant Agency.

(d) Each Claimant Agency, pursuant to program determinations, will make allotments to Sub-Claimant Agencies.

(e) BDC may establish set-asides, in support of program determinations, for acceptance of ACM orders by controlled materials producers and distributors.

(f) Any self-authorizing consumer, upon the request of a Claimant or Sub-Claimant Agency for whom he is a supplier, must submit a statement of controlled material requirements for Class A products for authorized programs of such agency. This information must be submitted to the requesting agency on Form DMS-4A (production or research and development), Form DMS-4C (construction) or other prescribed forms.

(g) Any self-authorizing consumer, upon the request of another self-authorizing consumer for whom he is a supplier, must submit a statement of his controlled material requirements to fill a rated order for Class A products for authorized programs. This information must be submitted to the requesting consumer on Form DMS-6 (contained in Schedule V of this regulation) in accordance with the instructions stated therein.

Sec. 4. Allotment and self-authorization procedures.

(a) An allotment must be identified by the appropriate program identification (as listed in Schedule II of this regulation) and shall specify the quantities and kinds of controlled materials authorized for delivery in specified periods of time. Unless otherwise prescribed by BDC, allotments shall be made in the following terms, in each case without further breakdown:

- (1) Carbon steel (including wrought iron).
- (2) Alloy steel (except stainless steel).
- (3) Stainless steel.
- (4) Copper and copper-base alloy brass mill products.
- (5) Copper wire mill products.
- (6) Copper and copper-base alloy foundry products and powder.
- (7) Aluminum.
- (8) Nickel alloys.

(b) A person who receives a rated order for a Class A product or a Class B product is a self-authorizing consumer and must obtain his requirements of controlled materials and other products and materials under the provisions of section 8 of this regulation.

Sec. 5. Types of authorized controlled material orders and preferential status.

(a) Two types of ACM orders are authorized, an ACM order and an ACM-DX order. ACM orders must contain the appropriate program identification and the calendar quarter in which delivery is required; for example, A-6-4Q74. ACM-DX orders must contain the appropriate program identification and the calendar quarter in which delivery is required, followed by the suffix DX; for example, A-6-4Q74-DX. Schedule II of this regulation contains a list of authorized program identifications.

(b) In addition to the requirements of paragraph (a) of this section, all ACM orders and all ACM-DX orders must contain the date or dates on which delivery is required and must be certified as provided in section 9 of this regulation.

(c) All ACM orders shall have equal preferential status and shall take precedence over orders previously or subsequently received which do not bear a program identification. All ACM-DX orders shall have equal preferential status and shall take precedence over ACM orders previously or subsequently received and over orders previously or subsequently received which do not bear a program identification.

Sec. 6. Directives and preferential status.

(a) A person shall comply with each directive issued to him by BDC. A recipient of a directive from BDC shall not use such directive to obtain any products, materials, or services from a supplier by placing a mandatory acceptance order, unless expressly authorized in the directive.

(b) Directives issued by BDC shall take precedence over ACM-DX orders, ACM orders, other orders for controlled materials, DX rated orders, DO rated orders, and unrated orders previously or subsequently received, unless a contrary instruction appears in the directive.

Sec. 7. Mandatory use of program determination, allotment, self-authorization, and rating authority.

(a) Each Claimant and Sub-Claimant Agency must use its program determination, allotment and rating authority, as appropriate, in acquiring controlled materials and other products and materials needed for completion of authorized programs, including inventory replacement in accordance with section 8 of this regulation.

(b) Each person who has received a rated order for a Class A or a Class B product must acquire controlled materials and other products and materials to fill such order or to replace in inventory products and materials used to fill such order by self-authorization, pursuant to section 8 of this regulation.

(c) The mandatory provisions of this section need not be followed in the case of any individual delivery order of \$500 or less.

Sec. 8. Self-authorization procedure for Class A and Class B products.

(a) A producer of Class A or Class B products who has accepted a rated order for such products is a self-authorizing consumer.

(b) A self-authorizing consumer must use the program identification indicated on his rated order in placing ACM orders to obtain controlled materials needed to fill such order or to replace in inventory controlled materials used to fill such rated order. However, with respect to inventory replacement of controlled materials, he shall place such ACM orders only in the calendar month in which such materials were taken from inventory or in the immediately succeeding two calendar months. If it is impracticable for him to determine the exact requirements of controlled materials needed to fill a rated order for Class A or Class B products, he must place ACM orders for delivery of an amount not exceeding his best estimates of controlled materials needed to fill such rated order.

(c) A self-authorizing consumer must use the rating indicated on his rated order in obtaining products and materials other than controlled materials needed to fill such order or to replace in inventory products and materials used to fill such rated order. However, with respect to inventory replacement of products and materials other than controlled materials, he shall place rated orders only in the calendar month in which such products and materials were taken from inventory or in the immediately succeeding two calendar months. If it is impracticable for him to determine the exact requirements of products and materials other than controlled materials needed to fill a rated order for Class A or Class B products, he must place rated orders for delivery of an amount not exceeding his best estimates of such products and materials needed to fill such rated order.

(d) If the requirement that he use the program identifications or ratings indicated on his customers' rated orders is impracticable because they are varied or numerous, a self-authorizing consumer may use the program identification or rating B-5 in lieu thereof.

(e) A self-authorizing consumer shall fill a rated order with products and materials from his inventory (to the extent that he has such products and materials in inventory) and replace such products and materials in accordance with the provisions of this or any other applicable regulation or order of BDC. However, if the requirement that he use products and materials from inventory would stop or interrupt his operations during the

next 60 days in a way which would cause a substantial loss of total production or a substantial delay in his operations, he need not do so.

(f) No person shall discriminate against mandatory acceptance orders by imposing higher prices or by imposing different terms and conditions for such orders than for generally comparable orders which are not mandatory acceptance orders, or in any other manner.

Sec. 9. Statements and certifications to accompany ACM orders and rated orders for Class A and Class B products.

(a) Each Claimant Agency, Sub-Claimant Agency and self-authorizing consumer placing a rated order for a Class A or a Class B product or placing an ACM order must, in addition to indicating the appropriate rating or program identification and delivery date or dates on such order, furnish his supplier with a statement reading substantially as follows:

You are required to follow the provisions of DMS Reg. 1 and of all other applicable regulations and orders of BDC in obtaining controlled materials and other products and materials needed to fill this order.

This statement must appear on the order or on a separate piece of paper attached to the order.

(b) Unless another form of certification is specifically prescribed by an applicable regulation or order of BDC, every rated order must contain the certification prescribed in DPS Reg. 1 or the following certification:

Certified for national defense use under DMS Reg. 1

and shall be signed as provided in paragraph (e) of this section. This certification accompanying a rated order shall have the same effect as a certification under DPS Reg. 1.

(c) Unless another form of certification is specifically prescribed by an applicable regulation or order of BDC, every ACM order must contain the following certification:

Certified for national defense use under DMS Reg. 1

and shall be signed as provided in paragraph (e) of this section.

(d) The certifications provided for in paragraphs (b) and (c) of this section shall constitute a representation to the supplier and to BDC that subject to the criminal penalties provided in applicable United States statutes, (1) the amount ordered by the purchaser is within the amount needed by him to fill the related mandatory acceptance order accepted by him and (2) the purchaser is expressly authorized by BDC, or by any applicable regulation or order of BDC, to place such mandatory acceptance order.

(e) A certification on an ACM order or a rated order must be signed by a responsible individual who is duly authorized in writing to sign for that purpose. The signature must be either by hand or in the form of a facsimile reproduction of a handwritten signature.

If a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it for this purpose by the person whose signature it is, and a written record of the authorization must be retained on file. A certification may be authenticated by a method other than a signature or a facsimile signature, such as by automatic data processing transmission, in which case a record must be maintained by the user describing the manner in which the authentication is transmitted and the manner in which the authentication is authorized.

Sec. 10. Elements of ACM orders.

(a) A delivery order placed with a controlled materials producer or a controlled materials distributor for a controlled material is an ACM order only if it is specifically designated as an authorized controlled material order by any regulation or order of BDC; or if it complies with this section and contains (1) the appropriate program identification and the calendar quarter in which delivery is required, (2) the date or dates on which delivery is required, and (3) the certification specified in section 9(c) of this regulation. As an example, an ACM order calling for delivery in the fourth quarter of 1974 placed pursuant to a rated order bearing the program identification A-6, must contain the following: A-6-4Q74 and, in addition, the delivery date or dates and certification.

(b) Each person who has accepted a DX rated order must use an ACM-DX order to obtain controlled materials to fill such DX rated order or to replace in inventory controlled materials used to fill such order. An ACM-DX order shall be identified as prescribed in section 5 of this regulation. No person shall use an ACM-DX order except as provided in this regulation or in any other regulation or order of BDC. An ACM-DX order shall have priority in acceptance or delivery over other ACM orders as provided in this regulation, in Direction 2 to this regulation, or in any other regulation or order of BDC.

(c) An ACM order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance of the month of required shipment as is specified in Schedule III of this regulation (except for ACM-DX orders as provided in Direction 2 to this regulation) or at the earliest subsequent date that the controlled materials producer may find it practicable to accept the same.

Sec. 11. Limitations on use of self-authorization.

(a) Each person who has accepted a rated order for a Class A or a Class B product must acquire controlled materials and other products and materials to fill such order or to replace in inventory products and materials used to fill such order by self-authorization, pursuant to section 8 of this regulation.

(b) Products and materials which may be obtained by a person pursuant

to the self-authorization provisions of this regulation to fill a rated order shall include only:

(1) (i) Those which will be physically incorporated into the product or material covered by the rated order and the portion of such products and materials normally consumed or converted into scrap or by-products in the course of processing.

(ii) Chemicals used directly in production to fill the rated order.

(iii) Products and materials used for packaging or containers required to make delivery against the rated order. They shall not include:

(2) (i) Products and materials for plant improvement, expansion or construction unless they will be physically incorporated into a construction project covered by a rated order.

(ii) Production equipment or products and materials to be used for the manufacture of production equipment.

(iii) Maintenance, repair and operating supplies (MRO). Direction 1 to this regulation provides a separate self-authorization procedure to obtain MRO needed to fill mandatory acceptance orders.

(c) In the event a person is not permitted to place a mandatory acceptance order because of the restrictions prescribed in paragraph (b) of this section, and he needs special priorities authorization, he shall apply for such authorization in accordance with section 11 of DPS Reg. 1.

(d) In the event a person has placed a mandatory acceptance order and needs expediting assistance to obtain timely delivery, or if he cannot find a supplier who will accept a mandatory acceptance order he attempts to place, he shall apply for assistance in accordance with section 12 of DPS Reg. 1.

(e) A person shall not place a mandatory acceptance order for products or materials in anticipation of receipt by him of a mandatory acceptance order.

Sec. 12. Combination of orders and minimum quantities.

(a) No person shall combine an ACM order with an order which is not an ACM order. If the quantity needed to fill an ACM order is less than the minimum mill quantity specified in Schedule IV of this regulation, and is not procurable from a distributor, then an ACM order shall be placed for such minimum mill quantity.

(b) ACM orders identified by different program identifications may be combined if the portion covered by each is specifically identified by the appropriate program identification, unless the program identification B-5 is used as provided in section 8(d) of this regulation. In addition, if the quantity of controlled material needed to fill rated orders is less than the minimum mill quantity specified in Schedule IV of this regulation, and is not procurable from a distributor, an ACM order shall be placed for such minimum mill quantity, using the program identification B-5. However, no person shall place separate ACM orders solely for the purpose of obtaining minimum mill quantities to fill such separate orders.

Sec. 13. Restrictions on placing ACM orders and on use of controlled materials.

(a) No person shall place an ACM order unless he is entitled to do so. No person shall place an ACM order calling for delivery of any controlled material in a greater amount (except as provided in section 12 of this regulation) or on an earlier date than required to fill his rated orders.

(b) Each person who has obtained controlled materials pursuant to an ACM order in accordance with this or any other regulation or order of BDC shall use such materials only (1) to fill rated orders, or (2) to replace in inventory controlled materials used to fill any such rated orders (in accordance with section 8 of this regulation). If he cannot use the controlled materials for any such purpose, he may use them to fill unrated orders or dispose of them, unless otherwise ordered or directed in writing by BDC.

Sec. 14. Rated orders and ratings.

(a) The detailed rules for designation and use of rated orders and ratings are contained in DPS Reg. 1 which should be studied carefully by persons who receive rated orders and by persons who place rated orders.

(b) As provided in DPS Reg. 1 ratings must contain the prefix DO or DX, as the case may be, followed by the appropriate program identification. Schedule II of this regulation and Schedule I of DPS Reg. 1 contain a list of authorized program identifications. Rated orders must show the rating authorized; for example DO-A-6, the date or dates on which delivery is required and must be certified as provided in section 9 of this regulation or section 8 of DPS Reg. 1.

Sec. 15. Transition provisions for acquisition of controlled materials.

(a) Nothing in this revised regulation shall be construed to cancel outstanding allotments of controlled materials for whatever purpose received. A person who has received an allotment and who may obtain controlled materials for the same purpose by self-authorization pursuant to this regulation, shall use either the allotment or self-authorization to obtain controlled materials for such purpose: *Provided*, That he shall not use the allotment or self-authorization to obtain more controlled materials than needed.

(b) The changes made in Schedule I (Controlled Materials), Schedule III (Mill Lead Times), and Schedule IV (Minimum Mill Quantities) of this revised regulation shall not be construed to affect outstanding orders placed pursuant to any regulation or order of BDC.

Sec. 16. Intracompany deliveries.

The provisions of this regulation apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

Sec. 17. Delivery for unlawful purposes prohibited.

No person shall deliver any product or material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any regulation or order of BDC.

Sec. 18. Applicability of regulations and orders.

(a) All regulations and orders of BDC, unless specifically stated otherwise in such regulations and orders, shall apply to transactions in any state, territory, or possession of the United States and the District of Columbia.

(b) All regulations and orders of BDC shall apply to all subsequent transactions even though they are covered by contracts previously entered into.

(c) Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of BDC. In case compliance by any person with the provisions of any such regulation or order would prevent fulfillment of a mandatory acceptance order, he shall immediately report the matter to BDC which will thereupon take such action as is deemed appropriate, but unless and until otherwise expressly authorized or directed by BDC, such person shall comply with the provisions of such regulation or order.

(d) This regulation complements DPS Reg. 1. Defense contractors and their suppliers should be thoroughly familiar with both this regulation and DPS Reg. 1.

Sec. 19. Protection against claims for damages.

No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from compliance with any BDC regulation, order, direction, directive or other written instruction, notwithstanding that any such regulation, order, direction, directive or other written instruction shall thereafter be declared by judicial or other competent authority to be invalid.

Sec. 20. Records and reports.

(a) Each person participating in any transaction covered by this regulation shall make, and preserve for at least three years thereafter, accurate and complete records thereof. Such records shall include all rated orders, ACM orders and directives received by such person, copies of all rated orders and ACM orders placed by such person, records of purchases, receipts, inventories, production, use, sales, and deliveries of all materials acquired, sold or delivered pursuant to mandatory acceptance orders. Records shall be maintained in sufficient detail to permit the determination, upon examination or audit, whether or not each transaction complies with the provisions of this regulation or any other applicable regulation or order of BDC. However, this regulation does not specify any particular accounting method or system to be used. Records may be retained in the form of microfilm or other record-keeping systems which provide the information contained in the original records.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of BDC at the usual place of business of the person involved.

(c) Persons subject to this regulation shall develop and maintain such records and submit such reports to BDC as it shall require, subject to the terms of the Federal Reports Act of 1942 (44 U.S.C. 3501-3511).

Sec. 21. Requests for adjustment or exception and appeals.

(a) Any person subject to any provision of this regulation may submit a request for adjustment or exception to BDC upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The submission of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of public health and safety, civil defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, addressed as provided in section 22(a) of this regulation, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Any person may appeal to the Appeals Board for the Department of Commerce from an adverse decision against him by BDC pursuant to this regulation. Each appeal shall be submitted to the Appeals Board not later than 45 days after receipt by the appellant of an adverse decision and shall be in writing, by letter in triplicate, addressed as provided in section 22(b) of this regulation, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. In addition, one copy of such letter shall be furnished to BDC by the appellant, addressed as provided in section 22(a) of this regulation. The decision of the Appeals Board shall be final within the Department and shall be provided in writing to the appellant and to BDC.

Sec. 22. Communications.

(a) All communications concerning this regulation or requests for adjustment or exception pursuant to section 21(a) of this regulation shall be addressed to the Bureau of Domestic Commerce, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DMS Reg. 1.

(b) All appeals pursuant to section 21(b) of this regulation shall be addressed to the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DMS Reg. 1.

Sec. 23. Violations.

(a) Any person who willfully violates any provision of this regulation, or who willfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

(b) Violation of any provision of this regulation may subject any person committing or participating in such violation to administrative action to suspend his privilege of making or receiving deliveries of products or materials, or using products, materials, or facilities. In addition to such administrative action, an injunction and order may be obtained from a court of appropriate jurisdiction prohibiting any such violation and enforcing compliance with the provisions hereof.

(c) For the purpose of any administrative action or civil proceeding for the enforcement of this regulation or any criminal prosecution for violation of this regulation, the terms "authorized controlled material order," "ACM order," "rated order," "rating" and "certification" shall be deemed to include every purported authorized controlled material order, ACM order, rated order, rating and certification whether or not such order, rating or certification shall have been authorized as provided in this regulation and irrespective of the form of such order, rating, or certification.

This revised regulation shall take effect July 1, 1974.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE

JOHN M. DUNN,
Deputy Assistant Secretary for
Domestic and International
Business.

SCHEDULE I TO DMS REG. 1 CONTROLLED MATERIALS

(See sections 2(d) and 15(b))

CARBON STEEL (INCLUDING WROUGHT IRON)¹

- (a) Bar, bar shapes.
Includes:
Bar, hot-rolled, stock for projectile and shell bodies.²
Bar, hot-rolled, other (including light shapes).
Bar, reinforcing (straight lengths—as rolled).
Bar, cold finished.
- (b) Sheet, strip (uncoated and coated).
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Sheet, all other coated.
Sheet, enameling.
Roofing, galvanized, corrugated, V-crimped channel drains.
Ridge roll, valley, and flashing.
Siding, corrugated and brick.
Strip, hot-rolled.
Strip, cold-rolled.
Strip, galvanized.
Electrical sheet and strip.
Tin mill black plate.
Tin plate, hot-dipped.
Ternes, special coated manufacturing.
Tin plate, electrolytic.
Electrolytic chromium coated steel.

See footnotes at end of schedule.

(c) Plate.³
 (d) Structural shapes,⁴ piling.
 (e) Pipe, tubing—seamless and welded.⁵
 Includes:
 Standard pipe (including type of couplings furnished by mill).⁶
 Oil country goods (casing, tubing and drill pipe, including type of couplings furnished by mill).
 Line pipe (including type of couplings furnished by mill).
 Pressure tubing.
 Mechanical tubing.
 (f) Wire, wire products.
 Includes:
 Wire-drawn.
 Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted.
 Spikes and brads—steel wire, galvanized, and cement-coated.
 Staples, bright and galvanized (farm and poultry).
 Wire rope and strand.
 Welded wire mesh and woven wire netting.
 Barbed and twisted wire.
 Wire fence, woven and welded (farm and poultry).
 Bale ties.
 Coiled automatic baler wire.
 (g) Tool steel (all forms including die blocks and tool steel forgings).
 (h) Other mill forms and products (excluding castings and forgings).
 Includes:
 Ingots.
 Billets, for shell body stock only.⁷
 Billets, for shell component parts and rockets.
 Blooms, slabs, other billets, tube rounds, sheet bars.
 Skelp.
 Wire rod.
 Rails.
 Joint bars (track).
 Tie plates (track).
 Track spikes.
 Wheels, rolled or forged (railroad).
 Axles (railroad).

ALLOY STEEL⁸ (EXCEPT STAINLESS STEEL⁹)
 (a) Bar, bar shapes.
 Includes:
 Bar, hot-rolled stock for projectile and shell bodies.
 Bar, hot-rolled, other (including light shapes).
 Bar, cold-finished.
 (b) Sheet, strip.
 Includes:
 Sheet, hot-rolled.
 Sheet, cold-rolled.
 Sheet, galvanized.
 Strip, hot-rolled.
 Strip, cold-rolled.
 (c) Plate.¹⁰
 Includes:
 Rolled armor.
 Other.
 (d) Structural shapes.⁴
 (e) Pipe, tubing—seamless and welded.⁵
 Includes:
 Oil-country goods.
 Pressure tubing.
 Mechanical tubing.
 (f) Wire.
 (g) Tool steel (all forms including die blocks and tool steel forgings).
 (h) Other mill forms and products (excluding castings and forgings).
 Includes:
 Ingots.
 Billets, projectile and shell stock.
 Blooms, slabs, other billets, tube rounds, sheet bars.
 Wire rods.
 Rails.
 Wheels, rolled or forged (railroad).
 Axles (railroad).

ALLOY STEEL⁸ (EXCEPT STAINLESS STEEL⁹)
 (a) Bar, bar shapes.
 Includes:
 Bar, hot-rolled stock for projectile and shell bodies.
 Bar, hot-rolled, other (including light shapes).
 Bar, cold-finished.
 (b) Sheet, strip.
 Includes:
 Sheet, hot-rolled.
 Sheet, cold-rolled.
 Sheet, galvanized.
 Strip, hot-rolled.
 Strip, cold-rolled.
 (c) Plate.¹⁰
 Includes:
 Rolled armor.
 Other.
 (d) Structural shapes.⁴
 (e) Pipe, tubing—seamless and welded.⁵
 Includes:
 Oil-country goods.
 Pressure tubing.
 Mechanical tubing.
 (f) Wire.
 (g) Tool steel (all forms including die blocks and tool steel forgings).
 (h) Other mill forms and products (excluding castings and forgings).
 Includes:
 Ingots.
 Billets, projectile and shell stock.
 Blooms, slabs, other billets, tube rounds, sheet bars.
 Wire rods.
 Rails.
 Wheels, rolled or forged (railroad).
 Axles (railroad).

ALLOY STEEL⁸ (EXCEPT STAINLESS STEEL⁹)
 (a) Bar, bar shapes.
 Includes:
 Bar, hot-rolled stock for projectile and shell bodies.
 Bar, hot-rolled, other (including light shapes).
 Bar, cold-finished.
 (b) Sheet, strip.
 Includes:
 Sheet, hot-rolled.
 Sheet, cold-rolled.
 Sheet, galvanized.
 Strip, hot-rolled.
 Strip, cold-rolled.
 (c) Plate.¹⁰
 Includes:
 Rolled armor.
 Other.
 (d) Structural shapes.⁴
 (e) Pipe, tubing—seamless and welded.⁵
 Includes:
 Oil-country goods.
 Pressure tubing.
 Mechanical tubing.
 (f) Wire.
 (g) Tool steel (all forms including die blocks and tool steel forgings).
 (h) Other mill forms and products (excluding castings and forgings).
 Includes:
 Ingots.
 Billets, projectile and shell stock.
 Blooms, slabs, other billets, tube rounds, sheet bars.
 Wire rods.
 Rails.
 Wheels, rolled or forged (railroad).
 Axles (railroad).

ALLOY STEEL⁸ (EXCEPT STAINLESS STEEL⁹)
 (a) Bar, bar shapes.
 Includes:
 Bar, hot-rolled stock for projectile and shell bodies.
 Bar, hot-rolled, other (including light shapes).
 Bar, cold-finished.
 (b) Sheet, strip.
 Includes:
 Sheet, hot-rolled.
 Sheet, cold-rolled.
 Sheet, galvanized.
 Strip, hot-rolled.
 Strip, cold-rolled.
 (c) Plate.¹⁰
 Includes:
 Rolled armor.
 Other.
 (d) Structural shapes.⁴
 (e) Pipe, tubing—seamless and welded.⁵
 Includes:
 Oil-country goods.
 Pressure tubing.
 Mechanical tubing.
 (f) Wire.
 (g) Tool steel (all forms including die blocks and tool steel forgings).
 (h) Other mill forms and products (excluding castings and forgings).
 Includes:
 Ingots.
 Billets, projectile and shell stock.
 Blooms, slabs, other billets, tube rounds, sheet bars.
 Wire rods.
 Rails.
 Wheels, rolled or forged (railroad).
 Axles (railroad).

ALLOY STEEL⁸ (EXCEPT STAINLESS STEEL⁹)
 (a) Bar, bar shapes.
 Includes:
 Bar, hot-rolled stock for projectile and shell bodies.
 Bar, hot-rolled, other (including light shapes).
 Bar, cold-finished.
 (b) Sheet, strip.
 Includes:
 Sheet, hot-rolled.
 Sheet, cold-rolled.
 Sheet, galvanized.
 Strip, hot-rolled.
 Strip, cold-rolled.
 (c) Plate.¹⁰
 Includes:
 Rolled armor.
 Other.
 (d) Structural shapes.⁴
 (e) Pipe, tubing—seamless and welded.⁵
 Includes:
 Oil-country goods.
 Pressure tubing.
 Mechanical tubing.
 (f) Wire.
 (g) Tool steel (all forms including die blocks and tool steel forgings).
 (h) Other mill forms and products (excluding castings and forgings).
 Includes:
 Ingots.
 Billets, projectile and shell stock.
 Blooms, slabs, other billets, tube rounds, sheet bars.
 Wire rods.
 Rails.
 Wheels, rolled or forged (railroad).
 Axles (railroad).

ALLOY STEEL⁸ (EXCEPT STAINLESS STEEL⁹)
 (a) Bar, bar shapes.
 Includes:
 Bar, hot-rolled stock for projectile and shell bodies.
 Bar, hot-rolled, other (including light shapes).
 Bar, cold-finished.
 (b) Sheet, strip.
 Includes:
 Sheet, hot-rolled.
 Sheet, cold-rolled.
 Sheet, galvanized.
 Strip, hot-rolled.
 Strip, cold-rolled.
 (c) Plate.¹⁰
 Includes:
 Rolled armor.
 Other.
 (d) Structural shapes.⁴
 (e) Pipe, tubing—seamless and welded.⁵
 Includes:
 Oil-country goods.
 Pressure tubing.
 Mechanical tubing.
 (f) Wire.
 (g) Tool steel (all forms including die blocks and tool steel forgings).
 (h) Other mill forms and products (excluding castings and forgings).
 Includes:
 Ingots.
 Billets, projectile and shell stock.
 Blooms, slabs, other billets, tube rounds, sheet bars.
 Wire rods.
 Rails.
 Wheels, rolled or forged (railroad).
 Axles (railroad).

ALLOY STEEL⁸ (EXCEPT STAINLESS STEEL⁹)
 (a) Bar, bar shapes.
 Includes:
 Bar, hot-rolled stock for projectile and shell bodies.
 Bar, hot-rolled, other (including light shapes).
 Bar, cold-finished.
 (b) Sheet, strip.
 Includes:
 Sheet, hot-rolled.
 Sheet, cold-rolled.
 Sheet, galvanized.
 Strip, hot-rolled.
 Strip, cold-rolled.
 (c) Plate.¹⁰
 Includes:
 Rolled armor.
 Other.
 (d) Structural shapes.⁴
 (e) Pipe, tubing—seamless and welded.⁵
 Includes:
 Oil-country goods.
 Pressure tubing.
 Mechanical tubing.
 (f) Wire.
 (g) Tool steel (all forms including die blocks and tool steel forgings).
 (h) Other mill forms and products (excluding castings and forgings).
 Includes:
 Ingots.
 Billets, projectile and shell stock.
 Blooms, slabs, other billets, tube rounds, sheet bars.
 Wire rods.
 Rails.
 Wheels, rolled or forged (railroad).
 Axles (railroad).

ALLOY STEEL⁸ (EXCEPT STAINLESS STEEL⁹)
 (a) Bar, bar shapes.
 Includes:
 Bar, hot-rolled stock for projectile and shell bodies.
 Bar, hot-rolled, other (including light shapes).
 Bar, cold-finished.
 (b) Sheet, strip.
 Includes:
 Sheet, hot-rolled.
 Sheet, cold-rolled.
 Sheet, galvanized.
 Strip, hot-rolled.
 Strip, cold-rolled.
 (c) Plate.¹⁰
 Includes:
 Rolled armor.
 Other.
 (d) Structural shapes.⁴
 (e) Pipe, tubing—seamless and welded.⁵
 Includes:
 Oil-country goods.
 Pressure tubing.
 Mechanical tubing.
 (f) Wire.
 (g) Tool steel (all forms including die blocks and tool steel forgings).
 (h) Other mill forms and products (excluding castings and forgings).
 Includes:
 Ingots.
 Billets, projectile and shell stock.
 Blooms, slabs, other billets, tube rounds, sheet bars.
 Wire rods.
 Rails.
 Wheels, rolled or forged (railroad).
 Axles (railroad).

STAINLESS STEEL¹¹
 (a) Bar, bar shapes.
 Includes:
 Bar, hot-rolled (including light shapes).
 Bar, cold-finished.
 (b) Sheet, strip.
 Includes:
 Sheet, hot-rolled.
 Sheet, cold-rolled.
 Strip, hot-rolled.
 Strip, cold-rolled.
 (c) Plate.¹²
 (d) Structural shapes.⁴
 (e) Pipe, tubing—seamless and welded.⁵
 Includes:
 Pipe.
 Pressure tubing.
 Mechanical tubing.
 (f) Wire, wire products.
 Includes:
 Wire, drawn.
 Wire rope and strand.
 (g) Other mill forms and products (excluding castings and forgings).
 Includes:
 Ingots.
 Blooms, slabs, billets, tube rounds.
 Sheet bars, wire rods.

COPPER AND COPPER-BASE ALLOY BRASS MILL PRODUCTS¹³

Copper (unalloyed):
 (a) Bar, shapes, wire (except electrical wire).
 (b) Rod.
 (c) Sheet, plate, 24 inches wide and over.
 (d) Rolls and strip up to 24 inches in width.
 (e) Pipe, tube (seamless).
 Copper-base alloy:¹⁴
 (a) Bar, wire, shapes.
 (b) Free cutting brass rod.
 (c) Other rod.
 (d) Sheet, and plate 24 inches wide and over.
 (e) Rolls and strip up to 24 inches in width.
 (f) Military ammunition cups and discs.
 (g) Circles.
 (h) Pipe, tube (seamless).

COPPER WIRE MILL PRODUCTS

All copper wire and cable for electrical conduction, including but not limited to:
 Bare and tinned.
 Weatherproof.
 Magnet wire.
 Insulated building wire.
 Paper and lead power cable.
 Paper and pulp telephone cable.
 Plastic insulated telephone cable.
 Asbestos cable.
 Portable and flexible cord and cable.
 Communication wire and cable.
 Shipboard cable.
 Automotive and aircraft wire and cable.
 Insulated power cable.
 Signal and control cable.
 Coaxial cable.
 Copper-clad steel wire containing over 20 percent copper by weight regardless of end use.
 Copper-clad aluminum wire containing over 20 percent copper by weight regardless of end use.

Copper-clad aluminum wire containing over 20 percent copper by weight regardless of end use.

COPPER AND COPPER-BASE ALLOY FOUNDRY PRODUCTS AND POWDER

Includes:
 Copper, brass, and bronze castings.¹⁴
 Copper, brass, and bronze powder (including copper powder, granular and flake, and copper-base alloy powder, granular and flake).

ALUMINUM

Roller bar, rod, structural shapes, and bare wire.
 Aluminum conductor steel reinforced (ACSR) and bare aluminum cable.

Insulated or covered wire or cable.
 Extruded bar, rod, shapes, and tube (extruded, drawn and welded tube).
 Sheet and plate.
 Ingot, granular or shot, and molten metal.
 Foil.
 Powder, flake, paste.

NICKEL ALLOYS¹⁵

Ingots, blooms, slabs, and billets.
 Plate, sheet, strip, and foil.
 Rods, bars (including anode bars), pipe, tubing, and shapes.
 Wire and wire rod.
 Powder.

FOOTNOTES

¹ For the purpose of this schedule "carbon steel (including wrought iron)" means any steel customarily so classified and also includes: (1) Ingot iron; (2) all grades of electrical sheet and strip; (3) high-strength low-alloy steels; (4) clad and coated carbon steels not included with alloy steels: e.g., galvanized, tin, terne, copper (excluding copper wire mill products) or aluminum clad and/or coated carbon steels; and (5) leaded carbon steels. "High-strength low-alloy steels" means only the proprietary grades promoted and sold for this purpose, and Navy high-tensile steel grade HT Specification MIL-S-16113 (Ships).

² Includes projectile body stock, sizes under 2½ inches.

³ Carbon plate not only includes the following specifications, but also floor plates of any thickness:

0.180 inch or thicker, over 48 inches wide.
 0.230 inch or thicker, over 8 inches wide.
 7.53 pounds per square foot or heavier, over 48 inches wide.
 9.62 pounds per square foot or heavier, over 8 inches wide.

⁴ "Structural shapes" means rolled flanged sections having at least one dimension of their cross section 3 inches or greater, commonly referred to as angles, channels, beams, and wide flange sections.

⁵ Steel pipe or tubing exceeding 36 inches O.D. is not a controlled material, but is a Class A product.

⁶ Standard pipe includes the following:

Ammonia pipe.
 Bedstead tubing.
 Driven well pipe.
 Drive pipe.
 Dry kiln pipe.
 Dry pipe for locomotives.
 English gas and steam pipe.
 Fence pipe.
 Furniture pipe.
 Ice machine pipe.
 Mechanical service pipe.
 Nipple pipe.
 Pipe for piling.
 Pipe for plating and enameling.
 Pump pipe.
 Signal pipe.
 Standard pipe coupling.
 Structural pipe.
 Turbine pump pipe.
 Water main pipe.
 Water well casing.
 Water well reamed and drifted pipe.

⁷ Includes only projectile body stock, sizes 2½ inches and larger, rounds, and round-cornered squares.

⁸ For purposes of this schedule "alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheet and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium (less than 10 percent), cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to

See footnotes at end of schedule.

RULES AND REGULATIONS

FOOTNOTES—Continued

have been added to obtain a desired alloying effect. Clad steels which have an alloy steel base or carbon steel base for which nickel and/or chromium is contained in the coating or cladding material (e.g., inconel, monel, or stainless) are alloy steels.

* "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements.

¹⁰ Alloy steel plate includes the following specifications:

0.180 inch or thicker, over 48 inches wide.

0.230 inch or thicker, over 8 inches wide.

7.53 pounds per square foot or heavier, over 48 inches wide.

9.62 pounds per square foot or heavier, over 8 inches wide.

¹¹ Stainless steel plates include the following size specifications: $\frac{3}{16}$ inch (0.1875) or thicker, over 10 inches wide.

¹² Includes anodes—rolled, forged, or sheared from cathodes.

¹³ "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It does not include alloyed gold produced in accordance with U.S. Commercial Standard CS 67-38.

¹⁴ Cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sand-blasting, tumbling, and dipping, but does not include any further machining or processing. For centrifugal castings the process includes the removal of the rough cut in the inner and/or outer diameter before delivery to a customer.) Castings include anodes cast in a foundry or by an ingot maker.

¹⁵ "Nickel alloys" means those alloys for which the specified nickel content is 5 percent or more up to and including pure nickel, and which do not contain as much as 50 percent of iron or steel, nor as much as 40 percent of copper, nor as much as 50 percent of aluminum. It does not include primary nickel in the forms of electrolytic cathodes, pigs, rondelles, cubes, pellets, shot, oxide (including sintered oxide), salts, or chemicals; nor does it include primary nickel in the form of ingots used for remelting or powder derived directly from ore concentrates; nor does it include ferronickel.

SCHEDULE II TO DMS REG. 1

AUTHORIZED PROGRAM IDENTIFICATIONS AND CLAIMANT AND SUB-CLAIMANT AGENCIES

(See sections 2(e), 2(f), 4(a), 5(a), and 14(b))

The program identifications listed in this schedule have equal preferential status and are the only ones authorized under the Defense Materials System and the Defense Priorities System and must be used in accordance with this regulation, DPS Reg. 1 and other applicable regulations and orders of BDC.

The identifications are not listed in alphabetical or numerical sequence but are grouped by Claimant Agencies and Sub-Claimant Agencies. Within each group, the Claimant and Sub-Claimant Agencies listed in Column 3 are authorized to employ the program identifications listed in Column 1 for purposes of placement by them and their suppliers of ACM orders and rated orders in support of the programs listed in Column 2.

The full names of the Claimant Agencies and Sub-Claimant Agencies shown by initials in Column 3 are:

AEC—Atomic Energy Commission.

BDC—Bureau of Domestic Commerce.

CIA—Central Intelligence Agency.

FAA—Federal Aviation Administration.

NASA—National Aeronautics and Space Administration.

Column 1	Column 2	Column 3	
Program Identification	Program	Claimant Agency Sub-Claimant Agency	
For Department of Defense and associated programs :			
A-1.....	Aircraft.....	Department of Defense.	
A-2.....	Missiles.....		
A-3.....	Ships.....		
A-4.....	Tank—Automotive.....		
A-5.....	Weapons.....		
A-6.....	Ammunition.....		
A-7.....	Electronic and communications equipment.....		
B-1.....	Military building supplies.....		
B-8.....	Production equipment (for defense contractor's account).....		
B-9.....	Production equipment (Government owned).....		
C-2.....	Department of Defense construction.....	Army. Navy (including Coast Guard). Air Force. Defense Supply Agency. CIA. FAA. NASA.	
C-3.....	Maintenance, repair and operating supplies (MRO) for Department of Defense facilities.....		
C-8.....	Controlled materials for Defense Industrial Supply Center (DISC).....		
C-9.....	Miscellaneous.....		
For Atomic Energy Commission programs :			
E-1.....	Construction.....	AEC.	
E-2.....	Operations—including maintenance, repair, and operating supplies (MRO).....		
E-3.....	Privately owned facilities.....	BDC.	
For other Defense, Atomic Energy, and related programs :			
B-5.....	Certain self-authorizing consumers (see sec. 8(d) of DMS Reg. 1).....		
C-4.....	Certain munitions items purchased by friendly foreign governments through domestic commercial channels for export.....		
C-5.....	Canadian Military Programs.....		
C-6.....	Certain direct defense needs of friendly foreign governments other than Canada.....		
D-1.....	Controlled Materials Producers.....		
D-2.....	Approved state and local civil defense programs.....		
D-3.....	Further Converters (Steel).....		
D-4.....	Private domestic production.....		
D-5.....	Private domestic construction.....		
D-6.....	Canadian production and construction.....		
D-7.....	Friendly foreign nations (other than Canada) production and construction.....		
D-8.....	Distributors of controlled materials.....		
D-9.....	Maintenance, Repair and Operating Supplies (MRO) (see Dir. 1 to DMS Reg. 1).....		
E-4.....	Canadian Atomic Energy Program.....		
K-1.....	General Services Administration's Supply Distribution Facility Program.....		
AM.....	Aluminum Controlled Materials Producers.....		
AM-9000.....	Aluminum Controlled Materials Distributors.....		
FC.....	Further Converters (steel and nickel alloys).....		

¹ State and local governments will be authorized to use the program identification D-2 only upon application to the Defense Civil Preparedness Agency of the Department of Defense, sponsorship by the Office of the Assistant Secretary of Defense (Installations and Logistics) and specific approval by BDC.

SCHEDULE III TO DMS REG. 1—MILL LEAD TIMES

(See sections 10(c) and 15(b))

Name of Product ¹	Minimum number of days in advance of first day of month in which shipment is required			
	Carbon	High-strength low-alloy	Stainless	Aluminum, copper, and nickel alloys
Steel:				
Bar, bar shapes (including light shapes):				
Bar, hot-rolled stock for projectile and shell bodies.....	45	75		75
Bar, hot-rolled, other (including light shapes).....	45	75	90	75
Bar, reinforcing (straight lengths—as rolled).....	45			75
Bar, cold-finished.....	75	105	105	105
Sheet, strip (uncoated and coated):				
Sheet, hot-rolled.....	45	75	90	75
Sheet, cold-rolled.....	45	75	105	90
Sheet, galvanized.....	45			
Sheet, all other coated.....	45			
Sheet, enameling.....	45			
Roofing, galvanized, corrugated, V-crippled channel drains.....	45			
Ridge roll, valley, and flashing.....	45			
Sliding, corrugated and brick.....	45			
Strip, hot-rolled.....	45	75	90	75
Strip, cold-rolled.....	45	75	105	90
Strip, galvanized.....	45			
Electrical sheet and strip.....	(1)			
Tin mill black plate.....	45			
Tin plate, hot-dipped.....	45			
Tin plate, electrolytic.....	45			
Tin plate, electrolytic.....	45			
Electrolytic chromium coated steel.....	45			

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SCHEDULE III TO DMS REG. 1—MILL LEAD TIMES—Continued

Name of Product ¹	Minimum number of days in advance of first day of month in which shipment is required				Aluminum, copper, and nickel alloys
	Steel				
	Carbon	High-strength low-alloy	Stainless	Alloy ²	
Steel—Continued					
Plate	45	75	90	75	
Structural shapes, piling	45	75	150	90	
Pipe, tubing—seamless and welded:					
Standard pipe (including couplings furnished by mill)	45		120		
Oil-country goods (casing, tubing and drill pipe, including type of couplings furnished by mill)	45			60	
Line pipe (including couplings furnished by mill)	45	75			
Pressure tubing	60		120	120	
Mechanical tubing	60		120	120	
Wire, wire products:					
Wire, drawn	45	75	90	75	
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted	45				
Spikes and brads—steel wire, galvanized, and cement coated	45				
Staples, bright and galvanized (farm and poultry)	45				
Wire rope and strand	45		105		
Welded wire mesh and woven wire netting	45				
Barbed and twisted wire	45				
Wire fence, woven and welded (farm and poultry)	45				
Bale ties	45				
Coiled automatic baler wire	45				
Tool steel (all forms including die blocks and tool steel forgings)	60			90	
Other mill forms and products (excluding castings and forgings):					
Ingot	45	75	75	75	
Billets, projectile and shell stock	45	75		75	
Blooms, slabs, other billets, tube rounds, sheet bars	45	75	75	75	
Skelp	45				
Wire rod	45	75	90	75	
Rails	45			90	
Joint bars (track)	45				
Tie plates (track)	45				
Track spikes	45				
Wheels, rolled or forged (railroad)	45			90	
Axles (railroad)	45			90	
Copper and copper-base alloy brass mill products:					
Copper (unalloyed):					
Bar, shapes, wire (except electrical wire)					45
Rod					45
Sheet, plate, 24 inches wide and over					45
Rolls and strip up to 24 inches in width					45
Pipe, tube (seamless)					45
Copper-base alloy:					
Bar, wire, shapes					10 45
Free cutting brass rod					10 45
Other rod					10 45
Sheet, and plate 24 inches wide and over					10 45
Rolls and strip up to 24 inches in width					10 45
Military ammunition cups and discs					10 45
Circles					10 45
Pipe, tube (seamless)					10 45
Copper wire mill products:					
Copper wire and cable:					
Bare and tinned					35
Weatherproof					35
Magnet wire					35
Insulated building wire					35
Paper and lead power cable					60
Paper and pulp telephone cable					45
Plastic insulated telephone cable					45
Asbestos cable					60
Portable and flexible cord and cable					45

See footnotes at end of table.

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SCHEDULE III TO DMS REG. 1—MILL LEAD TIMES—Continued

Name of Product ¹	Minimum number of days in advance of first day of month in which shipment is required			
	Carbon	High-strength low-alloy	Stainless	Aluminum, copper, and nickel alloys
Copper wire mill products—Continued				
Copper wire and cable—Continued				
Communication wire and cable.....				60
Shipboard cable.....				60
Automotive and aircraft wire and cable.....				45
Insulated power cable.....				60
Signal and control cable.....				60
Coaxial cable.....				45
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use.....				35
Copper-clad aluminum wire containing over 20 percent copper by weight regardless of end use.....				45
Copper and copper-base alloy foundry products and powder:				
Copper, brass, and bronze castings.....				14
Copper, brass, and bronze powder (including copper powder, granular and flake, and copper-base alloy powder, granular and flake).....				30
Aluminum:				
Roller bar, rod, structural shapes, and bare wire.....				60
Aluminum conductor steel reinforced (ACSR) and bare aluminum cable.....				60
Insulated or covered wire or cable.....				60
Extruded bar, rod, shapes, and tube (extruded, drawn and welded tube).....				60
Sheet and plate.....				60
Ingot, granular or shot.....				60
Molten metal.....				(12) 60
Foil.....				60
Powder, flake, paste.....				60
Nickel Alloys:				
Rods and bars (except anode bars):				
Hot-rolled.....				90
Forging quality.....				105
Cold-finished.....				120
Sheet and strip:				
Hot-rolled.....				90
Cold-rolled.....				120
Foil.....				120
Plate.....				90
Pipe, tubing.....				120
Wire.....				120
Other mill forms:				
Ingots.....				75
Blooms, slabs, billets.....				75
Wire rod.....				90
Powder.....				90
Shapes and forms not listed above (including anode bars).....				(11)

¹ See definitions contained in footnotes to Schedule I of this regulation.

² For clad products, add 45 days to lead time indicated.

³ If annealed or heat-treated, add an additional 15 days.

⁴ For electrical sheet and strip, use this table:

Grade	Lead time	Definition
Low.....	45	AISI M47, M45, M43, M36.
Medium.....	45	AISI M27, M22, M19.
High.....	60	AISI M15 and oriented.

⁵ Rolled armor plate is subject to negotiation between mill and its customer. If no acceptable arrangements are worked out, BDC should be notified.

⁶ Applies to special rolled shapes including angles and channels.

⁷ For welded tubing or high carbon spring steel strip, 75 days.

⁸ If cold-finished, add an additional 15 days.

⁹ Lead time applies to unmachined castings after approval of patterns for production.

¹⁰ For refractory alloys, 60 days.

¹¹ Small simple castings to fit 12x16 inch flask, 7 days.

¹² By negotiation between mill and its customer. If no acceptable arrangements are worked out, BDC should be notified.

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SCHEDULE IV TO DMS REG. 1—MINIMUM MILL QUANTITIES

(See sections 12(a) and 15 (b))

Name of product ¹	Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination		Aluminum, copper, and nickel alloys (pounds)
	Steel ²		
	Carbon	Alloy	
Steel:			
Bar, bar shapes (including light shapes):			
Bar, hot-rolled stock for projectile and shell bodies.....	(?)	(?)	-----
Bar, hot-rolled, other (including light shapes):			
Round bars up to and including 3 inches, and squares, hexagons, half rounds, ovals, etc., of approximately equivalent section area..... net tons.....	5	(?)	-----
Round and square bars over 3 inches to, but not including, 8 inches..... net tons.....	15	(?)	-----
Bar-size shapes (angles, tees, channels, and zees under 3 inches)..... net tons.....	5	(?)	-----
Bar, reinforcing (straight lengths, as rolled)..... do.....	5		-----
Bar, cold-finished..... do.....	5	(?)	-----
Sheet, strip (uncoated and coated):			
Sheet, hot-rolled..... do.....	5	(?)	-----
Sheet, cold-rolled..... do.....	5	(?)	-----
Sheet, galvanized..... do.....	(?)		-----
Sheet, all other coated..... net tons.....	5		-----
Sheet, enameling..... do.....	5		-----
Roofing, galvanized, corrugated, V-cripped channel drains.....	(?)		-----
Ridge roll, valley, and flashing.....	(?)		-----
Siding, corrugated and brick.....	(?)		-----
Strip, hot-rolled.....	(?)	(?)	-----
Strip, cold-rolled.....	(?)	(?)	-----
Strip, galvanized.....	(?)		-----
Electrical sheet and strip..... net tons.....	5		-----
Tin mill black plate..... pounds.....	5,000		-----
Tin plate, hot-dipped..... do.....	5,000		-----
Tin plate, special coated manufacturing..... do.....	5,000		-----
Tin plate, electrolytic..... do.....	5,000		-----
Electrolytic chromium coated steel.....	(?)		-----
Plate:			
Roller armor.....	(?)	(?)	-----
Continuous strip mill production..... net tons.....	10	(?)	-----
Sheared, universal, or bar mill production..... do.....	3	(?)	-----
Structural shapes, piling.....	(?)	(?)	-----
Pipe, tubing:			
Standard pipe (including couplings furnished by mill).....	(?)	(?)	-----
Oil-country goods (casings, tubular goods, couplings furnished by mill).....	(?)	(?)	-----
Line pipe (including couplings furnished by mill).....	(?)	(?)	-----
Pressure and mechanical tubing (seamless and welded):			
Seamless cold-drawn (O. D. in inches):			
Up to 1/4, inclusive..... feet.....	1,000	1,000	-----
Over 1/4 to 1 1/2, inclusive..... do.....	800	800	-----
Over 1 1/2 to 3, inclusive..... do.....	600	600	-----
Over 3 to 6, inclusive..... do.....	400	400	-----
Over 6..... do.....	250	250	-----
Seamless hot-rolled.....	(?)	(?)	-----
Welded.....	(?)	(?)	-----
Wire, wire products:			
Wire, drawn.....	(?)	(?)	-----
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted..... net tons.....	\$ 5		-----
Spikes and brads—steel wire, galvanized, cement-coated..... do.....	\$ 5		-----
Staples, bright and galvanized (farm and poultry)..... do.....	\$ 5		-----
Wire rope and strand.....	(?)		-----
Welded wire mesh.....	(?)		-----
Woven wire netting..... net tons.....	\$ 5		-----
Barbed and twisted wire..... do.....	\$ 5		-----
Wire fence, woven and welded (farm and poultry)..... do.....	\$ 5		-----
Bale ties..... do.....	\$ 5		-----
Coiled automatic baler wire..... do.....	\$ 5		-----
Tool steel (all forms including die blocks and tool steel forgings)..... pounds.....	500	500	-----
Other mill forms and products (excluding castings and forgings):			
Ingot..... net tons.....	\$ 25	(?)	-----
Billets, projectile and shell stock.....	(?)	(?)	-----
Blooms, slabs, other billets, tube rounds, sheet bars..... net tons.....	\$ 25	(?)	-----
Skelp..... do.....	25		-----
Wire rod.....	(?)	(?)	-----
Rails and track accessories.....	(?)	(?)	-----
Wheels, rolled or forged (railroad).....	(?)	(?)	-----
Axles (railroad).....	(?)	(?)	-----
Copper and copper-base alloy brass mill products:			
Copper (Unalloyed):			
Bar, shapes, wire (except electrical wire).....			500
Rod.....			1,000
Sheet, plate, 24 inches wide and over.....			2,000
Rolls and strip up to 24 inches in width.....			1,000
Pipe, tube (seamless).....			1,000
Copper-base alloy:			
Bar, wire, shapes.....			500
Free cutting brass rod.....			2,000
Other rod.....			500
Sheet, and plate 24 inches wide and over.....			2,000
Rolls and strip up to 24 inches in width.....			2,000
Military ammunition cups and discs.....			500
Circles.....			1,000
Pipe, tube (seamless).....			1,000

See footnotes at end of table.

SCHEDULE IV TO DMS REG. 1—Continued

Name of product ¹	Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination	
	Steel ²	Aluminum, copper, and nickel alloys (pounds)
	Carbon	Alloy
Copper wire mill products.....		(3)(9)
Aluminum:		
Rolled bar, rod, structural shapes, and bare wire.....		(9)
Aluminum conductor steel reinforced (ACSR) and bare aluminum cable.....		(9)
Insulated or covered wire or cable.....		(9)
Extruded bar, rod, shapes, and tube (extruded, drawn and welded tube).....		(9)
Sheet and plate.....		(9)
Ingot, granular or shot, and molten metal.....		(9)
Foil.....		(9)
Powder, flake, paste.....		(9)
Nickel alloys:		
Rods and bars (except anode bars):		
Hot-rolled.....		(9)
Forging quality.....		(9)
Cold-finished.....		(9)
Sheet and strip:		
Hot-rolled.....		(9)
Cold-rolled.....		(9)
Foil.....		(9)
Plate.....		(9)
Pipe, tubing.....		(9)
Wire.....		(9)
Other mill forms:		
Ingots.....		(9)
Blooms, slabs, billets.....		(9)
Wire rod.....		(9)
Powder.....		(9)
Shapes and forms not listed above (including anode bars).....		(9)

¹ See definitions contained in footnotes to Schedule I of this regulation.

² All stainless steel products are by negotiation. If no acceptable arrangements are worked out, BDC should be notified.

³ By negotiation between mill and its customer. If no acceptable arrangements are worked out, BDC should be notified.

⁴ Published carload minimum (mixed sizes and grades).

⁵ Quantity refers to any assortment of wire merchant trade products.

⁶ For forging quality, product of one heat.

⁷ Product of one heat.

⁸ Standard package quantities as published by each mill.

⁹ Standard minimum quantities as established by each mill.

SCHEDULE V TO DMS REG. 1—FORM FOR STATEMENT OF CONTROLLED MATERIAL REQUIREMENTS FOR CLASS A PRODUCTS

(See section 3(g))

OFFICE OF MANAGEMENT AND BUDGET APPROVAL NO. 41-R1979

Form DMS-6

U.S. DEPARTMENT OF COMMERCE, BUREAU OF DOMESTIC COMMERCE

Statement of Controlled Material Requirements for Class A Products

INSTRUCTIONS: Submit to requesting customer the number of copies he requests and retain one (1) copy. Read the detailed instructions below before filling out this form.

3. RETURN TO: (Name and address of requesting customer—Street, City, State, ZIP)

5. Quantity of listed controlled materials required to produce _____ unit(s) of the product or item described in block 4.

Column 1	Column 2	Column 3
Controlled material	Unit of measure	Quantity
Carbon steel (including wrought iron).....	Short tons.....	
Alloy steel (except stainless steel).....	do.....	
Stainless steel.....	Pounds.....	
Copper and copper-base alloy brass mill products.....	do.....	
Copper wire mill products.....	do.....	
Copper and copper-base alloy foundry products and powder.....	do.....	
Aluminum.....	do.....	
Nickel alloys.....	do.....	

6. Detailed Instructions

a. Who may use this form. Any person who needs information regarding the controlled

material requirements for the production of Class A products being supplied to him to fill rated orders may use this Form DMS-6,

or a facsimile thereof, to request his suppliers of Class A products to submit such requirements information to him. This form may be duplicated in any quantity necessary. The requesting person must fill in the name and address of his company in Block 3 and enter a description of the Class A product for which the information is requested in Block 4. He should also send his supplier, with copies of the form, a letter describing the information he desires, the number of copies he needs, and the time when they should be submitted to him. He should also refer to Section 3 of DMS Reg. 1 as his authority for using this form.

In addition to the eight categories of controlled materials printed in Block 5, the requesting person may ask for further breakdown of the printed controlled materials categories. In no case should the further breakdown requested be in any greater detail than the listing on Form DMS-4S. Such further breakdown, if requested, shall be supplied on Form DMS-4S and shall show only the total requirements which coincide with those requirements shown in Form DMS-6. Unless otherwise requested, such total requirements shall be listed in Column (e), the "Total" column, of Form DMS-4S and the quarterly requirements columns shall remain blank.

b. Who must submit this form. Any producer of Class A products who is requested by his customer to supply the information called for on this form must submit it in accordance with Section 3(g) of DMS Reg. 1 and his customer's request.

c. How to fill out this form. A producer of Class A products who has been requested by his customer to submit this form must include the following information:

(1) Enter name and address of submitting company in Block 1.

(2) Enter name and title of employee of submitting company to whom communications should be addressed regarding the information submitted on this form.

(3) Enter on top line of Block 5, in the blank space, the number of units of the Class A product identified in Block 4 covered by the quantity of materials shown in Column 3 of Block 5. Enter in Column 3 of Block 5 the quantity of each of the controlled materials listed in Column 1 required to produce the number of units of the Class A product described in Block 4 indicated on top line of Block 5. The quantities entered in Column 3 of Block 5 must include the following:

(i) The quantities of the controlled materials listed in Column 1 needed by the submitting producer for incorporation in the Class A product described in Block 4.

(ii) The quantities of controlled materials listed in Column 1 required for incorporation in any Class A products (components or subassemblies) which are produced by suppliers in all degrees of remoteness for incorporation in the Class A product produced by him described in Block 4.

(iii) The quantities of controlled materials listed in Column 1 needed for packaging or containers required to make delivery of the Class A product described in Block 4.

7. CERTIFICATION: The undersigned company and the official executing this certification on its behalf hereby certify that the information contained in this report is correct and complete to the best of their knowledge and belief.

(Company name)

By _____
(Signature of authorized official)

(Title)

(Date)

[FR Doc.74-13164 Filed 6-24-74; 8:45 am]

[DMS Reg. 1, Direction 1, as revised July 1, 1974]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

Direction 1—Self-Authorization Procedure for MRO Needed To Fill Mandatory Acceptance Orders

On October 1, 1973, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (38 FR 27262) proposing to revise Direction 1 to DMS Regulation 1. All comments received in response to the proposal were given due consideration.

As a result of comments received and as a result of further agency review, the following changes are made:

1. The Bureau of Domestic Commerce (BDC) has been substituted for the references to the Bureau of Competitive Assessment and Business Policy (BCABP) throughout the direction. These substitutions were made because the name of the agency was changed from BCABP to BDC subsequent to publication on October 1, 1973, of the notice of proposed rulemaking.

2. A few modifications which are mainly clarifications or modifications of an editorial or technical nature.

This revised direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this revised direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

DMS Regulation 1, Direction 1, in 32A CFR Chapter VI is revised to read as follows:

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

Direction 1—Self-Authorization Procedure for MRO Needed To Fill Mandatory Acceptance Orders

- Sec.
1. What this direction does.
2. Definitions.
3. Procurement of products and materials for MRO.
4. Applicability of other regulations and orders.
5. Small order exception.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949-1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Orders 10-3, 38 FR 33024, and 40-1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41-1, as amended, 39 FR 2780, 39 FR 18490; 45-1, 39 FR 18498, 45-2, 39 FR 18489; Department of Commerce Organization Order 20-11, 32 FR 10825.

Section 1. What this direction does.

This revised direction establishes a self-authorization procedure by which a person who is unable to fill a mandatory acceptance order because of inability to obtain materials for maintenance, re-

pair, and operating supplies and installation (referred to collectively as "MRO") is required to use ACM orders and rated orders to obtain MRO. Suppliers of such MRO items obtain products and materials needed for their production under the provisions of DPS Reg. 1, DMS Reg. 1 or other appropriate regulation or order of BDC.

Sec. 2. Definitions.

As used in this direction:

(a) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition. "Repair" means, with respect to any person, the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like, where such repair is not capitalized according to his established accounting practice. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment; nor does it include the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with material of a new or different kind, quality, or design.

(b) "Operating supplies" means any kind of material carried by a person as operating supplies according to his established accounting practice. It includes expendable tools, jigs, dies, and fixtures used on production equipment, regardless of the accounting practice of the person. It also includes items, such as hand tools, purchased by an employer for sale to his employees solely for use in his business if such items would have constituted operating supplies had they been issued to employees without charge.

(c) "Installation" means the setting up or relocation of machinery, fixtures, or equipment in position for service and connection thereof to existing service facilities.

(d) "MRO" means materials for maintenance, repair, and operating supplies, and for installation. Materials produced or obtained for sale to other persons or for installation upon or attachment to the property of another person, and materials required for the production of such materials are not "MRO" as to the producer or supplier.

(e) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1973, the accounting practice in use by such person on that date or on the last day of his operation prior thereto. In the case of a person whose operation begins after December 31, 1973, the term means the accounting practice established by him in such operation.

(f) "Mandatory acceptance order" means a rated order, an ACM order, or any other delivery order which a person is required to accept pursuant to any regulation or order of BDC, or pursuant to a specific authorization or directive of BDC.

(g) "ACM-DX order" means an authorized controlled material order iden-

tified by the suffix "DX" as provided in section 5 of DMS Reg. 1.

Sec. 3. Procurement of products and materials for MRO.

(a) If inability to obtain MRO would result in failure by a person to fill a mandatory acceptance order he must obtain such MRO as follows:

(1) In obtaining controlled materials needed for such MRO he must place ACM orders in accordance with the provisions of DMS Reg. 1 and must indicate thereon the program identification D-9 and the calendar quarter in which delivery of the controlled materials is required: *Provided*, That if the inability to obtain such controlled materials would result in failure to fill a DX rated order or an ACM-DX order he must identify his ACM orders with the suffix DX, in addition to the program identification D-9 and the quarterly identification.

(2) In obtaining products and materials other than controlled materials needed for such MRO he must place rated orders in accordance with the provisions of DPS Reg. 1 and must indicate thereon the rating DO-D-9: *Provided*, That if the inability to obtain such products and materials would result in failure to fill a DX rated order or an ACM-DX order he must use the rating DX-D-9.

(b) In no event shall a person use the provisions of this direction to acquire products and materials in a greater amount or on an earlier date than required to provide the MRO necessary to enable him to fill his mandatory acceptance orders.

Sec. 4. Applicability of other regulations and orders.

(a) Any person who is entitled to obtain MRO for a particular purpose under any other regulation, order, or direction of BDC, shall not use the procedures of this direction to obtain MRO for such purpose.

(b) Nothing in this direction shall be construed to relieve any person from complying with all other applicable regulations and orders of BDC. The provisions of DMS Reg. 1 regarding authorized controlled material orders, and the provisions of DPS Reg. 1 regarding rated orders, except as otherwise provided in this direction, shall apply to operations under this direction.

Sec. 5. Small order exception.

The provisions of this direction requiring persons to use ratings and program identifications need not be followed in the case of any individual delivery order of \$500 or less.

This revised direction shall take effect July 1, 1974.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE

JOHN M. DUNN,
Deputy Assistant Secretary for
Domestic and International
Business.

[FR Doc.74-13165 Filed 6-24-74; 8:45 am]

[DMS Reg. 1, Direction 2—Revocation]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

Revocation of Direction 2

Direction 2 (Small Order Procedure for Allotting Agencies) of December 1, 1959 (32A CFR 134 (1973)) to DMS Regulation 1 is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under said direction, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(Sec. 704, Defense Production Act of 1950, as amended, 50 U.S.C. App. 2154)

This revocation shall take effect July 1, 1974.

DOMESTIC AND INTERNATIONAL BUSINESS
ADMINISTRATION, BUREAU OF DOMESTIC
COMMERCE

JOHN M. DUNN,
Deputy Assistant Secretary for
Domestic and International
Business.

[FR Doc.74-13166 Filed 6-24-74;8:45 am]

[DMS Reg. 1, Direction 2 (formerly Direction 3), as revised July 1, 1974]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

Direction 2—Controlled Materials Producers and Distributors

On October 1, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 27262) proposing to revise Direction 2 (formerly Direction 3) to DMS Regulation 1. All comments received in response to the proposal were given due consideration.

As a result of comments received and as a result of further agency review, the following changes are made:

1. Sections 3(b) and 5(c) now include express provisions permitting producers and distributors to reject ACM orders, other than ACM-DX orders, when the applicable set-aside has been reached or would be exceeded by acceptance.

2. The Bureau of Domestic Commerce (BDC) has been substituted for the references to the Bureau of Competitive Assessment and Business Policy (BCABP) throughout the direction. These substitutions were made because the name of the agency was changed from BCABP to BDC subsequent to publication on October 1, 1973, of the notice of proposed rulemaking.

3. A few modifications which are mainly clarifications or modifications of an editorial or technical nature.

This revised direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this revised direction there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

DMS Regulation 1, Direction 2 (formerly Direction 3), in 32A CFR Chapter VI is revised to read as follows:

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

Direction 2—Controlled Materials Producers and Distributors

Sec.

1. What this direction does.
2. Definitions.
3. Rules applicable to controlled materials producers.
4. Production requirements of controlled materials producers.
5. Rules applicable to controlled materials distributors.
6. Small order exception.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949-1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Orders 10-3, 38 FR 33624, and 40-1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41-1, as amended, 39 FR 2780, 39 FR 18490; 45-1, 39 FR 18488; 45-2, 39 FR 18489; Department of Commerce Organization Order 20-11, 32 FR 10825.

Section 1. What this direction does.

This revised direction (formerly Direction 3 to DMS Reg. 1) sets forth certain rules governing operations of controlled materials producers and distributors under the Defense Materials System. These rules are supplementary to the provisions of DMS Order 1 (steel), DMS Order 2 (nickel alloys), DMS Order 3 (aluminum), and DMS Order 4 (copper).

Sec. 2. Definitions.

As used in this direction:

(a) "Mandatory acceptance order" means an ACM order or any other delivery order for controlled materials which a person is required to accept pursuant to any regulation or order of BDC, or pursuant to a specific authorization or directive of BDC.

(b) "Lead time" means the period of time in advance of the month of required shipment for controlled materials as specified in Schedule III of DMS Reg. 1.

(c) "Set-aside" means the amount and kind of any controlled material which a person is required to reserve for filling mandatory acceptance orders during specified periods of time, as prescribed by BDC.

(d) "ACM-DX order" means an authorized controlled material order identified by the suffix "DX" as provided in section 5 of DMS Reg. 1.

(e) "Production material" means, with respect to any controlled materials producer, any products or materials (including controlled materials) which will be physically incorporated into controlled materials which he produces and the portion of such products and materials normally consumed or converted into scrap or by-products in the course of processing. It also includes chemicals used directly in the production of the materials he produces, and products and materials used for packaging or containers re-

quired to make delivery of the materials he produces. It does not include products and materials for plant improvement, expansion or construction, production equipment, or maintenance, repair and operating supplies (MRO).

Sec. 3. Rules applicable to controlled materials producers.

(a) Each controlled materials producer must comply with such production and other directives as may be issued from time to time by BDC and with the provisions of all applicable regulations and orders of BDC.

(b) A controlled materials producer must accept all mandatory acceptance orders; however, he may reject ACM orders in the following cases, but he shall not discriminate among customers in rejecting or accepting such orders:

(1) If the order is received after commencement of the applicable lead time: *Provided*, That an ACM-DX order must be accepted without regard to lead time unless it is impracticable for him to make delivery within the required delivery month in which event he must accept such order for the earliest practicable delivery date.

(2) If the order is one for less than the minimum mill quantity specified in Schedule IV of DMS Reg. 1.

(3) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(4) If the applicable set-aside has been reached or would be exceeded by acceptance, except that an ACM-DX order must be accepted without regard to such set-aside.

(5) If the order need not be accepted under the provisions of DMS Order 1 (steel), DMS Order 2 (nickel alloys), DMS Order 3 (aluminum), DMS Order 4 (copper) or of any other applicable regulation or order of BDC: *Provided*, That acceptance by a controlled materials producer prior to the date he opens his order books of (a) an ACM order directly from the Department of Defense or the Atomic Energy Commission or (b) an ACM-DX order, shall not effect an opening of his books so as to require acceptance of other ACM orders.

(c) A controlled materials producer who receives an ACM order must transmit written notification to the person who tendered such order of its acceptance or rejection within ten consecutive calendar days after its receipt, except that in the case of an ACM-DX order such notification must be transmitted within five consecutive calendar days after its receipt.

(d) A controlled materials producer must make shipment on each ACM order as close to the requested delivery date as is practicable. If a producer, after accepting an ACM order finds that, due to contingencies which he could not reasonably have foreseen, he is obliged to postpone the shipment date, he must promptly advise his customer of the approximate date when shipment can be made, and keep his customer advised of any changes in that date. Shipment of any such carry-over order must be scheduled and

made in preference to any order originally scheduled for a later date. When the new date for shipment on a carry-over order falls within a later quarter than that indicated on the original order, the producer must make shipment on the basis of the original order even if that order shows a quarterly identification earlier than the one in which shipment is actually made.

Sec. 4 Production requirements of controlled materials producers.

(a) Except as provided in paragraph (b) of this section, a controlled materials producer must use the program identification D-1 and indicate the calendar quarter in which delivery is required in obtaining production materials consisting of controlled materials needed to fill mandatory acceptance orders or to replace in inventory such production materials which he has used to fill such orders: *Provided*, That instead of using the program identification D-1, (1) a steel controlled materials producer must obtain steel controlled materials in accordance with DMS Order 1, (2) a nickel alloy controlled materials producer must obtain nickel alloy controlled materials in accordance with DMS Order 2, (3) an aluminum controlled materials producer must obtain aluminum controlled materials in accordance with DMS Order 3, and (4) a copper controlled materials producer must obtain copper controlled materials in accordance with DMS Order 4.

(b) Notwithstanding the provisions of any other regulation or order of BDC, a controlled materials producer who requires controlled materials to fill an ACM-DX order or to replace in inventory controlled materials used to fill an ACM-DX order must, in addition to complying with the provisions of paragraph (a) of this section, indicate the suffix DX on his delivery orders for such controlled materials.

(c) Except as provided in paragraph (d) of this section, a controlled materials producer must use the rating DO-D-1 in obtaining production materials other than controlled materials needed to fill mandatory acceptance orders or to replace in inventory such production materials used by him to fill such orders.

(d) Notwithstanding the provisions of any other regulation or order of BDC, a controlled materials producer who requires production materials other than controlled materials to fill an ACM-DX order or to replace in inventory such production materials used to fill an ACM-DX order must use the rating DX-D-1 on his delivery orders for such production materials.

(e) A controlled materials producer may combine his requirements of controlled materials needed to fill mandatory acceptance orders in one or more ACM orders. He may also combine his requirements for other production materials needed to fill mandatory acceptance orders in one or more rated orders.

(f) Persons obtaining controlled materials or products and materials other than controlled materials to replace in inventory materials used to fill manda-

tory acceptance orders pursuant to the provisions of this section shall place ACM orders or rated orders, as appropriate, for such inventory replacement, only in the calendar month in which such products or materials were taken from inventory to fill such mandatory acceptance orders, or in the immediately succeeding two calendar months.

Sec. 5. Rules applicable to controlled materials distributors.

(a) Each controlled materials distributor must comply with such directives as may be issued from time to time by BDC and with the provisions of all applicable regulations and orders of BDC.

(b) An ACM order placed with a controlled materials distributor shall be considered as calling for immediate delivery unless such order specifically provides otherwise.

(c) A controlled materials distributor must accept all mandatory acceptance orders; however, he may reject ACM orders in the following cases, but he shall not discriminate among customers in rejecting or accepting such orders:

(1) If the order is not for immediate delivery.

(2) If he does not have the material ordered in his stock, unless he knows that such material is in transit to him.

(3) If the person seeking to place the order is unwilling or unable to meet such distributor's regularly established prices and terms of sale or payment.

(4) If the applicable set-aside has been reached or would be exceeded by acceptance, except that an ACM-DX order must be accepted without regard to such set-aside.

(5) If the order need not be accepted under the provisions of DMS Order 1 (steel), DMS Order 2 (nickel alloys), DMS Order 3 (aluminum), DMS Order 4 (copper) or of any other applicable regulation or order of BDC.

(d) Except as provided in paragraph (e) of this section, a controlled materials distributor must obtain controlled materials needed to fill mandatory acceptance orders or to replace in inventory controlled materials used to fill such orders in accordance with the provisions of DMS Order 1 (steel), DMS Order 2 (nickel alloys), DMS Order 3 (aluminum), and DMS Order 4 (copper).

(e) Notwithstanding the provisions of any other regulation or order of BDC, a controlled materials distributor who requires controlled materials to fill an ACM-DX order or to replace in inventory controlled materials used to fill an ACM-DX order must, in addition to complying with the provisions of paragraph (d) of this section, indicate the suffix DX on his delivery orders for such controlled materials.

Sec. 6. Small order exception.

The provisions of this direction requiring controlled materials producers and distributors to use ratings and program identifications need not be followed in the case of any individual delivery order of \$500 or less.

This revised direction shall take effect July 1, 1974.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE

JOHN M. DUNN,
Deputy Assistant Secretary for
Domestic and International
Business.

[FR Doc.74-13167 Filed 6-24-74;8:45 am]

[DPS Reg. 1, as revised July 1, 1974]

DPS REG. 1—BASIC RULES OF THE DEFENSE PRIORITIES SYSTEM

On October 1, 1973, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (38 FR 27264) proposing to revise DPS Regulation 1. All comments received in response to the proposal were given due consideration.

As a result of comments received and as a result of further agency review, the following changes are made:

1. Section 7(f) has been broadened to provide that nondiscrimination in prices and terms shall apply to all types of mandatory acceptance orders rather than only to rated orders, and to make the nondiscrimination provision applicable both before and after acceptance.

2. Section 8(f) which permitted the placement of oral orders has been deleted as unnecessary, since it required a confirming written order complying with the provisions of the section.

3. Section 14(a) which permitted combination of rated orders and unrated orders under certain conditions has been revised to prohibit such combination.

4. Section 17(d), which permitted rejection of a rated order by a supplier if he does not expect to be able to meet the requested delivery date, has been revised to delete the option to reject and now provides that he shall inform the customer of the earliest possible delivery date and offer to accept the order on the basis of that date.

5. Section 18 now includes express provisions permitting suppliers to reject rated orders, other than DX rated orders, (a) received after commencement of the applicable lead time, or (b) when the applicable set-aside has been reached or would be exceeded by acceptance.

6. Section 26 now includes an express provision permitting appeals from adverse agency decisions to the Appeals Board for the Department of Commerce.

7. In Schedule I the Defense Supply Agency (Department of Defense) has been added as a Defense Agency.

8. Schedule II has been substantially revised. Domestic refined copper and wood pulp are now subject to ratings by virtue of Amendment 7 (of February 4, 1974) to DPS Reg. 1 which was issued subsequent to publication on October 1, 1973, of the notice of proposed rulemaking. (Amendment 7 is superseded by this revised regulation.) Three inter-agency agreements dealing with priorities and allocations responsibilities were issued subsequent to publication on October 1, 1973, of the notice of proposed rulemaking. References to these agreements

have been included in footnote 1 to Schedule II. A number of other changes, principally of an editorial or clarifying nature, have been made in Schedule II.

9. The Bureau of Domestic Commerce (BDC) has been substituted for the references to the Bureau of Competitive Assessment and Business Policy (BCABP) throughout the regulation. These substitutions were made because the name of the agency was changed from BCABP to BDC subsequent to publication on October 1, 1973, of the notice of proposed rulemaking.

10. A number of other modifications have been made in the regulation, and its schedules which are mainly clarifications or modifications of an editorial or technical nature.

This revised regulation (including its two Schedules) is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this revised regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

DPS Regulation 1 in 32A CFR Chapter VI is revised to read as follows:

DPS REG. 1—BASIC RULES OF THE DEFENSE PRIORITIES SYSTEM

Sec.

1. What this regulation does.
2. Definitions.
3. General provisions.
4. Types of ratings and preferential status.
5. Directives and preferential status.
6. Mandatory use of ratings.
7. Self-authorization procedure for rated orders.
8. Statements and certifications to accompany rated orders.
9. Delivery, acceptance, and performance dates for rated orders.
10. Limitations on use of self-authorization.
11. Special priorities authorizations.
12. Expediting assistance and assistance in placing mandatory acceptance orders.
13. Use of ratings to obtain services.
14. Combination of orders and minimum quantities.
15. Restrictions on placing rated orders and on use of materials.
16. Sequence of filling rated orders.
17. Rules for acceptance of rated orders.
18. Rules for rejection of rated orders.
19. How changes in orders affect ratings.
20. Cancellation of ratings.
21. Intracompany deliveries.
22. Delivery for unlawful purposes prohibited.
23. Applicability of regulations and orders.
24. Protection against claims for damages.
25. Records and reports.
26. Requests for adjustment or exception and appeals.
27. Communications.
28. Violations.

Schedule

- I. Authorized Program Identifications and Defense Agencies.
- II. Materials and Services Not Subject to BDC Rating Authority.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949-1953 Comp., p. 919; Executive Order 11725, 38 FR 17175;

DMO 8400.1, 32A CFR 15; Department of Commerce Organization Orders 10-3, 38 FR 33624, and 40-1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41-1, as amended, 39 FR 2780; 39 FR 18490; 45-1, 39 FR 18488; 45-2, 39 FR 18489; Department of Commerce Organization Order 20-11, 32 FR 10825.

Section 1. What this regulation does.

(a) This regulation is a major revision and simplification of the Defense Priorities System and supersedes DPS Reg. 1 of March 23, 1953 (including its List A, Directions, Amendments, and published Interpretations issued prior to the effective date of this regulation). DPS not only helps to keep current defense, atomic energy, and space programs (collectively referred to as "defense programs") on schedule but also provides an established operating mechanism that can be expanded or converted if the need arises. This regulation complements and is being issued concurrently with a major revision of Defense Materials System Regulation 1.

(b) Defense contractors and their suppliers should thoroughly familiarize themselves with the provisions of DMS Reg. 1 and with the provisions of this regulation which define their rights and obligations and set forth the basic rules of the Defense Priorities System. One of the principal differences between DMS and DPS, which complement each other, is that the former relates primarily to controlled materials (steel, copper, aluminum, and nickel alloys) while the latter relates primarily to products and materials other than controlled materials.

(c) Persons engaged in production, construction or research and development for defense programs are required to follow all the applicable rules of this revised regulation. Proper identification of delivery orders placed for products and materials needed to fill defense orders and contracts is particularly important. The rule for mandatory identification of orders is an essential part of both the Defense Priorities System and the Defense Materials System. It avoids delays which could adversely affect timely completion of defense programs by requiring preferential delivery against properly identified orders and by furnishing a mechanism for expediting assistance where needed.

(d) The changes effected by this revised regulation are essentially simplifications of a procedural or technical type but they do include some substantive changes:

(1) Defense contractors are now required, with certain exceptions, to use their inventory first in filling rated orders.

(2) The revised regulation expressly prohibits discrimination against mandatory acceptance orders with respect to prices and terms of sale.

(3) An express provision authorizing appeals from adverse decisions has been incorporated in the revised regulation.

(4) A new Schedule I has been added to the revised regulation. It lists Authorized Program Identifications and Defense Agencies.

(5) A new schedule II has been added to the regulation. It supersedes and revises the former List A to DPS Reg. 1 and lists Materials and Services Not Subject to BDC Rating Authority.

(6) Direction 2 (Limitation on Use of Ratings to Obtain Nickel), Direction 3 (Notice of Acceptance or Rejection of DX Rated Orders and of Delayed Shipment of Certain DO Rated Orders) and Direction 4 (Establishment of a Lead Time for the Placement of Rated Orders for the Delivery of Nickel and Ferro-nickel) to DPS Reg. 1 are being revoked. The substance of former Direction 4, however, has been revised and is being issued concurrently with this regulation as DPS Order 2 (Nickel).

(7) Numerous other changes, simplifications and consolidations have been effected in this revised regulation, the full text of which (including its Schedules I and II) should be studied carefully by defense contractors and their suppliers.

Sec. 2. Definitions.

As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "BDC" means the Bureau of Domestic Commerce, Domestic and International Business Administration, United States Department of Commerce.

(c) "GSA" means the General Services Administration of the United States Government.

(d) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly, or product of any kind.

(e) "Controlled material" means domestic and imported steel, copper, aluminum, and nickel alloys, in the forms and shapes specified in Schedule I of DMS Reg. 1, whether new, remelted, rerolled, or redrawn.

(f) "Maintenance, repair and operating supplies" (MRO) means materials for maintenance, repair and operating supplies, and for installation, as defined in Direction 1 to DMS Reg. 1.

(g) "Production equipment" means any item used in producing materials or furnishing services which is carried by a person as capital equipment according to his established accounting practice.

(h) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1973, the accounting practice in use by such person on that date or on the last day of his operation prior thereto. In the case of a person whose operation begins after December 31, 1973, the term means the accounting practice established by him in such operation.

(i) "Defense Agency" means a defense or defense-supporting department or agency including the Department of Defense, the Atomic Energy Commission, BDC, or any other Government agency or subdivision thereof designated as such by GSA for the purposes of this regulation or any other regulation or order of BDC. Schedule I of this regulation lists the Defense Agencies.

(j) "Authorized program" means a military, atomic energy, or other program specifically approved by GSA and which is subject to any regulation or order of BDC.

(k) "Set-aside" means the amount of any product or material, including controlled materials, which a person is required to reserve for filling mandatory acceptance orders during specified periods of time, as prescribed by BDC.

(l) "Self-authorizing consumer" means any person who receives authority for procurement by self-authorization pursuant to the provisions of this regulation.

(m) "Delivery order" means any purchase order, contract, shipping, or other instruction calling for delivery of any material or product, or performance of construction or service, on a particular date or dates or within specified periods of time.

(n) "Rated order" means any delivery order for any product, service, or material other than controlled material bearing an authorized rating and the certification required by this regulation or any other applicable regulation or order of BDC.

(o) "Authorized controlled material order" (ACM order) means any delivery order for any controlled material (as distinct from a product containing controlled material) bearing an authorized program identification, the calendar quarter in which delivery is required, and the certification required by DMS Reg. 1 or any other applicable regulation or order of BDC. The term "ACM order" shall have the same meaning as "authorized controlled material order."

(p) "Mandatory acceptance order" means a rated order, an ACM order, or any other delivery order which a person is required to accept pursuant to any regulation or order of BDC, or pursuant to a specific authorization or directive of BDC.

(q) "Directive" means an official action taken in writing by BDC which requires a named person to take an action or refrain from taking an action in accordance with its provisions.

Sec. 3. General provisions.

(a) Defense Agencies shall place rated orders for products and materials other than controlled materials needed for authorized programs, as provided in section 6 of this regulation.

(b) BDC may establish set-asides for acceptance of rated orders by producers of certain products and materials, other than controlled materials, needed for authorized programs. Set-asides for controlled materials are established by BDC pursuant to DMS Reg. 1 and other applicable regulations and orders of BDC.

(c) A person who receives a rated order from a Defense Agency or any other customer, or who is authorized by BDC or another Defense Agency to use ratings, is a self-authorizing consumer and must obtain his requirements to fill such order in accordance with paragraph (d) of this section.

(d) In filling rated orders, a self-authorizing consumer must obtain (1) his requirements for controlled materials in accordance with the provisions of DMS Reg. 1 and (2) his requirements for products and materials other than controlled materials in accordance with the provisions of this regulation.

(e) Ratings shall have no effect on delivery orders for controlled materials which shall be procured by the placement of authorized controlled material (ACM) orders pursuant to DMS Reg. 1 and other applicable regulations and orders of BDC.

Sec. 4. Types of ratings and preferential status.

(a) Two types of ratings are authorized, a DO rating and a DX rating. Ratings must contain the prefix DO or DX, as the case may be, followed by the appropriate program identification. Schedule I of this regulation contains a list of authorized program identifications.

(b) Rated orders must show the rating authorized; for example, DO-A-6, the date or dates on which delivery is required and must be certified as provided in section 8 of this regulation.

(c) All DO rated orders shall have equal preferential status and shall take precedence over unrated orders previously or subsequently received. All DX rated orders shall have equal preferential status and shall take precedence over DO rated orders and unrated orders previously or subsequently received.

Sec. 5. Directives and preferential status.

(a) A person shall comply with each directive issued to him by BDC. A recipient of a directive from BDC shall not use such directive to obtain any products, materials, or services from a supplier by placing a mandatory acceptance order, unless expressly authorized in the directive.

(b) Directives issued by BDC shall take precedence over DX rated orders, DO rated orders and unrated orders previously or subsequently received, unless a contrary instruction appears in the directive.

Sec. 6. Mandatory use of ratings.

(a) Each Defense Agency must use its rating authority in acquiring products, materials, and services needed for completion of authorized programs, including inventory replacement in accordance with section 7 of this regulation. Authorizations by BDC to Defense Agencies to use ratings, whether by delegation, regulation, order or otherwise, shall not include authority to use DX ratings unless expressly so stated therein.

(b) Each person who has received a rated order must acquire products, materials, and services to fill such order or to replace in inventory products and materials used to fill such order by self-authorization, pursuant to section 7 of this regulation.

(c) The mandatory provisions of this section need not be followed in the case of any individual delivery order of \$500 or less.

Sec. 7. Self-authorization procedure for rated orders.

(a) A person who has accepted a rated order is a self-authorizing consumer.

(b) A self-authorizing consumer must use the program identification indicated on his rated order in placing ACM orders to obtain controlled materials needed to fill such order or to replace in inventory controlled materials used to fill such rated order in accordance with the provisions of DMS Reg. 1.

(c) A self-authorizing consumer must use the rating indicated on his rated order in obtaining services and products and materials other than controlled materials needed to fill such order or to replace in inventory products and materials used to fill such rated order. However, with respect to inventory replacement of products and materials other than controlled materials, he shall place rated orders only in the calendar month in which such products and materials were taken from inventory or in the immediately succeeding two calendar months. If it is impracticable for him to determine the exact requirements for products and materials other than controlled materials needed to fill a rated order, he must place rated orders for an amount not exceeding his best estimates of such products and materials needed to fill such rated order.

(d) If the requirement that he use the program identifications indicated on his customers' rated orders is impracticable because they are varied or numerous, a self-authorizing consumer may use the program identification B-5 in lieu thereof.

(e) A self-authorizing consumer shall fill a rated order with products and materials from his inventory (to the extent that he has such products and materials in inventory) and replace such products and materials in accordance with this or any other applicable regulation or order of BDC. However, if the requirement that he use products and materials from inventory would stop or interrupt his operations during the next 60 days in a way which would cause a substantial loss of total production or a substantial delay in his operations, he need not do so.

(f) No person shall discriminate against mandatory acceptance orders by imposing higher prices or by imposing different terms and conditions for such orders than for generally comparable orders which are not mandatory acceptance orders, or in any other manner.

Sec. 8. Statements and certifications to accompany rated orders.

(a) Each Defense Agency and self-authorizing consumer placing a rated order must, in addition to indicating the appropriate rating and delivery date or dates on such order, furnish his supplier with a statement reading substantially as follows:

You are required to follow the provisions of DMS Reg. 1 and of all other applicable regulations and orders of BDC in obtaining products, materials, and services needed to fill this order.

This statement must appear on the order or on a separate piece of paper attached to the order.

(b) Unless another form of certification is specifically prescribed by an applicable regulation or order of BDC, every rated order must contain the certification prescribed in DMS Reg. 1 or the following certification:

Certified for national defense use under DPS Reg. 1.

and shall be signed as provided in paragraph (e) of this section. This certification accompanying a rated order shall have the same effect as a certification under DMS Reg. 1.

(c) Unless another form of certification is specifically prescribed by an applicable regulation or order of BDC, every authorized controlled material (ACM) order must contain the following certification:

Certified for national defense use under DMS Reg. 1.

and shall be signed as provided in paragraph (e) of this section.

(d) The certifications provided for in paragraphs (b) and (c) of this section shall constitute a representation to the supplier and to BDC that subject to the criminal penalties provided in applicable United States statutes, (1) the amount ordered by the purchaser is within the amount needed by him to fill the related mandatory acceptance order accepted by him and (2) the purchaser is expressly authorized by BDC, or by any applicable regulation or order of BDC, to place such mandatory acceptance order.

(e) A certification on a rated order or an ACM order must be signed by a responsible individual who is duly authorized in writing to sign for that purpose. The signature must be either by hand or in the form of a facsimile reproduction of a handwritten signature. If a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it for this purpose by the person whose signature it is, and a written record of the authorization must be retained on file. A certification may be authenticated by a method other than a signature or a facsimile signature, such as by automatic data processing transmission, in which case a record must be maintained by the user describing the manner in which the authentication is transmitted and the manner in which the authentication is authorized.

Sec. 9. Delivery, acceptance, and performance dates for rated orders.

(a) Any order which fails to specify a delivery date or dates shall not be treated as a rated order. The words "immediately" or "as soon as possible" shall not constitute a delivery date. However, a person shall accept a so-called "requirements contract" bearing a rating which contains no specific delivery date or dates but which provides for the furnishing of materials, products, or services from time to time or within a stated period against specific purchase orders or "calls." Such specific purchase orders or "calls" shall be deemed rated as of

the date of their placement by the purchaser and not as of the date of the original "requirements contract."

(b) A person who receives a DO rated order must transmit notification to the person who tendered such order of its acceptance or rejection within ten consecutive calendar days after its receipt. In the case of a DX rated order such notification must be transmitted within five consecutive calendar days after its receipt.

(c) A person who has accepted a rated order must make shipment on such order as close to the requested delivery date as is practicable. If a person, after accepting a rated order, finds that due to contingencies which he could not reasonably have foreseen, he is obliged to postpone the shipment date, he must promptly notify his customer of the approximate date when shipment can be made, of any subsequent changes in that date, and of the reasons for the delay. Such notification must be transmitted in writing within five consecutive calendar days after occurrence of the event causing the delay.

Sec. 10. Limitations on use of self-authorization.

(a) Each person who has accepted a rated order must acquire products, materials, and services to fill such order or to replace in inventory products and materials used to fill such order by self-authorization, pursuant to section 7 of this regulation.

(b) Ratings shall not be used and shall have no effect on orders for (1) controlled materials and (2) products, materials, and services listed in Schedule II of this regulation. Controlled materials shall be procured in accordance with the provisions of DMS Reg. 1.

(c) Products and materials which may be obtained by a person pursuant to the self-authorization provisions of this regulation to fill a rated order shall include only:

(1) (i) Those which will be physically incorporated into the product or material covered by the rated order and the portion of such products and materials normally consumed or converted into scrap or by-products in the course of processing.

(ii) Chemicals used directly in production to fill the rated orders.

(iii) Products and materials used for packaging or containers required to make delivery against the rated order.

They shall not include:

(2) (i) Products and materials for plant improvement, expansion or construction, unless they will be physically incorporated into a construction project covered by a rated order.

(ii) Production equipment or products and materials to be used for the manufacture of production equipment.

(iii) Maintenance, repair and operating supplies (MRO). Direction 1 to DMS Reg. 1 provides a separate self-authorization procedure to obtain MRO needed to fill mandatory acceptance orders.

(d) In the event a person is not permitted to place a mandatory acceptance

order because of the restrictions prescribed in paragraph (c) of this section, and he needs special priorities authorization, he shall apply for such an authorization in accordance with section 11 of this regulation.

(e) In the event a person has placed a mandatory acceptance order and needs expediting assistance to obtain timely delivery, or if he cannot find a supplier who will accept a mandatory acceptance order he attempts to place, he shall apply for assistance in accordance with section 12 of this regulation.

(f) A person shall not place a mandatory acceptance order for products, materials, or services in anticipation of receipt by him of a mandatory acceptance order.

Sec. 11. Special priorities authorizations.

(a) If inability to obtain production equipment or any other product, material, or facility because of the restrictions prescribed in section 10(c) of this regulation would result in failure by a person to fill a mandatory acceptance order, he shall request special priorities authorization from the appropriate Defense Agency specified in Schedule I of this regulation. In such cases the person requesting special priorities authorization shall submit his request on the appropriate form prescribed by the applicable Defense Agency.

(b) In any case where use of a rating is specifically authorized for the procurement of production equipment pursuant to paragraph (a) of this section, the rating may be used either to purchase such equipment or to lease such equipment. However, in the latter case, the equipment may be leased only from a person engaged in the business of leasing such equipment, or from a person willing to lease rather than sell.

Sec. 12. Expediting assistance and assistance in placing mandatory acceptance orders.

(a) If a person has placed a mandatory acceptance order and needs expediting assistance to obtain timely delivery, he shall request expediting assistance from the appropriate Defense Agency specified in Schedule I of this regulation. Such request shall be submitted on DPS Form 138 (DPSF-138) which may be obtained from U.S. Department of Commerce District Offices or from the Bureau of Domestic Commerce, U.S. Department of Commerce, Washington, D.C. 20230.

(b) If a person cannot find a supplier who will accept a mandatory acceptance order he attempts to place, he shall request assistance in placing such order from the appropriate Defense Agency specified in Schedule I of this regulation. Such request shall be submitted on DPS Form 138 (DPSF-138) which may be obtained from U.S. Department of Commerce District Offices or from the Bureau of Domestic Commerce, U.S. Department of Commerce, Washington, D.C. 20230.

Sec. 13. Use of ratings to obtain services.

(a) Each person who requires services to fill a rated order shall use the rating

that accompanied such order in placing a rated order to obtain the required services with a person customarily engaged in supplying such services. The person receiving a rated order for services shall use the rating he has received to obtain products, materials, and services he needs to fill the rated order for services.

(b) The provisions of this section do not apply to the furnishing of personal or professional services nor to contracts of employment.

(c) Ratings shall have no effect in obtaining services listed in Schedule II of this regulation.

Sec. 14. Combination of orders and minimum quantities.

(a) No person shall combine a rated order with an unrated order. If the quantity needed to fill a rated order is less than the minimum commercially procurable quantity of a product or material, then a rated order shall be placed for such minimum commercially procurable quantity.

(b) Rated orders identified by different ratings may be combined if the portion covered by each is specifically identified by the appropriate rating, unless the program identification B-5 is used as provided in section 7(d) of this regulation. In addition, if the quantity of a product or material needed to fill rated orders is less than the minimum commercially procurable quantity, a rated order shall be placed for such minimum commercially procurable quantity, using the program identification B-5. However, no person shall place separate rated orders solely for the purpose of obtaining minimum commercially procurable quantities to fill such separate orders.

Sec. 15. Restrictions on placing rated orders and on use of materials.

(a) No person shall place a rated order unless he is entitled to do so. No person shall place a rated order calling for delivery of any product or material in a greater amount (except as provided in section 14 of this regulation) or on an earlier date than required to fill his rated orders.

(b) Each person who has obtained products or materials pursuant to a rated order in accordance with this or any other regulation or order of BDC shall use such products or materials only (1) to fill rated orders, or (2) to replace in inventory products or materials used to fill any such rated orders (in accordance with section 7 of this regulation). If he cannot use the products or materials for any such purpose, he may use them to fill unrated orders or dispose of them, unless otherwise ordered or directed in writing by BDC.

Sec. 16. Sequence of filling rated orders.

A person who has accepted rated orders must schedule his operations, if possible, to fill each rated order by the required delivery or performance date, regardless of the sequence in which the orders were received. If this is not possible, he must give precedence as follows:

(a) DX rated orders take precedence over DO rated orders and unrated orders, and DO rated orders take precedence over unrated orders.

(b) As between conflicting rated orders of equal priority status, precedence shall be given to the order which was received first.

(c) As between conflicting rated orders of equal priority status received on the same day, precedence shall be given to the order which has the earliest required delivery or performance date.

Sec. 17. Rules for acceptance of rated orders.

(a) Every rated order must be accepted and filled regardless of existing contracts and orders except as provided in this section or in section 18. "Existing contracts and orders" include not only ordinary contracts but other arrangements achieving substantially the same results, and may concern the use of facilities rather than the material produced.

(b) A person shall not accept a DO rated order for delivery on a date which would interfere with delivery of any previously accepted DO or DX rated order.

(c) A DX rated order must be accepted without regard to the effect of such acceptance on the filling of DO rated or unrated orders: *Provided*, That a person shall not accept a DX rated order for delivery on a date which would interfere with delivery of any previously accepted DX rated order.

(d) A person shall not accept a rated order for delivery on a specific date unless he expects to be able to fill the order by that date. If he cannot meet the requested delivery date he shall promptly inform the customer of the earliest possible delivery date and offer to accept the order on the basis of that date.

(e) An unrated order may be converted into a rated order by written notification to the supplier that such order shall be treated as a rated order, if the person originally placing the order is authorized to use a rating and if he complies with the provisions of this regulation relating to placement of rated orders. In such event the order shall be deemed a rated order as of the date the rating and certification are received by the supplier.

Sec. 18. Rules for rejection of rated orders.

(a) A supplier may reject a rated order in the following cases, but he shall not discriminate among customers in rejecting or accepting rated orders:

(1) If the person seeking to place the order is unwilling or unable to meet the supplier's regularly established terms of sale or payment.

(2) If the order is for a product or material not usually made or supplied or for a service not usually performed.

(3) If the order is tendered to a person for a product or material which he produces or acquires only for his own use, and he has not filled any orders for that product or material within the past two years.

(4) If the order is for a product or material produced by the person tendering the rated order or for a service performed by the person tendering the rated order.

(5) If the order is received after commencement of the applicable lead time as prescribed by BDC: *Provided*, That a DX rated order must be accepted without regard to lead time, unless it is impracticable for him to make delivery within the required delivery month, in which event he must accept such order for the earliest practicable delivery date.

(6) If the applicable set-aside has been reached or would be exceeded by acceptance, except that a DX rated order must be accepted without regard to such set-aside.

(7) If acceptance or performance of the order would violate any other regulation or order of BDC.

(b) Any person who refuses to accept a rated order shall, upon written request of the person tendering the order, promptly give his reasons in writing for the refusal.

Sec. 19. How changes in orders affect ratings.

(a) Except as otherwise provided in this section, when a customer makes a change in a rated order which interferes with the supplier's production schedule, the rating is cancelled and the order shall be deemed newly rated on the date the supplier receives notification of the change.

(b) A change in shipping destination does not constitute cancellation of the rating.

(c) A reduction in the total amount of the order does not constitute a cancellation of the rating: *Provided*, That if the amount is reduced below the minimum quantity that the supplier normally accepts, and the customer is unwilling to agree to that minimum quantity, the supplier may consider that the rating is cancelled.

(d) An increase in the total amount of the order which can be filled with negligible interference with the supplier's production for previously accepted rated orders shall not constitute a cancellation of the rating: *Provided*, That if the acceptance of the larger order would result in substantial interference with the supplier's production, the amount of the increase shall be treated as a rated order as of the date of receipt of notification of such increase by the supplier.

(e) A change in the delivery date does not constitute cancellation of the rating: *Provided*, That if the change interferes with timely delivery on any other rated order it shall constitute a cancellation of the original rating and the order shall be deemed rated as of the date of receipt by the supplier of notification of the changed delivery date.

(f) A minor variation in size, design, or capacity which can be effected by the supplier without interference with other rated orders does not constitute a cancellation of the rating.

(g) A change which is agreed upon between the supplier and the customer

and which does not interfere with other rated orders does not constitute a cancellation of the rating.

(h) The application of a DX rating to an order bearing a DO rating shall give the order, as of the date of application of the DX rating, the preferential status accorded to DX orders under the provisions of this regulation.

Sec. 20. Cancellation of ratings.

(a) If a rating is revoked or invalidated by any regulation, order, or directive of BDC, such rating shall be cancelled in accordance with the provisions of such regulation, order, or directive.

(b) A rating shall also be cancelled because of contract termination on the part of a Defense Agency, determination by a person that he did not properly use a rating, or determination by a person that he no longer needs the product, material, or service for which he used the rating.

(c) When a rating is cancelled, the person who used the rating shall promptly inform his supplier in writing that the rating is cancelled and that his order is no longer to be treated as a rated order.

Sec. 21. Intracompany deliveries.

The provisions of this regulation apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

Sec. 22. Delivery for unlawful purposes prohibited.

No person shall deliver any product or material which he knows or has reason to believe will be accepted, redelivered, held, or used in violation of any regulation or order of BDC.

Sec. 23. Applicability of regulations and orders.

(a) All regulations and orders of BDC, unless specifically stated otherwise in such regulations and orders, shall apply to transactions in any state, territory, or possession of the United States and the District of Columbia.

(b) All regulations and orders of BDC shall apply to all subsequent transactions even though they are covered by contracts previously entered into.

(c) Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of BDC. In case compliance by any person with the provisions of any such regulation or order would prevent fulfillment of a mandatory acceptance order, he shall immediately report the matter to BDC which will thereupon take such action as is deemed appropriate, but unless and until otherwise expressly authorized or directed by BDC, such person shall comply with the provisions of such regulation or order.

(d) This regulation complements DMS Reg. 1. Defense contractors and their

suppliers should be thoroughly familiar with both this regulation and DMS Reg. 1.

Sec. 24. Protection against claims for damages.

No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from compliance with any BDC regulation, order, direction, directive, or other written instruction, notwithstanding that any such regulation, order, direction, directive, or other written instruction shall thereafter be declared by judicial or other competent authority to be invalid.

Sec. 25. Records and reports.

(a) Each person participating in any transaction covered by this regulation shall make, and preserve for at least three years thereafter, accurate and complete records thereof. Such records shall include all rated orders, ACM orders, and directives received by such person, copies of all rated orders and ACM orders placed by such person, records of purchases, receipts, inventories, production, use, sales, and deliveries of all materials acquired, sold or delivered pursuant to mandatory acceptance orders. Records shall be maintained in sufficient detail to permit the determination, upon examination or audit, whether or not each transaction complies with the provisions of this regulation or any other applicable regulation or order of BDC. However, this regulation does not specify any particular accounting method or system to be used. Records may be retained in the form of microfilm or other record-keeping systems which provide the information contained in the original records.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of BDC at the usual place of business of the person involved.

(c) Persons subject to this regulation shall develop and maintain such records and submit such reports to BDC as it shall require, subject to the terms of the Federal Reports Act of 1942 (44 U.S.C. 3501-3511).

Sec. 26. Requests for adjustment or exception and appeals.

(a) Any person subject to any provision of this regulation may submit a request for adjustment or exception to BDC upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The submission of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of public health and safety, civil defense, and dislocation of labor and resulting

unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, addressed as provided in section 27(a) of this regulation, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Any person may appeal to the Appeals Board for the Department of Commerce from an adverse decision against him by BDC pursuant to this regulation. Each appeal shall be submitted to the Appeals Board not later than 45 days after receipt by the appellant of an adverse decision and shall be in writing, by letter in triplicate, addressed as provided in section 27(b) of this regulation, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. In addition, one copy of such letter shall be furnished to BDC by the appellant, addressed as provided in section 27(a) of this regulation. The decision of the Appeals Board shall be final within the Department and shall be provided in writing to the appellant and to BDC.

Sec. 27. Communications.

(a) All communications concerning this regulation or requests for adjustment or exception pursuant to section 26(a) of this regulation shall be addressed to the Bureau of Domestic Commerce, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Reg. 1.

(b) All appeals pursuant to section 26(b) of this regulation shall be addressed to the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Reg. 1.

Sec. 28. Violations.

(a) Any person who willfully violates any provision of this regulation, or who willfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both.

(b) Violation of any provision of this regulation may subject any person committing or participating in such violation to administrative action to suspend his privilege of making or receiving deliveries of products or materials, or using products, materials, or facilities. In addition to such administrative action, an injunction and order may be obtained from a court of appropriate jurisdiction prohibiting any such violation and enforcing compliance with the provisions hereof.

(c) For the purposes of any administrative action or civil proceeding for the enforcement of this regulation or any criminal prosecution for violation of this regulation, the terms "rated order," "rating," "authorized controlled material order," "ACM order" and "certification" shall be deemed to include every purported rated order, rating, authorized controlled material order, ACM order and certification whether or not such order, rating or certification shall have

been authorized as provided in this regulation and irrespective of the form of such order, rating or certification.

This revised regulation shall take effect July 1, 1974.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE

JOHN M. DUNN,
Deputy Assistant Secretary for
Domestic and International
Business.

SCHEDULE I TO DPS REG. 1—AUTHORIZED PROGRAM IDENTIFICATIONS AND DEFENSE AGENCIES

(See sections 2(1), 4(a), 11(a), 12(a), and 12(b))

The program identifications listed in this schedule have equal preferential status and

are the only ones authorized under the Defense Priorities System and the Defense Materials System and must be used in accordance with this regulation, DMS Reg. 1 and other applicable regulations and orders of BDC.

The identifications are not listed in alphabetical or numerical sequence but are grouped by Defense Agencies. Within each group, the Defense Agencies listed in Column 3 are authorized to employ the program identifications listed in Column 1 for purposes of placement by them and their suppliers of rated orders and ACM orders in support of the programs listed in Column 2.

The full names of the Defense Agencies shown by initials in Column 3 are:

AEC—Atomic Energy Commission.
BDC—Bureau of Domestic Commerce.
CIA—Central Intelligence Agency.
FAA—Federal Aviation Administration.
NASA—National Aeronautics and Space Administration.

Column 1 Program Identification	Column 2 Program	Column 3 Defense Agency
For Department of Defense and associated programs:		
A-1.....	Aircraft.....	Department of Defense: Army. Navy (including Coast Guard). Air Force. Defense Supply Agency. Associated Agencies of De- partment of Defense: CIA. FAA: NASA.
A-2.....	Missiles.....	
A-3.....	Ships.....	
A-4.....	Tank—Automotive.....	
A-5.....	Weapons.....	
A-6.....	Ammunition.....	
A-7.....	Electronic and communications equipment.....	
B-1.....	Military building supplies.....	
B-8.....	Production equipment (for defense contractor's account).....	
B-9.....	Production equipment (Government owned).....	
C-2.....	Department of Defense construction.....	AEC.
C-3.....	Maintenance, repair and operating supplies (MRO) for Department of Defense facilities.....	
C-8.....	Controlled materials for Defense Industrial Supply Center (DISC)....	
C-9.....	Miscellaneous.....	
For Atomic Energy Commission programs:		
E-1.....	Construction.....	AEC.
E-2.....	Operations—including maintenance, repair, and operating supplies (MRO).....	
E-3.....	Privately owned facilities.....	
For other Defense, Atomic Energy and related programs:		
B-5.....	Certain self-authorizing consumers (see sec. 7(d) of DPS Reg. 1).....	BDC.
C-4.....	Certain munitions items purchased by friendly foreign govern- ments through domestic commercial channels for export.....	
C-5.....	Canadian military programs.....	
C-6.....	Certain direct defense needs of friendly foreign governments other than Canada.....	
D-1.....	Controlled materials producers.....	
D-2.....	Approved State and local civil defense programs.....	
D-3.....	Further converters (steel).....	
D-4.....	Private domestic production.....	
D-5.....	Private domestic construction.....	
D-6.....	Canadian production and construction.....	
D-7.....	Friendly foreign nations (other than Canada) production and con- struction.....	BDC.
D-8.....	Distributors of controlled materials.....	
D-9.....	Maintenance, repair, and operating supplies (MRO) (see Dir. 1 to DMS Reg. 1).....	
E-4.....	Canadian atomic energy program.....	
K-1.....	General Services Administration's supply distribution facility pro- gram.....	
AM.....	Aluminum controlled materials producers.....	
AM-9000.....	Aluminum controlled materials distributors.....	
FC.....	Further converters (steel and nickel alloys).....	

¹State and local governments will be authorized to use the program identification D-2 only upon application to the Defense Civil Preparedness Agency of the Department of Defense, sponsorship by the Office of the Assistant Secretary of Defense (Installations and Logistics) and specific approval by BDC.

SCHEDULE II TO DPS REG. 1—MATERIALS AND SERVICES NOT SUBJECT TO BDC RATING AUTHORITY

(See sections 10(b) and 13(c))

PART A

The following items under the jurisdiction of BDC are presently not subject to any ratings issued by or under authority of BDC (but are subject to directives issued by or under authority of BDC) and therefore such

ratings shall not be effective to obtain any of them:¹

¹The following delegations and agreements, as the same may from time to time be amended, revoked, or superseded, further delineate jurisdictional responsibilities for the exercise of priorities and allocations powers:

(1) Memorandum of Agreement between the Department of the Interior and the

Communications services.

Copper raw materials as that term is defined in DMS Order 4 (formerly Order M-11A), except intermediate shapes (as defined in that order), and except refined copper (as defined in that order but limited to such refined copper made from ores mined in the continental United States).

Crushed stone.

Gravel.

Sand.

Scrap.

Slag.

Steam heat, central.

Waste paper.

PART B

Certain items are not under the jurisdiction of BDC and are not subject to any ratings or directives issued by or under authority of BDC and therefore such ratings or directives shall not be effective to obtain any of them. These items, by virtue of Executive Order 10480, as amended, Defense Mobilization Order 8400.1, as amended, and other authorities, delegations and agreements, as the same may from time to time be amended, revoked, or superseded, generally include:¹

(a) Petroleum, gas, solid fuels, and electric power (under jurisdiction of Secretary of the Interior).

(b) Food and the domestic distribution of farm equipment and commercial fertilizer (under jurisdiction of Secretary of Agriculture).

(c) Domestic transportation, storage, and port facilities, or the use thereof, but excluding air transport, coastwise, intercoastal, and overseas shipping (under jurisdiction of a designated Commissioner of the Interstate Commerce Commission).

(d) Radioisotopes, stable isotopes, source, and fissionable materials, produced by Gov-

Department of Commerce with respect to the production and/or distribution of designated products and equipment, including chemicals, associated with the output of petroleum and gas, effective October 30, 1973 (38 FR 30896).

(2) Defense Solid Fuels Administration (DSFA) Delegation 1 to the Secretary of Commerce with respect to the distribution of coal chemicals produced as by-products of coke made from coal, effective May 15, 1951 (16 FR 4590). The DSFA was abolished in 1954 and its responsibilities within the Department of the Interior have been transferred to the Office of the Assistant Secretary for Energy and Minerals, Department of the Interior.

(3) Delegation of Authority from the Secretary of Commerce to the Secretary of the Interior of priorities and allocations powers with respect to certain minerals facilities and materials, effective January 26, 1967 (32 FR 2462).

(4) Memorandum of Agreement between the Department of Agriculture and the Department of Commerce with respect to the scope of allocation and priority responsibilities in connection with foods which have industrial uses, effective December 5, 1973 (38 FR 33504).

(5) Memorandum of Understanding and Agreement between the Agricultural Stabilization and Conservation Service, Department of Agriculture, and the Bureau of Competitive Assessment and Business Policy, Department of Commerce, with respect to the scope of the term "farm equipment," effective December 5, 1973 (38 FR 33506). The responsibilities of the Bureau of Competitive Assessment and Business Policy have been transferred to the Bureau of Domestic Commerce (BDC), Department of Commerce.

ernment-owned plants or facilities operated by or for the Atomic Energy Commission (under jurisdiction of the Atomic Energy Commission).

[FR Doc.74-13168 Filed 6-24-74;8:45 am]

[DPS Reg. 1, Interpretations 1, 2, and 3 and Directions 2, 3, and 4—Revocation]

DPS REG. 1—BASIC RULES OF THE DEFENSE PRIORITIES SYSTEM

Revocation of Interpretations 1, 2, and 3 and Directions 2, 3, and 4

Interpretation 1 (Certain Containers, Packaging, and Chemicals) of February 27, 1951 (32A CFR 173 (1973)), Interpretation 2 (Signature for Certification on Purchase or Delivery Orders) of December 19, 1951 (32A CFR 173 (1973)), Interpretation 3 (Use of DO Rating for the Lease of Machinery or Equipment) of June 10, 1952 (32A CFR 174 (1973)), Direction 2 (Limitation on Use of Ratings to Obtain Nickel) of June 29, 1956, as amended by Amendment 1 of May 9, 1958 (32A CFR 174 (1973)), Direction 3 (Notice of Acceptance or Rejection of DX Rated Orders and of Delayed Shipment of Certain DO Rated Orders) of January 18, 1957 (32A CFR 175 (1973)) and Direction 4 (Establishment of a Lead Time for the Placement of Rated Orders for the Delivery of Nickel and Ferro-nickel) of August 15, 1967 (32A CFR 176 (1973)) to DPS Regulation 1 are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under said interpretations and directions, nor deprive any person of any rights received or accrued under said interpretations and directions prior to the effective date of this revocation.

(Sec. 704, Defense Production Act of 1950, as amended, 50 U.S.C. App. 2154)

This revocation shall take effect July 1, 1974.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE

JOHN M. DUNN,
*Deputy Assistant Secretary for
Domestic and International
Business.*

[FR Doc.74-13169 Filed 6-24-74;8:45 am]

[DPS Order 1, as revised July 1, 1974]

DPS ORDER 1—METALWORKING MACHINES

On October 1, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 27270) proposing to revise DPS Order 1. All comments received in response to the proposal were given due consideration.

As a result of comments received and as a result of further agency review, the following changes are made:

1. Section 9 now includes an express provision permitting appeals from adverse agency decisions to the Appeals Board for the Department of Commerce.

2. The Bureau of Domestic Commerce (BDC) has been substituted for the references to the Bureau of Competitive Assessment and Business Policy (BCABP) throughout the order. These substitutions were made because the name of the agency was changed from BCABP to BDC subsequent to publication on October 1, 1973, of the notice of proposed rulemaking.

3. A few editorial or technical modifications.

This revised order (including its Schedule I) is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this revised order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

DPS Order 1 in 32A CFR Chapter VI is revised to read as follows:

DPS ORDER 1—METALWORKING MACHINES

Sec.

1. What this order does.
2. Definitions.
3. Limitation for acceptance of rated orders.
4. Lead time for acceptance of rated orders.
5. Information to be furnished on rated orders.
6. Directives.
7. Effect of this order on DPS Reg. 1 and on outstanding orders.
8. Records and reports.
9. Requests for adjustment or exception and appeals.
10. Communications.
11. Violations.

Schedule

- I. Types of Metalworking Machines Covered by this Order.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 818; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949-1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Orders 10-3, 38 FR 33624, and 40-1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41-1, as amended, 39 FR 2780, 39 FR 18490; 45-1, 39 FR 18488, 45-2, 39 FR 18489; Department of Commerce Organization Order 20-11, 32 FR 10825.

Section 1. What this order does.

(a) This order limits to 60 percent of a producer's scheduled monthly production of a metalworking machine the required acceptance by him of rated orders (other than DX rated orders and directives issued by BDC) calling for delivery in such month. It also specifies information which must be shown on rated orders for metalworking machines and provides that rated orders (other than DX rated orders and directives issued by BDC) need not be accepted unless received by a producer not less than three months prior to the beginning of the month in which delivery is called for in such order.

(b) This order is a revision of DPS Order 1 (formerly Order M-41), as amended

May 24, 1963. The principal changes are in the definition of metalworking machine and in Schedule I (formerly Exhibit A) to the order.

Sec. 2. Definitions.

As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "BDC" means the Bureau of Domestic Commerce, Domestic and International Business Administration, United States Department of Commerce.

(c) "Metalworking machine" means any:

(1) Metal Cutting type machine which is a new, power driven, complete machine not supported in the hands of an operator when in use, that shapes metal by cutting, or the use of electrical techniques.

(2) Metal Forming type machine which is a new, power driven, complete machine not supported in the hands of an operator when in use, that presses, forges, hammers, extrudes, shears, bends, die casts, or otherwise forms metal into shape.

(3) It includes only a machine described in paragraphs (c)(1) and (2) of this section, which has a producer's list price of \$1,000 or more for the basic machine itself and which is shown in Schedule I of this order.

(4) The producer's list price for the basic machine itself means the sale price at which the producer's catalog or other price publication lists the basic machine, exclusive of the motor, motor drive, or any attachments therefor, unless the motor, motor drive, or attachments are initially built into the basic machine itself, as an integral part thereof, in which case the producer's list price for the basic machine shall be the sale price at which the producer lists the machine as an assembled unit. The term "metalworking machine" includes all accessories, attachments, and numerical controls covered by the original purchase order which are required to be delivered with the basic machine to make it usable in production for the purposes intended. It does not include replacements, spare parts or equipment, or extra tooling.

(d) "Producer" means any person engaged in the manufacture and production of one or more metalworking machines.

(e) "Size" includes all of those dimensions or variations of a particular type of metalworking machine which can be used interchangeably for production purposes. Size classification shall be that used by each producer on the effective date of this revised order, unless he is hereafter authorized to use a different classification. Producers may apply for such authorization by letter addressed as provided in section 10(a) of this order.

Sec. 3. Limitation for acceptance of rated orders.

Unless specifically directed by BDC, no producer shall be required to accept rated orders (other than DX rated or-

ders) calling for delivery in any month of a total quantity of any size of metalworking machine in excess of 60 percent of his scheduled production of that size of that machine for that month: *Provided*, That within his scheduled production of any size of metalworking machine for any month a producer must accept any DX rated order calling for delivery of any such size of metalworking machine during any month even though the specified 60 percent has been, or will be, exceeded by such acceptance.

Sec. 4. Lead time for acceptance of rated orders.

(a) Unless specifically directed by BDC, a producer need not accept a rated order (other than a DX rated order) for a metalworking machine which he receives less than three months prior to the beginning of the month in which delivery is called for in such order.

(b) A DX rated order must be accepted without regard to the lead time provided in paragraph (a) of this section unless it is impracticable for the producer to make delivery within the required delivery month, in which event he must accept such DX rated order for the earliest practicable delivery date.

Sec. 5. Information to be furnished on rated orders.

A purchaser must, on each rated order, indicate specifications, including size or other descriptions, of the metalworking machine or machines being ordered in sufficient detail to enable the producer to place the same on his production schedule and must indicate the required delivery date thereof. These requirements are in addition to those provided in DPS Reg. 1 for the placement of rated orders.

Sec. 6. Directives.

Where necessary to assure required deliveries of rated orders, BDC may direct or change any schedule of production or delivery of metalworking machines, may allocate any rated order for metalworking machines from one producer to another producer, and may divert or otherwise direct the delivery of any metalworking machine to fill a rated order.

Sec. 7. Effect of this order on DPS Reg. 1 and on outstanding orders.

(a) To the extent that this order is in conflict with DPS Reg. 1, the provisions of this order shall control. In all other respects DPS Reg. 1 shall continue in full force and effect.

(b) Nothing in this amended order shall be construed to affect outstanding rated orders placed pursuant to any regulation or order of BDC.

Sec. 8. Records and reports.

(a) Each person participating in any transaction covered by this order shall make, and preserve for at least three years thereafter, accurate and complete records thereof. Such records shall include all rated orders and directives received by such person and monthly rec-

ords of production, production schedules, and deliveries of metalworking machines. Records shall be maintained in sufficient detail to permit the determination, after audit, whether or not each transaction complies with the provisions of this order or any other applicable regulation or order of BDC. However, this order does not specify any particular accounting method or system to be used. Records may be retained in the form of microfilm or other record-keeping systems which provide the information contained in the original records.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of BDC at the usual place of business of the person involved.

(c) Persons subject to this order shall develop and maintain such records and submit such reports to BDC as it shall require, subject to the terms of the Federal Reports Act of 1942 (44 U.S.C. 3501-3511).

Sec. 9. Requests for adjustment or exception and appeals.

(a) Any person subject to any provision of this order may submit a request for adjustment or exception to BDC upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The submission of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by any provision of this order, consideration will be given to the requirements of public health and safety, civil defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, addressed as provided in section 10(a) of this order, and shall set forth all pertinent facts and the nature of the relief sought and shall state the justification therefor.

(b) Any person may appeal to the Appeals Board for the Department of Commerce from an adverse decision against him by BDC pursuant to this order. Each appeal shall be submitted to the Appeals Board not later than 45 days after receipt by the appellant of an adverse decision and shall be in writing, by letter in triplicate, addressed as provided in section 10(b) of this order, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. In addition, one copy of such letter shall be furnished to BDC by the appellant, addressed as provided in section 10(a) of this order. The decision of the Appeals Board shall be final within the Department and shall be provided in writing to the appellant and to BDC.

Sec. 10. Communications.

(a) All communications concerning this order, applications pursuant to sec-

tion 2(e) of this order, or requests for adjustment or exception pursuant to section 9(a) of this order shall be addressed to the Bureau of Domestic Commerce, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Order 1.

(b) All appeals pursuant to section 9(b) of this order shall be addressed to the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Order 1.

Sec. 11. Violations.

(a) Any person who willfully violates any provision of this order, or who willfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both.

(b) Violation of any provision of this order may subject any person committing or participating in such violation to administrative action to suspend his privilege of making or receiving deliveries of products or materials, or using products, materials or facilities. In addition to such administrative action, an injunction and order may be obtained from a court of appropriate jurisdiction prohibiting any such violation and enforcing compliance with the provisions hereof.

This revised order shall take effect July 1, 1974.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE

JOHN M. DUNN,
Deputy Assistant Secretary for
Domestic and International
Business.

SCHEDULE I TO DPS ORDER 1—TYPES OF METALWORKING MACHINES COVERED BY THIS ORDER (SEE SECTION 2(c))

Bending and Forming Machines.
Boring Machines.
Broaching Machines.
Drilling and Tapping Machines.
Electrical Discharge, Ultrasonic and Chemical Erosion Machines.
Forging Machinery and Hammers.
Gear Cutting and Finishing Machines.
Grinding Machines.
Hydraulic and Pneumatic Presses, Power Driven.
Lathes.
Machining Centers and Way-Type Machines.
Manual Presses.
Mechanical Presses, Power Driven.
Milling Machines.
Miscellaneous Machine Tools.
Miscellaneous Secondary Metal Forming and Cutting Machines.
Planers and Shapers.
Punching and Shearing Machines.
Riveting Machines.
Saws and Filing Machines.
Wire and Metal Ribbon Forming Machinery.

[FR Doc.74-13170 Filed 6-24-74; 8:45 am]

[DPS Order 2 of July 1, 1974]

DPS ORDER 2—NICKEL

On October 1, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 27271) proposing to issue DPS Order 2. All comments

received in response to the proposal were given due consideration.

As a result of comments received and as a result of further agency review, the following changes are made:

1. Section 7 now includes an express provision permitting appeals from adverse agency decisions to the Appeals Board for the Department of Commerce.

2. The Bureau of Domestic Commerce (BDC) has been substituted for the references to the Bureau of Competitive Assessment and Business Policy (BCA BP) throughout the order. These substitutions were made because the name of the agency was changed from BCABP to BDC subsequent to publication on October 1, 1973, of the notice of proposed rulemaking.

3. A few editorial or technical modifications.

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

32A CFR Chapter VI is amended by adding a new order, DPS Order 2, to read as follows:

DPS ORDER 2—NICKEL

Sec.

1. What this order does.
2. Definitions.
3. Lead time requirements for acceptance of rated orders for nickel.
4. Directives.
5. Effect of this order on DPS Reg. 1.
6. Records and reports.
7. Requests for adjustment or exception and appeals.
8. Communications.
9. Violations.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949-1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Orders 10-3, 38 FR 33624, and 40-1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41-1, as amended, 39 FR 2780, 39 FR 18490; 45-1, 39 FR 18488; 45-2, 39 FR 18489; and Department of Commerce Organization Order 20-11, 32 FR 10825.

Section 1. What this order does.

(a) This order permits producers and distributors of nickel to reject rated orders for nickel (other than DX rated orders and directives issued by BDC) which are received by them less than 10 days before the month in which delivery is requested. It also provides that producers and distributors of nickel shall comply with directives, including those which require the set-aside of an individual producer's or distributor's supply of nickel for acceptance of rated orders during specified periods of time.

(b) This order is a revision of, and supersedes, former Direction 4 of August 15, 1967 (Establishment of a Lead Time

for the Placement of Rated Orders for Nickel and Ferronickel) to DPS Reg. 1 of March 23, 1953, as amended.

Sec. 2. Definitions.

As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "BDC" means the Bureau of Domestic Commerce, Domestic and International Business Administration, United States Department of Commerce.

(c) "Nickel" means primary nickel in the following forms and shapes:

Electrolytic cathodes.
Pigs.
Rondelles.
Cubes.
Pellets.
Shot.
Oxide (including sintered oxide).
Salts.
Chemicals.
Ingots (used for remelting).
Powder (derived directly from ore concentrates).
Ferronickel.

(d) "Producer" means a person engaged in making and refining nickel and supplying such nickel to distributors or consumers.

(e) "Distributor" means a person, including a warehouseman, jobber, dealer, retailer, or importer who sells and furnishes nickel to consumers.

Sec. 3. Lead time requirements for acceptance of rated orders for nickel.

Notwithstanding the provisions of any regulation or order of BDC, a producer or distributor need not accept a rated order for nickel which he receives less than ten consecutive calendar days before the beginning of the month in which delivery is called for in such order: *Provided*, That this limitation shall not apply to DX rated orders nor to directives issued by BDC.

Sec. 4. Directives.

A producer or distributor shall comply with each directive which may be issued to him by BDC. Such directives may relate, but are not limited, to the set-aside of a portion of an individual producer's or distributor's production or supply of nickel for the acceptance of rated orders during specified periods of time.

Sec. 5. Effect of this order on DPS Reg. 1.

To the extent that this order is in conflict with DPS Reg. 1, the provisions of this order shall control. In all other respects DPS Reg. 1 shall continue in full force and effect.

Sec. 6. Records and reports.

(a) Each person participating in any transaction covered by this order shall make, and preserve for at least three years thereafter, accurate and complete records thereof. Such records shall be maintained in sufficient detail to permit the determination, upon examination or

audit, whether or not each transaction complies with the provisions of this order or any other applicable regulation or order of BDC. However, this order does not specify any particular accounting method or system to be used. Records may be retained in the form of microfilm or other record-keeping systems which provide the information contained in the original records.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of BDC at the usual place of business of the person involved.

(c) Persons subject to this order shall develop and maintain such records and submit such reports to BDC as it shall require, subject to the terms of the Federal Reports Act of 1942 (44 U.S.C. 3501-3511).

Sec. 7. Requests for adjustment or exception and appeals.

(a) Any person subject to any provision of this order may submit a request for adjustment or exception to BDC upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The submission of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by any provision of this order, consideration will be given to the requirements of public health and safety, civil defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, addressed as provided in section 8(a) of this order, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Any person may appeal to the Appeals Board for the Department of Commerce from an adverse decision against him by BDC pursuant to this order. Each appeal shall be submitted to the Appeals Board not later than 45 days after receipt by the appellant of an adverse decision and shall be in writing, by letter in triplicate, addressed as provided in section 8(b) of this order, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. In addition, one copy of such letter shall be furnished to BDC by the appellant, addressed as provided in section 8(a) of this order. The decision of the Appeals Board shall be final within the Department and shall be provided in writing to the appellant and to BDC.

Sec. 8. Communications.

(a) All communications concerning this order or requests for adjustment or exception pursuant to section 7(a) of this order shall be addressed to the Bureau of Domestic Commerce, U.S. De-

partment of Commerce, Washington, D.C. 20230, Ref: DPS Order 2.

(b) All appeals pursuant to section 7(b) of this order shall be addressed to the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Order 2.

Sec. 9. Violations.

(a) Any person who willfully violates any provision of this order, or who willfully furnishes false information or conceals any material fact in the course of

operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both.

(b) Violation of any provision of this order may subject any person committing or participating in such violation to administrative action to suspend his privilege of making or receiving deliveries of products or materials, or using products, materials or facilities. In addition to such administrative action, an injunction and order may be obtained from a court of appropriate jurisdiction prohibiting

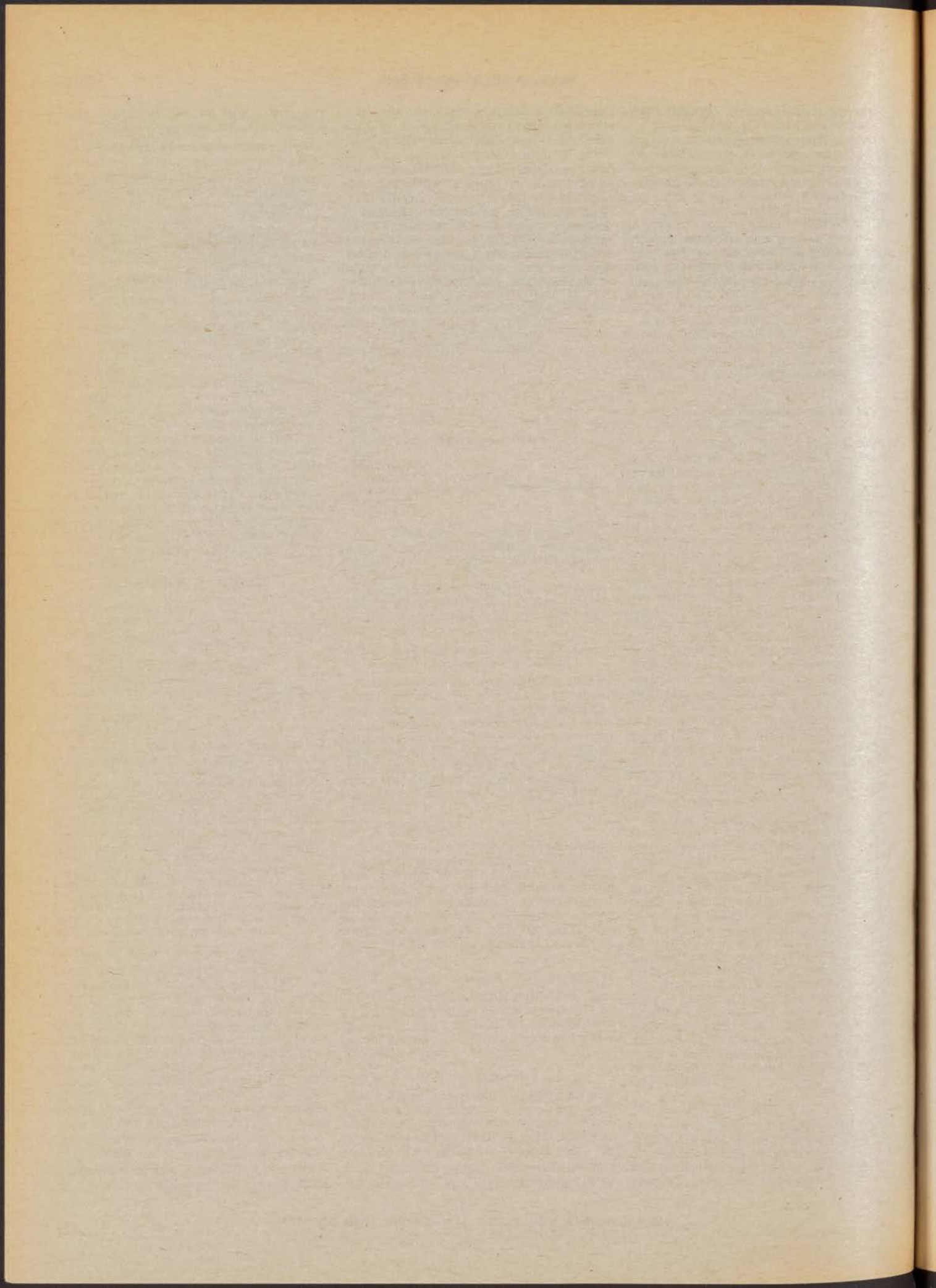
any such violation and enforcing compliance with the provisions hereof.

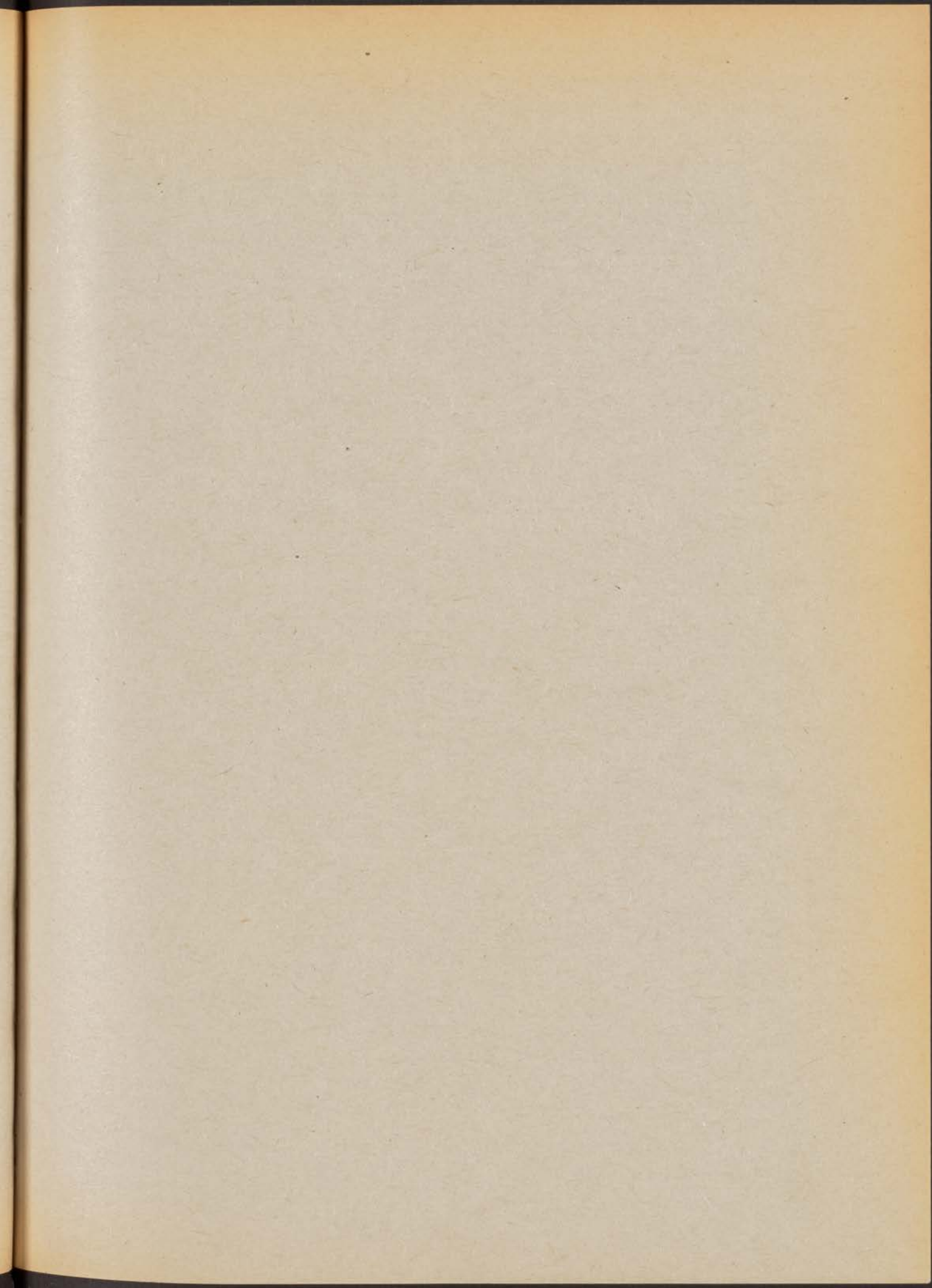
This order shall take effect July 1, 1974.

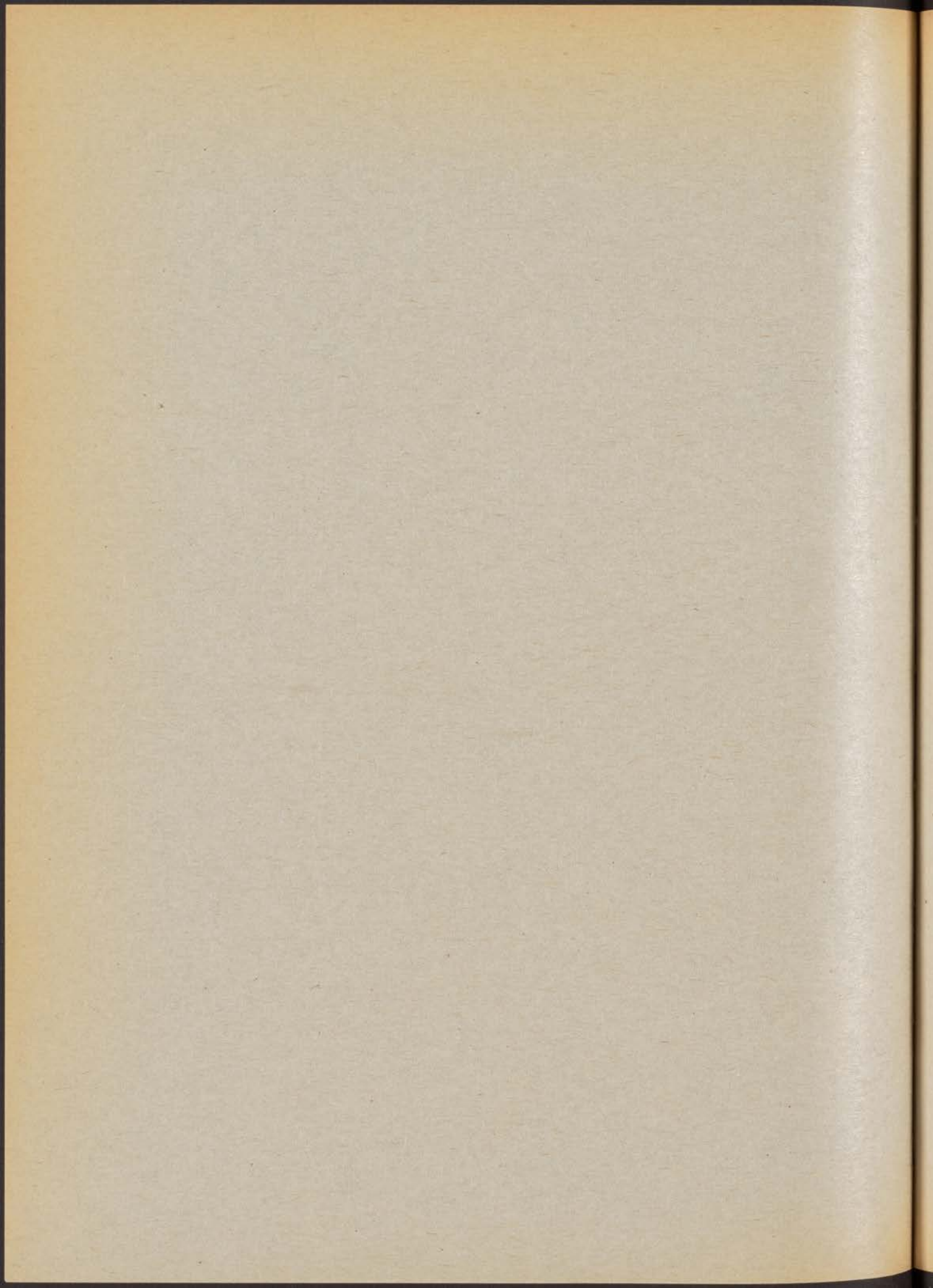
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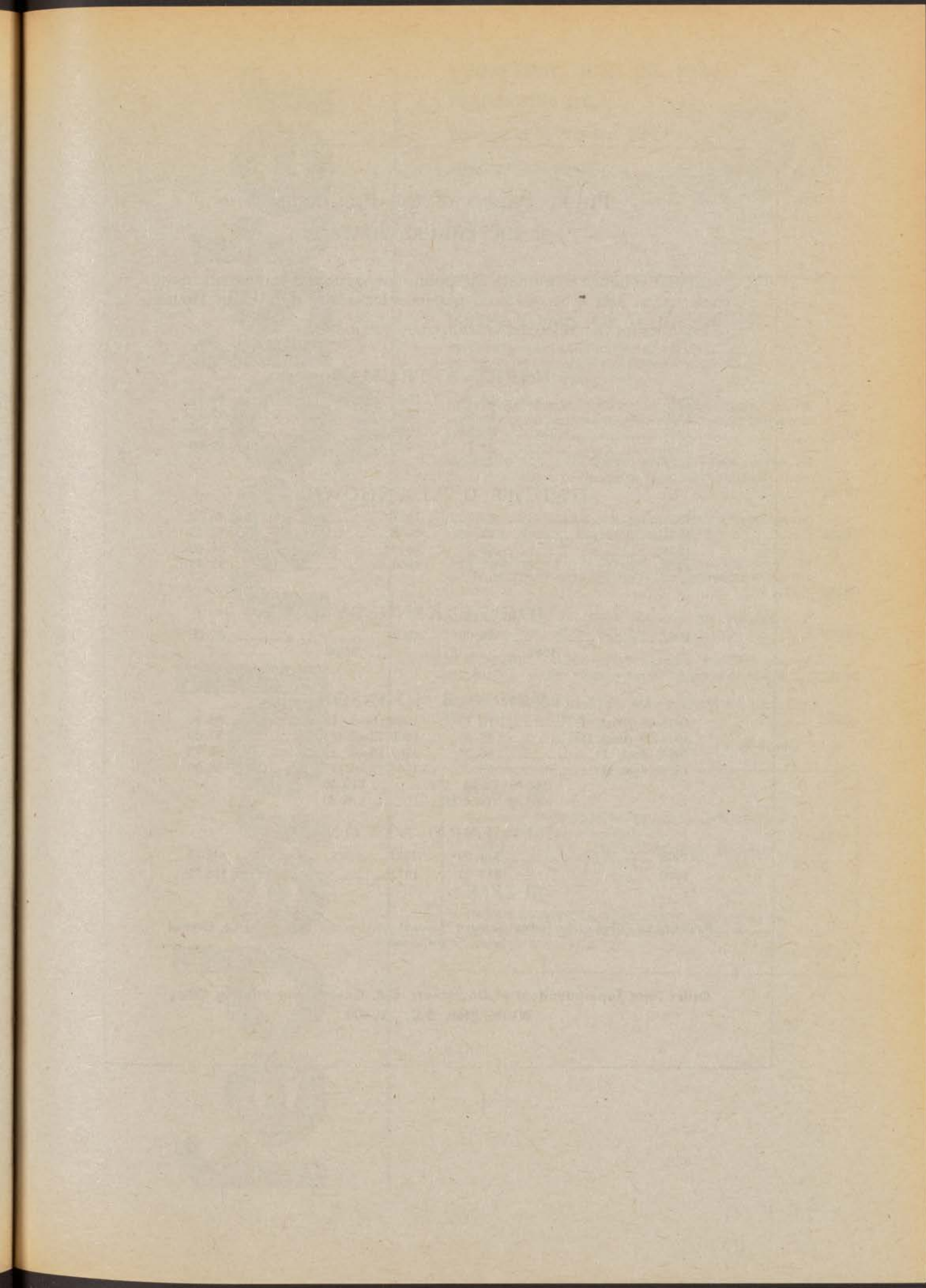
JOHN M. DUNN,
*Deputy Assistant Secretary for
Domestic and International
Business.*

[FR Doc.74-13171 Filed 6-24-74;8:45 am]









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