

Register

WEDNESDAY, AUGUST 28, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 168

Pages 31287-31512

PART I



HIGHLIGHTS OF THIS ISSUE

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

NATIONAL DAM SAFETY PROGRAM —Engineers Corps issues proposed inspection procedures; comments by 10-1-74	31334
NATIONAL FOREST MINERAL RESOURCES —USDA rules on prospecting, exploration and mining procedures; effective 9-1-74	31317
LOW RENT PUBLIC HOUSING —HUD amends prototype cost schedules; effective 8-28-74	31309
DOMESTIC FINANCIAL POLICY —Federal Open Market Committee publishes directive of 5-21-74	31365
FRUIT JELLY AND PRESERVES —FDA revises standards; effective 10-29-74	31304
AUTOMATIC DATA PROCESSING —NBS proposal on bibliographic information interchange on magnetic tape; comments by 11-26-74	31353
MEETINGS—	
Federal Mediation and Conciliation Service: Arbitration Services Advisory Committee, 9-19 and 9-20-74	31362
Telecommunications Policy Office: Frequency Management Advisory Council, 9-6-74	31368
SESA: Census Advisory Committee of the American Statistical Association, 9-19 and 9-20-74	31354
HEW: Tropical Medicine and Parasitology Study Division, 9-16 to 9-18-74	31354
FCC: Cable Television Technical Advisory Committee Panels 4 and 6 (2 documents), 9-17-74	31362
GSA: Public Advisory Panel on Architectural and Engineering Services for Office of Operating Programs, 9-5-74	31365
CSC: Federal Employees Pay Council, 9-25-74	31360
DoD: Armed Forces Epidemiological Board, 10-4-74	31347
State Department: Advisory Committee on Voluntary Foreign Aid, 9-16-74	31333
AEC: Special Laser Fusion Advisory Panel, 9-16-74	31358

PART II:

MEAT PRODUCTS POINT SOURCE CATEGORY —EPA proposes effluent limitations and guidelines; comments by 9-27-74	31485
---	-------

PART III:

WATER QUALITY —EPA proposal on pollutant source monitoring in state and interstate programs; comments by 10-15-74	31499
--	-------

PART IV:

CHILD ABUSE AND NEGLECT —HEW proposes prevention and treatment program; comments by 9-27-74	31507
--	-------



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$5.00 per month or \$45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202-523-5266. For information on obtaining extra copies, please call 202-523-5240.

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices	
Chief, excess property division, et al.; redelegation of authority	31333
Friends of Children; register of voluntary foreign aid agencies	31333
Meetings:	
Advisory Committee on Voluntary Foreign Aid	31333

AGRICULTURAL MARKETING SERVICE

Rules	
Milk marketing orders:	
Indiana area	31288
Minneapolis-St. Paul area	31300

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules	
Cotton; program for 1974 and succeeding crops; correction	31287

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Forest Service; Rural Electrification Administration.

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Notices	
Possession of firearms; granting of relief	31334

ATOMIC ENERGY COMMISSION

Notices	
Applications, etc.:	
Pacific Gas and Electric Co.	31357
Laser fusion program; establishment of panel	31357
Meetings:	
Advisory Committee on Reactor Safeguards	31356
Special Laser Fusion Advisory Panel	31358

CHILD DEVELOPMENT OFFICE

Proposed Rules	
Child Abuse and Neglect Prevention and Treatment Program; projects and activities	31508

CIVIL AERONAUTICS BOARD

Notices	
Hearings, etc.:	
New York-Rio de Janeiro-Johannesburg Case, et al.	31358
U.S. certificated carriers	31359

CIVIL SERVICE COMMISSION

Rules	
Excepted service:	
Department of the Treasury	31287
Federal Energy Administration	31287
Revocations; miscellaneous	31287

Notices

Meeting:	
Federal Employees Pay Council; correction	31360

COMMERCE DEPARTMENT

See Domestic and International Business Administration; National Bureau of Standards; Social and Economic Statistics Administration.

CONSUMER PRODUCT SAFETY COMMISSION

Notices	
Use of sampling plans; proposed statement of policy	31360

DEFENSE DEPARTMENT

See also Engineers Corps; Navy Department.

Notices

Meetings:	
Armed Forces Epidemiological Board	31347

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Scientific articles; duty-free entry:	
U.S. Geological Survey, et al.	31351

ENGINEERS CORPS

Notices

National dam safety program; guidelines for safety inspection	31334
---	-------

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air quality implementation plans; West Virginia	31321
---	-------

Proposed Rules

Air quality implementation plans; Kansas	31329
Meat products point source category; effluent guidelines and standards	31488
Water pollution control plans; various States	31500

Notices

Pesticide registration; applications	31361
--------------------------------------	-------

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:	
Boeing (2 documents)	31302, 31303
Piper (2 documents)	31304

Proposed Rules

VOR Federal airways	31329
---------------------	-------

FEDERAL COMMUNICATIONS COMMISSION

Rules

Research and Standards Division; nomenclature change	31322
--	-------

Proposed Rules

FM broadcast stations; table of assignments:

Florida	31331
Texas	31330
Federal preemption of cable television; extension of filing reply comments	31331
Land channels in New York and Los Angeles; extension of filing reply comments	31331

Notices

Meetings:

Cable Television Technical Advisory Committee Panel 4 (Class II (Non-Broadcast) Cable Television Channels)	31362
Cable Television Technical Advisory Committee Panel 6 (Technical Operations)	31362

FEDERAL ENERGY ADMINISTRATION

Notices

Mandatory petroleum allocation program; extension of filing dates for forms	31362
---	-------

FEDERAL HOME LOAN BANK BOARD

Rules

Officers' employment contracts	31301
--------------------------------	-------

FEDERAL INSURANCE ADMINISTRATION

Rules

National Flood Insurance Program; areas eligible for the sale of insurance (2 documents)	31310, 31311
National Flood Insurance Program; identification of special hazard areas	31311

FEDERAL MARITIME COMMISSION

Notices

Agreements filed; Associated North Atlantic Freight Conferences	31362
---	-------

FEDERAL MEDIATION AND CONCILIATION SERVICE

Notices

Meeting:	
Arbitration Services Advisory Committee	31362

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

Independent Oil and Gas Association of West Virginia	31363
Joseph M. Farley	31363
Kansas Gas and Electric Co. (2 documents)	31363, 31364
New England Power Service Co. and Boston Edison Co.	31364
Northwest Pipeline Corp.	31364
Sierra Pacific Power Co.	31364
Utah Power and Light Co.	31364

(Continued on next page)

CONTENTS

FEDERAL RESERVE SYSTEM

Notices

Applications, etc.:	
First and Merchants Corp.	31365
Ford City Corp.	31365
Federal Open Market Committee;	
domestic policy directive	31365

FISH AND WILDLIFE SERVICE

Rules

Hunting:

Benton Lake National Wildlife	
Refuge; Montana	31326
Depredating scrub jays and steller's jays; order permitting killing in designated areas	31325
Des Lacs National Wildlife Refuge; North Dakota	31327
Lostwood National Wildlife Refuge; North Dakota (2 documents)	31327
Monte Vista National Wildlife Refuge; Colorado (2 documents)	31327, 31328
Pathfinder National Wildlife Refuge; Wyoming (2 documents)	31328

FOOD AND DRUG ADMINISTRATION

Rules

Food additives; alkylene oxide adducts of alkyl alcohols and phosphate esters mixture; correction	31309
Fruit jelly and preserves; revised standards	31304

Proposed Rules

Identity standards: frozen desert (correction)	31329
--	-------

FOREST SERVICE

Rules

National Forest System lands; use of surface under mining laws	31317
--	-------

Notices

Environmental statements:	
Superior National Forest	31350
Umatilla National Forest (2 documents)	31350, 31351

GENERAL SERVICES ADMINISTRATION

Rules

Patents; licensing of government-owned inventions; royalties and litigation; correction	31322
---	-------

Notices

Meeting:

Public Advisory Panel on Architectural and Engineering Services for the Office of Operating Programs	31365
--	-------

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Child Development Office; Food and Drug Administration; National Institutes of Health; Social and Rehabilitation Service.

Notices

Statements of organization and functions:	
Office of Manpower	31354
Office of Planning and Evaluation	31355

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Assistant Secretary for Housing Production and Mortgage Credit; Federal Insurance Administration; Interstate Land Sales Registration Office.

Rules

Public housing; prototype cost limits	31309
---------------------------------------	-------

Notices

Assistant Secretary for Administration; delegation of authority	31356
Office of General Counsel; designation and redelegation of authority	31356

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

Notices

Doris Coal Co.; renewal permit for noncompliance; opportunity for hearing	31366
---	-------

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

Notices

Statements of changes in financial interests:

Collins, H.	31348
Davis, W. A.	31348
Dryer, E. D.	31348
Glass, E.	31348
Gregg, D. B.	31348
Guthrie, B. M.	31348
Hall, E.	31348
Henne, W.	31348
Hulsey, B. C.	31348
James, E. W.	31349
Jones, A. P.	31349
Kline, J. H.	31349
Love, C. O.	31349
Marchetti, R. J.	31349
McMahon, J. A.	31349
Petersen, F. L.	31349
Shepperd, S. R.	31349
Simonds, W. B.	31349
Spencer, K. E.	31349
Timme, E. F.	31350
Treffinger, F. M.	31350
Vogel, J. R.	31350
Whitmire, C. N.	31350
Winfrey, R.	31350

INTERSTATE COMMERCE COMMISSION

Rules

Car service; Burlington Northern Inc.	31325
---------------------------------------	-------

Proposed Rules

XF Boxcars; incentive per diem charges	31331
--	-------

Notices

Assignment of hearings	31369
Extension of credit; administrative ruling	31369
Fourth section applications for relief	31370
Irregular route motor common carriers of property; elimination of gateway letter notices	31376

Motor carriers:

Alternate route deviation notices (2 documents)	31371
Applications and certain other proceedings	31372
Board transfer proceedings	31375
Intrastate applications	31369
Raymond R. Manion; statement of changes in financial interests	31390

INTERSTATE LAND SALES REGISTRATION OFFICE

Notices

Yogi Bear's Jellystone Park Camp Resort, et al.; hearing	31356
--	-------

LABOR DEPARTMENT

See Wage and Hour Division.

LAND MANAGEMENT BUREAU

Notices

Applications, etc.; New Mexico (5 documents)	31347
Meetings:	
Roseburg District Advisory Board	31348

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests	31366
--	-------

NATIONAL BUREAU OF STANDARDS

Notices

Information processing standards:	
Bibliographic interchange on magnetic tape	31353
Subsets of standard code for information interchange (FIPS 15)	31353

NATIONAL CREDIT UNION ADMINISTRATION

Rules

Security devices; minimum standards	31302
-------------------------------------	-------

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

New pneumatic tires for passenger cars; revised standard	31322
--	-------

NATIONAL INSTITUTES OF HEALTH

Notices

Meetings:

Division of Research Grants, Tropical Medicine and Parasitology Study Section	31354
---	-------

NAVY DEPARTMENT

Notices

Navy Resale System Advisory Committee; annual report	31346
--	-------

RURAL ELECTRIFICATION ADMINISTRATION

Notices

Environmental statement:	
Colorado-Ute Electric Association, Inc.	31351

CONTENTS

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:

Continental Vending Machine Corp	31366
Franklin National Bank	31367
Franklin New York Corp	31367
Georgia Power Co	31367

SMALL BUSINESS ADMINISTRATION

Rules

Definition of small business for purpose of Government procurements for dredging	31302
--	-------

Notices

Authority delegation; Senior Surety Bond Specialist	31368
First Cumberland Investments, Inc.; surrender of license	31368

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

Notices

Meetings; Census Advisory Committee of the American Statistical Association	31354
---	-------

SOCIAL AND REHABILITATION SERVICE

Rules

Eligibility of supplemental security income beneficiaries for food stamps or surplus commodities; postponement of effective date	31322
--	-------

STATE DEPARTMENT

See also Agency for International Development.

Notices

Deputy Under Secretary for Management; delegation of authority	31334
--	-------

TELECOMMUNICATIONS POLICY OFFICE

Notices

Meeting; Frequency Management Advisory Council	31368
--	-------

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Alcohol, Tobacco and Firearms Bureau.

WAGE AND HOUR DIVISION

Rules

Agriculture industry in Puerto Rico; wage order	31316
---	-------

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

5 CFR

213 (3 documents)	31287
-------------------	-------

7 CFR

722	31287
1049	31288
1068	31300

12 CFR

544	31301
545	31301
748	31302

13 CFR

121	31302
-----	-------

14 CFR

39 (4 documents)	31302-31304
------------------	-------------

PROPOSED RULES:

71	31329
----	-------

21 CFR

29	31304
121	31309

PROPOSED RULES:

20	31329
----	-------

24 CFR

275	31309
1914 (2 documents)	31310, 31311
1915	31311

29 CFR

727	31316
-----	-------

36 CFR

251	31317
252	31317
293	31321

40 CFR

52	31321
----	-------

PROPOSED RULES:

35	31500
52	31329
432	31486

41 CFR

101-4	31322
-------	-------

45 CFR

205	31322
-----	-------

PROPOSED RULES:

1340	31508
------	-------

47 CFR

0	31322
---	-------

PROPOSED RULES:

73 (2 documents)	31330, 31331
76	31331
89	31331
91	31331
93	31331

49 CFR

571	31322
1033	31325

PROPOSED RULES:

1036	31331
------	-------

50 CFR

21	31325
32 (8 documents)	31326-31328

reminders

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

Rules Going into Effect Today

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

Next Week's Deadlines for Comments on Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—
Almonds grown in California; salable and reserve percentage for 1974-75 crop year; comments by 9-3-74..... 29923; 8-19-74

Forest Service—

Beaver Creek Unit; draft environmental statement; availability; comments by 9-2-74..... 25524; 7-11-74

Packers and Stockyards Administration—
Meat and meat products; purchasers to pay promptly; comments by 9-6-74..... 24913; 7-8-74

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

Basic educational opportunity grant program; expected family contribution for 1975-76 academic year; comments by 9-3-74..... 24481; 7-2-74

Food and Drug Administration—

Sunlamps and medical ultraviolet lamps; applicability of requirements; comments by 9-6-74..... 24913; 7-8-74

Labeling of animal drugs; misbranding; comments by 9-3-74.

Social Security Administration—

Federal old-age, survivors, and disability insurance; waiver of overpayments and liability of certifying officers; comments by 9-4-74..... 28162; 8-5-74

ENVIRONMENTAL PROTECTION AGENCY

Air quality compliance schedules for Pa.; comments by 9-3-74..... 27809; 8-1-74

Colorado River System; salinity control policy and standards procedures; comments by 9-3-74..... 26299; 7-18-74

First published at..... 2703; 6-13-74; 24517; 7-3-74

Florida; compliance schedules; approval and promulgation of implementation plans; comments by 9-4-74..... 28164; 8-5-74

Letter contracts and forms; comments by 9-3-74..... 27918; 8-2-74

Vehicle emission controls; review of indirect sources in Nevada; comments by 9-3-74..... 27811; 8-1-74

FEDERAL POWER COMMISSION

Wholesale rate schedules; fuel adjustment clause; comments by 9-5-74..... 28911; 8-12-74

FEDERAL RESERVE SYSTEM

Bank holding companies; nonbanking activities; comments by 9-6-74..... 28536; 8-8-74

INTERIOR DEPARTMENT

Geological Survey—

Gulf of Mexico; production measurement and commingling; comments by 9-3-74..... 24666; 7-5-74

JUSTICE DEPARTMENT

Drug Enforcement Administration—
Narcotic treatment program; regulatory control regarding registration, security, and recordkeeping; comments by 9-3-74..... 26424; 7-19-74

PIPELINE SAFETY OFFICE

Recommendations made by the National Transportation Safety Board; advance notice of proposed rulemaking; comments by 9-2-74..... 24027; 6-28-74

TRANSPORTATION DEPARTMENT

Coast Guard—

AIWW Mile 342, Lauderdale-by-the-Sea, Fla.; drawbridge operation regulations; comments by 9-6-74..... 28439; 8-7-74

Vinyl chloride; carriage requirements; comments by 9-6-74..... 26752; 7-23-74

Federal Aviation Administration—

Dover, Delaware, alteration of transition area; comments by 9-6-74..... 28441; 8-7-74

Fabrication Inspection Systems; aircraft parts manufacturer approvals; comments by 9-2-74..... 24236; 7-1-74

Savannah, Georgia; alteration of control zone and transition area; comments by 9-6-74..... 28440; 8-7-74

Washington, DC; alteration of control zone; comments by 9-6-74..... 28440; 8-7-74

Federal Railroad Administration—

Locomotive inspections; petition for waiver of 30-day requirement; comments by 9-3-74..... 28163; 8-5-74

TREASURY DEPARTMENT

Customs Service—

Articles conditionally free, subject to reduced rate, etc.; partial exemption from duty; comments by 9-3-74..... 24651; 7-5-74

Internal Revenue Service

Private foundations; administration of excise taxes; comments and outlines by 9-3-74..... 29189; 8-14-74

Next Week's Meetings

ACTION

National Voluntary Service Advisory Council; to be held in Washington, D.C. (open) 9-6-74..... 30184; 8-21-74

AGRICULTURE DEPARTMENT

Forest Service—

Okanogan National Forest Grazing Advisory Board; to be held at Okanogan, Washington (open) 9-5-74..... 29209; 8-14-74

ATOMIC ENERGY COMMISSION

Advisory Committee on Reactor Safeguards; to be held in New Jersey and New Hampshire (open with restrictions) 9-6-74..... 30185; 8-21-74

CIVIL RIGHTS COMMISSION

Massachusetts State Advisory Committee; to be held at Springfield, Massachusetts (open with restrictions) 9-5-74..... 29044; 8-13-74
Montana State Advisory Committee; to be held at Helena, Montana (open with restrictions) 9-6-74..... 29044; 8-13-74

CIVIL SERVICE COMMISSION

Federal Employees Pay Council; to be held at Washington, D.C. (closed) 9-4-74..... 29043; 8-13-74

COMMERCE DEPARTMENT

Office of the Secretary—

CTAB Panel on Project Independence Blueprint; to be held at Washington, D.C. (open with restrictions) 9-3 to 9-6-74..... 28551; 8-8-74

ENVIRONMENTAL PROTECTION AGENCY

National Air Pollution Control Techniques Advisory Council; to be held at Arlington, Virginia (open) 9-4 and 9-5-74..... 28316; 8-6-74

FEDERAL COMMUNICATIONS COMMISSION

Cable Television Technical Advisory Committee (CTAC) Panel 7 (Interface Compatibility); to be held in Washington, D.C., 9-6-74..... 30195; 8-21-74

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

National Institutes of Health—

Study sections; to be held at Bethesda, Maryland, and Essington, Pennsylvania (open with restrictions); 9-4 thru 9-8-74..... 28922; 8-12-74

Social Security Administration

Advisory Council on Social Security; to be held at Washington, D.C. (open); 9-4-74..... 29949; 8-19-74

REMINDERS—Continued

INTERIOR DEPARTMENT

Land Management Bureau

National Advisory Board Council; to be held at Grand Junction, Colorado (open), 9-5 thru 9-7-74.

28294; 8-6-74

Office of the Secretary

Committee on Emergency Preparedness National Petroleum Council; to be held at Dallas, Texas (open with restrictions); 9-3-74.. 29207; 8-14-74

NATIONAL CREDIT UNION

ADMINISTRATION

National Credit Union Board; to be held at Washington, D.C. (open with restrictions); 9-5 and 9-6-74.. 29237; 8-14-74

SECURITIES AND EXCHANGE COMMISSION

SEC Report Coordinating Group (Advisory); to be held at Washington, D.C. (open with restrictions); 9-4-74. 29241; 8-14-74

Next Week's Public Hearings

CIVIL AERONAUTICS BOARD

Frontier Airlines, Inc.; deletion of Stillwater, Oklahoma, to be held in Stillwater, Oklahoma, on 9-4-74.

29043; 8-13-74

LABOR DEPARTMENT

Occupational Safety and Health Administration—

Guarding of agricultural equipment; to be held at Oklahoma City, Oklahoma; 9-4-74.. 27708; 7-31-74

Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 2296..... Pub. Law 93-378
Forest and Rangeland Renewable Resources Planning Act of 1974
(Aug. 17, 1974; 88 Stat. 476)

S. 3066..... Pub. Law 93-383
Housing and Community Development Act of 1974
(Aug. 22, 1974; 88 Stat. 633)

S. 3669..... Pub. Law 93-377
Atomic Energy Act of 1954, Atomic Weapons Rewards Act of 1955, amendments
(Aug. 17, 1974; 88 Stat. 472)

H.R. 69..... Pub. Law 93-380
Education Amendments of 1974
(Aug. 21, 1974; 88 Stat. 484)

H.R. 12832..... Pub. Law 93-379
The D.C. Law Revision Commission Act
(Aug. 21, 1974; 88 Stat. 480)

H.R. 15544..... Pub. Law 93-381
Treasury, Postal Service, and General Government Appropriation Act, 1975
(Aug. 21, 1974; 88 Stat. 613)

H.J. Res. 1105..... Pub. Law 93-382
Women's Equality Day, designation
(Aug. 22, 1974; 88 Stat. 633)

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

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 August.

3 CFR	Page	7 CFR—Continued	Page	10 CFR—Continued	Page
PROCLAMATIONS:				RULINGS:	
2914 (See EO 11796)	27891	927	29170	1974-24	28973
4074 (See EO 11796)	27891	945	28531		
4305	27889	947	30341, 30477, 30825	PROPOSED RULES:	
4306	28413	948	27807	20	30164
4307	28605	958	30033	50	28164
4308	30333	993	30342	211	28862, 28863, 29601, 30504, 30506
4309	30819	1001	30925	212	28646, 30505
		1002	30925		
EXECUTIVE ORDERS:		1004	30925	12 CFR	
3406 (Revoked in part by PLO 5430)	27798	1015	30926	7	28974
6116 (Revoked in part by PLO 5429)	27904	1030	29171	9	28144
11322 (See EO 11796)	27891	1033	30926	11	28974
11419 (See EO 11796)	27891	1036	30926	18	29874, 30346
11533 (See EO 11796, 11798)	27891, 29567	1040	30926	206	29916
11554 (Amended by EO 11799)	30101	1049	31288	208	29916
11683 (See EO 11796)	27891	1068	31300	250	28975
11796	27891	1131	29171	265	28517, 30829
(Revoked by E.O. 11798)	29567	1421	29581, 30344, 30825	332	29178
11797	27893	1425	28973	337	29178
11798	29567	1446	27807, 30106	544	28609, 31301
11799	30101	1464	30477	545	27898, 28609, 29339, 31301
11800	30103	1804	28870, 30344	563	28610, 29340
11801	30335	1808	28871	564	29340
		1823	30826	570	28610
		1845	29581, 30478	611	29583
		2400	30916	612	29584
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:				614	29584
Memorandum of August 14, 1974	30473	PROPOSED RULES:		615	29585
		68	27914, 28896, 30357	617	29586
		271	30151	618	29587
		610	30934	721	30107
		651	29376	748	31302
		722	29375		
		910	30047, 30105	PROPOSED RULES:	
		925	30495	201	30508
		926	29600, 30047	225	28536
		927	30047	545	29203, 29938
		931	28291	563	29937, 29938
		946	28162	584	29203
		947	27916, 28162		
		958	28291	13 CFR	
		981	29923	108	28419
		991	30495	121	30344, 31302
		1040	29574, 30357	305	30107
		1068	29923	PROPOSED RULES	
		1427	29375	121	30956
		1701	28997, 29600		
				14 CFR	
4 CFR		8 CFR		39	27794, 27795, 27898, 27899, 28146, 28229, 28419, 28518, 28611, 28612, 28975, 29587, 29917, 30108, 30109, 30478-30481, 30926, 30927, 31302-31304
407	28869	PROPOSED RULES		71	27899, 27900, 28147, 28419, 28518, 28612, 28976, 28977, 29340, 29341, 29587, 29588, 30034, 30110, 30111, 30345, 30346, 30839, 30927, 30928
PROPOSED RULES:		108	28439	73	28519, 30111
331	28645	212	28996	75	28147, 28420, 29341, 30928
		245	28439	95	28613
		287	28641	97	28520, 29172, 30841
		299	28439	121	29341, 29917
				127	29341
5 CFR		9 CFR		139	29342
213	27794, 28607, 28973, 29659, 30105, 30337, 31287	2	28143	199	30481
		73	28515, 29915	213	30842
		78	30106	288	28147, 28148, 28230, 29345, 29588
		97	29172, 30033	372a	29345
		112	29915	378a	27900
		113	29915	385	28871, 30034
		317	28516	389	30034
		318	28516, 30826	399	28148
		381	28516, 30826	1221	28232
		PROPOSED RULES:			
		201	30151		
6 CFR		10 CFR			
601	28275	9	30033		
		211	27910, 28862, 28863, 30478		
		212	28608, 30828		
7 CFR					
2	28531				
24	30912				
29	30475				
215	28415				
245	30337				
250	29569, 30105				
722	28973, 29570, 30340, 31287				
724	30821				
725	30822				
726	30823				
871	27895, 30033				
876	29167				
891	28869				
908	27805, 28531, 29339, 30340				
910	27897, 28639, 29573, 30476				
915	28640, 30105				
916	27806				
917	28277, 29169, 30477				
919	30033				
921	27806				
922	27806				
923	30824				
924	28143				
926	28870				

FEDERAL REGISTER

14 CFR—Continued

PROPOSED RULES:

21	29189
39	27809, 28534
43	29189
45	29189
65	29189
71	27918,
	28163, 28440, 28441, 28644, 28905,
	29194, 29195, 29379, 30164, 30359,
	30846, 31329
91	29189
207	28291
208	28291
212	28291
214	28291
217	28291
221	29199
241	28291
249	28291
288	30360
293	27809
298	27809
369	28291
389	28291

15 CFR

376	28872, 30928
377	28872, 30111
Ch. X	30481
1000	30481
1020	30481
1025	30481
1030	30481
1035	30481
1040	30481
1050	30481

PROPOSED RULES:

923	30153
-----	-------

16 CFR

1	29588
4	29588
13	28978, 28979
1500	30112

PROPOSED RULES:

233	30168
301	29940
436	30360
438	29385, 30956
439	28292
1015	30298

17 CFR

1	28618, 29351
50	29588
231	28520
240	27909, 30482
249	30482
271	28520

PROPOSED RULES:

1	29923, 30357
210	28647
231	30051
240	28537, 28995, 30506
249	30506
250	27811
271	30051

18 CFR

2	28872
---	-------

PROPOSED RULES:

2	29384, 29938
35	28910
157	29938

19 CFR

1	28420
6	27900
141	28420
159	29173

PROPOSED RULES:

1	28996
24	30934
141	28534

20 CFR

208	28621
210	28621
405	27795, 28622, 30935
416	28149, 28625, 28873, 29588, 30483
602	29918

PROPOSED RULES:

404	28162
405	27795, 28622, 30935

21 CFR

Ch. I	30114
1	28278
2	30829
8	28278, 28421
29	31304
51	30346
121	28627,
	28875, 28876, 30035, 30484, 31309
135	28150
135a	28150
135c	28151, 30484
310	27795, 30830
314	27795
610	27795
700	30830
1308	27900, 30830

PROPOSED RULES:

1	28291, 30844
20	31329
100	28291
102	28291
121	28383, 28899
135	28393
135e	28382
135q	28382
144	28382
314	30844
610	27916
1401	30426

22 CFR

PROPOSED RULES:

41	28995
42	27914

23 CFR

1	28628
140	28876
630	29173
650	29174, 29589
655	30346
656	28628
660	30930
665	30930
712	28629, 29590
750	28629, 30346, 30347

24 CFR

20	30920
42	28151
135	29594
200	29351
201	29918
203	29352
207	29353
220	29353
232	28966, 30349
275	27797, 31309

24 CFR—Continued

1914	28152-28154,
	28422, 28423, 28532, 28533, 29176,
	29595, 29596, 30035-30037, 31310,
	31311

1915	28235,
	28240, 28247, 28424, 28887, 30118,
	31311

2205	28212
------	-------

PROPOSED RULES:

1710	30941
------	-------

25 CFR

33	30114
----	-------

PROPOSED RULES:

221	29923
233	29372

26 CFR

1	28278, 29353, 30931
20	29597
301	28278, 29353

PROPOSED RULES:

53	29189
----	-------

27 CFR

PROPOSED RULES:

7	27812, 30495
---	--------------

28 CFR

0	28154
11	29594

29 CFR

97	28400, 30906
522	29180
694	29353
700	28877
727	31316
1601	30832
1602	30832
1910	28878
1952	28154, 29181
1954	29181

PROPOSED RULES:

541	29603
613	30941
675	30941
673	30941
675	30941
678	30941
720	30941
1910	30844
1928	27916
1999	28997

30 CFR

55	28433
56	28433
57	28434
100	29354

31 CFR

202	30832
515	28434, 29182

32 CFR

155	28521
-----	-------

33 CFR

117	27901, 28434
127	29354
151	30125
341	29540
401	27797

PROPOSED RULES:

117	28439
-----	-------

FEDERAL REGISTER

34 CFR	Page	41 CFR—Continued	Page	47 CFR—Continued	Page
282	29355	PROPOSED RULES:		93	28885, 29187, 29369
36 CFR		3-3	28900	95	28160
7	30332	3-7	28900	PROPOSED RULES:	
211	30916	41 CFR—Continued	Page	1	30016
251	31317	PROPOSED RULES—Continued		2	28165, 28167
252	31317	15-3	27918	13	30016
291	30037	15-16	27918	15	28172
293	31321	42 CFR		63	29008, 29936
601	28279	52a	27902	73	28444,
37 CFR		57	28730, 30484		28535, 29008, 29201, 29384, 29937,
PROPOSED RULES:		PROPOSED RULES:			30050, 30167, 30497, 30498, 30955,
1	28439, 30358	51a	30030		31330, 31331
38 CFR		Ch. 1	30426	76	28447, 29200, 30498, 31331
1	29175	43 CFR		89	28169, 31331
3	28527, 28630, 30349	3100	30352	91	28167, 31331
21	28630	PUBLIC LAND ORDERS:		93	28167, 31331
36	30037	5405 (Corrected and amended		95	28165, 28167
PROPOSED RULES:		by PLO 5431)	27798	49 CFR	
3	28537	5414 (Amended by PLO 5432)	27905	1	30352
14	28651	5429	27904	171	30135
21	30058	5430	27798	393	28289
39 CFR		5431	27798	570	28980
22	30349	5432	27905	571	28161,
232	30116	45 CFR			24836, 28437, 28636, 28980, 29369,
PROPOSED RULES:		5	28630, 29361		30353, 31322
111	28995	103	29361	576	30045
40 CFR		149	30041	1033	27804, 31325
21	29692	220	27799	1085	27804
52	27797,	205	27905, 31322	1100	30046
	28155, 28284, 28285, 28528, 28645,	249	27905	1115	30135
	28646, 28879, 29177, 29357, 29940,	250	28288	1300	30146
	30038, 30127, 30349, 30352, 30833,	1068	28529	1305	30147
	30834, 30942, 31321	1302	27907	1307	30147
180	28286, 28287, 28977, 29177, 29178,	PROPOSED RULES:		1308	30149
	29359, 29360	16	29931	1322	29188
240	29328	17	28643	PROPOSED RULES:	
241	29328	46	30648	170	30941
410	30134	126	28997	171	30941
PROPOSED RULES:		151	29929	172	30941
35	31500	153	29318	173	28906, 30941
52	27809,	205	29935	174	29197, 30941
	27811, 28164, 28292, 28535, 28906,	233	30495	175	30941
	28984-28994, 29380, 29940, 30049,	248	30495	176	30941
	30166, 30167, 30440, 30496, 31329	1340	31508	177	30941
116	30466	46 CFR		178	28906
120	28165	50	30838	230	28163
180	29383, 29601	54	30839	232	28441
415	28536	56	30839	390	29195
426	30272	61	30839	391	29195
428	30632	309	30487	392	29195
429	30892	546	28160	393	29195
432	31486	PROPOSED RULES:		395	29195
41 CFR		32	30845	396	29195
1-1	28437, 30484	111	30845	571	29198, 29600, 30048
1-3	28437, 30484	502	30955	575	28644
5A-1	30038	536	30956	576	30048
5A-8	28880	47 CFR		581	29380
5A-72	28287	0	27799, 28435, 30932, 31322	1036	31331
9-51	29594	1	29365, 29919	50 CFR	
15-1	30835	2	27799, 28160, 28883, 29368	21	31325
60-5	28438	13	29368	28	30149
101-4	28288, 31322	21	29368, 29369	32	28289,
101-25	30117, 30932	43	29919		28290, 28529, 28530, 28886, 28981-
101-27	27902	73	28613, 29183, 29184, 30932		28983, 29188, 29370, 29371, 29597-
101-38	27798	76	29185		29599, 29919-29922, 30149, 30150,
101-39	30117	81	30045		30355, 30489-30493, 30933, 31326-
114-40	29361	89	28884, 29187, 29368, 29369		31328
114-43	29361	91	28884, 29187, 29368	33	27805, 29599

FEDERAL REGISTER

FEDERAL REGISTER PAGES AND DATES—AUGUST

<i>Pages</i>	<i>Date</i>	<i>Pages</i>	<i>Date</i>
27787-27888-----	Aug. 1	29339-29565-----	Aug. 15
27889-28142-----	2	29597-29913-----	16
28143-28227-----	5	29915-30032-----	19
28229-28411-----	6	30033-30100-----	20
28413-28513-----	7	30101-30331-----	21
28515-28604-----	8	30333-30471-----	22
28605-28867-----	9	30473-30818-----	23
28869-28971-----	12	30819-30923-----	26
28973-29166-----	13	30925-31285-----	27
29167-29338-----	14	31287-31512-----	28

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to reflect the following title change from: Secretary to the Secretary to Confidential Assistant to the Secretary.

Effective on August 28, 1974, § 213.3305 (a) (13) is amended and § 213.3305 (a) (55) is added as set out below.

§ 213.3305 Department of the Treasury.

- (a) *Office of the Secretary* * * *
- (13) Two Secretaries to the Secretary.

(55) One Confidential Assistant to the Secretary.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant
to the Commissioner.*

[FR Doc. 74-19889 Filed 8-27-74; 8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Deputy Assistant Administrator, Management and Administration is excepted under Schedule C.

Effective on August 28, 1974 § 213.3388- (h) is added as set out below.

§ 213.3388 Federal Energy Administration.

(h) *Office of the Assistant Administrator for Management and Administration.*

(1) Deputy Assistant Administrator.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant
to the Commissioners.*

[FR Doc. 74-19888 Filed 8-27-74; 8:45 am]

PART 213—EXCEPTED SERVICE

Miscellaneous Revocations

Subpart C of Part 213 is amended to show that under the provisions of § 213.3101b, 20 positions are no longer excepted under Schedule C.

Effective on August 28, 1974, Subpart C of Part 213 is amended as set out below.

§ 213.3306 Department of Defense.

- (a) *Office of the Secretary.* * * *
- (52) [Revoked]

§ 213.3310 Department of Justice.

- (a) *Office of the Attorney General.* * * *

(6) One Receptionist for the Attorney General.

- (r) *Community Relations Service.* * * *
- (2) [Revoked]

§ 213.3312 Department of the Interior.

- (a) *Office of the Secretary.* * * *
- (27) [Revoked]

- (40) [Revoked]

§ 213.3313 Department of Agriculture.

- (k) *Soil Conservation Service.* * * *
- (3) [Revoked]

§ 213.3314 Department of Commerce.

- (d) *Bureau of the Census.* * * *
- (5) [Revoked]

§ 213.3315 Department of Labor.

- (a) *Office of the Secretary.* * * *
- (22) Three Special Assistants to the Assistant Secretary for Occupational Safety and Health Administration.

- (38) [Revoked]

§ 213.3316 Department of Health, Education, and Welfare.

- (a) *Office of the Secretary.* * * *
- (10) [Revoked]

§ 213.3318 Environmental Protection Agency.

- (a) *Office of the Administrator.* (1) Seven Special Assistants to the Administrator.

- (3) [Revoked]

§ 213.3337 General Services Administration.

- (a) *Office of the Administrator.* * * *

(6) Seven Confidential Assistants to the Administrator.

- (f) *Property Management and Disposal Service.* * * *
- (2) [Revoked]

(h) *Automated Data and Telecommunications Service.* (1) One Confidential Assistant to the Commissioner.

§ 213.3346 Selective Service System.

- (f) [Revoked]

- (h) [Revoked]

§ 213.3359 Action.

- (o) [Revoked]

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant
to the Commissioners.*

[FR Doc. 74-19890 Filed 8-27-74; 8:45 am]

Title 7—Agriculture

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—Upland Cotton Program for 1974 and Succeeding Crops

Correction

In FR Doc. 74-18929, appearing at page 29570, in the issue for Friday, August 16, 1974, the following changes should be made:

1. On page 29570, the first paragraph, last line now reading, "93-76, 87 Stat. 233)." should read, "93-86, 87 Stat. 233)."

2. In § 722.801(b) the first line, third word reading, "opeartor" should read, "operator".

3. In § 722.802(c), the third line reference now reading, "section 16(c)", should read, "section 16(e)".

4. In § 722.809(k), the eleventh line, the last word reading, "acreage", should read, "average".

5. On page 29572, third column, twenty-first line, second word reading, "or", should read, "of".

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 49; Docket No. AO-319-A23]

PART 1049—MILK IN THE INDIANA MARKETING AREA

Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

a. *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Indiana marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

1. The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

2. The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

3. The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

4. All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

5. It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1049.85.

b. *Determinations.* It is hereby determined that:

1. The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

2. The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

3. The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Indiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.	
1049.1	General provisions.
	DEFINITIONS
1049.2	Indiana marketing area.
1049.3	Route disposition.
1049.4	[Reserved]
1049.5	Distributing plant.
1049.6	Supply plant.
1049.7	Pool plant.
1049.8	Nonpool plant.
1049.9	Handler.
1049.10	Producer-handler.
1049.11	[Reserved]
1049.12	Producer.
1049.13	Producer milk.
1049.14	Other source milk.
1049.15	Fluid milk product.
1049.16	Fluid cream product.
1049.17	Filled milk.
1049.18	Cooperative association.

HANDLER REPORTS

1049.30	Reports of receipts and utilization.
1049.31	Payroll reports.
1049.32	Other reports.

CLASSIFICATION OF MILK

1049.40	Classes of utilization.
1049.41	Shrinkage.
1049.42	Classification of transfers and diversions.
1049.43	General classification rules.
1049.44	Classification of producer milk.
1049.45	Market administrator's reports and announcements concerning classification.

CLASS PRICES

1049.50	Class prices.
1049.51	Basic formula price.
1049.52	Plant location adjustments for handlers.
1049.53	Announcement of class prices.
1049.54	Equivalent price.

UNIFORM PRICE

1049.60	Handler's value of milk for computing uniform price.
1049.61	Computation of uniform price (including weighted average price).
1049.62	Announcement of uniform price and butterfat differential.

PAYMENTS FOR MILK

Sec.	
1049.70	Producer-settlement fund.
1049.71	Payments to the producer-settlement fund.
1049.72	Payments from the producer-settlement fund.
1049.73	Payments to producers and to cooperative associations.
1049.74	Butterfat differential.
1049.75	Plant location adjustments for producers and on nonpool milk.
1049.76	Payments by handler operating a partially regulated distributing plant.
1049.77	Adjustment of accounts.
1049.78	Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1049.85	Assessment for order administration.
1049.86	Deduction for marketing services.

ADVERTISING AND PROMOTION PROGRAM

1049.110	Agency.
1049.111	Composition of the Agency.
1049.112	Term of office.
1049.113	Selection of Agency members.
1049.114	Agency operating procedure.
1049.115	Powers of the Agency.
1049.116	Duties of the Agency.
1049.117	Advertising, research, education, and promotion program.
1049.118	Limitation of expenditures by the Agency.
1049.119	Personal liability.
1049.120	Procedure for requesting refunds.
1049.121	Duties of the market administrator.
1049.122	Liquidation.

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

GENERAL PROVISIONS

§ 1049.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1049.2 Indiana marketing area.

"Indiana marketing area" (hereinafter referred to as the "marketing area") means all the territory within the boundaries of each of the Indiana counties listed below, including territory wholly or partly within such boundaries occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments:

Adams.	Hendricks.
Allen.	Henry.
Bartholomew.	Howard.
Blackford.	Huntington.
Boone.	Jackson.
Brown.	Jay.
Cass.	Jefferson.
Clay.	Jennings.
Clinton.	Johnson.
Decatur.	Kosciusko.
De Kalb.	Lagrange.
Delaware.	Lake.
Elkhart.	La Porte.
Fayette.	Lawrence.
Fountain.	Madison.
Franklin.	Marion.
Fulton.	Marshall.
Grant.	Miami.
Hamilton.	Monroe.
Hancock.	Montgomery.

Morgan.
Noble.
Owen.
Parke.
Porter.
Putnam.
Randolph.
Ripley.
Rush.
Shelby.
Steuben.
St. Joseph.

Starke.
Switzerland.
Tippecanoe.
Tipton.
Union.
Vermillion.
Vigo.
Wabash.
Warren.
Wayne.
Wells.
Whitley.

§ 1049.3 Route disposition.

"Route disposition" means a delivery (including that custom-packaged for another person, disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I milk other than a delivery in bulk form to any milk or filled milk processing plant.

§ 1049.4 [Reserved]

§ 1049.5 Distributing plant.

"Distributing plant" means a plant approved by any duly constituted health authority for the processing or packaging of milk for fluid consumption in the marketing area and from which there is route disposition during the month in the marketing area.

§ 1049.6 Supply plant.

"Supply plant" means a plant in which some milk approved by any duly constituted health authority for fluid consumption in the marketing area is assembled and shipped in bulk as milk or skim milk to a distributing plant during the month.

§ 1049.7 Pool plant.

Except as provided in paragraph (c) of this section, "pool plant" means:

- (a) A distributing plant with:
 - (1) Total route disposition, exclusive of packaged fluid milk products received from other plants and filled milk, in an amount not less than 50 percent of Grade A milk received at such plant (excluding receipts of milk diverted from another plant pursuant to § 1049.13) during the month from dairy farmers, supply plants, and handlers pursuant to § 1049.9(c), except that a plant meeting such percentage requirement for the preceding month may remain qualified under this subparagraph in the current month; and
 - (2) Route disposition within the marketing area during the month of at least 10 percent of such receipts, such route disposition to be exclusive of packaged fluid milk products received from other plants and filled milk: *Provided*, That any plant meeting the requirements of this paragraph in each of the months of September through May, inclusive, shall continue to have pool plant status in the months of June, July, and August, immediately following if there is route disposition, except filled milk, from the plant in the marketing area during such month.
- (b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers and han-

dlers pursuant to § 1049.9(c) at such plant during the month is shipped to plants qualifying for the month pursuant to paragraph (a) of this section. A plant qualified pursuant to this paragraph in each of the immediately preceding months of September through February shall remain so qualified for the months of April through August unless written application is filed with the market administrator on or before the first day of any such month to designate such plant as a nonpool plant for such month and for each subsequent month through August during which it would otherwise not qualify under this paragraph.

(c) The term "pool plant" shall not apply to the following plants:

- (1) A producer-handler plant;
- (2) A distributing plant from which the Secretary determines there is a greater proportion of route disposition (except filled milk) in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to regulation of such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which it has a greater proportion of its route disposition (except filled milk) in such other marketing area, unless, notwithstanding the provisions of this subparagraph, it is regulated by such other order;
- (3) A distributing plant which meets the requirements of paragraph (a) of this section which also meets the requirements of another order on the basis of its route disposition in such other marketing area and from which the Secretary determines there is a greater quantity of route disposition (except filled milk) during the month in this marketing area but which plant is nevertheless fully regulated under such other order;
- (4) A supply plant which during the month is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to paragraph (b) of this section and a greater volume of fluid milk products (except filled milk) is moved to pool distributing plants qualified on the basis of route disposition in this marketing area; and
- (5) That portion of a plant that is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition.

§ 1049.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

- (a) "Other order plant" means a plant that is fully subject to the pricing and

pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool supply plant that is not an other order plant or a producer-handler plant, from which fluid milk products are shipped during the month to a pool plant.

§ 1049.9 Handler.

"Handler" means:

- (a) Any person in his capacity as the operator of a pool plant;
- (b) Any cooperative association with respect to producer milk diverted for the account of such association pursuant to § 1049.13;
- (c) Any cooperative association with respect to milk it receives for its account from the farm of a producer in a tank truck owned and operated by, or under the control of, such association, for delivery to a pool plant operated by another person, unless both the cooperative association and the operator of the pool plant notify the market administrator that the plant operator will be responsible for payment for the milk and is purchasing the milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered.

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler; or

(f) Any person who operates an other order plant described in § 1049.7(c).

§ 1049.10 Producer-handler.

"Producer-handler" means a person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants, and no milk products other than fluid milk products for reconstitution into fluid milk products: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources used in his own farm production and the operation of the processing and distributing business are at the personal enterprise and risk of such person.

§ 1049.11 [Reserved]

§ 1049.12 Producer.

- (a) Except as provided in paragraph (b) of this section, "producer" means any

person who, in compliance with Grade A inspection requirements of a duly constituted health authority, produces milk for distribution as fluid milk products within the marketing area or produces milk acceptable for fluid consumption at Federal, State or municipal institutions, which milk is received at a pool plant, diverted pursuant to § 1049.13, or received by a handler pursuant to § 1049.9(c).

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1049.44(a)(3)(iii) and the corresponding step of § 1049.44(b); and

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1049.13 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk of any producer which is:

(a) Received during the month at one or more pool plants or by a handler pursuant to § 1049.9(c) (milk may be diverted during the month by a handler from a pool distributing plant to another pool plant(s) for not more days of production of producer milk than is physically received at the diverting pool plant).

(b) Received at a pool plant at least one day during the month from such producer or from a handler pursuant to § 1049.9(c) and then diverted by the operator of a pool plant or by a cooperative association to a nonpool plant that is not a producer-handler plant during the month under any of the following conditions:

(1) During April through August the operator of a pool plant or a cooperative association may divert the milk production of a producer from a pool plant to a nonpool plant on any number of days during the month.

(2) During September through March the milk of a producer diverted by the operator of a pool plant or a cooperative association to a nonpool plant shall be limited to the amounts specified in paragraph (b) (2) (i) and (ii) of this section:

(i) The operator of a pool plant may divert the milk of producers (except producers for whom a cooperative association is diverting milk under the percentage limit of paragraph (b) (2) (ii) of this section) for not more days of production of producer milk than is physically received at the diverting pool plant or he may divert an aggregate quantity not exceeding 40 percent of the milk of all such producers.

(ii) A cooperative association may divert the milk of individual producers for

not more days of production of producer milk than is physically received at a pool plant or it may divert an aggregate quantity of the milk of producers not exceeding 40 percent of all such milk either caused to be delivered to pool plants or diverted to nonpool plants by the cooperative association.

(3) When milk is diverted in excess of the limit by a handler who elects to divert on the basis of days-of-production, only that milk of the individual producer which was received at a pool plant or which was diverted to a nonpool plant for not more days of production than is physically received at a pool plant shall be considered producer milk.

(4) When milk is diverted in excess of the percentage limit by a handler who elects to divert on a percentage basis, eligibility as producer milk shall be forfeited on a quantity of milk equal to such excess. In such instances the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk. If the handler fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to nonpool plants by such handler.

(c) Diverted milk shall be deemed to be received by the handler at the pool plant or nonpool plant to which the milk is diverted, unless diverted to a plant located in any part of the marketing area or to a plant at which no location adjustment would apply pursuant to § 1049.52, in which case such diverted milk shall be deemed to be received at the pool plant from which diverted.

§ 1049.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1049.40(b) (1) from any source other than producers, or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1049.40(b) (1);

(c) Products (other than fluid milk products, products specified in § 1049.40(b) (1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1049.40(b) (1)) for which the handler fails to establish a disposition.

§ 1049.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk

solids, concentrated (if in a consumer-type package), or reconstituted; and

(2) Any milk product not specified in paragraph (a) (1) of this section or in § 1049.40 (b) or (c) (1) (i) through (v) if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1049.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1049.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1049.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members; and

(c) To have all of its activities under the control of its members.

HANDLER REPORTS

§ 1049.30 Reports of receipts and utilization.

On or before the 8th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers pursuant to § 1049.9 (b) or (c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1049.40 (b) (1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1049.9 (b) or (c) shall report:

(1) The quantities of skim milk and butterfat contained in receipts of milk from producers;

(2) The quantities of such receipts delivered to each pool plant of other handlers; and

(3) The classification of such receipts diverted pursuant to § 1049.13.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1049.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1049.9 (a), (b) and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1049.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1049.32 Other reports.

(a) On or before the day prior to diverting milk pursuant to § 1049.13, each handler shall notify the market administrator of his intention to divert such milk, the date or dates of such diver-

sion, and the plant to which such milk is to be diverted.

(b) In addition to the reports required pursuant to paragraph (a) of this section and §§ 1049.30 and 1049.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1049.40 Classes of utilization.

Except as provided in § 1049.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1049.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b) (1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c) (1) (iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk

(plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b) (1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b) (1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b) (1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In fluid milk products and products specified in paragraph (b) (1) of this section that are destroyed or lost by a handler in a vehicular accident, flood, fire, or in a similar occurrence beyond his control, to the extent that the quantities destroyed or lost can be verified from records satisfactory to the market administrator;

(6) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1049.15; and

(7) In shrinkage assigned pursuant to § 1049.41(a) to the receipts specified in § 1049.41(a) (2) and in shrinkage specified in § 1049.41 (b) and (c).

§ 1049.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1049.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (7) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (7) of this section which was received in bulk fluid form;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a) (1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of skim milk and butterfat, respectively, in milk received from a handler pursuant to § 1049.9(c), except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of weights determined from its measurement at the farm and

butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2.0 percent;

(3) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk diverted to such plant from another pool plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(4) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(7) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(8) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraphs (b) (1), (2), (3), (5), (6) and (7) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1049.9 (b) or (c) but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph shall be zero.

§ 1049.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk and butterfat transferred or diverted in the form of a fluid milk product to a pool plant from another pool plant or by a handler pursuant to § 1049.9 (b) or (c) and skim milk and butterfat transferred in the

form of a bulk fluid cream product between pool plants shall be classified as Class I milk unless both parties to each such transfer or diversion request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divortee-plant after the computations pursuant to § 1049.44(a) (12) and the corresponding step of § 1049.44(b);

(2) If the transferor-plant or divortor-plant received during the month other source milk to be allocated pursuant to § 1049.44(a) (7) or the corresponding step of § 1049.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divortor-handler received during the month other source milk to be allocated pursuant to § 1049.44(a) (11) or (12) or the corresponding steps of § 1049.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divortee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b) (3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other

order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1049.40.

(c) *Transfers to producer-handlers.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product; unless the following conditions apply:

(i) If the conditions described in paragraph (d) (2) (i) (a) and (b) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d) (2) (ii) through (viii) of this section;

(a) The transferor-handler or divortor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1049.30 for the month within which such transaction occurred; and

(b) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(b) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(c) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(d) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee plant, shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(b) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(a) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(b) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this

subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

§ 1049.43 General classification rules.

In determining the classification of producer milk pursuant to § 1049.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1049.30 and shall compute separately for each pool plant and each handler pursuant to § 1049.9 (b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1049.40, 1049.41 and 1049.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1049.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1049.44 Classification of producer milk.

For each month the market administrator shall determine for each pool plant the classification of milk received from producers and from handlers pursuant to § 1049.9 (b) or (c) and the classification of milk received from producers by each handler pursuant to § 1049.9 (b) or (c) that was not received at a pool plant, as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1049.41 (b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a) (7) (vi) of this section, as follows:

(i) From Class III milk, the lesser of

the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1049.40 (b) (1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1049.40 (b) (1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1049.40 (b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a) (5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1049.40 (b) (1) that was not subtracted pursuant to paragraph (a) (4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2) and (7) (v) of this section for which the handler requests a classification other than Class I, but not in excess of the

pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2), (7) (v), and (8) (i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a) (8) (ii) (a) through (c) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be the pounds of skim milk remaining in decreased by a like amount. In such case, each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount;

(a) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(b) Subtract from the above result the sum of the pounds of skim milk at all pool plants of the handler in producer milk, receipts of fluid milk products from pool plants of other handlers, from handlers pursuant to § 1049.9(b) and (c), and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a) (7) (vi) of this section; and

(c) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7) (vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1049.40(b) (1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a) (5) and (7) (i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim

milk subtracted pursuant to paragraph (a) (1) of this section;

(11) Subject to the provisions of paragraph (a) (11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2), (7) (v), and (8) (i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7) (vi) and (8) (iii) of this section:

(i) Subject to the provisions of paragraph (a) (12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class

I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(a) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1049.45(a); or

(b) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a) (12) (i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a) (12) (ii) of this section, should the computations pursuant to paragraph (a) (12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a) (12) (ii) of this section, should the computations pursuant to paragraph (a) (12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts from

handlers pursuant to § 1049.9(b) and (c) and in receipts of fluid milk products and bulk fluid cream products from other pool plants according to the classification assigned pursuant to § 1049.42 (a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a) (14) of this section and the corresponding step of paragraph (b) of this section.

§ 1049.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1049.44(a) (12) and the corresponding step of § 1049.44 (b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1049.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 14th day after the end of each month, report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association or its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all pro-

ducer milk received at such plant during the month.

CLASS PRICES

§ 1049.50 Class prices.

Subject to the provisions of § 1049.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.47.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The class III price shall be the basic formula price for the month.

§ 1049.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

§ 1049.52 Plant location adjustments for handlers.

(a) For producer milk which is received at a pool plant located outside the area for which zero location adjustment is specified in paragraph (a) (1) (i) of this section, which milk is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the price computed pursuant to § 1049.50(a) shall be reduced on the basis of the applicable amount or rate for the location of such plant pursuant to paragraph (a) (1) or (2) of this section, respectively. For the purpose of this section and § 1049.75, the distances to be computed shall be on the basis of the shortest hard-surfaced highway distances as determined by the market administrator:

(1) At any plant located within:

Rate of adjustment
per hundredweight
(Cents)

- | | |
|--|----|
| (i) The State of Ohio or any Indiana county not specifically named in subdivisions (ii) through (iv) of this subparagraph..... | 0 |
| (ii) Any of the Indiana counties of: Adams, Allen, Blackford, Cass, Carroll, De Kalb, Huntington, Jay, Lagrange, Miami, Noble, Steuben, Wabash, Wells, White, Whitley..... | 4 |
| (iii) Any of the Indiana counties of: Benton, Elkhart, Fulton, Jasper, Kosciusko, Marshall, Newton, Pulaski, St. Joseph, and Berrien and Cass Counties, Mich..... | 8 |
| (iv) Any of the Indiana counties of: Lake, La Porte, Porter, Starke..... | 12 |

(2) For any plant at a location outside the territory specified in the preceding paragraph (a) (1) of this section, the applicable adjustment rate per hundredweight shall be based on the shortest highway distance between the plant and the nearest of the Monument Circle, Indianapolis, Ind., or the main post offices of Fort Wayne, South Bend, or Valparaiso, Ind., and shall be 1.5 cents for each 10 miles or fraction thereof from such point plus the amount of the location adjustment pursuant to paragraph (a) (1) of this section applicable at the respective point.

(b) For the purpose of calculating adjustments pursuant to this section, transfers between pool plants shall be assigned Class I disposition at the transferor-plant, in excess of the receipts at such plant from producers and handlers pursuant to § 1049.9(b) and (c) and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor-plants at which no location adjustment is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1049.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1049.54 Equivalent price.

If for any reason a price quotation or factor required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price or factor determined by the Secretary to be equivalent to the price or factor which is required.

UNIFORM PRICE

§ 1049.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk for each pool plant of each handler and for each handler pursuant to § 1049.9 (b) and (c) for milk that was not received at a pool plant as follows:

(a) Multiply by the applicable class prices the pounds of producer milk in each class as determined pursuant to § 1049.44 and the pounds of milk received from handlers pursuant to § 1049.9(c) (and allocated pursuant to § 1049.44(a) (13) and the corresponding step of § 1049.44(b)), and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1049.44(a)(14) and the corresponding step of § 1049.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1049.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1049.44(a)(9) and the corresponding step of § 1049.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1049.44(a)(7) (i) through (iv) and the corresponding step of § 1049.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1049.44(a)(7) (v) and (vi) and the corresponding step of § 1049.44(b); and

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1049.44(a)(11) and the corresponding step of § 1049.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

§ 1049.61 Computation of uniform price (including weighted average price).

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1049.60 for all handlers who filed the reports prescribed by § 1049.30 for the month and who made the payments pursuant to § 1049.71 for the preceding month;

(b) Add an amount equal to the total value of the location adjustments computed pursuant to § 1049.75;

(c) Subtract an amount computed by

multiplying the total hundredweight of producer milk and milk received from handlers pursuant to § 1049.9(c) included in paragraph (a) of this section by 5 cents;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The hundredweight of milk described in paragraph (c) of this section; and

(2) The total hundredweight for which a value is computed pursuant to § 1049.60(f);

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of milk described in paragraph (c) of this section by 20 cents. The amount so subtracted, and the interest subsequently earned thereon (less any money not available for crediting under this paragraph because of insufficient payment by a handler to the producer-settlement fund) shall be credited to the producer-settlement fund and remain as an obligated amount until disbursed pursuant to paragraph (i) of this section;

(i) Add for the month of September one-fourth of the total money that has been credited to the producer-settlement fund pursuant to paragraph (h) of this section as of the eighth day of the following month. Similarly, for the months of October and November, add one-third and one-half, respectively, of the remainder that has been so credited. For the month of December, add the remainder of the money credited to the producer-settlement fund pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the hundredweight of milk described in paragraph (c) of this section; and

(k) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1049.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 14th day after the end of each month the uniform price for such month.

PAYMENTS FOR MILK

§ 1049.70 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments received pursuant to §§ 1049.71, 1049.76, 1049.77 and 1049.78 and out of which he shall make all payments pursuant to §§ 1049.72 and 1049.77: *Provided*, That a payment due a handler shall be offset against payments due the market administrator from such handler pursuant to §§ 1049.71, 1049.76, 1049.77, 1049.78, 1049.85 and 1049.86.

§ 1049.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1049.60.

(2) The sum of:

(i) The value at the uniform price, adjusted pursuant to § 1049.75, of such handler's receipts of producer milk and milk received from handlers pursuant to § 1049.9(c);

(ii) The value at the weighted average price applicable at the location of the plant from which received plus 5 cents of other source milk for which a value is computed pursuant to § 1049.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1049.72 Payments from the producer-settlement fund.

On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1049.71(a)(2)

exceeds the amount computed pursuant to § 1049.71(a) (1). If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1049.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month at not less than the Class III price for the preceding month; and

(2) On or before the 18th day after the end of each month, for each hundredweight of producer milk received during such month, an amount computed at not less than the uniform price as adjusted pursuant to §§ 1049.74, 1049.75 and 1049.86, less any payment made pursuant to paragraph (a) (1) of this section. If by such date the handler has not received full payment from the market administrator pursuant to § 1049.72 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following receipt of the balance due from the market administrator.

(b) Each handler shall make payment to the cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before two days prior to the last day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 16th day after the end of each month for milk received during such month.

(c) Each handler shall pay a cooperative association for milk received by the handler from the cooperative association as follows:

(1) In the case of milk received from a pool plant(s) operated by a cooperative association:

(i) For milk received during the first 15 days of the month, the handler shall pay the cooperative association on or before two days prior to the last day of such month not less than the Class III price for the preceding month;

(ii) For milk received during the month the handler shall pay the cooperative association on or before the 10th day of the following month not less than the applicable class prices pursuant to § 1049.50 adjusted by the butterfat differential specified in § 1049.74 and less

any payments made pursuant to paragraph (c) (1) (i) of this section; and

(2) Each handler pursuant to § 1049.9 (a) who receives milk from a cooperative association as a handler pursuant to § 1049.9 (b) or (c), including the milk of producers who are not members of such association, and who the market administrator determines have authorized such cooperative association to collect payment for their milk, shall pay such cooperative for such milk as follows:

(i) On or before two days prior to the last day of the month for milk received during the first 15 days of the month, not less than the Class III price for the preceding month;

(ii) On or before the 16th day of the following month for milk received during the month, not less than the uniform price as adjusted pursuant to §§ 1049.74 and 1049.75, and less any payments made pursuant to paragraph (c) (2) (i) of this section.

(d) In making payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to this order;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount, or the rate per hundredweight, and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1049.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1049.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received at which is deemed to have been received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1049.52(a); and

(b) For purposes of computations pursuant to §§ 1049.71 and 1049.72 the weighted average price shall be adjusted at the rates set forth in § 1049.52 applicable at the location of the nonpool plant from which the milk was received, except that the adjusted weighted aver-

age price plus 5 cents shall not be less than the Class III price.

§ 1049.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1049.30(b) and 1049.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant;

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the weighted average price plus 5 cents, both prices to be applicable at the location of the partially regulated distributing plant (except that the Class I price and the weighted average price plus 5 cents shall not be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a) (3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1049.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated dis-

tributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to subparagraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1049.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order) except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1049.60 for such handler shall include, in lieu of the value of other source milk specified in § 1049.60(f) less the value of such other source milk specified in § 1049.71(a)(2)(ii), a value of milk determined pursuant to § 1049.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1049.7(b), subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1049.30 (b) and 1049.31(b) similar reports for each such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1049.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differ-

ential specified in § 1049.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1049.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1049.77 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1049.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1049.71, 1049.76, 1049.77 (a), 1049.78, 1049.85, or 1049.86(a) shall be increased three-fourths of 1 percent on the sixth day following the date such obligation is due and on the same day of each succeeding month until such obligation is paid.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1049.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler (except a handler pursuant to § 1049.9(b) or (c) for milk delivered to pool plants) shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundred-weight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own farm production) and milk received from handlers pursuant to § 1049.9(b) or (c);

(b) Other source milk allocated to Class I pursuant to § 1049.44(a) (7) and (11) and the corresponding steps of § 1049.44(b), except such other source milk that is excluded from the computations pursuant to § 1049.60 (d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1049.76(a) (2).

§ 1049.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1049.73 shall deduct 5 cents per hundred-weight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

ADVERTISING AND PROMOTION PROGRAM

§ 1049.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1049.121(b) (1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1049.111 Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided for under § 1049.113(b) with 3 percent or more of the total participating producers (producers who have not requested refunds for the most recent quarter) is authorized one Agency representative plus one additional Agency representative for each additional full 10 percent of the participating member producers it represents. Cooperative associations with less than 3 percent of the total participating producers that have elected not to combine pursuant to § 1049.113(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency representative for the first full 3 percent plus one additional Agency representative for each additional full 10 percent that such

producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

§ 1049.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1049.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 3 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1049.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 3 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1049.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting, unless the Agency determines that more than a simple majority shall be required.

§ 1049.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1049.110.

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1049.110 and 1049.117.

§ 1049.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1049.110 and 1049.117;

(c) Keep minutes, books, and records, and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1049.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, ef-

fectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1049.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1049.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1049.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1049.120 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section, may, upon application filed with the market administrator pursuant to paragraph (a) of this section,

be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

§ 1049.121 Duties of the market administrator.

Except as specified in § 1049.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1049.113(c);

(b) Set aside the amounts subtracted under § 1049.61(c) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to paragraph (b) (2) and (3) of this section, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1049.61(c).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1049.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1049.61(c) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to paragraph (b) (2) of this section.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1049.110 through 1049.122).

(d) Audit the Agency's records of receipts and disbursements.

§ 1049.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1049.70.

Effective date. October 1, 1974.

Signed at Washington, D.C., on August 23, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc. 74-19953 Filed 8-27-74; 8:45 am]

[Milk Order No. 68; Docket No. AO 178-A32]

PART 1068—MILK IN THE MINNEAPOLIS-ST. PAUL MARKETING AREA

Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

a. *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

1. The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

2. The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

3. The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

b. *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1974. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Associate Administrator, Regulatory Programs, was issued July 25, 1974,

and the decision of the Assistant Secretary containing all amendment provisions of this order was issued August 14, 1974. The changes effected by this order provide some relaxation of pooling and diversion standards for September and other specified months and thus will not require extensive preparation or substantial alteration in the method of operation for handlers. Further, September is the beginning of a pool supply plant performance period that affects the basis on which a plant will be pooled for 12 months. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1974, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559)

c. *Determinations.* It is hereby determined that:

1. The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

2. The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

3. The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1068.7, paragraphs (b) and (c) are revised to read as follows:

§ 1068.7 Pool plant.

(b) A plant other than a pool plant pursuant to paragraph (a) of this section that meets the applicable performance requirements pursuant to paragraph (b) (1), (2) or (3) of this section subject to paragraph (b) (4) of this section.

(1) A plant from which 25 percent or more of the total Grade A milk received at the plant from dairy farmers during the month, including milk delivered to the plant from dairy farms for the account of a cooperative association, and milk diverted from the plant, is delivered during the month as fluid milk products, except filled milk, to plants described in paragraph (b) (1) (i), (ii) and (iii) of this section: *Provided*, That if a plant qualifies as a pool plant in the three

successive months September, October and November by meeting the 25 percent delivery requirement, the applicable minimum percentage for continuing pool plant status in the following months of December through March shall be 10 percent each month.

(i) A pool plant(s) qualified pursuant to paragraph (a) of this section;

(ii) Any other plant(s) located within the marketing area from which Grade A route disposition is made during the month within the marketing area; or

(iii) A governmentally owned or operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities.

(2) A plant that has been a pool plant each month September through March pursuant to paragraph (b)(1) of this section shall be a pool plant for each of the following months of April through August, unless withdrawn pursuant to paragraph (c) of this section.

(3) Two or more plants operated by a handler may qualify for pooling as a unit beginning in September each year by meeting the applicable percentage requirements of this paragraph (b) in the same manner as a single plant, if the handler submits a written request to the market administrator prior to the first day of September (in 1974, prior to the first day of October) requesting that such plants qualify as a unit for the period September through August of the following year. In such request the handler shall list the plants in the sequence in which the plants shall qualify for pool plant status to the extent that deliveries from such plants or deliveries pursuant to paragraph (b)(4) of this section to plants described in paragraph (b)(1)(i), (ii) and (iii) of this section meet the required percentages: *Provided*, That fluid milk products shipped from a plant that does not qualify as a plant within the unit shall not be counted in the deliveries that qualify the unit for pooling. Each plant that qualifies as a pool plant within a unit shall continue each month as a plant in the unit through the following August unless the plant fails subsequently to qualify for pooling or the handler submits a written request to the market administrator prior to the first day of the month that the plant be deleted from the unit or that the unit be discontinued. Any plant that has been so deleted from the unit, or has failed to qualify in any month, will not be part of the unit for the remaining months through August. No plant may be added in subsequent months to a unit that qualifies in September.

(4) Milk delivered by a handler pursuant to § 1068.9(c) directly from farms of producers to plants described in paragraph (a) of this section may be considered, for purposes of meeting the percentage requirements of this paragraph (if so requested in writing by the cooperative association), as having been received first at a plant of such cooperative association.

(c) A plant qualified as a pool plant pursuant to paragraph (b)(2) of this

section may be withdrawn from pool plant status in any of the months of April through August if the handler files a written request with the market administrator received or postmarked before the first day of the month for which nonpool plant status is requested, and the plant does not qualify by meeting the minimum 25 percent standard for deliveries to specified plants as described in paragraph (b)(1) of this section. Such nonpool plant status shall continue in subsequent months through August except for any month the plant otherwise qualifies as a pool plant.

2. Section 1068.13 is revised as follows:

§ 1068.13 Producer milk.

"Producer milk" means the skim milk and butterfat in Grade A milk of a producer that is:

(a) Received at a pool plant directly from a producer; or

(b) Diverted by the operator of a pool plant or by a cooperative association handler pursuant to § 1068.9(b) from a pool plant to a nonpool plant other than a producer-handler plant, subject to the following conditions:

(1) Milk of a producer shall not be eligible for diversion under this section unless, during the month, at least one day's production of the producer is delivered to a pool plant;

(2) Diverted milk shall be accounted for as received by the diverting handler and priced at the location of the nonpool plant to which diverted;

(3) A cooperative association handler pursuant to § 1068.9(b) may divert for its account a total quantity of milk not to exceed 25 percent in each month September through November, and 35 percent in any other month, of milk received at pool plants from member producers, milk of producers diverted for the account of the cooperative association pursuant to § 1068.9(b) and the milk of any other producers caused to be delivered for the account of such cooperative association to pool plants;

(4) The operator of a pool plant (other than a cooperative association) may divert for his account a total quantity of milk not to exceed 25 percent in each month September through November, and 35 percent in any other month, of milk received at such pool plant from producers (including milk diverted by the plant operator pursuant to this paragraph (b)(4)), but excluding the milk of any producer that is the member of a cooperative association that is diverting pursuant to paragraph (b)(3) of this section and the milk of any other producer whose milk is caused to be delivered for the account of a cooperative association to the pool plant or is diverted by the cooperative association; and

(5) Any milk diverted in excess of the limits prescribed pursuant to paragraph (b)(3) and (4) of this section shall not be producer milk and, if the diverting handler fails to designate the dairy farmers whose milk is not producer milk then

no milk diverted by such handler shall be producer milk.

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

Effective date. September 1, 1974.

Signed at Washington, D.C., on: August 23, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-19980 Filed 8-27-74; 8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 74-833]

PART 544—CHARTER AND BYLAWS

PART 545—OPERATIONS

Officers' Employment Contracts; Correction

AUGUST 21, 1974.

The Federal Home Loan Bank Board hereby corrects Board Resolution No. 74-755, which was dated July 30, 1974, and published in the *FEDERAL REGISTER* on Friday, August 9, 1974 (39 FR 28609; FR Doc. 74-18290). Said Resolution No. 74-755, which amended Parts 544 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 544, 545), is corrected by making the following changes:

§ 544.6 [Amended]

1. In Part 544, delete the phrase "(1) through (4) [Reserved]", as printed in said *FEDERAL REGISTER*, which phrase was printed in § 544.6(k) of said rules and regulations for the Federal Savings and Loan System (12 CFR 544.6(k)) after the phrase "Substitute the following for section 5 of the bylaws prescribed in § 544.5:". Said Resolution No. 74-755 made no change in sections 1 through 4 of the bylaws prescribed in § 544.5 and said sections 1 through 4 remain in effect.

2. In Part 545, said Resolution No. 74-755 inadvertently omitted from new § 545.25-1(c)(4) (12 CFR 545.25-1(c)(4)) the phrase "but shall not affect any of the vested rights of the parties to such contract" which clarified that the termination or suspension of an officer would not disrupt the "vested rights" of such officer. Said Resolution No. 74-755 also inadvertently failed to contain certain language in § 545.25-1(c)(5) (12 CFR 545.25-1(c)(5)) which clarified that the "default" of an insured institution will not disrupt the "vested" rights of an officer of such institution. Said new § 545.25-1(c)(4) and (5) are hereby corrected to read as follows:

§ 545.25-1 Employment contracts.

(c) * * *

(4) That any removal of the officer from office and/or permanent prohibition from participation in the conduct of the affairs of the association, pursuant to an order issued by the Board under § 550.3 or § 550.5 of this subchapter, or by the Federal Savings and Loan In-

insurance Corporation under § 566.3 or § 566.5 of this chapter, shall terminate, as of the effective date of such order, all obligations of the association under such contract, but shall not affect any of the vested rights of the parties to such contract.

(5) That, in the event of default of the association (as the term "default" is defined in section 401(d) of the National Housing Act, as amended), all obligations under such contract shall terminate as of the date of such default, but nothing in this paragraph (c) (5) shall affect any of the vested rights of the parties to such contract.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464), Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

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

[FR Doc.74-19934 Filed 8-27-74; 8:45 am]

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 748—MINIMUM SECURITY DEVICES AND PROCEDURES

Minimum Standards for Security Devices

On page 21061 of the FEDERAL REGISTER of June 18, 1974, there was published a proposed amendment to 12 CFR 748.9 (e)(1) which would decrease the required thickness for vault walls, roof, and floor from 18 to 12 inches.

Interested persons were given until July 21, 1974 to submit written comments, suggestions, or objections regarding the proposed amendment. After reviewing all comments submitted, the amendment, as originally proposed is hereby adopted without change.

Effective date. This amendment is effective August 20, 1974.

HERMAN NICKERSON, Jr.,
Administrator.

§ 748.9 Minimum Standards for Security Devices.

(1) Vaults, vault walls, roof, and floor contracted for after the effective date of this Part, should be made of steel-reinforced concrete, at least 12 inches thick or the equivalent. . . .

[FR Doc.74-19854 Filed 8-27-74; 8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 12, Amdt. 14]

PART 121—SMALL BUSINESS SIZE STANDARDS REGULATION

Definition of Small Business for Purpose of Government Procurements for Dredging

On July 5, 1974, there was published in the FEDERAL REGISTER (39 FR 24669), a notice that the Small Business Adminis-

tration proposed to amend the definition of a small business for the purpose of bidding on Government procurements for dredging. The proposal was to add a provision that, in order to be eligible as a small business for the purpose of a particular dredging procurement, a concern must not only have average annual receipts for its preceding 3 fiscal years not exceeding \$5 million, but also must perform the dredging of at least 40 percent of the yardage advertised in the plans and specifications, with dredging equipment owned by the bidder or obtained from another small business dredging concern.

Interested parties were given until August 5, 1974, to furnish written statements of facts, opinions, or arguments concerning the proposal.

We have carefully evaluated all comments and on the basis of all information currently available, have determined that the definition of a small business dredging concern should be amended as proposed.

Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising § 121.3-8(a)(2) to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

(a) Construction. . . .

(2) Small if it is bidding on a contract for dredging and (i) its average annual receipts for its preceding 3 fiscal years do not exceed \$5 million and (ii) it performs the dredging of at least 40 percent of the yardage advertised in the plans and specifications with dredging equipment owned by the bidder or obtained from another small business dredging concern.

Effective Date. This amendment shall become effective on September 27, 1974, but shall apply only to procurements issued on or after such effective date.

(Catalog of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Businesses.)

Dated: August 20, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-19863 Filed 8-27-74; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-NW-14-AD; Amdt. 39-1945]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 707/720 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation regulations to include an airworthiness directive requiring inspection of the upper surface mismatch between the horizontal stabilizer and the elevator and rework, if necessary, on Boeing 707/720 series airplanes was published in 39 FR 22273. This proposal was

a result of in-flight longitudinal pitching oscillations which had occurred on a Boeing 707 airplane.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Commentators cited the fact that relatively few incidents of erratic longitudinal pitching oscillations have occurred throughout the service history of the 707/720 series airplanes. The FAA believes that irrespective of the small number of incidents involving these airplanes, a cause of unwanted pitching oscillations is inimical to the interests of safety and corrective action should be undertaken to preclude recurrence.

Another comment pointed out the chain of events which must take place before erratic longitudinal pitching oscillations can occur. The FAA recognizes the probabilities involved; however, the fact remains that all of the necessary anomalies have actually combined to produce the in-flight incident which precipitated this action. Such erratic longitudinal pitching oscillations can be and have been hazardous. Therefore, FAA has determined that the necessary corrective action must be taken.

The last comment dealt with the compliance time. FAA proposed a compliance time of 1000 hours time in service from the effective date of the airworthiness directive; this was considered to be unduly restrictive by the commentators. FAA, after review of the matter, agrees that the compliance time can be revised; accordingly, the AD provides that accomplishment of the corrective action must be made by September 1, 1976.

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

BOEING: Applies to all model 707/720 series airplanes, certificated in all categories. Compliance required as indicated.

To prevent potential oscillatory longitudinal flight on Boeing models 707/720 series airplanes, accomplish the following:

By September 1, 1976, unless already accomplished, inspect and adjust the contour mismatch of the upper surfaces between the horizontal stabilizer and elevator in accordance with Boeing Service Bulletin No. 3151, or later FAA approved revisions or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

This amendment becomes effective September 27, 1974.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may be examined at FAA Northwest Region, 9010 East Marginal Way, Seattle, Washington.

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

(The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.)

Issued in Seattle, Washington on August 20, 1974.

C. B. WALK, Jr.,
Director,
Northwest Region.

[FR Doc. 74-19859 Filed 8-27-74; 8:45 am]

[Docket No. 73-NW-17-AD; Amdt. 39-1947]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation regulations to include an airworthiness directive requiring the inspection and, as necessary, replacement of the aluminum nose landing gear actuator feeder tube, P/N 69-14198-1, and the aluminum main landing gear actuator feeder tube, P/N 65-17971-1, on Boeing Model 727 Series Airplanes was issued March 15, 1974 and was published in FR Doc. 74-6903.

Interested persons have been afforded an opportunity to fully participate in the making of the amendment. This has included holding two industry/FAA consultative meetings on August 7, 1974 and on August 15, 1974, attended by representatives of several U.S. 727 operators, the Air Transport Association of America (ATA) and the Boeing Company, as well as the FAA. Due consideration has been given to all comments received in response to the above notice.

The Air Transport Association recommended a longer threshold time for initial compliance. One commentator recommended that replacement of the aluminum feeder tubes with steel tubes not be required before a total of 14,000 landings. Another comment suggested that difficulty may be experienced by field maintenance personnel in the use of the graph.

In the light of the additional information received since the issuance of the NPRM, the FAA has determined that partial adjustment of the initial compliance time for accomplishment of the AD can be made consistent with the interests of safety, and that this threshold time can be stated more simply in terms of discrete overhaul intervals, thereby eliminating the need for a graph. These changes stem from several facts developed since the issuance of the Notice, including the following. During overhaul of the landing gear actuators, the operators have discovered cracks on a significant number of actuator end cap forgings made of aluminum which require considerable lead time to procure from the available supplier. These failures in the end fittings were not contemplated by the Notice. Additionally, a review of one incident resulting in feeder tube failure has disclosed that the land-

ing gear was capable of being fully retracted although it could only be partially extended. In other failures, continued cycling resulted in the gear being fully extended and locked. Further, since failure of these assemblies relates to fatigue, the amendment provides for initial compliance in terms of total landing time of the affected parts and applies the shorter compliance time to the higher time actuators. This also simplifies the determination of the threshold intervals.

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

BOEING: Applies to all Model 727 Series Airplanes, certificated in all categories.

Compliance required as indicated unless already accomplished.

To prevent failure of the nose and main landing gear actuator aluminum feeder tubes which could prevent complete extension of the landing gear and the possible loss of aircraft control during landing roll, inspect or replace, as necessary, the nose landing gear actuator aluminum feeder tube P/N 69-14198-1, and each main landing gear actuator aluminum feeder tube P/N 65-17971-1, in accordance with the following:

PART I—COMPLIANCE TIME DETERMINATION

A. Applies to all main landing gear actuator assemblies listed in Boeing Service Bulletin 727-32-218 having a P/N 65-17971-1 aluminum feeder tube which have not been overhauled or disassembled since new.

Inspect or replace, as applicable, in accordance with PART II (A), (B), (C), or (D) of this AD before a total of 12,000 landings, or within the next 3,000 landings after the effective date of this AD, whichever comes last.

B. Applies to all main landing gear actuator assemblies listed in Boeing Service Bulletin 727-32-218 having a P/N 65-17971-1 aluminum feeder tube which have been overhauled or disassembled.

Inspect or replace, as applicable, in accordance with PART II (A), (B), (C), or (D) of this AD within the number of landings specified in the following schedule:

OVERHAULED UNITS

For actuators with up to 20,000 landings total. Within next 2,500 landings from effective date of this AD;

For actuators between 20,000 and 23,000 landings total. Within next 2,000 landings from effective date of AD, or a total of 24,500 landings, whichever comes first;

For actuators above 23,000 landings total. Within next 1,500 landings from effective date of AD.

C. Applies to all nose landing gear actuator assemblies listed in Boeing Service Bulletin 727-32-218 having a P/N 69-14198-1 aluminum feeder tube.

Inspect or replace, as applicable, in accordance with PART II (A), (B), (C), or (D) of this AD within the number of landings listed in the following schedule:

Total number of landings on nose landing gear actuator feeder tubes	Compliance required within next number of landings after effective date of AD
0 to 8,000	14,000
8,000 to 14,000	8,000
14,000 to 18,000	5,000
More than 18,000	4,000

D. Applies to nose landing gear actuator assemblies with aluminum feeder tubes, P/N 69-14198-1, and main landing gear actuators with aluminum feeder tubes, P/N 65-17971-1, which have been inspected or replaced in accordance with PART II (A) or (B) of this AD, as applicable.

(1) Inspect nose landing gear and main landing gear actuator feeder tubes at periodic intervals not to exceed 1,000 landings, in accordance with PART II (A) of this AD; or

(2) Replace nose landing gear and main landing gear actuator feeder tubes within 1,000 landings in accordance with PART II (B), (C), or (D) of this AD.

E. Applies to nose landing gear actuator assemblies with new aluminum feeder tubes, P/N 69-14198-1, and main landing gear actuators with new aluminum feeder tubes, P/N 65-17971-1, which were installed in accordance with the installation instructions contained in Boeing Service Bulletin 727-32-218 (issued on March 15, 1974):

(1) Inspect or replace main landing gear actuator feeder tubes within a total of 14,000 landings in accordance with PART II (A), (B), (C), or (D) of this AD; and

(2) Inspect or replace nose landing gear actuator feeder tubes within a total of 18,000 landings, in accordance with PART II (A), (B), (C), or (D) of this AD.

F. For the purpose of complying with this AD, the total number of landings on an actuator (feeder tube) may be determined by actual count or, subject to approval by the assigned FAA maintenance inspector, by dividing the airplane time in service on which the actuator is installed by the operator's fleet average time per flight.

For those operators who are unable to determine actuator landings since new, total aircraft landings on which they are installed may be used to determine total number of landings.

PART II—COMPLIANCE METHODS

A. Inspect for evidence of cracks in the area of the "O" ring groove and the areas around the multiple orifice holes in the necked down portions of the nose and main landing gear actuator feeder tube in accordance with Boeing Service Bulletin 727-32-218 (issued on March 15, 1974) or later FAA approved revisions, or by an equivalent inspection method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, FAA, Northwest Region, and then comply with PART I-D. If evidence of cracking is found, replace feeder tube in accordance with PART II (B), (C), or (D) of this AD; or

B. Replace the aluminum feeder tube, P/N 69-14198-1 (nose gear) and P/N 65-17971-1 (main gear) with a serviceable used aluminum feeder tube, as determined per PART II (A) of this AD, of the same part number in accordance with such Boeing Service Bulletin 727-32-218 or equivalent method and then comply with PART I-D of this AD as applicable; or

C. Replace the aluminum feeder tube, P/N 69-14198-1 (nose gear) and P/N 65-17971-1 (main gear) with a new aluminum feeder tube of the same part number in accordance with such Boeing Service Bulletin 727-32-218 or equivalent method and then comply with PART I-E of this AD as applicable; or

D. As terminating action for this AD, replace the aluminum feeder tubes, P/N 69-14198-1 (nose gear), and P/N 65-17971-1 (main gear) with steel feeder tubes, P/N 69-14198-2 (nose gear) and P/N 65-17971-2 (main gear) and P/N 65-17971-2 (main gear) in accordance with such Boeing Service Bulletin 727-32-218 or equivalent method.

The manufacturer's specifications and procedures identified and described in

RULES AND REGULATIONS

this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a) (1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may be examined at FAA Northwest Region, 9010 East Marginal Way, Seattle, Washington.

This amendment becomes effective September 27, 1974.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); section 6(c), Department of Transportation Act (49 U.S.C. 1955(c)).

Issued in Seattle, Washington on August 20, 1974.

(The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.)

C. B. WALK, Jr.,
Director,
Northwest Region.

[FR Doc. 74-19861 Filed 8-27-74; 8:45 am]

[Docket No. 74-EA-65; Amdt. 39-1946]

PART 39—AIRWORTHINESS DIRECTIVE Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation regulations so as to amend A.D. 74-10-03.

The purpose of this amendment is to correct and clarify part numbers in the original A.D. The insertion of these numbers will eliminate confusion which can contribute to a deficiency affecting air safety.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.39 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation regulations is amended by amending A.D. 74-10-03 as follows:

Amendment 39-1827, AD 74-10-03 as follows:

1. In paragraph 2:
 - a. Delete "P/N 20234-31" and insert in lieu thereof "P/N 20234-23 (shown in Piper Parts Catalog No. 753 646 as 20234-31)".
 - b. Delete "plates P/N 20234-14 and -15" and insert in lieu thereof "plate P/N 20234-22".
 - c. Delete "a like part number or P/N 20234-30" and insert in lieu thereof "Piper Kit 757 162".
2. In paragraph 3 delete "alleron nose bulkheads P/N 20234-30" and insert in lieu thereof "Piper Kit 757 162".

This amendment is effective September 4, 1974.

This amendment is made under the authority of sections 313(a), 601 and 603

of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on August 20, 1974.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc. 74-19860 Filed 8-27-74; 8:45 am]

[Docket No. 74-SO-88; Amdt. 39-1939]

PART 39—AIRWORTHINESS DIRECTIVES Piper PA-32 Series Airplanes

There have been instances of severe vibration resulting from a loose or worn nose gear steering assembly which could result in structural damage on Piper PA-32 series airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require modification of the nose gear steering assembly on Piper PA-32 series airplanes.

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

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

PIPER: Applies to Model PA-32-260 Serial Numbers 32-7400001 through 32-7400050 and Model PA-32-300 Serial Numbers 32-7440001 through 32-7440086 and 32-740088 through 32-7440160, certificated in all categories.

Compliance required within the next 50 hours time in service from the effective date of this AD unless already accomplished.

To prevent excessive nose gear vibration install Piper Kit No. 760885V in accordance with Piper Service Bulletin No. 428 or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, Federal Aviation, Southern Region, may adjust the compliance time specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiation to justify the increase for that operator.

This amendment becomes effective September 3, 1974.

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

Issued in East Point, Georgia, on August 19, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 74-19858 Filed 8-27-74; 8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS

Fruit Jelly and Preserves Revised Standards

In the FEDERAL REGISTER of November 14, 1973 (38 FR 31450), the Commissioner of Food and Drugs issued two proposals to amend the standards of identity for fruit jelly and preserves (21 CFR 29.2 and 29.3). One, submitted by the National Preservers Association (NPA), 64 Perimeter Center East, Atlanta, GA, 30346, proposed to update the standards of identity to bring them into line with processing techniques presently utilized by industry. The Commissioner, in the same issue of the FEDERAL REGISTER, issued certain proposed alternatives and requested comments with available supporting data.

In response to the request for comments on the proposals, 20 letters, including 3 from the petitioner, were received from individual consumers, trade associations, and individual companies. One company submitted its comments with the introductory statement:

We herewith submit our comments in general support of most aspects of this proposal, and, more particularly, and where they are at variance with the petition, in support of most aspects of the Commissioner's comments in part B of the proposal.

The detailed comments pertaining to each of the sections and the Commissioner's conclusions are as follows:

1. The petitioner proposed a specific listing of sweetening ingredients that may be used in fruit jellies and preserves.

The Commissioner alternatively proposed that any safe and suitable sweetener be permitted.

One comment from an association of ingredient suppliers supported the Commissioner's proposal. The respondent believed the proposal was reasonable since it serves the consumers' interests without reducing their protection, and it also provides the opportunity for food manufacturers to utilize new developments in food technology which further serve, both directly and indirectly, the consumers' interests.

A comment from a manufacturer also supported the Commissioner's safe and suitable approach on the basis that consumers will benefit from the use of new technology as it develops without the burdensome requirement of amending the standards of identity each time a new safe and suitable ingredient is developed.

A second comment from a manufacturer also supported the Commissioner's safe and suitable approach and in addition proposed that if for any reason the safe and suitable approach should be rejected that lactose and hydrolyzed lactose be listed as optional saccharine ingredients.

Another comment from a manufacturer proposed that invert sugar, dried invert sugar syrup, and fructose be added to the list of optional saccharine ingredients, stating that to do this would be consistent with the Commissioner's proposal.

One comment from a trade association stated that §§ 29.2(c) and 29.3(c) of the standards which list the saccharine ingredients could be greatly simplified by proper reference to "Part 26—Nutritive Sweeteners."

The petitioner also concurred in the Commissioner's safe and suitable approach provided the specified category of ingredients is named.

The Commissioner concludes that it would be in the interest of consumers not to restrict the use of nutritive sweeteners to those listed in the petitioner's proposal, but rather to provide for the use of safe and suitable nutritive carbohydrate sweeteners. To so provide would include the nutritive sweeteners listed in 21 CFR Part 26. The question has recently been raised as to whether or not the substances mannitol and sorbitol were included in the Commissioner's use of the term "carbohydrate." The Commissioner is aware that different chemical text books and scientific dictionaries may differ in their definition of the term "carbohydrate." However, for purposes of clarification he wishes to state that mannitol and sorbitol are sugar alcohols and, for the purposes of this section, are not considered to be "carbohydrates."

2. With reference to the use of corn syrup, the petitioner proposed to remove the 25-percent limitation on the use of such sweeteners and furnished a study showing that jelly and preserve products acceptable to the consumer were manufactured using up to 50 percent corn sweetener replacement. The petitioner's proposal would have the effect of permitting manufacturers of fruit jellies and preserves to use corn sweeteners in unlimited quantities.

One comment from an association of sugar ingredient suppliers opposed the proposal on the grounds that the petitioner had failed to demonstrate through use of the study cited that its proposal is in the public interest; that there are reasonable grounds for the proposal; and that the proposal meets statutory requirements of honesty and fair dealing in the interest of consumers.

A review of the present standards of identity for jams and jellies reveals that when they were adopted, the only corn sweetener generally available was corn syrup produced by the acid conversion method. This product had a typical analysis of 19 percent dextrose, 14 percent maltose, and 66 percent other saccharides. Further, although it had a high percentage of other saccharides, it contained no fructose. Modern technology, by making use of techniques unknown when the present standards of identity were adopted, has developed new corn sweeteners known as high fructose syrups. The analysis of these products shows a composition very similar to invert sugar syrup with as little as 2 percent higher saccharides. An example of

such a product is one which, on a dry basis, has a typical analysis of 51 percent dextrose, 47 percent fructose, and 2 percent other saccharides. Another such high fructose syrup derived from starch is one which, on a dry basis, has a typical analysis of 50 percent dextrose, 42 percent fructose, and 8 percent other saccharides. As stated above, these products are very similar to invert sugar syrups derived from cane or beet sources which have a typical analysis of 50 percent dextrose and 50 percent fructose. Consequently, it is possible to make fruit jellies and preserves whose sweetening ingredients consist mostly or entirely of these high fructose syrups, and the chemical analysis of such products after a few months of storage may be virtually identical to high sucrose products permissible under the current standards. The Food and Drug Administration has never placed a ceiling on the use of sucrose or a meaningful ceiling on dextrose in relation to the sweetening ingredients used in fruit jellies and preserves.

On the basis of the information set forth above and in light of the fact that label declaration of all optional ingredients will be required, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to remove the 25-percent limitation on the use of corn syrups.

3. The petitioner's proposal would exempt individual serving-size packages from the general requirements of declaring all optional ingredients on the label by their common or usual names.

The Commissioner alternatively proposed that the exemption should not be included in the standard, and that instead the labeling requirements of 21 CFR Part 1 should be fully applicable to these products. The requirements prescribed by 21 CFR 1.8d as published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6950) govern placement and prominence of required label information on all foods, including standardized foods. That section requires ingredient statements on food labels to appear in letters not less than one-sixteenth inch high, but provision is made in 21 CFR 1.8d(f) of the regulation for petitioning for an acceptable alternative method of labeling small-size packages of foods.

One comment from a manufacturer supported the Commissioner's proposal while a comment from another manufacturer objected to the Commissioner's proposal and requested adoption of that of the petitioner on the basis that the amount of printing would be excessive for one-sixteenth inch type and that the printing process is not compatible with smaller type.

The petitioner commented that if the Commissioner is unwilling to change his previous position on exemption that the petitioner's prior position and his comments be considered a petition to adopt a minimum type size of one thirty-second inch and that the effective date of any final order be deferred pending final action on the petition.

The Commissioner concludes that the petitioner's reference to his prior posi-

tion and the comments requesting exemption were not sufficiently supported to be considered as a petition fulfilling the requirements of 21 CFR 1.8d(f); that a separate petition supported by reasonable grounds is required; and that the effective date of the final order will not be considered for deferral in the absence of such a petition. Consistent with the foregoing, the Commissioner also concludes that paragraph (f) (2) of the petitioner's proposal specifying an exception for individual serving-size packages from ingredient labeling requirements is not adopted. However, this conclusion is without prejudice to a future petition proposing alternative labeling as provided for in 21 CFR 1.8d(f). The Commissioner notes that the labeling requirements in 21 CFR Part 1 apply to all food, whether standardized or nonstandardized, unless specifically exempted by regulation.

4. One comment from a manufacturer recommended that the ingredient statements meet the requirements of § 1.8d, except that one thirty-second-inch type be permitted with a principal display panel of less than 5 square inches in area.

The Commissioner has considered this issue, along with the individual serving-size package as discussed in paragraph 3 above, and believes that in the absence of a specific showing of the need for a smaller type size embodied in an appropriate petition, a minimum type size of one-sixteenth inch is a reasonable application of the requirements of the law. However, again, he wishes to point out that provision is made in § 1.8d(f) for petitioning for an acceptable alternative method of labeling small-size packages of food. If a petition is submitted, it will be appropriately considered.

5. The petitioner proposed that all sweeteners used be declared by their common or usual name except that if sugar or invert sugar is used, the term "sweetener" may be used; and if the sweetener is derived from corn, the term "corn sweetener" may be used.

In the notice of proposed rule making, the Commissioner stated that he has no objection to use of the term "corn sweeteners." However, he alternatively proposed that when sugar or invert sugar is used, the term "sugar" would be more informative to the consumer than the term "sweetener."

In his comment, the petitioner stated that he had no objection to the Commissioner's alternate proposal.

One comment from an association of ingredient suppliers supported the Commissioner's proposal with regard to use of the term "sugar."

One comment from a trade association objected to the declaration of the terms "sweetener" and "corn sweetener" and recommended that the term "nutritive sweetener" be adopted as uniform labeling for all the sweeteners. This comment also pointed out that dried corn syrup and dried glucose syrup are frequently referred to as "corn syrup solids" or "glucose syrup solids."

Another comment from a manufacturer endorsed the listing of individual sweeteners by their common or usual name, mentioned that the term "corn syrup" has begun to lack specificity because different varieties of corn syrup have different properties, and recommended that either the Commissioner or the petitioner prepare a glossary of meaningful terms for corn-syrup-derived ingredients to be used in ingredient statements on labels.

A comment from a manufacturer opposed identification of sugar, invert sugar, and various hydrolyzed starch products by the term "sweetener." He stated that the term "sweetener" is descriptive of a function and is not the common or usual name of any specific product. He also stated that its use does not adequately inform the consumer and tends to obscure the identity of the product being purchased. He indicated that there are such substantial physical, chemical, and flavor differences among the proposed optional saccharine ingredients that the overall character of the jam or jelly can be significantly affected by total substitution of one for another. He proposed that each of the sweeteners be identified by the name under which they are listed in §§ 29.2(c) and 29.3(c) of the proposal.

One comment from a manufacturer indicated that when lactose or hydrolyzed lactose is used as would be provided for by the Commissioner's proposal, they should be designated by the term "lactose" or "milk sugar" in the list of ingredients.

The Commissioner is aware of the fact that the proposed optional saccharine ingredients have substantial physical, chemical, and flavor differences which can affect the overall character of the jam or jelly. While he encourages listing each of the nutritive sweeteners by its common or usual name, there is no need to require the listing of different corn sweeteners on the label because there is no significant difference among them, and concludes that the interest of consumers is essentially served by listing the various sweeteners derived from corn as "corn sweetener." He further concludes that a glossary of meaningful corn-syrup-derived terms to be used in ingredient labeling would not assist the consumer in making a value comparison at the time of purchase. He also concludes that when sugar or invert sugar is used, the term "sugar" shall be used for the former in label declaration and may be used as an alternative to the term "invert sugar". Both are more meaningful to the consumer than the unqualified term "sweetener" which may not be used. The Commissioner further concludes that "lactose" may be declared as such or, alternatively as "milk sugar". These conclusions are consistent with the Commissioner's proposal to clarify food labeling requirements published in the *FEDERAL REGISTER* of June 14, 1974 (39 FR 20898).

6. The petitioner proposed that acidifying agents, pectin, and buffering agents, which are used only as needed

and in such quantities as needed, may be declared as "used as needed".

The Commissioner's alternate proposal stated that it may be reasonable to provide that these ingredients be declared on the label qualified by the phrase "used as needed" in products to which they are customarily, but not always, added to compensate for natural variations in fruit ingredient.

In his comment, the petitioner claimed that these ingredients are incidental additives, which are exempt from labeling in accordance with the provisions of § 1.10a published in the *FEDERAL REGISTER* of August 2, 1973 (38 FR 20706); and accordingly, there is no need for the label declaration including the "used as needed" phrase. However, he urged that if the Commissioner does not consider these ingredients incidental additives, then the phrase "used as needed" is proper and correct.

The Commissioner concludes that these ingredients are not incidental additives as described in § 1.10a(a)(3) since they are present in functional levels in the finished food. He also wishes to point out that manufacturers are not required to use the phrase "used as needed." It is the manufacturer's option to use or not to use this phrase.

7. The petitioner's proposal would permit the use of the words "fruit acid" in lieu of the common or usual name of the fruit acid used.

The Commissioner had proposed that when acidifying agents are declared on the label, they should be listed by their common or usual name.

The petitioner requested that the Commissioner reconsider his objection to the term "fruit acid" in light of ingredient shortages.

The Commissioner has reconsidered this matter and concludes that, to be more informative to the consumer, when acidifying agents are used or the option provided for in paragraph 6 above is exercised, it is important that they shall be listed by their common or usual name. Alternative acidifying agents may be listed on the label in the event that shortages occur.

8. With reference to the particular form of the fruit used, one comment from a manufacturer stated that water required to reconstitute concentrated fruit should not be required to be declared as an ingredient.

The Commissioner concurs. It is not anticipated that a manufacturer is going to add more water than necessary for this operation since it would have to be later removed to raise the finished soluble solids to the required level.

9. A flavoring ingredient supplier objected to both the petitioner's proposal and indirectly to the existing standards with regard to the limitation on natural and artificial flavors. It was claimed that flavors containing such natural or artificial flavor constituents or both could enhance the flavor of a fruit preserve, i.e., apricot jam, more than recovered essence alone. It was also claimed that special flavors could be designed for certain kinds of jams or jellies to create in-

teresting novelty products such as brandy-flavored peach jam or strawberry-flavored rhubarb jam.

The petitioner opposed the suggestion on the grounds that it would not promote honesty and fair dealing in the interest of consumers to permit the addition to fruit jellies and preserves of flavoring materials not derived from the fruit being processed into these products. The petitioner stated that addition of natural and artificial flavors would permit multi-flavored products where no fruit was present for each flavor; it would permit the use of bland-flavored fruit ingredients as carriers for strong covering flavors representative of more expensive fruit; and in an area already posing difficult enforcement problems, it would render more difficult the task of detecting reduction in fruit content where added flavoring materials are present.

The Commissioner finds that the comment requesting provision for the use of natural and artificial flavorings with appropriate label declaration represents such a substantial change in the proposed standards that it should be subject to comment and further evaluation. He therefore concludes that the recommendation is not acceptable. However, such nonacceptance is not prejudicial to any individual, company, or association submitting an appropriate petition in the future with a showing that, if adopted, it would promote honesty and fair dealing in the interest of consumers.

10. The petitioner proposed a specific listing of antifoaming agents and stated that antifoaming agents of animal origin should not be permitted.

The Commissioner alternatively proposed that any safe and suitable antifoaming agent be provided for but did not intend that it should include antifoaming agents derived from animal fats.

Comments received from the petitioner and a manufacturer supported the Commissioner's safe and suitable approach.

The Commissioner concludes that safe and suitable antifoaming agents, except those derived from animal fats, may be used. This conclusion is incorporated in the final regulation set forth below.

11. One letter from a consumer asked why the antifoaming agents permitted during processing are not required to be declared on the label.

The Commissioner advises that these ingredients are incidental additives which, in accordance with the provisions of § 1.10a(a)(3)(ii)(c), are exempt from labeling requirements.

12. The petitioner's proposal would raise the put-in fruit level of a Group I fruit preserve from 45 lb. to 47 lb. for each 55 lb. by weight of the saccharine ingredient to compensate for the proposed reduction in final soluble solids from 68 to 65 percent.

One comment from a manufacturer asserted that a preserve containing 47 lb. of fruit for each 55 lb. of sweetener, when concentrated to 65 percent soluble solids, contains less fruit than one containing 45 lb. fruit to each 55 lb. sweet-

ener and concentrated to 68 percent soluble solids. However, he endorsed the philosophy of the proposal.

The petitioner gives several reasons for the need to reduce the concentration level of the fruits in the Group I preserves from 68 to 65 percent soluble solids. First, the petitioner claims that there have been significant changes in fruit ingredients since the standards were first established. The petitioner states changes in varieties, commercially available forms, growing conditions, etc., have resulted in the production of larger, softer fruits which are more subject to breakup and flavor and color loss when concentrated to 68 percent rather than 65 percent. This is particularly true for strawberries, the major fruit presently required to be concentrated to 68 percent. The petitioner states that experts from industry and the U.S. Department of Agriculture are familiar with these changes and are prepared to testify that cooking to a soluble solids content of 68 percent rather than 65 percent results in serious losses in flavor and color characteristics of the resulting products. In addition, the petitioner states that the proposed amendment would allow the same-size containers to be used for preserves prepared from fruits in Group I and Group II since they would have the same density. This would eliminate the present problem of providing different size containers for the same weight for the two categories of preserves. The petitioner claims that in view of the intent of the Fair Packaging and Labeling Act towards uniformity of container size, the amendment would offer a significant advantage.

Although by arithmetic calculation, the finished fruit content of the preserves set forth in the existing and proposed standards differs by a few tenths of a percent, the Commissioner concludes that this difference is of the same order of magnitude as the normal variations found in good manufacturing practices as used for the control of fruit sugar ratio and final soluble solids level. The Commissioner is convinced by the petitioner's support of the proposal and the lack of any rebuttal that an affirmative ruling in this matter would be reasonable and in the interest of consumers.

13. One comment from a manufacturer objected to the fact that the proposed standard for preserves did not provide for sweetened fruit concentrate as a source of fruit.

Whereas unsweetened fruit concentrates currently are available commercially, the Commissioner is not aware of the commercial availability of any sweetened fruit concentrates and no documentation was provided showing that any is being used. Further, he is of the opinion that the manufacturer who would desire to use such an ingredient would have no way of personally determining the percent sugar contained therein and the comment did not provide any means to accomplish the determination. Therefore, he concludes that sweetened fruit concentrate should not be provided for as an optional ingredient.

14. The petitioner proposed that sodium benzoate or benzoic acid or a combination of these be permitted as preservatives in fruit jellies and preserves with no restriction on the amount used.

The Commissioner alternatively proposed that any safe and suitable preservative be permitted.

A comment from a manufacturer supported the Commissioner's safe and suitable approach.

One respondent would restrict the use of sodium benzoate and benzoic acid to a maximum concentration of 0.1 percent on the basis that such a restriction is part of 21 CFR 121.101. He would also allow the use of sorbic acid as well as sodium and potassium sorbates.

The petitioner in his comment concurred in the Commissioner's safe and suitable approach.

The Commissioner concludes that his alternate proposal would embrace the requested changes and for the reasons set forth therein is adopted.

15. The petitioner proposed to provide for the use of essence recovery and its return to the fruit jellies or preserves. It is current industry practice to capture these volatile flavoring materials, to concentrate them separately, and to add them back to the mixture in the original proportions in which they were present in the fruit.

One comment received from a manufacturer supported this principle on the basis that it reflected established and accepted trade practices.

The Commissioner concurs.

16. The petitioner urged the Commissioner on his own initiative to revise § 29.1, Fruit butters, to conform to the changes being made in the fruit jelly and preserve standards particularly as they concern safe and suitable classes of optional ingredients. However, the petitioner also requested that final action on the fruit jelly and preserve standards not be deferred pending revision of the fruit butter standard.

In order to conform to the changes being made in the fruit jelly and preserve standards, the Commissioner, as manpower availability permits, will propose to amend not only the fruit butter standard but also the standards for artificially sweetened fruit jelly, 21 CFR 29.4 and artificially sweetened fruit preserves, 21 CFR 29.5. On the other hand, if in the meantime any interested person desires to petition proposing such changes, the Commissioner will consider the proposal. He further concludes that final action on the fruit jelly and preserve standards will not be deferred pending revision of these other standards in Part 29.

17. The petitioner proposed a specific listing of optional acidifying agents and buffering agents.

The Commissioner alternatively proposed that any safe and suitable acidifying agent and buffering agent be permitted.

One comment from a manufacturer supported the Commissioner's safe and suitable approach on the basis that con-

sumers would benefit from the use of new technology as it develops, without the burdensome requirement of amending the standards of identity every time a new ingredient is employed.

The petitioner in his comment concurred with the Commissioner's safe and suitable proposal.

The Commissioner concludes that a safe and suitable provision instead of a specific listing of optional ingredients is in the interests of consumers.

18. The petitioner proposed labeling exceptions dealing with permitting the word "spice" or "spices" in the case of preserves and the words "spice" or "spices," "flavoring," and "artificial coloring" in the case of jellies in lieu of the common or usual name for these ingredients. In the notice of proposed rule making, the Commissioner stated that these exceptions are not necessary in light of the exemption granted by section 403(g)(2) of the act (21 U.S.C. 343 (g)(2)) and that the labeling of spices, flavorings, and artificial colorings shall comply with § 1.12 (21 CFR 1.12).

One comment from a manufacturer endorses the Commissioner's requirement that fruit jellies and preserves be labeled in accordance with 21 CFR 1.12 on the basis that no showing has been made to support the proposition that such products are entitled to be labeled in a manner different from other foods.

The Commissioner re-affirms his position as set forth in his alternate proposal.

19. One manufacturer concurred completely with the petitioner's proposal and stated that he was to some extent instrumental in its preparation.

Another manufacturer also supported the petitioner's proposal but as amended by the Commissioner's alternate proposal. He indicated that the processing and labeling changes, as recommended by the petitioner and amended by the Commissioner, gave his company the ability to produce better quality preserves and an opportunity to better inform the consumer through new labeling.

Further, a third manufacturer expressed agreement with the petitioner's proposal as amended by the Commissioner. He indicated that the proposed revisions will make the standards of identity more meaningful to the consumer.

In consideration of the comments received and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for fruit jelly and preserves as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120): It is ordered, That Part 29 be amended by revising §§ 29.2 and 29.3 to read as follows:

§ 29.2 Fruit jelly; identity; label statement of optional ingredients.

(a) The jellies for which definitions and standards of identity are prescribed by this section are the jelled foods each of which is made from a mixture of one or a permitted combination of the fruit juice ingredients specified in paragraph (b) of this section and one or any combination of the optional ingredients specified in paragraph (c) of this section, which meets the specifications in paragraph (d) of this section and which is labeled in accordance with paragraph (e) of this section. Such mixture is concentrated with or without heat. The volatile flavoring materials or essence from such mixture may be captured during concentration, separately concentrated, and added back to any such mixture, together with any concentrated essence accompanying any optional fruit ingredient.

(b) (1) Each of the fruit juice ingredients referred to in paragraph (a) of this section is the filtered or strained liquid extracted with or without the application of heat and with or without the addition of water, from one of the following mature, properly prepared fruits which are fresh, frozen and/or canned:

Factor referred to in paragraph (d) (2) of this section

Name of fruit:	
Apple	7.5
Apricot	7.0
Blackberry (other than dewberry)	10.0
Black raspberry	9.0
Boysenberry	10.0
Cherry	7.0
Crabapple	6.5
Cranberry	9.5
Damson, damson plum	7.0
Dewberry (other than boysenberry, loganberry, and youngberry)	10.0
Fig	5.5
Gooseberry	12.0
Grape	7.0
Grapefruit	11.0
Greengage, greengage plum	7.0
Guava	13.0
Loganberry	9.5
Orange	8.0
Peach	8.5
Pineapple	7.0
Plum (other than damson, greengage, and prune)	7.0
Pomegranate	5.5
Prickly pear	11.0
Quince	7.5
Raspberry, red raspberry	9.5
Red currant, currant (other than black currant)	9.5
Strawberry	12.5
Youngberry	10.0

(2) The permitted combinations are of two, three, four, or five of the fruit juice ingredients specified in paragraph (b) (1) of this section, the weight of each is not less than one-fifth of the weight of the combination. Each such fruit juice ingredient in any such combination is an optional ingredient.

(c) The following safe and suitable optional ingredients may be used:

(1) Nutritive carbohydrate sweeteners.

(2) Spice.
(3) Acidifying agents.
(4) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit juice ingredient.

(5) Buffering agents.
(6) Preservatives.
(7) Antifoaming agents except those derived from animal fats.

(8) Mint flavoring and artificial green coloring, in case the fruit juice ingredient or combination of fruit juice ingredients is extracted from apple, crabapple, pineapple, or two or all of such fruits.

(9) Cinnamon flavoring, other than artificial flavoring, and artificial red coloring in case the fruit juice ingredient or combination of fruit juice ingredients is extracted from apple or crabapple or both such fruits.

(d) For the purposes of this section:
(1) The mixture referred to in paragraph (a) of this section shall contain not less than 45 parts by weight of the fruit juice ingredients as measured in accordance with paragraph (d) (2) of this section to each 55 parts by weight of saccharine ingredient as measured in accordance with paragraph (d) (4) of this section.

(2) Any requirement with respect to the weight of any fruit juice ingredient, whether prepared from concentrated, unconcentrated, or diluted fruit juice means the weight determined by the following method: (i) Determine the percent of soluble solids in such fruit juice ingredient by the method for soluble solids referred to in paragraph (d) (3) of this section; (ii) multiply the percent so found by the weight of such fruit juice ingredient; (iii) divide the result by 100; (iv) subtract from the quotient the weight of any added saccharine ingredient solids or other added solids; and (v) multiply the remainder by the factor for such fruit juice ingredient prescribed in paragraph (b) of this section. The result is the weight of the fruit juice ingredient.

(3) The soluble-solids content of the finished jelly is not less than 65 percent, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed. (1970) p. 526, Sec. 31.011, "Solids By Means of Refractometer—Official Final Action."

(4) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(e) (1) The name of each jelly for which a definition and standard of identity is prescribed by this section is as follows:

(i) In case the jelly is made with a single fruit juice ingredient, the name is "Jelly," preceded or followed by the name or synonym whereby the fruit from which

such fruit juice ingredient was extracted is designated in paragraph (b) of this section.

(ii) In case the jelly is made with a combination of two, three, four, or five fruit juice ingredients, the name is "Jelly," preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby the fruits from which the fruit juice ingredients were extracted are designated in paragraph (b) of this section, in the order of predominance, if any, of the weights of any such fruit juice ingredients in the combination.

(2) Each of the optional ingredients specified in paragraphs (b) and (c) of this section shall be declared on the label as required by the applicable sections of Part I of this chapter, except that:

(i) The name(s) of the fruit or fruits used may be declared without specifying the particular form of the fruit or fruits used.

(ii) When the optional ingredients listed in paragraph (c) (3), (4), and (5) of this section are declared on the label, the declaration may be followed by the statement "Used as needed" on all jellies to which they are customarily, but not always, added to compensate for natural variations in the fruit juice ingredients used.

§ 29.3 Preserves, jams; identity; label statement of optional ingredients.

(a) The preserves or jams for which definitions and standards of identity are prescribed by this section are the viscous or semi-solid foods, each of which is made from a mixture composed of one or a permitted combination of the fruit ingredients specified in paragraph (b) of this section and one or any combination of the optional ingredients specified in paragraph (c) of this section which meets the specifications in paragraph (d) of this section, and which is labeled in accordance with paragraph (e) of this section. Such mixture, with or without added water, is concentrated with or without heat. The volatile flavoring material from such mixture may be captured during concentration, separately concentrated, and added back to any such mixture, together with any concentrated essence accompanying any optional fruit ingredient.

(b) (1) The fruit ingredients referred to in paragraph (a) of this section are the following mature, properly prepared fruits which are fresh, concentrated, frozen and/or canned:

GROUP I

Blackberry (other than dewberry)	Grapefruit
Black raspberry	Huckleberry
Blueberry	Loganberry
Boysenberry	Orange
Cherry	Pineapple
Crabapple	Raspberry, red raspberry
Dewberry (other than boysenberry, loganberry, and youngberry)	Rhubarb
Elderberry	Strawberry
Grape	Tangerine
	Tomato
	Yellow tomato
	Youngberry

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

Group II

Apricot	Nectarine
Cranberry	Peach
Damson, damson plum	Pear
Fig	Plum (other than greengage plum and damson plum)
Gooseberry	Quince
Greengage, greengage plum	Red currant, currant (other than black currant)
Guava	

(2) The following combinations of fruit ingredients may be used:

(i) Any combination of two, three, four, or five of such fruits in which the weight of each is not less than one-fifth of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

(ii) Any combination of apple and one, two, three, or four of such fruits in which the weight of each is not less than one-fifth and the weight of apple is not more than one-half of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

In any combination of two, three, four, or five fruits, each such fruit is an optional ingredient. For the purposes of this section the word "fruit" includes the vegetables specified in this paragraph.

(c) The following safe and suitable optional ingredients may be used:

- (1) Nutritive carbohydrate sweeteners.
- (2) Spice.
- (3) Acidifying agents.
- (4) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit ingredient.
- (5) Buffering agents.
- (6) Preservatives.
- (7) Antifoaming agents, except those derived from animal fat.

(d) For the purposes of this section:

(1) The mixture referred to in paragraph (a) of this section shall be composed of not less than: (i) In the case of a fruit ingredient consisting of a Group I fruit or a permitted combination exclusively of Group I fruits, 47 parts by weight of the fruit ingredient to each 55 parts by weight of the saccharine ingredient; and (ii) in all other cases, 45 parts by weight of the fruit ingredient to each 55 parts by weight of the saccharine ingredient. The weight of the fruit ingredient shall be determined in accordance with paragraph (d) (2) of this section, and the weight of the saccharine ingredient shall be determined in accordance with paragraph (d) (5) of this section.

(2) Any requirement with respect to the weight of any fruit, combination of fruits, or fruit ingredient means:

(i) The weight of fruit exclusive of the weight of any sugar, water, or other substance added for any processing or packing or canning, or otherwise added to such fruit.

(ii) In the case of fruit prepared by the removal, in whole or in part, of pits, seeds, skins, cores, or other parts; the weight of such fruit, exclusive of the weight of all such substances removed therefrom.

(iii) In the cases of apricots, cherries, grapes, nectarines, peaches, and all va-

rieties of plums, whether or not pits and seeds are removed therefrom; the weight of such fruit, exclusive of the weight of such pits and seeds.

(iv) In the case of concentrated fruit, the weight of the properly prepared fresh fruit used to produce such concentrated fruit.

(3) The term "concentrated fruit" means a concentrate made from the properly prepared edible portion of mature fresh or frozen fruits by removal of moisture with or without the use of heat or vacuum, but not to the point of drying. Such concentrate is canned or frozen without the addition of sugar or other sweetening agents and is identified to show or permit the calculation of the weight of the properly prepared fresh fruit used to produce any given quantity of such concentrate. The volatile flavoring material or essence from such fruits may be captured during concentration and separately concentrated for subsequent addition to the concentrated fruit either directly or during manufacture of the preserve or jam, in the original proportions present in the fruit.

(4) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(5) The soluble-solids content of the finished jam or preserve is not less than 65 percent, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed. (1970) p. 371, Sec. 22.019, "Soluble Solids (By Refractometer)" in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—Official First Action," except that no correction is made for water-insoluble solids.

(e) (1) The name of each preserve or jam for which a definition and standard of identity is prescribed by this section is as follows:

(i) If the fruit ingredient is a single fruit, the name is "Preserve" or "Jam," preceded or followed by the name or synonym whereby such fruit is designated in paragraph (b) of this section.

(ii) If the fruit ingredient is a combination of two, three, four, or five fruits, the name is "Preserve" or "Jam," preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby such fruits are designated in paragraph (b) of this section, in the order of predominance, if any, of the weights of such fruits in the combination.

(2) Each of the optional ingredients specified in paragraphs (b) and (c) of this section shall be declared on the label as required by the applicable sections of Part 1 of this chapter, except that:

(i) The name(s) of the fruit or fruits used may be declared without specifying the particular form of the fruit or fruits used.

(ii) When the optional ingredients listed in paragraph (c) (3), (4), and (5) of this section are declared on the label, the declaration may be followed by the statement "used as needed" on all preserves or jams to which they are customarily, but not always, added to compensate for natural variations in the fruit ingredients used.

Any person who will be adversely affected by the foregoing order may at any time on or before September 27, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

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

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

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

Dated: August 22, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-19875 Filed 8-27-74; 8:45 am]

PART 121—FOOD ADDITIVES

Alkylene Oxide Adducts of Alkyl Alcohols and Phosphate Esters Mixture

Correction

In FR Document 74-16091 in the issue of Mon., July 15, 1974, on page 25942 of the table should be corrected as follows: The eleventh and twelfth lines should be switched.

Title 24—Housing and Urban Development

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

[Docket No. R-74-267]

PART 275—LOW RENT PUBLIC HOUSING
Prototype Cost Limits for Public Housing

In the FEDERAL REGISTER issued for Friday, May 17, 1974, (39 FR 17678) prototype per unit cost schedules were pub-

RULES AND REGULATIONS

lished pursuant to section 15(5) of the Housing and Urban Development Act of 1937. Consideration of subsequent factual project cost data and other information received from the Buffalo Area Office indicates that the prototype costs for Buffalo, Rochester, Jamestown and Elmira, New York published May 17, 1974, should be revised as set forth below in the table entitled Prototype Per Unit Cost Schedule.

The change in schedule will be effective on publication in the FEDERAL REGISTER. Timely written comments will be considered in preparing revisions to cost limits for individual areas. Comments with respect to cost limits for a given location may be filed with the appropriate HUD Area Office. The offices were listed in our publication of May 17, 1974.

Accordingly, it is proposed to amend 24 CFR Part 275 as follows:

1. On page 17686 delete the existing prototype costs for Buffalo, Rochester, Jamestown and Elmira, New York and substitute in lieu thereof the revised prototype per unit costs shown on the table

set forth hereinafter entitled Prototype Per Unit Cost Schedule.

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

Effective date. This amendment is effective on August 28, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE

	REGION II						
	Number of bedrooms						
	0	1	2	3	4	5	6
Buffalo, N.Y.:							
Detached and semidetached.....	14,250	17,000	18,850	22,500	27,100	30,100	31,550
Row dwellings.....	13,950	16,650	18,500	22,000	26,400	29,500	30,750
Walk-up.....	12,500	15,350	17,400	20,650	23,900	26,300	27,700
Elevator-structure.....	17,400	20,250	25,500				
Rochester, N.Y.:							
Detached and semidetached.....	13,850	16,550	18,250	21,000	26,450	29,300	30,750
Row dwellings.....	13,600	16,250	18,100	21,450	25,750	28,700	30,000
Walk-up.....	12,100	14,900	16,950	20,100	23,300	25,600	26,950
Elevator-structure.....	17,000	19,800	24,950				
Jamestown, N.Y.:							
Detached and semidetached.....	13,800	16,500	18,300	21,850	26,350	29,250	30,650
Row dwellings.....	13,500	16,200	17,950	21,300	25,650	28,650	29,850
Walk-up.....	12,100	14,900	16,950	20,100	23,300	25,600	26,950
Elevator-structure.....	16,850	19,650	24,800				
Elmira, N.Y.:							
Detached and semidetached.....	14,750	17,650	19,650	23,400	28,200	31,300	32,800
Row dwellings.....	14,450	17,350	19,250	22,850	27,450	30,650	32,000
Walk-up.....	13,000	15,950	18,100	21,500	24,850	27,400	28,850
Elevator-structure.....	18,100	21,050	26,550				

[FR Doc.74-19788 Filed 8-27-74; 8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-341]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Florida.....	Hendry.....	Unincorporated areas.....	Aug. 27, 1974, emergency.....			
Do.....	Hernando.....	do.....	do.....			
Do.....	Sarasota.....	North Port Charlotte, city of.....	do.....			
Louisiana.....	Acadia.....	Bayne, city of.....	do.....	Mar. 29, 1974.....		
New Mexico.....	Elerra.....	Truth or Consequences, city of.....	do.....	June 28, 1974.....		
Iowa.....	Shelby.....	Harlan, city of.....	do.....	do.....		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 20, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-19811 Filed 8-27-74; 8:45 am]

[Docket No. FI-343]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama.....	Madison.....	Unincorporated areas	Aug. 26, 1974, emergency			
California.....	Los Angeles.....	Rancho Palos Verdes, city of	do			
Florida.....	Brevard.....	Melbourne, town of	do			
Do.....	Seminole.....	Winter Springs, city of	do			
Illinois.....	Randolph.....	Rockwood, village of	do			
Louisiana.....	Clalborne.....	Haynesville, town of	do	Mar. 8, 1974		
New Jersey.....	Hunterdon.....	Clinton, township of	do			
New Mexico.....	Bernalillo.....	Unincorporated areas	do			
Oklahoma.....	Choctaw.....	Hugo, city of	do	Jan. 23, 1974		
Pennsylvania.....	Delaware.....	Aldan, borough of	do	Dec. 28, 1973		
Do.....	Chester.....	East Pikeland, township of	do			
Do.....	Westmoreland.....	Rostraver, township of	do	May 24, 1974		
Washington.....	Skagit.....	Sedro Woolley, city of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 19, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc. 74-19813 Filed 8-27-74; 8:45 am]

[Docket No. FI-342]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama.....	Houston.....	Madrid, town of	H 010107 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, City Hall, Town of Madrid, Madrid, Ala. 36348.	Aug. 23, 1974.
Do.....	do.....	Webb, town of	H 010109 01 through H 010109 02 H 010118 01	do	Mayor, City Hall, Town of Webb, Webb, Ala. 36376.	Do.
Do.....	Jefferson.....	Brookside, town of	H 010181 01	do	Mayor, City Hall, Town of Brookside, Brookside, Ala. 35036.	Do.
Do.....	Pickens.....	Carrollton, city of	H 010181 01	do	Mayor, City of Carrollton, City Hall, Carrollton, Ala. 35442.	Do.
Arizona.....	Navajo County.....	Unincorporated areas	H 040066 01 through H 040066 13	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7098, 718 West Glenrosa, Phoenix, Ariz. 85011.	Navajo County Planning Commission, P.O. Box 188, Navajo County, Navajo, Ariz. 86509.	Do.
Do.....	Yavapai.....	Clarkdale, town of	H 040095 01 through H 040095 02	do	Mayor, 9 Clarkdale, Town of Clarkdale, Clarkdale, Ariz. 86324.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arkansas	Benton	Sulphur Springs, city of.	H 050015 01	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Power Bldg., Little Rock, Ark. 72204.	Mayor, City of Sulphur Springs, Sulphur Springs, Ark. 72768.	Do.
Do.	Boone	Belleville, town of.	H 050018 01	do.	Mayor, Town of Belleville, Harrison, Ark. 72601.	Do.
Do.	Clay	Peach Orchard, city of.	H 050034 01	do.	Mayor, City Hall, City of Peach Orchard, Peach Orchard, Ark. 72453.	Do.
Do.	do	Pollard, city of.	H 050030 01	do.	Mayor, City Hall, Pollard, Ark. 72456.	Do.
Do.	Craighead	Brookland, town of.	H 050047 01	do.	Mayor, Town of Brookland, Brookland, Ark. 72417.	Do.
Do.	Jackson	Jacksonport, town of.	H 050102 01	do.	Mayor, City Hall, Town of Jacksonport, Jacksonport, Ark. 72075.	Do.
Do.	Lawrence	Portia, town of.	H 050121 01	do.	Mayor, City Hall, Town of Portia, Portia, Ark. 72457.	Do.
Do.	Montgomery	Norman, city of.	H 050158 01	do.	Mayor, City Hall, City of Norman, Norman, Ark. 71660.	Do.
Do.	St. Francis	Colt, city of.	H 050186 01	do.	Mayor, City Hall, City of Colt, Colt, Ark. 72326.	Do.
Do.	Yell	Havana, city of.	H 050234 01	do.	Mayor, City Hall, City of Havana, Havana, Ark. 72842.	Do.
California	Kings County	Unincorporated areas.	H 060086 01 through H 060086 09	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	Chairman, Kings County Board of Supervisors, Courthouse, Box C, Hanford, Calif. 93230.	Do.
Do.	Merced County	do.	H 60188 01 through H 60188 14	do.	Chairman, Merced Co. Board of Supervisors, P.O. Box 2008, Merced County, Merced, Calif. 95340.	Do.
Do.	Tulare	Visalia, city of.	H 060409 01 through H 060409 07	do.	Visalia City Hall, City of Visalia, 707 West Aecquia St., Visalia, Calif. 93277.	Do.
Connecticut	Middlesex	East Haddam, town of.	H 090063 01 through H 090063 15	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Selectman, Town Office Bldg., Town of East Haddam, East Haddam, Conn. 06423.	Do.
Do.	Fairfield	Redding, town of.	H 090141 01 through H 090141 10	do.	Mayor, City Hall, Town of Redding, Redding, Conn. 06875.	Do.
Florida	Palm Beach	Golfview, town of.	H 120202 01	Department of Community Affairs, 2521 Executive Center Circle, East, P.O. Box 147, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Mayor, P.O. Box 15254, Town of Golfview, West Palm Beach, Fla. 33406.	Do.
Do.	do	Hypoluxo, town of.	H 120207 01	do.	Mayor, 7450 U.S. Highway No. 1, Town of Hypoluxo, Hypoluxo, Fla. 32402.	Do.
Do.	Volusia	Edgewater, town of.	H 120208 01 through H 120208 02	do.	City Manager, City Hall, Town of Edgewater, North Riverside Dr., Edgewater, Fla. 32022.	Do.
Do.	Hardee	Ona, town of.	H 120227 01	do.	Chairman, Board of County Commissioners, County Courthouse, Town of Ona, Warehola, Fla. 33587.	Do.
Illinois	Cook	Chicago, city of.	H 170074 01 through H 170074 14	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 825 West Jefferson St., Springfield, Ill. 62702.	Department of Buildings, City of Chicago, 121 North La Salle St., City Hall, Room 900, Chicago, Ill. 60602.	Do.
Do.	Effingham	Montrose, village of.	H 170230 01	do.	Mayor, City Hall, Village of Montrose, Montrose, Ill. 62445.	Do.
Do.	Jackson	Makanda, village of.	H 170301 01 through H 170301 03	do.	Village President, Route No. 1, Village of Makanda, Makanda, Ill. 62458.	Do.
Do.	Jefferson	Waltonville, village of.	H 170310 01	do.	Mayor, Village of Waltonville, Waltonville, Ill. 62394.	Do.
Do.	Lake	Indian Creek, village of.	H 170309 01	do.	President, 13 Circle Dr., Village of Indian Creek, Mundelein, Ill. 60060.	Do.
Do.	Schuyler	Browning, village of.	H 170606 01	do.	Rosa Lee Smith, Clerk, Village of Browning, Browning, Ill. 62624.	Do.
Indiana	Steuben	Angola, town of.	H 180244 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Mayor, City Hall, Angola, Ind. 46703.	Do.
Iowa	Carroll	Manning, town of.	H 190046 01 through H 190046 02	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Town of Manning, Manning, Iowa 51455.	Do.
Do.	Clayton	Clayton, town of.	H 190072 01	do.	Mayor, City Hall, Town of Clayton, Clayton, Iowa 52034.	Do.
Do.	do	Littleport, town of.	H 190078 01	do.	Mayor, City Hall, Town of Littleport, Littleport, Iowa 52055.	Do.
Do.	Hamilton	Webster City, city of.	H 190137 01 through H 190137 08	do.	Municipal Building, City of Webster City, Webster City, Iowa 50595.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Kansas.....	Leavenworth.....	Countryside, city of.	H 200180 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City of Countryside, Countryside, Kans.	Do.
Do.....	do.....	Lansing, city of...	H 200189 01 through H 200189 02	do.....	Mayor, City Hall, Lansing, Kans. 66043.	Do.
Kentucky.....	Floyd.....	Wayland, town of.	H 210073 01 through H 210073 03	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza, Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, Town of Wayland, Wayland, Ky. 41666.	Do.
Do.....	Hardin.....	Elizabethtown, city of.	H 210095 01 through H 210095 07	do.....	Mayor, City of Elizabethtown, Elizabethtown, Ky. 42701.	Do.
Louisiana.....	Livingston.....	Springfield, town of.	H 220120 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Town of Springfield, Springfield, La. 70462.	Do.
Maine.....	Arcoostook.....	Fort Fairfield, town of.	H 230018 01 through H 230018 19	Maine Soil and Water Conservation, Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Chairman, Town Council, Fort Fairfield, Maine 04742.	Do.
Do.....	Hancock.....	Bar Harbor, town of.	H 230064 01 through H 230064 17	do.....	Town Manager, Town of Bar Harbor, Municipal Bldg., Bar Harbor, Maine 04809.	Do.
Do.....	Somerset.....	Anson, town of...	H 230173 01 through H 230173 14	do.....	1st Selectman, Town of Anson, Anson, Maine 04911.	Do.
Do.....	York.....	Old Orchard Beach, town of.	H 230153 01 through H 230153 15	do.....	Town of Old Orchard Beach, Old Orchard Beach Town Hall, Old Orchard Beach, Maine 04063.	Do.
Do.....	Penobscot.....	East Millinocket, town of.	H 230163 01 through H 230163 03	do.....	Town Manager, Town of East Millinocket, 197 Penobscot Ave., East Millinocket, Maine 04462.	Do.
Massachusetts...	Hampden.....	Monson, town of...	H 250145 01 through H 250145 05	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Chairman, Planning Board, Town Hall, Monson, Mass. 01057.	Do.
Do.....	Middlesex.....	Sudbury, town of.	H 250217 01 through H 250217 08	do.....	Chairman, Board of Selectmen, Town Hall, Sudbury, Mass. 01776.	Do.
Do.....	Worcester.....	Boylston, town of.	H 250297 01 through H 250297 06	do.....	Chairman, Board of Selectmen, Town Hall, Boylston, Mass. 01505.	Do.
Do.....	do.....	Winchendon, town of.	H 250348 01 through H 250348 11	do.....	Chairman, Board of Selectmen, Town Hall, Winchendon, Mass. 01475.	Do.
Michigan.....	Mason.....	Hamlin, township of.	H 260134 01 through H 260134 10	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Homer St., Lansing, Mich. 48913.	Frank Kalina, Hamlin Township, Zoning Administrator, Route No. 3, Ludington, Mich. 49431.	Do.
Do.....	Muskegon.....	Whitehall, city of.	H 260166 01	do.....	William Beauvais, City Manager, 405 Colby St., Whitehall, Mich. 49461.	Do.
Do.....	St. Clair.....	Berlin, township of.	H 260192 01 through H 260192 11	do.....	Township Supervisor, Township of Berlin, 14220 Belle River Rd., Capac, Mich. 48014.	Do.
Do.....	Wayne.....	Brownstown, township of.	H 260218 01	do.....	Township of Brownstown, Municipal Bldg., 21313 Telegraph, Trenton, Mich. 48183.	Do.
Minnesota.....	Blue Earth.....	St. Clair, city of...	H 270033 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City Hall, City of St. Clair, St. Clair, Minn. 56080.	Do.
Do.....	Carlton.....	Barnum, city of...	H 270040 01	do.....	Mayor, Village Hall, City of Barnum, Barnum, Minn. 55707.	Do.
Do.....	Clearwater.....	Convick, city of...	H 270088 01	do.....	Mayor, Village Hall, City of Convick, Convick, Minn. 56044.	Do.
Do.....	Cook.....	Grand Marais, city of.	H 270089 01 through H 270089 03	do.....	Mayor, City of Grand Marais, Municipal Bldg., Grand Marais, Minn. 55604.	Do.
Do.....	Crow Wing.....	Jenkins, city of...	H 270098 01 through H 270098 02	do.....	Mayor, City Hall, City of Jenkins, Jenkins, Minn. 56456.	Do.
Do.....	Hennepin.....	Minnetonka, city of.	H 270173 01 through H 270173 11	do.....	Mayor, City Hall, City of Minnetonka, 14600 Minnetonka Blvd., Minnetonka, Minn. 55343.	Do.
Do.....	Itasca.....	La Prairie, city of.	H 270206 01	do.....	Mayor, City Hall, City of La Prairie, 700 La Prairie Ave., Grand Rapids, Minn. 55744.	Do.
Do.....	Kandiyohi.....	Prinsburg, city of.	H 270221 01	do.....	Mayor, City Hall, City of Prinsburg, Prinsburg, Minn. 56381.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Lac Qui Parle	Bellingham, city of.	H 270230 01	do.	Mayor, Municipal Bldg., City of Bellingham, Bellingham, Minn. 56212.	Do.
Do.	Morrison	Swanville, city of.	H 270305 01	do.	Mayor, City Hall, City of Swanville, Swanville, Minn. 56382.	Do.
Do.	Polk	Beltrami, city of.	H 270362 01	do.	Mayor, City of Beltrami, City Hall, Beltrami, Minn. 56517.	Do.
Do.	Red Lake	Plummer, city of.	H 270390 01 H 270390 02	do.	Mayor, City Hall, City of Plummer, Plummer, Minn. 56743.	Do.
Do.	Rock	Beaver Creek, city of.	H 270407 01	do.	Mayor, City of Beaver Creek, Beaver Creek, Minn. 56116.	Do.
Do.	Roseau	Badger, city of.	H 270412 01	do.	Mayor, Village of Badger, Badger Minn. 56714.	Do.
Do.	Sterns	Greenwald, city of.	H 270447 01	do.	Mayor, City of Greenwald, Greenwald, Minn. 56335.	Do.
Do.	do.	St. Stephen, city of.	H 270453 01 H 270453 02	do.	Mayor, City Hall, City of St. Stephen, St. Stephen, Minn. 56375.	Do.
Do.	Swift	Murdoock, city of.	H 270473 01	do.	Mayor, City Hall, City of Murdoock, Murdoock, Minn. 56271.	Do.
Do.	Winona	Stockton, city of.	H 270532 01	do.	Mayor, City Hall, City of Stockton, Stockton, Minn. 55988.	Do.
Do.	Wright	Clearwater, city of.	H 270536 01	do.	Mayor, City of Clearwater, Clearwater, Minn. 55320.	Do.
Mississippi	Leflore	Schlater, town of.	H 280105 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woodfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, City Hall, Town of Schlater, Schlater, Miss. 38952.	Do.
Do.	Marshall	Potts Camp, town of.	H 280114 01 H 280114 02	do.	Mayor, City Hall, Town of Potts Camp, Potts Camp, Miss. 39559.	Do.
Do.	Montgomery	Winona, city of.	H 280119 01 H 280119 02	do.	Mayor, City Hall, City of Winona, Winona, Miss. 38997.	Do.
Do.	Neshoba	Philadelphia, city of.	H 280120 01 H 280120 04	do.	Mayor, City Hall, City of Philadelphia, Philadelphia, Miss. 39350.	Do.
Do.	Rankin	Florence, town of.	H 280144 01	do.	Mayor, City Hall, Town of Florence, Florence, Miss. 39073.	Do.
Do.	do.	Puckett, town of.	H 280147 01	do.	Mayor, City Hall, Town of Puckett, Puckett, Miss. 39161.	Do.
Do.	Yazoo	Satartia, town of.	H 280205 01	do.	Potters Store, and Mayor and Clerk's Residence, Town of Satartia, Satartia, Miss. 39162.	Do.
Montana	Powder River	Broadus, town of.	H 30058 01	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department Capitol Bldg., Helena, Mont. 59601.	Mayor, Fire Hall, Town of Broadus, Broadus, Mont. 59317.	Do.
Nebraska	Dodge	Winslow, village of.	H 310072 01	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, Village of Winslow, Winslow, Nebr. 68072.	Do.
Do.	Otoe	Unadilla, village of.	H 310168 01	do.	Mayor, Village of Unadilla, Unadilla, Nebr. 68454.	Do.
New Hampshire	Grafton	Sugar Hill, town of.	H 330074 01 H 33074 05	Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Chairman, Planning Board, Town of Sugar Hill, Sugar Hill, N.H. 03585.	Do.
Do.	Hillsborough	Nashua, city of.	H 330097 01 H 330097 16	do.	Mayor, City Hall, City of Nashua, Nashua, N.H. 03060.	Do.
Do.	Merrimack	Hopkinton, town of.	H 330116 01 H 330116 12	do.	Selectmen, Town of Hopkinton, Hopkinton, N.H. 03301.	Do.
New Jersey	Atlantic	Port Republic, city of.	H 340016 01 H 340016 03	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, City of Port Republic, 24 Main St., Port Republic, N.J. 08241.	Do.
Do.	Cumberland	Commercial, township of.	H 340166 01 H 340166 11	do.	Mayor, Township of Commercial, Township Hall, Main St., Port Norris, N.J. 08349.	Do.
New York	Chataugua	Mayville, village of.	H 361059 01 H 361059 02	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Village Clerk, Village of Mayville, Mayville, N.Y. 14757.	Do.
Do.	Green	Lexington, town of.	H 360204 01 H 360204 11	do.	Supervisor, Town of Lexington, Lexington, N.Y. 12452.	Do.
Ohio	Blount	Holloway, village of.	H 390028 01	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 115 East Rich St., Columbus, Ohio 43215.	Mayor, Village of Holloway, Municipal Bldg., Holloway, Ohio 43085.	Do.
Do.	Guernsey	Pleasant City, village of.	H 390203 01	do.	Mayor, Village of Pleasant City, Pleasant City, Ohio 43772.	Do.
Do.	Noble	Dexter City, village of.	H 390431 01	do.	Village Clerk, Village of Dexter City, Dexter City, Ohio 45727.	Do.
Do.	Perry	Glenford, village of.	H 390442 01	do.	Mayor, Village of Glenford, Glenford, Ohio 43739.	Do.

RULES AND REGULATIONS

31315

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Ross	South Salem, village of.	H 390485 01	do.	Mayor, Village of South Salem, Post Office, South Salem, Ohio 45681.	Do.
Do.	Scioto	Rarden, village of.	H 390400 01	do.	Mayor, Village of Rarden, Rarden, Ohio, 45671.	Do.
Do.	Washington	Macksburg, village of.	H 390571 01	do.	Mayor, Village Hall, Macksburg, Ohio 45746.	Do.
Oklahoma	Alfalfa	Burlington, town of.	H 400005 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, Town of Burlington, Burlington, Okla. 73722.	Do.
Do.	Cleveland	Norman, city of.	H 400046 01 through H 400046 25	do.	City Engineer, City of Norman, P.O. Box 370, 221 East Gray St., Norman, Okla. 73069.	Do.
Do.	Ellis	Gage, town of.	H 400060 01	do.	Mayor, Town of Gage, Gage, Okla. 73843.	Do.
Oregon	Coos	Coos Bay, city of.	H 410044 01 through H 410044 07	Executive Department, State of Oregon, Salem, Ore. 97310. Oregon Insurance Division, Department of Commerce, 158 12th NE., Salem, Ore. 97310.	Codes Administration, Coos Bay City Hall, P.O. Box 1118 (4th and Central), City of Coos Bay, Coos Bay, Ore. 97420.	Do.
Do.	Jackson	Shady Cove, city of.	H 410099 01	do.	Jackson County Planning Department, City of Shady Cove, Courthouse, Medford, Ore. 97501.	Do.
Pennsylvania	Lycoming	Muncy Creek, township of.	H 420650 01 through H 420650 08	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Muncy Creek Township Municipal Bldg., Township of Muncy Creek, Route 442 East of Muncy, P.O. Box 297, Muncy, Pa. 17756.	Do.
Do.	Mercer	Greenville, borough of.	H 420674 01 through H 420674 02	do.	Mr. Joseph W. Couchenour, Municipal Bldg., Borough of Greenville, 125 Main St., Greenville, Pa. 16125.	Do.
South Carolina	Horry	North Myrtle Beach, town of.	H 450110 01 through H 450110 04	South Carolina Water Resources Commission, P.O. Drawer 164, 700 Knox Abbott Dr., Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Hon. Robert L. Edga, Mayor, Town of North Myrtle Beach, P.O. Box 1038, North Myrtle Beach, S.C. 29582.	Do.
Tennessee	Rutherford	Eagleville, town of.	H 470166 01	Tennessee State Planning Office, 600 Capitol Hill Bldg., Nashville, Tenn. 37210. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37210.	Mayor, Frank Crosslin, Town of Eagleville, Eagleville, Tenn. 37000.	Do.
Do.	Shelby	Memphis, city of.	H 470177 01 through H 470177 33	do.	Memphis and Shelby County Planning Commission, 125 North Main St., Memphis, Tenn. 38103.	Do.
Do.	Sullivan	South Carthage, town of.	H 470183 01 through H 470183 02	do.	Mayor, Town of South Carthage, South Carthage, Tenn.	Do.
Do.	Tipton	Brighton, city of.	H 471088 01	do.	Mayor, City Hall, City of Brighton, Brighton, Tenn. 38011.	Do.
Texas	Dallam	Dalhart, city of.	H 480164 01 through H 480164 03	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 110 San Jacinto St., Austin, Tex. 78701.	City Manager, City of Dalhart, Municipal Bldg., Dalhart, Tex. 79022.	Do.
Do.	Grayson	Denison, city of.	H 480259 01 through H 480259 10	do.	Building Official's Office, City of Denison, P.O. Box 347, 108 West Main St., Denison, Tex. 75020.	Do.
Do.	Henderson	Athens, city of.	H 480324 01 through H 480324 06	do.	Mayor, City Hall, City of Athens, Athens, Tex. 75751.	Do.
Do.	San Jacinto	Shepherd, city of.	H 480554 01 through H 480554 02	do.	Mayor, City of Shepherd, Shepherd, Tex. 75771.	Do.
Do.	Somervell	Glen Rose, city of.	H 480574 01	do.	Mayor, Box 888, City of Glen Rose, Glen Rose, Tex. 76043.	Do.
Vermont	Chittenden	Colchester, town of.	H 500033 01	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Town Engineer's Office, Town of Colchester, Colchester, Vt. 05446.	Do.
West Virginia	Mineral	Piedmont, town of.	H 540131 01	Office of Federal-State Relations, Room W115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Mayor, City Bldg., Town of Piedmont, Piedmont, W. Va. 26750.	Do.
Wisconsin	Juneau	Hustler, village of.	H 550202 01	Dept. of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Village President, Village Hall, Village of Hustler, Hustler, Wis. 54637.	Do.
Do.	Monroe	Wyeville, village of.	H 550293 01	do.	Village President, Village of Wyeville, Wyeville, Wis. 54671.	Do.
Do.	Richland	Boaz, village of.	H 550357 01	do.	Village President, Village of Boaz, Route 1, Richland Center, Wis. 53581.	Do.
Do.	do.	Cazenovia, village of.	H 550358 01	do.	Village President, Cazenovia, Wis. 53924.	Do.
Do.	Sauk	Lime Ridge, village of.	H 550396 01	do.	Village President, Village of Lime Ridge, Hillpoint, Wis. 53937.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Sawyer	Couderay, village of.	H 550408 01	do.	Village President, Village of Couderay, Couderay, Wis. 54823.	Do.
Do.	Shawano	Eland, village of.	H 550417 01	do.	Village President, Village Hall, Village of Eland, Eland, Wis. 54427.	Do.
Do.	Waupaco	Ogdensburg, village of.	H 550500 01	do.	President, Village Board, Village of Ogdensburg, Ogdensburg, Wis. 54962.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 20, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc. 74-19812 Filed 8-27-74; 8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 727—AGRICULTURE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 54 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 629 (39 FR 5329), the Secretary of Labor appointed and convened Industry Committee No. 122 for the Agriculture Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 122 are hereby published, revising §§ 727.1 and 727.2.

1. As revised, § 727.1 reads as follows:

§ 727.1 Definition.

The Agriculture Industry in Puerto Rico is defined as follows: Farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur bearing animals, or poultry, and any other practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including the preparation for market, delivery to storage or to market or to the carriers for transportation to

market: *Provided, however,* That the agriculture industry shall not include any activities included in the food and kindred products industry in Puerto Rico, the tobacco manufactures industry in Puerto Rico, and the communications, utilities, and transportation industry in Puerto Rico: *and provided, further,* that the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966, or the activities of employees to whom the minimum wage section of the Act is made applicable by the Fair Labor Standards Amendments of 1974.

2. As revised, § 727.2 reads as follows:

§ 727.2 Wage rates.

(a) *Drivers, tractor operators and machinery operators on farms other than sugarcane farms classification.* (1) The minimum rate for this classification is \$1.60 an hour.

(2) This classification is defined as all activities on farms, other than sugarcane farms, performed by drivers of motor vehicles, tractor operators, or operators of any other agricultural motor machinery. Tractor operators include those who condition and operate tractors to haul heavy agricultural machinery such as plows, cultivators, rakes, etc., and may operate a small tractor (wheeled tractor) commonly known in Puerto Rico as MOSQUITO to haul light agricultural machinery used in farms or to pull dump wagons, mow grass, sink poles, etc.

(b) *Milkers classification.* (1) The minimum rate for this classification is \$1.60 an hour.

(2) This classification is defined as the activities of milkers in dairy farms who milk cows by machine or by hand, and tend machines which separate milk from cream.

(c) *Craftsmen on farms other than sugarcane farms classification.* (1) The minimum rate for this classification is \$1.60 an hour.

(2) This classification is defined as all activities on farms, other than sugarcane farms, performed by craftsmen who practice, carry out or accomplish any work which requires mechanical or manual skill, including, but without limitation, cabinetmakers, electricians, paint-

ers, mechanics, masons, carpenters, or plumbers.

(d) *Other workers on livestock, dairy and pineapple farms.* (1) The minimum rate for this classification is \$1.40 an hour.

(2) This classification is defined as all activities on livestock, dairy and pineapple farms, except those included in the drivers, etc., classification.

(e) *Other workers on tobacco, coffee and other farms (except sugarcane farms) classification.* (1) The minimum rate for this classification is \$1.28 an hour.

(2) This classification is defined as all activities on tobacco, coffee and other farms (except sugarcane farms), except those included in the drivers, etc., classification.

(f) *Principal operators of mechanical loaders, harvesters, and sowers on sugarcane farms classification.* (1) The minimum rate for this classification is \$1.60 an hour.

(2) This classification is defined as all activities on sugarcane farms performed by principal operators of mechanical loaders, harvesters, and sowers.

(g) *Operators of mechanical equipment and craftsmen except operators of mechanical loaders, harvesters, and sowers on sugarcane farms classification.* (1) The minimum rate for this classification is \$1.60 an hour.

(2) This classification is defined as all activities on sugarcane farms performed by all operators of mechanical equipment such as tractors, tractor plows, fertilizing machines, herbicide spraying machines, and trucks including also heavy mechanical equipment; and the activities performed by craftsmen.

(h) *Other workers on sugarcane farms classification.* (1) The minimum rate for this classification is \$1.45 an hour.

(2) This classification is defined as all activities on sugarcane farms except those included in the two other sugarcane classifications.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064 as amended; (29 U.S.C. 205, 206, 208))

Effective date. These amendments are effective September 13, 1974.

Signed at Washington, D.C., this 23rd day of August, 1974.

BETTY SOUTHARD MURPHY,
Administrator, Wage and Hour
Division, U.S. Department of
Labor.

[FR Doc. 74-19855 Filed 8-27-74; 8:45 am]

Title 36—Parks, Forests, and Public
Property

CHAPTER II—FOREST SERVICE,
DEPARTMENT OF AGRICULTURE

NATIONAL FORESTS SURFACE USE
UNDER U.S. MINING LAWS

Regulations are hereby adopted concerning the use of the surface of National Forest System lands by persons operating under the United States mining laws of 1872, as amended. Parts 251 and 293 are amended and a new Part 252 is added.

The public was afforded an opportunity to comment on proposed rulemaking published on December 19, 1973 (38 FR 34817) and on July 16, 1974 (39 FR 26038). Respondents included Government agencies (National, State, and local), conservation organizations, mining associations, United States Senators and Congressmen, and individuals directly or indirectly concerned with mineral operations. The proposed regulations were also the subject of oversight hearings by the Public Lands Subcommittee of the Committee on Interior and Insular Affairs of the House of Representatives.

Comments ranged from total opposition to unqualified support of the proposals. Critical comments were in the majority. Many persons suggested changes or improvements in both wording and substance.

Although many respondents objected to the operating plan requirement, the essence of adequate regulation is development of operating plans which reflect both the necessities for environmental protection and for the use of surface resources in connection with mineral operations. A provision for operating plans is part of the regulations.

A major concern expressed by the mining industry, and noted by the Public Lands Subcommittee of the House Committee on Interior and Insular Affairs, is the possibility of unreasonable enforcement of the regulations, with resulting cost increases that could make otherwise viable mineral operations prohibitively expensive. The Forest Service recognizes that prospectors and miners have a statutory right, not mere privilege, under the 1872 mining law and the Act of June 4, 1897, to go upon and use the open public domain lands of the National Forest System for the purposes of mineral exploration, development and production. Exercise of that right may not be unreasonably restricted. Specific provision has been made in the operating plan approval section of the regulations charging Forest Service administrators with the responsibility to consider the economics of operations, along with the other factors, in determining the rea-

sonableness of the requirements for surface resource protection.

Many comments objected to the time provided for Forest Service response to proposed operating plans. No change has been made in these provisions since the time allowances are reasonable as outside limits. Even so, Forest Service administrators are expected to process operating plans promptly with the objective of responding, on the average, in half of the time allowed.

The requirement for a minimum bond of \$2,000 for any activities subject to operating plans was the provision most heavily criticized. Many respondents pointed to the discriminatory effect and negative impact on small miners and prospectors having relatively limited means. The bond provision has been changed to reduce discriminatory effects and to be more specific as to coverage, but remain responsive to the need to maintain the responsibilities of operators for reclamation and mitigation of the effects of surface disturbing operations.

Some respondents felt that all information and data submitted on proposed operations should be subject to full public disclosure. The rule of reasonableness is particularly applicable since proprietary data and competitive rights are involved. The section on availability of information to the public recognizes these factors.

Language has been modified to make more clear that the intent of these regulations is protection of the surface resources on National Forest System lands.

A number of comments noted the lack of a provision for a "notice of intent to operate." Such a provision has been included in the regulations.

The provision concerning data to be furnished in an operating plan has been simplified and is clarified to state that the Forest Service, rather than the operator, has the responsibility for analyzing the environmental impacts that may be expected from proposed operations.

Many respondents criticized the language about environmental impact statements and appeals procedures. Those sections have been clarified. The number of levels of appeal provided is small in order to allow aggrieved parties quick access to the courts to seek redress.

Seasonal factors in most of the western mountains preclude prospecting and exploration during winter and early spring. A 120-day grace period is provided within which to file required operating plans in the case of operations underway on the effective date of the regulations. Under the circumstances, the regulations should not have significant effect on ongoing operations during the remainder of this operating season.

A Final Environmental Statement, prepared in accordance with section 102(2)(c) of the National Environmental Policy Act of January 1, 1970 (42 U.S.C. 4332(2)(C)), was filed with the Council on Environmental Quality on July 16, 1974. The statement discussed the environmental impact of issuing the regulations as proposed.

The regulations will be effective September 1, 1974.

The amendment of Chapter II follows:

PART 251—LAND USES

§ 251.12 [Revoked]

1. Part 251 is amended by revoking § 251.12.

PART 252—MINERALS

2. A new Part 252 is added to read as follows:

Sec.	Purpose.
252.1	Scope.
252.2	Definitions.
252.3	Plan of operations—notice of intent—requirements.
252.4	Plan of operations—approval.
252.5	Availability of information to the public.
252.6	Inspection, noncompliance.
252.7	Requirements for environmental protection.
252.8	Maintenance during operations, public safety.
252.9	Cessation of operations, removal of structures and equipment.
252.10	Prevention and control of fire.
252.11	Access.
252.12	Bonds.
252.13	Appeals.
252.14	Operations within National Forest Wilderness.
252.15	

AUTHORITY: 30 Stat. 35 and 36, as amended (16 U.S.C. 478, 551), unless otherwise noted.

§ 252.1 Purpose.

It is the purpose of these regulations to set forth rules and procedures through which use of the surface of National Forest System lands in connection with operations authorized by the United States mining laws (30 U.S.C. 21-54), which confer a statutory right to enter upon the public lands to search for minerals, shall be conducted so as to minimize adverse environmental impacts on National Forest System surface resources. It is not the purpose of these regulations to provide for the management of mineral resources; the responsibility for managing such resources is in the Secretary of the Interior.

§ 252.2 Scope.

These regulations apply to operations hereafter conducted under the United States mining laws of May 10, 1872, as amended (30 U.S.C. 22 et seq.), as they affect surface resources on all National Forest System lands under the jurisdiction of the Secretary of Agriculture to which such laws are applicable: *Provided, however*; That any area of National Forest lands covered by a special Act of Congress (16 U.S.C. 482a-482q) is subject to the provisions of this part and the provisions of the special act, and in the case of conflict the provisions of the special act shall apply.

§ 252.3 Definitions.

For the purposes of this part the following terms, respectively, shall mean:

(a) *Operations*. All functions, work, and activities in connection with prospecting, exploration, development, mining or processing of mineral resources

and all uses reasonably incident thereto, including roads and other means of access on lands subject to the regulations in this part, regardless of whether said operations take place on or off mining claims.

(b) *Operator.* A person conducting or proposing to conduct operations.

(c) *Person.* Any individual, partnership, corporation, association, or other legal entity.

(d) *Mining claim.* Any unpatented mining claim or unpatented millsite authorized by the United States mining laws of May 10, 1872, as amended (30 U.S.C. 22 et seq.).

(e) *Authorized officer.* The Forest Service officer to whom authority to review and approve operating plans has been delegated.

§ 252.4 Plan of Operations—Notice of Intent—Requirements.

(a) Except as provided in paragraph (2) of this section, a notice of intention to operate is required from any person proposing to conduct operations which might cause disturbance of surface resources. Such notice of intention shall be submitted to the District Ranger having jurisdiction over the area in which the operations will be conducted. If the District Ranger determines that such operations will likely cause significant disturbance of surface resources, the operator shall submit a proposed plan of operations to the District Ranger.

(1) The requirements to submit a plan of operations shall not apply (i) to operations which will be limited to the use of vehicles on existing public roads or roads used and maintained for National Forest purposes, (ii) to individuals desiring to search for and occasionally remove small mineral samples or specimens, (iii) to prospecting and sampling which will not cause significant surface resource disturbance and will not involve removal of more than a reasonable amount of mineral deposit for analysis and study, (iv) to marking and monumenting a mining claim and (v) to subsurface operations which will not cause significant surface resource disturbance.

(2) A notice of intent need not be filed (i) where a plan of operations is submitted for approval in lieu thereof, (ii) for operations excepted in paragraph (1) of this section from the requirement to file a plan of operations, (iii) for operations which will not involve the use of mechanized earthmoving equipment such as bulldozers or backhoes and will not involve the cutting of trees. Each notice of intent to operate shall provide information sufficient to identify the area involved, the nature of the proposed operations, the route of access to the area of operations and the method of transport. If a notice of intent is filed, the District Ranger will, within 15 days of receipt thereof, notify the operator whether a plan of operations is required.

(b) Any person conducting operations on the effective date of these regulations, who would have been required to submit a plan of operations under § 252.4 (a), may continue operations but shall

within 120 days thereafter submit a plan of operations to the District Ranger having jurisdiction over the area within which operations are being conducted: *Provided, however,* That upon a showing of good cause the authorized officer will grant an extension of time for submission of a plan of operations, not to exceed an additional 6 months. Operations may continue according to the submitted plan during its review, unless the authorized officer determines that the operations are unnecessarily or unreasonably causing irreparable damage to surface resources and advises the operator of those measures needed to avoid such damage. Upon approval of a plan of operations, operations shall be conducted in accordance with the approved plan. The requirement to submit a plan of operations shall not apply (1) to operations excepted in § 252.4(a) or (2) to operations concluded prior to the effective date of the regulations in this part.

(c) The plan of operations shall include:

(1) The name and legal mailing address of the operators (and claimants if they are not the operators) and their lessees, assigns, or designees.

(2) A map or sketch showing information sufficient to locate the proposed area of operations on the ground, existing and/or proposed roads or access routes to be used in connection with the operations as set forth in § 252.12 and the approximate location and size of areas where surface resources will be disturbed.

(3) Information sufficient to describe or identify the type of operations proposed and how they would be conducted, the type and standard of existing and proposed roads or access routes, the means of transportation used or to be used as set forth in § 252.12, the period during which the proposed activity will take place, and measures to be taken to meet the requirements for environmental protection in § 252.8.

(d) The plan of operations shall cover the requirements set forth in paragraph (c) of this section, as foreseen for the entire operation for the full estimated period of activity: *Provided, however,* That if the development of a plan for an entire operation is not possible at the time of preparation of a plan, the operator shall file an initial plan setting forth his proposed operation to the degree reasonably foreseeable at that time, and shall thereafter file a supplemental plan or plans whenever it is proposed to undertake any significant surface disturbance not covered by the initial plan.

(e) At any time during operations under an approved plan of operations, the authorized officer may ask the operator to furnish a proposed modification of the plan detailing the means of minimizing unforeseen significant disturbance of surface resources. If the operator does not furnish a proposed modification within a time deemed reasonable by the authorized officer, the authorized officer may recommend to his immediate superior that the operator be required to submit a proposed modification of the plan.

The recommendation of the authorized officer shall be accompanied by a statement setting forth in detail the supporting facts and reasons for his recommendations. In acting upon such recommendation, the immediate superior of the authorized officer shall determine (1) whether all reasonable measures were taken by the authorized officer to predict the environmental impacts of the proposed operations prior to approving the operating plan, (2) whether the disturbance is or probably will become of such significance as to require modification of the operating plan in order to meet the requirements for environmental protection specified in § 252.8 and (3) whether the disturbance can be minimized using reasonable means. Lacking such determination that unforeseen significant disturbance of surface resources is occurring or probable and that the disturbance can be minimized using reasonable means, no operator shall be required to submit a proposed modification of an approved plan of operations. Operations may continue in accordance with the approved plan until a modified plan is approved, unless the immediate superior of the authorized officer determines that the operations are unnecessarily or unreasonably causing irreparable injury, loss or damage to surface resources and advises the operator of those measures needed to avoid such damage.

(f) Upon completion of an environmental analysis in connection with each proposed operating plan, the authorized officer will determine whether an environmental statement is required. Not every plan of operations, supplemental plan or modification will involve the preparation of an environmental statement. Environmental impacts will vary substantially depending on whether the nature of operations is prospecting, exploration, development, or processing, and on the scope of operations (such as size of operations, construction required, length of operations and equipment required), resulting in varying degrees of disturbance to vegetative resources, soil, water, air, or wildlife. The Forest Service will prepare any environmental statements that may be required.

§ 252.5 Plan of Operations—Approval.

(a) Operations shall be conducted in accordance with an approved plan of operations, except as provided in section (b) of this section and in § 252.4(a), (b), and (e). A proposed plan of operation shall be submitted to the District Ranger, who shall promptly acknowledge receipt thereof to the operator. The authorized officer shall, within thirty (30) days of such receipt, analyze the proposal, considering the economics of the operation along with the other factors in determining the reasonableness of the requirements for surface resource protection, and:

(1) Notify the operator that he has approved the plan of operations, or

(2) Notify the operator that the proposed operations are such as not to require an operating plan; or

(3) Notify the operator of any changes in, or additions to, the plan of operations deemed necessary to meet the purpose of the regulations in this part; or

(4) Notify the operator that the plan is being reviewed, but that more time, not to exceed an additional sixty (60) days, is necessary to complete such review, setting forth the reasons why additional time is needed: *Provided, however,* That days during which the area of operations is inaccessible for inspection shall not be included when computing the sixty (60) day period; or

(5) Notify the operator that the plan cannot be approved until a final environmental statement has been prepared and filed with the Council on Environmental Quality as provided in § 252.4(f).

(b) Pending final approval of the plan of operations, the authorized officer will approve such operations as may be necessary for timely compliance with the requirements of Federal and State laws, so long as such operations are conducted so as to minimize environmental impacts as prescribed by the authorized officer in accordance with the standards contained in § 252.8.

(c) A supplemental plan or plans of operations provided for in § 252.4(d) and a modification of an approved operating plan as provided for in § 252.4(e) shall be subject to approval by the authorized officer in the same manner as the initial plan of operations: *Provided, however,* That a modification of an approved plan of operations under § 252.4(e) shall be subject to approval by the immediate superior of the authorized officer in cases where it has been determined that a modification is required.

(d) In the provisions for review of operating plans, the Forest Service will arrange for consultation with appropriate agencies of the Department of the Interior with respect to significant technical questions concerning the character of unique geologic conditions and special exploration and development systems, techniques, and equipment, and with respect to mineral values, mineral resources, and mineral reserves. Further, the operator may request the Forest Service to arrange for similar consultations with appropriate agencies of the U.S. Department of the Interior for a review of operating plans.

§ 252.6 Availability of information to the public.

Except as provided herein, all information and data submitted by an operator pursuant to the regulations in this part shall be available for examination by the public at the Office of the District Ranger in accordance with the provisions of 7 CFR 1.1-1.6 and 36 CFR 200.5-200.10. Specifically identified information and data submitted by the operator as confidential concerning trade secrets or privileged commercial or financial information will not be available for public examination. Information and data to be withheld from public examination may include, but is not limited to, known or estimated outline of the min-

eral deposits and their location, attitude, extent, outcrops, and content, and the known or planned location of exploration pits, drill holes, excavations pertaining to location and entry pursuant to the United States mining laws, and other commercial information which relates to competitive rights of the operator.

§ 252.7 Inspection, noncompliance.

(a) Forest Officers shall periodically inspect operations to determine if the operator is complying with the regulations in this part and an approved plan of operations.

(b) If an operator fails to comply with the regulations or his approved plan of operations and the noncompliance is unnecessarily or unreasonably causing injury, loss or damage to surface resources the authorized officer shall serve a notice of noncompliance upon the operator or his agent in person or by certified mail. Such notice shall describe the noncompliance and shall specify the action to comply and the time within which such action is to be completed, generally not to exceed thirty (30) days: *Provided, however,* That days during which the area of operations is inaccessible shall not be included when computing the number of days allowed for compliance.

§ 252.8 Requirements for Environmental Protection.

All operations shall be conducted so as, where feasible, to minimize adverse environmental impacts on National Forest surface resources, including the following requirements:

(a) *Air Quality.* Operator shall comply with applicable Federal and State air quality standards, including the requirements of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(b) *Water Quality.* Operator shall comply with applicable Federal and State water quality standards, including regulations issued pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.).

(c) *Solid Wastes.* Operator shall comply with applicable Federal and State standards for the disposal and treatment of solid wastes. All garbage, refuse, or waste, shall either be removed from National Forest lands or disposed of or treated so as to minimize, so far as is practicable, its impact on the environment and the forest surface resources. All tailings, dumpage, deleterious materials or substances and other waste produced by operations shall be deployed, arranged, disposed of or treated so as to minimize adverse impact upon the environment and forest surface resources.

(d) *Scenic Values.* Operator shall, to the extent practicable, harmonize operations with scenic values through such measures as the design and location of operating facilities, including roads and other means of access, vegetative screening of operations, and construction of structures and improvements which blend with the landscape.

(e) *Fisheries and Wildlife Habitat.* In addition to compliance with water quality and solid waste disposal standards required by this section, operator shall take all practicable measures to maintain and protect fisheries and wildlife habitat which may be affected by the operations.

(f) *Roads.* Operator shall construct and maintain all roads so as to assure adequate drainage and to minimize or, where practicable, eliminate damage to soil, water, and other resource values. Unless otherwise approved by the authorized officer, roads no longer needed for operations (1) shall be closed to normal vehicular traffic, (2) bridges and culverts shall be removed, (3) cross drains, dips, or water bars shall be constructed, and (4) the road surface shall be shaped to as near a natural contour as practicable and be stabilized.

(g) *Reclamation.* Upon exhaustion of the mineral deposit or at the earliest practicable time during operations, or within 1 year of the conclusion of operations, unless a longer time is allowed by the authorized officer, operator shall, where practicable, reclaim the surface disturbed in operations by taking such measures as will prevent or control on-site and off-site damage to the environment and forest surface resources including:

- (1) Control of erosion and landslides;
- (2) Control of water runoff;
- (3) Isolation, removal or control of toxic materials;
- (4) Reshaping and revegetation of disturbed areas, where reasonably practicable; and
- (5) Rehabilitation of fisheries and wildlife habitat.

(h) Certification or other approval issued by State agencies or other Federal agencies of compliance with laws and regulations relating to mining operations will be accepted as compliance with similar or parallel requirements of these regulations.

§ 252.9 Maintenance during operations, public safety.

During all operations operator shall maintain his structures, equipment, and other facilities in a safe, neat and workmanlike manner. Hazardous sites or conditions resulting from operations shall be marked by signs, fenced or otherwise identified to protect the public in accordance with Federal and State laws and regulations.

§ 252.10 Cessation of operations, removal of structures and equipment.

Unless otherwise agreed to by the authorized officer, operator shall remove within a reasonable time following cessation of operations all structures, equipment and other facilities and clean up the site of operations. Other than seasonally, where operations have ceased temporarily, an operator shall file a statement with the District Ranger which includes (1) verification of intent to maintain the structures, equipment and other facilities, (2) the expected reopening date, and (3) an estimate of ex-

tended duration of operations. A statement shall be filed every year in the event operations are not reactivated. Operator shall maintain the operating site, structures, equipment and other facilities in a neat and safe condition during nonoperating periods.

§ 252.11 Prevention and control of fire.

Operator shall comply with all applicable Federal and State fire laws and regulations and shall take all reasonable measures to prevent and suppress fires on the area of operations and shall require his employees, contractors and subcontractors to do likewise.

§ 252.12 Access.

An operator is entitled to access in connection with operations, but no road, trail, bridge, landing area for aircraft, or the like, shall be constructed or improved, nor shall any other means of access, including but not limited to off-road vehicles, be used until the operator has received approval of an operating plan in writing from the authorized officer when required by § 252.4(a). Proposals for construction, improvement or use of such access as part of a plan of operations shall include a description of the type and standard of the proposed means of access, a map showing the proposed route of access, and a description of the means of transportation to be used. Approval of the means of such access as part of a plan of operations shall specify the location of the access route, design standards, means of transportation, and other conditions reasonably necessary to protect the environment and forest surface resources, including measures to protect scenic values and to insure against erosion and water or air pollution.

§ 252.13 Bonds.

(a) Any operator required to file a plan of operations shall, when required by the authorized officer, furnish a bond conditioned upon compliance with § 252.8(g), prior to approval of such plan of operations. In lieu of a bond, the operator may deposit into a Federal depository, as directed by the Forest Service, and maintain therein, cash in an amount equal to the required dollar amount of the bond or negotiable securities of the United States having market value at the time of deposit of not less than the required dollar amount of the bond. A blanket bond covering nationwide or statewide operations may be furnished if the terms and conditions thereof are sufficient to comply with the regulations in this part.

(b) In determining the amount of the bond, consideration will be given to the estimated cost of stabilizing, rehabilitating, and reclaiming the area of operations.

(c) In the event that an approved plan of operations is modified in accordance with § 252.4 (a) and (e) of this part, the authorized officer will review the initial bond for adequacy and, if necessary, will adjust the bond to con-

form to the operations plan as modified.

(d) When reclamation has been completed in accordance with § 252.8(g), the authorized officer will notify the operator that performance under the bond has been completed: *Provided, however,* That when the Forest Service has accepted as completed any portion of the reclamation, the authorized officer shall notify the operator of such acceptance and reduce proportionally the amount of bond thereafter to be required with respect to the remaining reclamation.

§ 252.14 Appeals.

(a) Any operator aggrieved by a decision of the authorized officer in connection with the regulations in this part may file with the authorized officer a written statement setting forth in detail the respects in which the decision complained of is contrary to, or in conflict with, the facts, the law, or the regulations of the Secretary, or is otherwise in error. No such appeal will be considered unless it is filed with the authorized officer within thirty (30) days after the date of notification to the operator of the action or decision complained of. Upon receipt of appellant's statement, the authorized officer shall promptly prepare his own statement explaining his decision and the reasons therefor and forward the statements and record to his immediate superior for review and decision. The decision of the Regional Forester shall be the final administrative appeal decision.

(b) At the time appellant files his written statement of appeal he may request and shall be afforded an opportunity to present his views orally to the reviewing Forest Service officer.

(c) If the reviewing Forest Service officer considers the record inadequate to support a decision on the appeal, he may provide for the production of such additional evidence or information as may be appropriate or may remand the case with appropriate instructions for further action.

(d) The official files of the Forest Service relating to these appeals and any testimony and documents submitted by the parties on which the decision of the authorized officer was based constitute the record in the appeal. The authorized officer shall maintain the record under separate cover and shall certify that it is the record on which his decision was based at the time it is forwarded to his immediate superior for review. The Forest Service shall make the record available to the appellant upon request.

(e) On or before the expiration of forty-five (45) days after his receipt of the record the reviewing officer shall make his decision: *Provided, however,* That if more than forty-five (45) days are required for a decision after the record is received, the reviewing officer shall notify the parties to the appeal and specify the reason for delay. The decisions of reviewing officers shall include (1) a statement of facts, (2) conclusions, and (3) reasons upon which the conclusions are based.

(f) A decision of the authorized officer from which an appeal is taken shall not be automatically stayed by the filing of a statement of appeal. A request for a stay may accompany the statement of appeal or may be directed to the reviewing officer. The reviewing officer shall promptly rule on requests for stays. The decision of the Regional Forester on requests for stays shall constitute the final administrative appeal decision.

§ 252.15 Operations within national forest wilderness.

(a) The United States mining laws shall extend to each National Forest Wilderness for the period specified in the Wilderness Act and subsequent establishing legislation to the same extent they were applicable prior to the date the Wilderness was designated by Congress as a part of the National Wilderness Preservation System. Subject to valid existing rights, no person shall have any right or interest in or to any mineral deposits which may be discovered through prospecting or other information-gathering activity after the legal date on which the United States mining laws cease to apply to the specific Wilderness.

(b) Holders of unpatented mining claims validly established on any National Forest Wilderness prior to inclusion of such unit in the National Wilderness Preservation System shall be accorded the rights provided by the United States mining laws as then applicable to the National Forest land involved. Persons locating mining claims in any National Forest Wilderness on or after the date on which said Wilderness was included in the National Wilderness Preservation System shall be accorded the rights provided by the United States mining laws as applicable to the National Forest land involved and subject to provisions specified in the establishing legislation. Persons conducting operations as defined in § 252.3 in National Forest Wilderness shall comply with the regulations in this part. Operations shall be conducted so as to protect National Forest surface resources in accordance with the general purposes of maintaining the National Wilderness Preservation System unimpaired for future use and enjoyment as wilderness and to preserve its wilderness character, consistent with the use of the land for mineral location, exploration, development, drilling, and production and for transmission lines, water lines, telephone lines, and processing operations, including, where essential, the use of mechanized transport, aircraft or motorized equipment.

(c) Persons with valid mining claims wholly within National Forest Wilderness shall be permitted access to such surrounded claims by means consistent with the preservation of National Forest Wilderness which have been or are being customarily used with respect to other such claims surrounded by National Forest Wilderness. No operator shall construct roads across National Forest Wil-

derness unless authorized in writing by the Forest Supervisor in accordance with § 252.12.

(d) On all mining claims validly established on lands within the National Wilderness Preservation System, the operator shall take all reasonable measures to remove any structures, equipment and other facilities no longer needed for mining purposes in accordance with the provisions in § 252.10 and restore the surface in accordance with the requirements in § 252.8(g).

(e) The title to timber on patented claims validly established after the land was included within the National Wilderness Preservation System remains in the United States, subject to a right to cut and use timber for mining purposes. So much of the mature timber may be cut and used as is needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available. The cutting shall comply with the requirements for sound principles of forest management as defined by the National Forest rules and regulations and set forth in stipulations to be included in the plan of operations, which as a minimum incorporate the following basic principles of forest management:

(1) Harvesting operations shall be so conducted as to minimize soil movement and damage from water runoff; and

(2) Slash shall be disposed of and other precautions shall be taken to minimize damage from forest insects, disease, and fire.

(f) The Chief, Forest Service, shall allow any activity, including prospecting, for the purpose of gathering information about minerals in National Forest Wilderness except that any such activity for gathering information shall be carried on in a manner compatible with the preservation of the wilderness environment as specified in the plan of operations.

(78 Stat. 890) (16 U.S.C. 1131-1136)

PART 293—WILDERNESS-PRIMITIVE AREAS

3. The regulations of Part 293 were transferred from Part 251 on March 5, 1973 (38 FR 5851). The new Part 293 is further amended by revising §§ 293.13, 293.14 and 293.15. Regulations applicable to activities under the 1872 mining law in National Forest Wilderness now appear in Part 252 rather than Part 293.

Sections 293.13-293.15 are revised to read as follows:

§ 293.13 Access to valid occupancies.

Persons with valid occupancies wholly within National Forest Wilderness shall be permitted access to such surrounded occupancies by means consistent with the preservation of National Forest Wilderness which have been or are being customarily used with respect to other such occupancies surrounded by National Forest Wilderness. The Forest Service will, when appropriate, issue permits which shall prescribe the routes of travel to and from the surrounded occupancies,

the mode of travel, and other conditions reasonably necessary to preserve the National Forest Wilderness.

§ 293.14 Mineral leases and mineral permits.

(a) All laws pertaining to mineral leasing shall extend to each National Forest Wilderness for the period specified in the Wilderness Act or subsequent establishing legislation to the same extent they were applicable prior to the date the Wilderness was designated by Congress as a part of the National Wilderness Preservation System. No person shall have any right or interest in or to any mineral deposits which may be discovered through prospecting or other information-gathering activity after the legal date on which the laws pertaining to mineral leasing cease to apply to the specific Wilderness, nor shall any person after such date have any preference in applying for a mineral lease, license, or permit.

(b) Mineral leases, permits, and licenses covering lands within National Forest Wilderness will contain reasonable stipulations for the protection of the wilderness character of the land consistent with the use of the land for purposes for which they are leased, permitted, or licensed. The Chief, Forest Service, shall specify the conditions to be included in such stipulations.

(c) Permits shall not be issued for the removal of mineral materials commonly known as "common varieties" under the Minerals Act of July 31, 1947, as amended and supplemented (30 U.S.C. 601-604).

§ 293.15 Gathering Information about Resources other than Minerals.

(a) The Chief, Forest Service, shall allow any activity, for the purpose of gathering information about resources, other than minerals, in National Forest Wilderness, except that any such activity for gathering information shall be carried on in a manner compatible with the preservation of the wilderness environment. Prospecting for minerals or any activity for the purpose of gathering information about minerals in National Forest Wilderness is subject to the regulations in Part 252 of this title.

(b) No overland motor vehicle or other form of mechanical overland transport may be used in connection with any activity for the purpose of gathering information about resources, other than minerals, except as authorized by the Chief, Forest Service.

(c) Any person desiring to use motorized equipment, to land aircraft, or to make substantial excavations for the purpose of gathering information about resources, other than minerals, shall apply in writing to the Office of the Forest Supervisor or District Ranger having jurisdiction over the land involved. Excavations shall be considered "substantial" which singularly or collectively exceed 200 cubic feet within any area which can be bounded by a rectangle containing 20 surface acres. Such use or excavation may be authorized by a permit issued by the Forest

Service. Such permits may provide for the protection of National Forest resources, including wilderness values, protection of the public, and restoration of disturbed areas, including the posting of performance bonds.

(d) Prospecting for water resources and the establishment of new reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest and the subsequent maintenance of such facilities, all pursuant to section (4)(d) (4) (1) of the Wilderness Act, will be permitted when and as authorized by the President.

(30 Stat. 35, as amended (16 U.S.C. 551); 78 Stat. 890 (16 U.S.C. 1131-1136)).

PAUL A. VANDER MYDE,
Deputy Assistant Secretary for
Conservation, Research and
Education.

AUGUST 23, 1974.

[FR Doc. 74-19865 Filed 8-27-74; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 249-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revision: West Virginia

On June 28, 1973, the West Virginia Air Pollution Control Commission passed amendments to sub-sections 3.01(b) (1) and 3.02(a), and added a new sub-section entitled 6.02(b) to Regulation X—"To Prevent and Control Air Pollution from the Emission of Sulfur Oxides." These amendments were made following a public hearing in Charleston, West Virginia on March 5, 1973. This revision allows the John E. Amos Plant of Appalachian Power Company to burn not more than 1 percent sulfur coal in a Priority III Region. It also provides clarification to Section 6 of the Regulation—"Reports and Testing."

These amendments constitute a proposed revision to the approved West Virginia Implementation Plan. On January 17, 1974 (39 FR 2108), the public was afforded 30 days to comment on the proposed revision. Comments were received from American Electric Power and Monongahela Power Company. Both sets of comments urged approval of the revision on the general bases that it would not interfere with the attainment and maintenance of national ambient air quality standards and that it was in accordance with EPA's policy of minimizing fuel switching except where primary standards are jeopardized.

An analysis, submitted to EPA by the West Virginia Air Pollution Control Commission, indicates that this revision will not interfere with the attainment or maintenance of the national ambient air quality standards for sulfur dioxide. The Administrator's separate diffusion modeling analysis confirms the West Virginia Air Pollution Control Commission demonstration. Copies of the Adminis-

trator's diffusion modeling analysis are available for public inspection at the Offices of EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106 and at the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C., 20460.

On the basis of the West Virginia evaluation, the Administrator's own analysis and public comments received, it is the Administrator's judgment that the proposed revision meets the procedural and substantive requirements of 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans, and that it be approved as a revision to the West Virginia Implementation Plan.

This Agency finds that good cause exists for making this revision effective upon publication because immediate approval will enable the John E. Amos Plant to operate in compliance with the approved applicable State Implementation Plan.

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

Dated: August 21, 1974.

ALVIN L. ALM,
Acting Administrator.

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Section 52.2520, (c) is revised to read as follows:

§ 52.2520 Identification of plan.

(c) Supplemental information was submitted on:

(1) March 30, April 20, and May 5, 1972, and November 14, 1973 by the West Virginia Air Pollution Control Commission.

[FR Doc. 74-19833 Filed 8-27-74; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER A—GENERAL

[FPMR Amdt. A-20]

PART 101-4—PATENTS

Subpart 101-4.1—Licensing of Government-Owned Inventions

PATENT LICENSE ROYALTIES AND LITIGATION
Correction

In FR Doc. 74-17895, appearing on page 28288 in the issue for Tuesday, August 6, 1974, change the heading to read as set forth above.

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAM), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

Eligibility of Supplemental Security Income Beneficiaries for Food Stamps or Surplus Commodities; Postponement of Effective Date

Regulations for eligibility of certain recipients of supplemental security in-

come for food stamps or surplus commodities were published on December 13, 1973 (38 FR 34324) to be effective January 1, 1974. The regulations implemented the requirements of the food stamp and surplus commodities provisions of Public Law 93-86 (The Agriculture and Consumer Protection Act of 1973). A postponement of the effective date to July 1, 1974 was published on January 30, 1974 (39 FR 3824) pursuant to Public Law 93-233 of December 31, 1973. The effective date of these regulations is now postponed until July 1, 1975 by Public Law 93-335, signed by the President on July 8, 1974. Accordingly, the regulations in Part 205.25 of this title are postponed until July 1, 1975.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 130761. Public Assistance—Maintenance Assistance (State Aid).)

Dated: August 15, 1974.

JOHN A. SVAHN,
Acting Administrator, Social
and Rehabilitation Service.

Approved: August 22, 1974.

FRANK CARLUCCI,
Acting Secretary.

[FR Doc. 74-19946 Filed 8-27-74; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Order, Research and Technical Division
Redesignated

Sections 0.32(c) and 0.34 of the Commissioner's rules make reference to the Research and Technical Division. This title has been changed to the Research and Standards Division. It is the purpose of this order to amend §§ 0.32(c) and 0.34 to reflect this change in title.

Authority for this amendment appears in section 4(i) of the Communications Act of 1934, as amended, and in § 0.231 (d) of the Commission's rules and regulations. The prior notice and effective date provisions of 5 U.S.C. 553 do not apply inasmuch as this is an editorial amendment intended to update the rules. Accordingly, it is ordered, That effective September 3, 1974, § 0.32(c) is amended and § 0.34 is revised to read as follows:

§ 0.32 Units in the Office.

(c) Research and Standards Division.

§ 0.34 Research and Standards Division.

The Research and Standards Division reviews and analyzes technical and scientific data relating to terrestrial and space communications; conducts scientific studies in wave propagation, satellite and space communications; studies technical aspects of potential new uses of radio; conducts special projects to obtain theoretical and experimental data on new or improved techniques; develops practical applications for various radio services in consultation with the Bureau concerned; conducts tech-

nical studies of equipment design and performance; and provides commission representation at national and international conferences.

Adopted: August 20, 1974.

Released: August 21, 1974.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] JOHN M. TORBET,

Executive Director.

[FR Doc. 74-19883 Filed 8-27-74; 8:45 am]

Title 49—Transportation

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

[Docket No. 74-29; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars; Republication and Correction of Standard

This notice republishes and corrects the text of Federal Motor Vehicle Safety Standard No. 109 (49 CFR § 571.109a), excluding Table I of the Appendix.

The corrections eliminate both typographical errors which occurred in the codification of the standard (in the Code of Federal Regulations) and material now extraneous as a result of amendments to the standard and the adoption of the Tire Identification and Record-keeping Regulations, 49 CFR Part 574. The corrections are as follows:

1. Figure 1 is deleted, and Figures 2 and 3 are redesignated Figures 1 and 2 respectively.

2. Paragraph S5.2.1.3 and S5.2.2.1 are modified to reflect the changes in the designations of Figures 2 and 3.

3. Paragraph S6 is corrected to reflect the amendment of August 17, 1972 (37 FR 16604), by deleting paragraphs S6.1 and the paragraphs following.

The notice also redesignates the standard as § 571.109. The previous designation, § 571.109a, resulted from an amendment (38 FR 27050, September 28, 1973) with a future effective date (March 29, 1974) outstanding at the time the most recent version of the Code was published. The passing of that effective date eliminates the need for § 571.109a.

In light of the above, § 571.109a (excluding Table I of the Appendix) of Title 49, Code of Federal Regulations, is redesignated § 571.109 and corrected and republished to read as set forth below.

(Secs. 103, 119, 201, 202, Pub. L. 89-663, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421, 1422); delegations of authority at 49 CFR 1.51)

Issued on August 7, 1974.

JAMES B. GREGORY,
Administrator.

§ 571.109a Standard No. 109a; New pneumatic tires.

S1. Scope. This standard specifies tire dimensions and laboratory test requirements for bead unseating resistance, strength, endurance, and high speed performance; defines tire load ratings; and specifies labeling requirements for passenger car tires.

S2. Application. This standard applies to new pneumatic tires for use on passenger cars manufactured after 1948. However, it does not apply to any tire which has been altered so as to render impossible its use, or its repair for use, as motor vehicle equipment.

S3. Definitions.

"Bead" means that part of the tire made of steel wires, wrapped or reinforced by ply cords, that is shaped to fit the rim.

"Bead separation" means a breakdown of bond between components in the bead area.

"Bias ply tire" means a pneumatic tire in which the ply cords that extend to the beads are laid at alternate angles substantially less than 90° to the centerline of the tread.

"Carcass" means the tire structure, except tread and sidewall rubber.

"Chunking" means the breaking away of pieces of the tread or sidewall.

"Cord" means the strands forming the plies in the tire.

"Cord separation" means cords parting away from adjacent rubber compounds.

"Cracking" means any parting within the tread, sidewall, or innerliner of the tire extending to cord material.

"Groove" means the space between two adjacent tread ribs.

"Innerliner" means the layer(s) forming the inside surface of a tubeless tire that contains the inflating medium within the tire.

"Innerliner separation" means the parting of the innerliner from cord material in the carcass.

"Load rating" means the maximum load a tire is rated to carry for a given inflation pressure.

"Maximum permissible inflation pressure" means the maximum cold inflation pressure to which a tire may be inflated.

"Maximum load rating" means the load rating at the maximum permissible inflation pressure for that tire.

"Open splice" means any parting at any junction of tread, sidewall, or innerliner that extends to cord material.

"Overall width" means the linear distance between the exteriors of the sidewalls of an inflated tire, including elevations due to labeling, decorations, or protective bands or ribs.

"Ply" means a layer of rubber-coated parallel cords.

"Ply separation" means a parting of rubber compound between adjacent plies.

"Pneumatic tire" means a mechanical device made of rubber, chemicals, fabric and steel or other materials, which, when mounted on an automotive wheel, provides the traction and contains the gas or fluid that sustains the load.

"Radial ply tire" means a pneumatic tire in which the ply cords which extend to the beads are laid at substantially 90° to the centerline of the tread.

"Rim" means a metal support for a tire or a tire and tube assembly upon which the tire beads are seated.

"Section width" means the linear distance between the exteriors of the sidewalls of an inflated tire, excluding elevations due to labeling, decoration, or protective bands.

"Sidewall" means that portion of a tire between the tread and the bead.

"Sidewall separation" means the parting of the rubber compound from the cord material in the sidewall.

"Size factor" means the sum of the section width and the outer diameter of a tire determined on the test rim.

"Test rim" means any rim of the applicable rim width specified in Table I for a particular tire size designation with the rim dimensions shown in the 1967 Tire and Rim Association Year Book, the 1967 Tire and Rim Association Supplementary Service Data Book, the Tyre and Wheel Engineering Data Book dated 1965/1966 of the Society of Motor Manufacturers and Traders Limited (SMMT), the Japan Automobile Tire Manufacturers Association, 1966 edition, the Japanese Industrial Standards (JIS-D4202) dated 1966, the European Tire and Rim Technical Organization practices (E.T.R.T.O.), the Deutsche Industrie Norm (DIN) 7818 dated June 1959, or Deutsche Industrie Norm (DIN) 7817 dated August 1962 or an approved equivalent rim.

"Tread" means that portion of a tire that comes into contact with the road.

"Tread rib" means a tread section running circumferentially around a tire.

"Tread separation" means pulling away of the tread from the tire carcass.

S4. Requirements.

S4.1 Size and Construction. Each tire shall be designed to fit each rim specified for its size designation in each reference cited in the definition of "test rim" in S3.

S4.2 Performance Requirements.

S4.2.1 General. Each tire shall conform to each of the following:

(a) It shall meet the requirements specified in S4.2.2 for its tire size designation, type, and maximum permissible inflation pressure.

(b) Its maximum permissible inflation pressure shall be either 32, 36, or 40 p.s.i.

(c) Its load rating shall be that specified in Table I for its size designation, type, and each appropriate inflation pressure.

(d) If manufactured on or after August 1, 1968, it shall incorporate a tread wear indicator that will provide a visual indication that the tire has worn to a tread depth of 1/16 inch.

(e) It shall, before being subjected to either the endurance test procedure specified in S5.4 or the high speed performance procedure specified in S5.5, exhibit no visual evidence of tread, sidewall, ply, cord, innerliner, or bead separation, chunking, broken cords, cracking, or open splices.

S4.2.2 Test requirements.

S4.2.2.1 Test sample. For each test sample use—

(a) One tire for physical dimensions, resistance to bead unseating, and strength, in sequence;

(b) Another tire for tire endurance; and

(c) A third tire for high speed performance.

S4.2.2.2 Physical Dimensions. Each tire, when measured in accordance with S5.1, shall conform to each of the following:

(a) Its actual section width and overall width shall not exceed by more than 7 percent the section width specified in Table I for its size designation and type; and

(b) Its size factor shall be at least as large as that specified in Table I for its size designation and type.

S4.2.2.3 Tubeless tire resistance to bead unseating. When tested in accordance with S5.2, the applied force required to unseat the tire bead at the point of contact shall not be less than:

(a) 1,500 pounds for tires with a designated section width of less than six (6) inches;

(b) 2,000 pounds for tires with a designated section width of six (6) inches or more but less than eight (8) inches;

(c) 2,500 pounds for tires with a designated section width of eight (8) inches or more, using the section width specified in Table I for the applicable tire size designation and type.

S4.2.2.4 Tire strength. Each tire shall meet the requirements for minimum breaking energy specified in Table II when tested in accordance with S5.3.

S4.2.2.5 Tire endurance. When the tire has been subjected to the laboratory endurance test specified in S5.4, using a test rim that undergoes no permanent deformation and allows no loss of air through the portion that it comprises of the tire-rim pressure chamber:

(a) There shall be no visual evidence of tread, sidewall, ply, cord, innerliner, or bead separation, chunking, broken cords, cracking, or open splices.

(b) The tire pressure at the end of the test shall be not less than the initial pressures specified in S5.4.1.1.

S4.2.2.6 High speed performance. When the tire has been subjected to the laboratory high speed performance test specified in S5.5, using a test rim that undergoes no permanent deformation and allows no loss of air through the portion that it comprises of the tire-rim pressure chamber, the tire shall meet the requirements set forth in S4.2.2.5 (a) and (b).

S4.3 Labeling requirements. Except as provided in S4.3.1 and S4.3.2, each tire shall have permanently molded into or onto both sidewalls, in letters and numerals not less than 0.078 inch high, the information shown below in (a) through (g):

(a) One size designation, except that equivalent inch and metric size designations may be used;

(b) Maximum permissible inflation pressure;

(c) Maximum load rating;

(d) The generic name of each cord material used in the plies (both sidewall and tread area) of the tire;

(e) Actual number of plies in the sidewall, and the actual number of plies in the tread area if different;

(f) The words "tubeless" or "tube type" as applicable; and

(g) The word "radial" if the tire is a radial ply tire.

S4.3.1 Each tire shall be labeled with the symbol DOT in the manner specified in Part 574 of this chapter, which shall constitute a certification that the tire conforms to applicable Federal motor vehicle safety standards.

S4.3.2 Each tire shall be labeled with the name of the manufacturer, or brand name and number assigned to the manufacturer in the manner specified in Part 574.

S4.3.3. Each tire manufactured between March 1, 1971, and May 22, 1971, shall either—

(a) Comply with S4.3(d) (2) and S4.3 (i) (as effective until May 22, 1971); or
(b) Be labeled with the tire identification number required by 574.5 of this chapter and comply with S4.3.1 and S4.3.2 (as effective on and after May 22, 1971).

S5. Test procedures.

S5.1 *Physical Dimensions.* Determine tire physical dimensions under uniform ambient conditions as follows:

(a) Mount the tire on a test rim and inflate it to the applicable pressure specified in Table III.

(b) Condition it at ambient room temperature for at least 24 hours.

(c) Readjust pressure to that specified in (a).

(d) Caliper the section width and overall width at six points approximately equally spaced around the tire circumference.

(e) Record the average of these measurements as the section width and overall width, respectively.

(f) Determine tire outer diameter by measuring the maximum circumference of the tire and dividing this dimension by pi (3.14).

S5.2 *Tubeless tire bead unseating resistance.*

S5.2.1 *Preparation of tire-wheel assembly.*

S5.2.1.1 Wash the tire, dry it at the beads, and mount it without lubrication or adhesives on a clean, painted test rim.

S5.2.1.2 Inflate it to the applicable pressure specified in Table III at ambient room temperature.

S5.2.1.3 Mount the wheel and tire in the fixture shown in Figure 1, and force the standard block shown in Figure 2 against the tire sidewall as required by the geometry of the fixture.

S5.2.2 Test procedure.

S5.2.2.1 Apply a load through the block to the tire outer sidewall at the distance specified in Figure 1 for the applicable wheel size at a rate of 2 inches per minute, with the load arm substantially parallel to the tire and rim assembly at the time of engagement.

S5.2.2.2 Increase the load until the bead unseats or the applicable value specified in S4.2.2.3 is reached.

S5.2.2.3 Repeat the test at least four places equally spaced around the tire circumference.

S5.3 Tire strength.

S5.3.1 Preparation of tire.

S5.3.1.1 Mount the tire on a test rim and inflate it to the applicable pressure specified in Table III;

S5.3.1.2 Condition it at room temperature for at least 3 hours; and

S5.3.1.3 Readjust its pressure to that specified in S5.3.1.1.

S5.3.2 Test procedure.

S5.3.2.1 Force a 3/4-inch diameter cylindrical steel plunger with a hemispherical end perpendicularly into the tread rib as near to the centerline as possible, avoiding penetration into the tread groove, at the rate of 2 inches per minute.

S5.3.2.2 Record the force and penetration at five test points equally spaced around the circumference of the tire. If the tire fails to break before the plunger is stopped by reaching the rim, record the force and penetration as the rim is reached and use these values in S5.3.2.3.

S5.3.2.3 Compute the breaking energy for each test point by means of the following formula:

$$W = \frac{F \times P}{2}$$

where

W = Energy, inch-pounds;
F = Force, pounds; and
P = Penetration, inches.

S5.3.2.4 Determine the breaking energy value for the tire by computing the average of the five values obtained in accordance with S5.3.2.3.

S5.4 Tire endurance.

S5.4.1 Preparation of tire.

S5.4.1.1 Mount a new tire on a test rim and inflate it to the applicable pressure specified in Table III.

S5.4.1.2 Condition the tire assembly to 100±5° F. for at least three hours.

S5.4.1.3 Readjust tire pressure to that specified in S5.4.1.1 immediately before testing.

S5.4.2 Test procedure.

S5.4.2.1 Mount the tire and wheel assembly on a test axle and press it against a flat-faced steel test wheel 67.23 inches in diameter and at least as wide as the section width of the tire to be tested or an approved equivalent test wheel, with the applicable test load specified in Table I for the tire's size designation, type, and maximum permissible inflation pressure.

S5.4.2.2 During the test, the air surrounding the test area shall be 100±5° F.

S5.4.2.3 Conduct the test at 50 miles per hour in accordance with the following schedule without pressure adjustment or other interruptions:

S5.4.2.4 Immediately after running the tire the required time, measure its inflation pressure. Allow the tire to cool for one hour. Then deflate the tire, remove it from the test rim, and inspect it for the conditions specified in S4.2.2.5 (a).

Maximum permissible inflation pressure (pounds per square inch)	Load (from table I)—		
	For 4 hours	For 6 hours	For 24 hours
82	24 lb/in ² column.	28 lb/in ² column.	32 lb/in ² column.
86	28 lb/in ² column.	32 lb/in ² column.	36 lb/in ² column.
40	32 lb/in ² column.	36 lb/in ² column.	40 lb/in ² column.

S5.5 High speed performance.

S5.5.1 After preparing the tire in accordance with S5.4.1, mount the tire and wheel assembly in accordance with S5.4.2.1, and press it against the test wheel with the load specified in Table I for the tire's size designation and the applicable pressure specified in Column B of the following table:

Maximum permissible inflation pressure (pounds per square inch)	Load from table I	
	A	B
32	24 lb/in ² column.	24 lb/in ² column.
36	28 lb/in ² column.	28 lb/in ² column.
40	32 lb/in ² column.	32 lb/in ² column.

S5.5.2 Break in the tire by running it for 2 hours at 50 m.p.h.

S5.5.3 Allow to cool to 100±5° F. and readjust the inflation pressure to the applicable pressure specified in Table III.

S5.5.4 Without readjusting inflation pressure, test at 75 m.p.h. for 30 minutes, 80 m.p.h. for 30 minutes, and 85 m.p.h. for 30 minutes.

S5.5.5 Immediately after running the tire the required time, measure its inflation pressure. Allow the tire to cool for one hour. Then deflate the tire, remove it from the test rim, and inspect it for the conditions specified in S4.2.2.5(a).

S6. *Nonconforming tires.* No tire of a type and size designation specified in Table I of Appendix A that is designed for use on passenger cars and manufactured on or after October 1, 1972, but does not conform to all the requirements of this standard, shall be sold, offered for sale, introduced or delivered for introduction into interstate commerce, or imported into the United States, for any purpose.

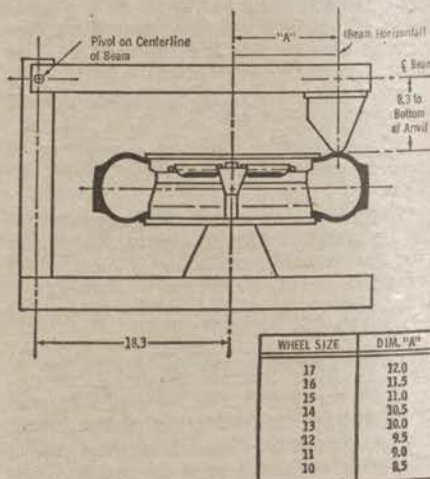


FIGURE 1—Bead Unseating Fixture Dimensions in Inches

[S.O. NO. 1194]

Burlington Northern Inc. Authorized To Operate Over Tracks of Spokane International Railroad Company

AUGUST 23, 1974.

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

It appearing, that the Burlington Northern Inc. (BN) has filed an application with the Interstate Commerce Commission in Finance Docket No. 27696 for permanent authorization to operate over existing main line track of the Spokane International Railroad Company (SI) from an existing interchange track at Millwood, Washington, to a spur track 1.78 miles to the east thereof; that the Commission is of the opinion that there is immediate need for service over this line pending the Commission's decision in Finance Docket No. 27696, and that operation over this line by the BN is necessary in the interest of the public and the commerce of the people; and that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1194 Service Order No. 1194.

(a) (*Burlington Northern Inc. authorized to operate over tracks of Spokane International Railroad Company.*) The Burlington Northern Inc. be, and it is hereby, authorized to operate over existing main line track of the Spokane International Railroad Company from an existing interchange track at Millwood, Washington, to a spur track 1.78 miles to the east thereof.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Effective date.* This order shall become effective at 12:01 a.m., August 23, 1974.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

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

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car

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

By the Commission, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-19965 Filed 8-27-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND
WILDLIFE SERVICE, DEPARTMENT OF
THE INTERIOR

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 21—MIGRATORY BIRD PERMITS

Depredating Scrub Jays and Steller's Jays; Order Permitting Killing in Designated Agricultural Areas in Washington and Oregon

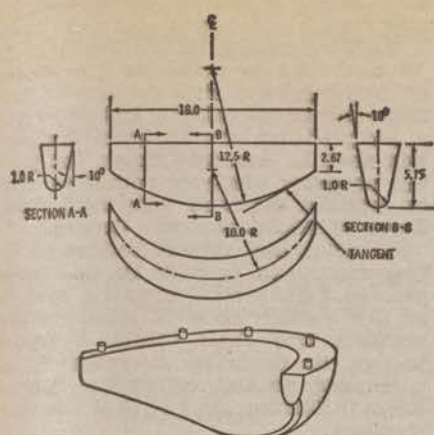
It has been determined from investigations and observations by the U.S. Fish and Wildlife Service that serious depredations to nut crops are occurring because of scrub jays (*Aphelocoma coerulescens*) and Steller's jays (*Cyanocitta stelleri*) in several counties of Washington and Oregon.

Various nut crops have been produced commercially in Washington and Oregon for more than 40 years. Annual filbert nut production alone is estimated at 11,500 tons, worth slightly less than \$7,000,000 to farmers in the two States.

Along with nut production has been the ever present problem of damage by jays. This damage is particularly serious on filbert nuts. The USDA estimates that five to ten percent of the annual crop is lost or damaged by jays.

Stomach analyses of jays, made in filbert groves during the summer of 1973 by the U.S. Fish and Wildlife Service, suggested few nuts were eaten in groves. Only about 10 percent of the stomach contents of a small sample of birds collected contained nuts. However, observations showed that the birds removed clusters of nuts from the groves and hid them in nearby wooded areas. Nut groves near woods were observed to suffer much more damage than those situated some distance from any woods, streams, or tall trees.

Although nut raisers have always been faced with depredations by jays, prior to 1972 the birds were not protected by Federal regulations, and thus could be controlled whenever needed. However, on March 10, 1972, the Convention between the United States of America and the United Mexican States for the Protection of Migratory Birds and Game Mammals



MATERIAL: Cast Aluminum 395
T-6 Condition
Finish-50 Micro Inch

FIGURE 2 — Diagram of Bead Unseating Block Dimensions In Inches

APPENDIX

TABLE II—MINIMUM BREAKING ENERGY VALUES
(INCH-POUNDS)

TABLE H-A—FOR BIAS PLY TIRES WITH SIZE DESIGNATION OF 6.00 (OR 155 MILLIMETERS) AND ABOVE AND 70 SERIES TIRES

Cord material	Maximum permissible inflation pressure		
	32 lb/in ²	36 lb/in ²	40 lb/in ²
Rayon.....	1,650 in-lbs.	2,574 in-lbs.	3,300 in-lbs.
Nylon or polyester.	2,600 in-lbs.	3,900 in-lbs.	5,200 in-lbs.

TABLE II-B—FOR BIAS PLY TIRES WITH SIZE DESIGNATION
BELOW 6.00 INCHES (OR 155 MILLIMETERS)

Cord material	Maximum permissible inflation pressure		
	32 lb/in ²	36 lb/in ²	40 lb/in ²
Rayon.....	1,000 in-lbs.	1,875 in-lbs.	2,500 in-lbs.
Nylon or polyester.	1,950 in-lbs.	2,925 in-lbs.	3,900 in-lbs.

TABLE H-6—FOR RADIAL PLY TIRES

Size designation	Maximum permissible inflation pressure		
	32 lb/in ²	36 lb/in ²	40 lb/in ²
Below 160 millimeters	1,950 in-lbs.	2,025 in-lbs.	3,000 in-lbs.
160 millimeters or above.	2,600 in-lbs.	3,900 in-lbs.	5,200 in-lbs.

TABLE III—TEST INFLATION PRESSURES

Maximum permissible inflation pressure (in pounds per square inch).....	32	36	40
Pressure (in pounds per square inch) to be used in tests for physical dimensions, bead unseating, tire strength, and tire endurance.....	24	28	32
Pressure (in pounds per square inch) to be used in test or high speed performance.....	30	34	38

(Secs. 103, 119, 201, and 202, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407, 1421, and 1422; delegation of authority at 49 CFR 1.51)

[FR Doc.74-18525 Filed 8-27-74; 8:45 am]

was amended and Federal protection was extended to the family *Corvidae*, which contains all species of North American jays. The scrub jays and Steller's jays that were causing damage to nuts could no longer be killed indiscriminately.

In the spring of 1973 a request was made to the U.S. Fish and Wildlife Service to issue a depredation order to allow the taking of jays damaging nut crops. It was decided not to issue the order, but instead investigate jay complaints on an individual basis and try to establish non-lethal means of protecting the various nut crops from jay damage.

Meetings were held between the nut raisers and personnel of the U.S. Fish and Wildlife Service to discuss the use of scare devices and the issuance of special kill permits in cases where damage was severe. Investigation of depredation reports included contacting complainants, demonstrating scare devices, checking on the effectiveness of the devices, and assessing jay damage by visual on-site observations. Cooperation was obtained from various growers to conduct experiments on their property to determine the effectiveness of the scare devices being employed.

The overall effect of the experiments was that losses were reduced somewhat, but nearby orchards without protection suffered much heavier damage. In addition, there was a noticeable decrease of small birds in the orchards where the scare devices were used. The orchard owners objected to this, since the small song birds are considered important in helping to control insects.

The issuance of individual kill permits was also considered unsatisfactory, since few orchard owners bothered to request permits before killing jays when problems developed in their orchards. This was due to the realization by the owners that by the time they had requested a permit, their request was investigated, and the permit issued, severe damage to their crop could already have occurred. During this unavoidable period of delay in the issuance of individual kill permits, the growers are unable to take action against the problem species.

It is therefore concluded that jay damage is serious and widespread in the counties involved. This damage can best be minimized or alleviated by permitting the depredating scrub jays and Steller's jays to be taken by shooting or trapping in the affected areas under specific conditions and restrictions. This regulation is limited to just the scrub jay and Steller's jay in order to afford protection to those species of jays (Pine jay, gray jay, and Clark's nutcracker) that wander into the area irregularly and in small numbers. These three species cause little or no economic damage to the orchards and thus should not be included in this section.

Since this amendment relieves an existing restriction with respect to depredating scrub jays and Steller's jays and provides for control measures where either of these named species become concentrated in such numbers and manner as to constitute a hazard to agricul-

ture, it is determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest and that this amendment shall become effective on August 28, 1974.

Accordingly, Part 21 of Title 50, Code of Federal Regulations, is amended as set forth below.

(40 Stat. 755, as amended (16 U.S.C. 704); and 50 Stat. 1311)

Effective date: August 28, 1974.

Dated: August 22, 1974.

DOUGLAS P. WHEELER,
Deputy Assistant Secretary for
Fish and Wildlife and Parks.

1. In the Table of Sections, Subpart D—Control of Depredating Birds, a new § 21.46 is added to read:

21.46 Depredation order for depredating scrub jays and Steller's jays in Washington and Oregon.

2. This establishes a new § 21.46 of Chapter 1, Subchapter B of Title 50 of the Code of Federal Regulations to read:

Section 21.46 Depredation order for depredating scrub jays and Steller's jays in Washington and Oregon.

Landowners, sharecroppers, tenants, or their employees or agents actually engaged in the production of nut crops in Washington and Oregon may, without a permit, take scrub jays (*Aphelocoma coerulescens*) and Steller's jays (*Cyanocitta stelleri*) when found committing or about to commit serious depredations to nut crops on the premises owned or occupied by such persons: *Provided*:

(a) That scrub jays and Steller's jays may only be taken pursuant to this section between August 1 and December 1 in any year, in the Washington counties of Clark, Cowlitz, and Lewis; and the Oregon counties of Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington, and Yamhill.

(b) That scrub jays and Steller's jays taken pursuant to this section shall not be transported or sold or offered for sale except that, such transportation within the area, as may be necessary to bury or otherwise destroy the carcasses of such birds is permitted: *Provided*, That the Director of the State agricultural department, college, or other public institution may requisition such scrub jays and Steller's jays killed as may be needed for scientific investigations.

(c) That such birds may be taken only by trapping or shooting and on areas where serious depredations are being or are about to be committed.

(d) That any person exercising any of the privileges granted by this section shall permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to

such officer whatever information he may require, concerning said operations.

(e) That nothing in this section shall be construed to authorize the killing of such migratory birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the States of Washington and Oregon.

(f) That any person authorized by this section to exercise the privileges granted therein shall maintain records of the number of birds killed on the premises and shall submit a report thereof, on or before December 31 of each year, to the appropriate Special Agent in Charge (see § 10.22 of this subchapter).

[FR Doc. 74-19836 Filed 8-27-74; 8:45 am]

PART 32—HUNTING

Benton Lake National Wildlife Refuge, Mont.

The following regulations are issued and are effective on August 28, 1974.

§ 32.12 Special Regulations; Migratory Game Birds; for Individual Wildlife Refuge Areas.

MONTANA

BENTON LAKE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, coots, mergansers and Wilson's snipe on the Benton Lake National Wildlife Refuge, Montana, is permitted only on areas designated by signs as open to public hunting. This open area is delineated on maps available at refuge headquarters.

Hunting shall be in accordance with all applicable state and federal regulations governing the hunting of the aforementioned species subject to the following special conditions:

(a) Hunters may not possess or use shells other than those containing steel pellets.

(b) Hunters are required to register at the designated check station prior to entering the hunting area.

(c) Hunters will be required to check out at the checking station at which time they will present their bag to refuge personnel for species identification.

(d) Hunters need not comply with special regulations 2 and 3 when the check station is not in operation. A large sign at the check station will advise when the check station is or is not in operation.

(e) Refuge roads and dike areas are closed to hunting.

(f) Blinds may be constructed with natural vegetation found on the refuge.

(g) Vehicle use and parking shall be confined to gravelled roads and designated parking areas.

(h) Boats without motors may be used in conjunction with waterfowl hunting activities.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas

generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 29, 1974.

LYLE A. STEMMERMAN,
Refuge Manager, Benton
Lake National Wildlife Refuge.

AUGUST 20, 1974.

[FR Doc.74-19874 Filed 8-27-74; 8:45 am]

PART 32—HUNTING

Des Lacs National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on August 28, 1974.

§ 32.32 Special Regulations; big game, for individual wildlife refuge areas.

NORTH DAKOTA

DES LACS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Des Lacs National Wildlife Refuge, North Dakota, is permitted except within a 1,000 acre area surrounding the town of Kenmare which is posted as "closed." The area open to hunting, comprising 17,740 acres, is delineated on a map available at the refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State Regulations covering the hunting of deer, subject to the following conditions.

(1) Hunting is permitted from 12:00 noon to sunset November 8 and from sunrise to sunset November 9 through November 17, 1974.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on Wildlife Refuge Areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 17, 1974.

CHARLES S. PECK,
Refuge Manager, Des Lacs
National Wildlife Refuge.

AUGUST 20, 1974.

[FR Doc.74-19872 Filed 8-27-74; 8:45 am]

PART 32—HUNTING

Lostwood National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on August 28, 1974.

§ 32.32 Special Regulations; big game, for individual wildlife refuge areas.

NORTH DAKOTA

LOSTWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Lostwood National Wildlife Refuge, North Dakota, is permitted only on the area designated as open to hunting during the period November 8 through 17, 1974. This open area, comprising 25,300 acres, is delineated on a map available at the

refuge headquarters, Kenmare, North Dakota, and from the Area Manager, U.S. Fish and Wildlife Service, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State Regulations and the following special conditions:

(1) Vehicle travel is restricted to public highways and the refuge entrance road from State Highway No. 8 to refuge headquarters. All other roads and trails are closed to vehicles.

(2) A one square mile area around the refuge headquarters complex will be closed to hunting and marked by "Closed Area" signs.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 1, 1975.

CHARLES S. PECK,
Refuge Manager,
Lostwood National Wildlife Refuge.

AUGUST 20, 1974.

[FR Doc.74-19871 Filed 8-27-74; 8:45 am]

PART 32—HUNTING

Lostwood National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on August 28, 1974.

§ 32.12 Special Regulations; Migratory Game Birds; for individual Wildlife Refuge Areas.

NORTH DAKOTA

LOSTWOOD NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and Hungarian partridge on the Lostwood National Wildlife Refuge, North Dakota, is permitted only on that area designated by signs as open to hunting during the period September 14 through December 15, 1974. The open area, comprising 4,720 acres during the period September 14 through November 17 and 28,101 acres during the period November 18 through December 15, 1974, is delineated on maps available at the refuge headquarters, Kenmare, North Dakota, and from the Area Manager, U.S. Fish and Wildlife Service, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations and the following special condition.

(1) Vehicle travel is restricted to public highways and the refuge entrance road from State Highway No. 8 to refuge headquarters. All other refuge roads and trails are closed to vehicles.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 15, 1974.

CHARLES S. PECK,
Refuge Manager,
Lostwood National Wildlife Refuge.

AUGUST 20, 1974.

[FR Doc.74-19873 Filed 8-27-74; 8:45 am]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on August 28, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of geese, ducks, coots, mergansers, mourning doves, sora and Virginia rails, and Wilson's snipe on the Monte Vista National Wildlife Refuge, Colorado, is permitted in accordance with conditions as outlined below, but only on the area designated by signs as open to hunting:

(a) Ducks, coots and mergansers—October 5, 1974 through October 13, 1974, inclusive, and November 9, 1974 through January 3, 1975, inclusive.

(b) Canada geese—November 1, 1974 through December 31, 1974, inclusive. Hunting of Canada geese is restricted to those persons who have secured a special Colorado state permit for the Special San Luis Valley Goose Hunt.

(c) Mourning doves—October 5, 1974 through October 13, 1974, inclusive.

(d) Sora and Virginia rails—October 5, 1974 through October 13, 1974, inclusive, and November 1, 1974 through November 9, 1974, inclusive.

(e) Wilson's snipe—October 5, 1974 through October 13, 1974, inclusive, and November 1, 1974 through November 4, 1974, inclusive.

This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colorado, and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Ave., Denver, Colorado 80215. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese, ducks, coots, mergansers, mourning doves, sora and Virginia rails, and Wilson's snipe, subject to the following special conditions:

(a) Shooting hours will be from one-half hour before sunrise until sunset for ducks, geese, coots and mergansers.

(b) Shooting hours will be from sunrise to sunset on mourning doves, sora and Virginia rails and Wilson's snipe.

(c) During the 1974-75 season, all hunters must register at the refuge office before entering the hunting area at one of the six designated parking areas. Upon completion of the day's hunt, the hunter must return to the refuge office to complete a questionnaire regarding the hunt.

(d) The use of steel shot will be required for all species throughout the hunting season. The possession or use of lead shot in the hunting area is prohibited, except when participating as a selected hunter in the Refuge's unknown shot investigation.

(e) Having lead shot in one's possession while in the hunting area will be considered prima facie evidence that the person having such shot in his possession is engaged in hunting with same.

(f) Steel shot shells in 12 gauge only, No. 1 and No. 4 shot, will be available for sale at refuge headquarters.

(g) Dogs—Not to exceed two dogs per hunter may be used in the hunting of the above species.

(h) Boats—The use of boats is prohibited. One or two-man life rafts that can be carried by an individual from the parking areas to the hunting area may be used to retrieve dead or wounded birds.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 4, 1975.

HARVEY WILLOUGHBY,
Acting Regional Director, U.S.
Fish and Wildlife Service,
Denver, Colorado.

AUGUST 20, 1974.

[FR Doc.74-19852 Filed 8-27-74; 8:45 am]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on August 28, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of rabbits, skunk, badger, raccoon, coyote and bobcat on the Monte Vista National Wildlife Refuge, Colorado, is permitted from October 5, 1974 through October 13, 1974, inclusive, and November 1, 1974 through January 3, 1975, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres is delineated on maps available at refuge headquarters, Monte Vista, Colorado, and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215.

Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits, skunk, badger, raccoon, coyote, and bobcat, subject to the following special conditions:

(a) Shooting hours for cottontail rabbits will be from sunrise to sunset.

(b) Shooting hours for jack rabbits, skunk, raccoon, coyote, badger, and bobcat shall coincide with those set by Federal and State proclamation for the hunting of migratory waterfowl.

(c) During the 1974-75 season, all hunters must register at the refuge office

before entering the hunting area at one of the six designated parking areas. Upon completion of the day's hunt, the hunter must return to the refuge office to complete a questionnaire regarding the hunt.

(d) The use of steel shot will be required for all species throughout the hunting season. The possession or use of lead shot in the hunting area is prohibited, except when participating as a selected hunter in the Refuge's unknown shot investigation.

(e) Having lead shot in one's possession while in the hunting area will be considered prima facie evidence that the person having such shot in his possession is engaged in hunting with same.

(f) Steel shot shells in 12 gauge only, No. 1 and No. 4 shot, will be available for sale at refuge headquarters.

(g) Dogs—Not to exceed two dogs per hunter may be used in the hunting of the above species.

(h) Hunting with rifles and hand guns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 4, 1975.

CHARLES R. BRYANT,
Refuge Manager, Monte Vista
National Wildlife Refuge,
Monte Vista, Colorado.

AUGUST 20, 1974.

[FR Doc.74-19853 Filed 8-27-74; 8:45 am]

PART 32—HUNTING

Pathfinder National Wildlife Refuge, Wyoming

The following special regulation is issued and is effective on August 28, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of antelope on the Pathfinder National Wildlife Refuge, Wyoming, is permitted on the entire refuge in accordance with dates and areas designated in the Wyoming 1974 Orders regulating antelope hunting. Portions of the refuge lying in Area No. 63 will be open from September 11 through September 23, 1974. Portions of the refuge lying in Area No. 48 will be open from September 25 through October 15, 1974. This open area, comprising 16,807 acres, is composed of four separate units and is delineated on maps available at refuge headquarters in Walden, Colorado

and from the office of the Area Manager, U.S. Fish and Wildlife Service, Federal Building Room 2215, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State regulations covering the hunting of antelope.

The provisions of this regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1974.

V. CARROL DONNER,
Refuge Manager, Pathfinder
National Wildlife Refuge,
Walden, Colorado.

AUGUST 19, 1974.

[FR Doc.74-19919 Filed 8-27-74; 8:45 am]

PART 32—HUNTING

Pathfinder National Wildlife Refuge, Wyoming

The following special regulation is issued and is effective on August 28, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Pathfinder National Wildlife Refuge, Wyoming, is permitted on the entire refuge in accordance with dates and areas designated in the Wyoming 1974 Orders regulating deer hunting. Portions of the refuge lying in Area No. 87 will be open October 15 through October 24, 1974. Portions of the refuge lying within Area No. 72 will be open October 1 through October 10, 1974. This open area, comprising 16,807 acres, is composed of four separate units and is delineated on maps available at refuge headquarters in Walden, Colorado and from the office of the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 2215, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 24, 1974.

V. CARROLL DONNER,
Refuge Manager, Pathfinder
Wildlife Refuge, Walden,
Colorado.

AUGUST 19, 1974.

[FR Doc.74-19918 Filed 8-27-74; 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 HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 20]

FROZEN DESSERTS

Proposed Identity Standards

Correction

In FR Doc. 74-16999, appearing at page 27147 in the issue for Thursday, July 25, 1974, the tenth line in the first column reading, "In the case of citrus fruit, the whole fruit or fruit juice," should be deleted.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-GL-26]

EXTENSION OF VOR FEDERAL AIRWAY

Notice of Proposed Rulemaking

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-175 from Redwood Falls, Minnesota to Alexandria, Minnesota.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would extend V-175 from Redwood Falls, Minnesota direct to Alexandria, Minnesota. A recent survey indicates a number of aircraft request ATC clearance on this direct route because of its shorter distance. Designation of an airway would provide route continuity and would eliminate pilot/controller verbiage otherwise nec-

essary for issuing revised ATC clearances.

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

Issued in Washington, D.C., on August 22, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 74-19862 Filed 8-27-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 256-3]

KANSAS IMPLEMENTATION PLAN

Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards. During April and May, 1974, the State of Kansas submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. 40 CFR 51.8 requires the Administrator to approve or disapprove compliance schedules submitted by the States. Therefore, the Administrator proposes the approval of the compliance schedules listed below.

The approval schedules were adopted by the States and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Kansas. Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is

indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Three of the sources, Community Hospital, Onaga; U.S.D. #430, Horton; and U.S.D. #364, Marysville; will cease operation, and therefore the applicable compliance schedules contain final compliance dates only.

In the indication of proposed approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and the compliance schedules proposed to be approved are available for public inspection at the Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, Missouri 64108.

Interested persons may participate in this rule making by submitting written comments in triplicate to the Region VII office at the above address. All comments submitted on or before September 27, 1974, will be considered. All comments received, as well as copies of the applicable implementation plans, will be available for inspection during normal business hours at the Regional Office.

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

Dated: August 16, 1974.

JEROME H. SVORE,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. In § 52.876, the table in paragraph (c)(1) is amended as follows:

§ 52.876 Compliance schedules.

(c) State compliance schedules.
(1) * * *

Source and location	Regulation involved	Date adopted	Effective date	Final compliance date
Gardner United Super, Gardner: Incinerator.....	28-10-40C 28-19-40D	Apr. 10, 1974	Immediately..	May 1, 1975
Dooley and Co., Lansing: Alfalfa dehydrator.....	28-19-20	Mar. 8, 1974	do.....	Do.
St. Joseph's Catholic Grade School, Overland Park: Incinerator.....	28-19-40D 28-19-40C	do.....	do.....	July 31, 1975
Van's Food Center, Shawnee: Incinerator.....	28-19-40D 28-19-40C	Feb. 8, 1974	do.....	Sept. 1, 1974
B-G Metals Industries, Inc., Kansas City: Aluminium furnaces 1-7.....	28-19-20	May 18, 1974	do.....	Aug. 31, 1974
Community Hospital, Onaga: Incinerator.....	28-19-40D 28-19-40C	Mar. 8, 1974	do.....	Jan. 31, 1975
U.S.D. #364, Marysville: Open burning.....	28-19-45	do.....	do.....	Jan. 1, 1975

Source and location	Regulation involved	Date adopted	Effective date	Final compliance date
U.S.D. #430, Horton: Open burning	28-19-45	do	do	July 1, 1974
Kansas Refined Helium Co., Otis: Safety flare	28-19-45	do	do	Do.
U.S.D. #248, Girard:				
Girard High School Incinerator	28-19-40	do	do	Do.
Emerson Elementary School Incinerator	28-19-40	do	do	Do.
Greenbush Elementary School Incinerator	28-19-40	do	do	Do.
Hepler Elementary School Incinerator	28-19-40	do	do	Do.
Lowell Elementary School Incinerator	28-19-40	do	do	Do.
Walnut Elementary School Incinerator	28-19-40	do	do	Do.
Cities Service Oil (Cheney), Kingman County:				
Emergency flare	28-19-47C	do	do	Do.
Oil-water separator	28-19-45	do	do	Do.
Cities Service Oil (Midway), Kingman County:				
Emergency flare	28-19-47C	do	do	Do.
Oil-water separator	28-19-45	do	do	Do.
Grant County Road Department, Ulysses: Asphalt plant	28-19-20	do	do	July 15, 1974
Cullor Limestone Co., Inc., Fort Scott:				
Primary crushers (2)	28-19-20	do	do	July 1, 1974
Secondary crushers (2)	28-19-20	do	do	Do.
Tertiary crushers (2)	28-19-20	do	do	Do.
Fines mills (2)	28-19-20	do	do	Do.

[FR Doc. 74-19756 Filed 8-27-74; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20139; RM-2199]

FM BROADCAST STATIONS IN TYLER, TEXAS

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations (Tyler, Texas).

1. On May 8, 1973, KXOL, Inc., licensee of Station KXOL-FM, Ft. Worth, Texas,¹ filed a petition requesting the substitution of Channel 240A for 257A at Tyler, Texas, and Channel 257A for 240A at Kilgore, Texas. The purpose of the proposal was to eliminate a mileage separation problem which prevented KXOL-FM from moving its transmitter site to the Cedar Hill antenna farm.

2. Oppositions to the Kilgore substitution were filed by Kilgore Broadcasting Company, and Radio Kilgore, Inc., both applicants for Channel 240A in Kilgore, Texas. As to the Tyler substitution, petitioner states that Tyler Broadcasting Company (Tyler), an applicant for Channel 257A in Tyler, indicated to counsel for petitioner that it had problems with the initial proposal because Tyler's application was apparently approaching a grant and modification to specify a new channel would be costly, particularly after the station commenced operation. Petitioner asserts that, in view of the Tyler and Kilgore oppositions it commissioned a search for a new channel which could be substituted at Tyler and which would not disturb the present Kilgore assignment. At the same time, it commenced discussions with Tyler Broadcasting Company to resolve its problems with the proposal.

3. In a letter to the Commission, dated December 28, 1973, Thomas R. Gibson, President of Tyler Broadcasting Com-

pany, stated that he affirmatively supports the substitution of Channel 221A for 257A at Tyler and that, if the assignment is made, he will seek authority to move to the new channel. The letter also stated that petitioner had agreed to reimburse Tyler Broadcasting Company for all expenses incident to the move from Channel 257A to 221A. On January 23, 1974, petitioner filed an amendment to its petition. This requested the substitution of Channel 221A for 257A at Tyler and left the channel 240A assignment at Kilgore unchanged.

4. Channel 221A could be substituted for Channel 257A at Tyler without disrupting any other assignment in the FM Table. However, petitioner's engineering study shows that both co-channel and adjacent channel preclusion occurs on Channels 218, 220 and 221A. The area precluded on Channel 221A contains no communities with populations greater than 5,000 persons having no AM or FM stations or FM assignments. There are six Texas communities in the precluded area having populations less than 5,000 persons with no AM or FM stations or FM assignments (Pittsburg, pop. 3,844; Jefferson, pop. 2,866; Mount Vernon, pop. 1,806; Quitman, pop. 1,494; Lindale, pop. 1,631; and Chandler, pop. 765). Further, there are six Texas communities with AM stations which do not have FM assignments (Sulphur Springs, pop. 10,642; Athens, pop. 9,582; Daingerfield, pop. 2,630; Gilmer, pop. 4,196; Gladewater, pop. 5,574; and Mineola, pop. 3,926). Petitioner states that Channel 257A, if deleted from Tyler, could be assigned to Gladewater on the basis of a site west of the community. Since the petitioner does not state, as to all the other communities, whether alternate channels are available for use in those communities, we are requesting this information when comments are submitted.

5. As to preclusion on Channels 220 and 218, the preclusion on Channel 220 is limited to a small area, but on Channel 218 it encompasses a fairly large area. However, it is noted that Tyler is located beyond the Grade B contour of Station KTAL-TV, the Channel 6 station at

Shreveport, Louisiana-Texarkana, Texas. The proposed assignment of Channel 221A to Tyler would thus not be objectionable because such an assignment would not foreclose assignment on the lower numbered educational FM channels in the area and Class A educational FM assignments could be made on Channel 218 between 15 miles and 65 miles of Tyler.

6. In view of the foregoing and pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's rules and regulations it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations as follows:

City	Channel No.	
	Present	Proposed
Tyler, Tex.	226, 257A, 268	221A, 226, 268

7. *Showings required.* Comments are invited on the proposal discussed above. Proponent will be expected to answer whatever questions are raised and to supply whatever information is requested in the notice, and to answer other questions that may be presented in initial comments. The proponent of the proposed assignment is expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

8. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before October 15, 1974, and reply comments on or before November 4, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

10. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

¹ As of October 1, 1973, the call sign of Station KXOL-FM was changed to KPLX and the licensee's name changed to Radio Metroplex, Inc.

11. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street, N.W.).

Adopted: August 15, 1974.

Released: August 20, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
[FR Doc.74-19879 Filed 8-27-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20002: RM-2143, RM-2184,
RM-2251]

FM BROADCAST STATIONS IN
MARCO, FLORIDA ET AL.

Order Extending Time for Filing Reply
Comments (RM-2184 Only)

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations. (Marco, Florida; St. Augustine, Florida; and Milton, Florida.

1. On April 8, 1974, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. (39 FR 29201) The time for filing comments has expired and the date for filing reply comments is presently August 19, 1974.

2. On August 16, 1974, Senator Jack D. Gordon, by his attorneys, requested an extension of time to and including August 23, 1974, in which to file reply comments. Counsel states that the time is necessary due to the press of other office business. Counsel for both WKTU, Inc. and the City of Jacksonville have authorized counsel for Senator Gordon to state that neither party will interpose any objection to the extension request.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered*, That the date for filing reply comments in RM-2184 only is extended to and including August 23, 1974.

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

Adopted: August 19, 1974.

Released: August 21, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] HAROLD L. KASSENS,
Acting Chief,
Broadcast Bureau.

[FR Doc.74-19880 Filed 8-27-74;8:45 am]

[47 CFR Part 76]

[Docket No. 20018]

CABLE TELEVISION STANDARDS

Order Extending Time for Filing Reply
Comments

In the matter of amendment of Part 76 of the Commission's rules and regulations relative to the advisability of fed-

eral preemption of cable television technical standards or the imposition of a moratorium on non-federal standards.

1. Reply comments in the captioned proceeding are presently due August 20, 1974. Mr. Victor Nicholson, on behalf of himself and a number of other members of the staff of the Cable Television Information Center who filed comments in this proceeding, has requested a week's extension until August 27, 1974, in which to file reply comments, stating that the additional time is necessary to assess comments filed supporting Commission preemption of cable television technical standards.

2. It appearing that good cause therefor has been shown, the requested extension of time will be granted.

Accordingly, it is ordered, That the date for filing reply comments in the captioned proceeding is extended to and including August 27, 1974.

This action is taken by the Chief, Cable Television Bureau, pursuant to authority delegated by § 0.289 of the Commission's rules and regulations.

Adopted: August 19, 1974.

Released: August 21, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] DAVID D. KINLEY,
Chief,
Cable Television Bureau.

[FR Doc.74-19881 Filed 8-27-74;8:45 am]

[47 CFR Parts 89, 91, 93]

[Docket No. 20109]

LAND MOBILE CHANNELS

Extension of Comment Period

In the matter of amendment of parts 89, 91, and 93 of the rules to reallocate land mobile channels in the 470-512 MHz band in the New York and Los Angeles urbanized areas.

By Acting Chief, Safety and Special Radio Services Bureau.

1. In a notice of proposed rule making adopted on July 16, 1974, the Commission invited comments on the above-captioned matter by August 20, 1974, and replies thereto by September 5, 1974 (39 FR 27702).

2. On August 12, 1974, the American Trucking Association, Inc. (ATA) requested that the time for filing comments be extended to August 30, 1974, and for filing reply comments to September 16, 1974. ATA states that issues raised in the notice go beyond the proposed reallocation of frequencies in the two urbanized areas which are of concern to the entire motor carrier industry. ATA intends to file comments addressed particularly to those portions of the Commission's proposal. Due, however, to summer vacations and the absence of key personnel it will not be possible to complete the proposed comments by August 20, 1974. For these reasons ATA requests the ten day extension.

3. We are of the view that good cause has been shown for the requested extension. *Accordingly, it is ordered*, Pursuant

to § 0.331(b) (4) of the Commission's rules that the time for filing comments is extended to August 30, 1974, and the time for filing reply comments is extended to September 16, 1974. However, in view of the strong public interest considerations calling for speedy resolution of the matters before us in this proceeding, all parties are put on notice that the Commission does not expect to grant a further extension.

Adopted: August 19, 1974.

Released: August 21, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VERNON A. SPRING,
Acting Chief, Safety and
Special Radio Services Bureau.

[FR Doc.74-19882 Filed 8-27-74;8:45 am]

INTERSTATE COMMERCE
COMMISSION

[49 CFR Part 1036]

[Ex Parte No. 252 (Sub-No. 1)]

INCENTIVE PER DIEM CHARGES ON
BOXCARS

XF Boxcars

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 19th day of August 1974.

It appearing, that by order of the Commission, dated December 15, 1967, this rulemaking proceeding was instituted for the purpose of implementing those provisions of the law relating to the Commission's authority to encourage the acquisition and maintenance of an adequate car supply as specified in Public Law 89-430, which, effective May 26, 1966, amended Section 1(14)(a) of the Interstate Commerce Act;

It further appearing, that pursuant to the prior reports and orders of the Commission appearing at 337 I.C.C. 183 and 337 I.C.C. 217, the Commission promulgated certain regulations, which regulations now appear as Part 1036, Title 49 of the Code of Federal Regulations, and that § 1036.1 contains a listing of the kinds of boxcars to which these regulations apply;

It further appearing, that the Commission in each of its prior reports stated that the instant proceeding would be an "open-end" or continuing proceeding which would permit the parties to bring to the Commission's attention, as a result of experience gained under the new regulations, any situation which might require clarification or warrant modification of the incentive rules and charges, and that the Commission has modified its initial report in regard to the manner of participation by Canadian railroads, 339 I.C.C. 627, clarified and modified the initial report in other respects, 340 I.C.C. 49, and, by order dated March 30, 1973, extended the prescribed six-month period to cover the entire calendar year, which order was sustained by the District Court in Ann Arbor R. R. Co. v. United States, 368 F. Supp. 101 (E.D. Pa. 1973);

It further appearing, That since the adoption of the incentive per diem program the railroads have withdrawn an increasing number of cars designated as XP boxcars which would qualify as cars suitable for transporting food and other first class commodities from that category which is not subject to the incentive per diem rules, placing them in the XM boxcar category (general purpose boxcars, not equipped with load protection devices) for the reasons, among others, that additional revenues are generated to the railroads from the application of the incentive per diem rules to XM boxcars, thus depriving the food industry of suitable cars which could be categorized as XF;

It further appearing, That free running boxcars for general service purposes may be loaded with bulk feeds, grains and similar products which introduce infestation, contamination and rodent inhabitation into food quality boxcars and that such cars cannot be controlled effectively to preserve the highest possible food quality standards; that a large percentage of XM boxcars contain live infestation; that information has come to the Commission's attention that the food processing industry is being forced to use increasing amounts of chemical pesticides to counteract infestation and contamination found in these cars; that if the railroads continue to redesignate XP and XF boxcars to the XM category, the food processing industry will introduce over one million pounds of pesticides and insecticides into these boxcars;

and that these pesticides, which are potentially harmful to man, will be introduced into edible food and ultimately into the consumer as a direct result of the transportation involved;

It further appearing, That XF boxcars are designed and constructed as general purpose boxcars, but are limited as to food quality usage, and are furnished with an interior coat of white epoxy which seals the interior against dirt and insects, facilitates the cleaning of the car, and provides a smooth finish to protect the integrity of food packaging, all of which help to assure high standards of cleanliness and the wholesomeness of food products during transportation and reduce the need for chemical pesticides and insecticides;

And it further appearing, That the Congressional policy expressed in The National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq., to promote efforts which will prevent or eliminate damage to the environment and stimulate the health and welfare of the people of our Nation, can best be achieved by protecting and fostering the highest standards of food quality transportation by rail, and for all the above-stated reasons and good cause appearing therefor:

§ 1036.1 [Amended]

It is ordered, That § 1036.1 is hereby proposed to be amended by inserting under the headings "Mechanical designation" and "Code number", and at the end of the enumerated categories of boxcars, the listing "XF ----- A120, A220, A320, A420."

It is further ordered, That if the amendment proposed herein is adopted by the Commission XF boxcars must be utilized in general service and not limited to the exclusive use of any particular shipper.

It is further ordered, That comments respecting the proposed amendment described above are hereby invited to be submitted on or before September 23, 1974, by any interested person whether or not such person is already a party to this proceeding.

It is further ordered, That any party requesting oral hearing shall set forth with specificity the need therefor and the evidence to be adduced.

And it is further ordered, That a copy of this notice be served upon each respondent, all other parties, each public utility commission or board or similar regulatory body of each State, the Secretary of the Department of Transportation, the Association of American Railroads—Car Service Division, and the American Short Line Railroad Association; that a copy be posted in the Office of the Secretary of this Commission and in each field office; and that a copy of this notice be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER as a notice of Proposed Rulemaking.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-19964 Filed 8-27-74; 8:45 am]

#

Office of the Secretary

[Delegation of Authority No. 127-2
Public Notice 430]

DEPUTY UNDER SECRETARY FOR
MANAGEMENT

Delegation of Authority

By virtue of the authority vested in me by the act of June 20, 1874 (18 Stat. 90 (22 U.S.C. 2664)) and by section 4 of the act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658), as amended, Delegation of Authority No. 127 of April 4, 1973 (38 FR 9336), relating to an Acting Deputy Under Secretary of State for Management, as amended by Delegation of Authority No. 127-1 of November 15, 1973 (38 FR 33407) is hereby cancelled. This cancellation is effective August 20, 1974.

Dated: August 20, 1974.

HENRY A. KISSINGER,
Secretary of State.

[FR Doc. 74-19932 Filed 8-27-74; 8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms
FIREARMS; GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., Section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Alexander, Barry C., 2039 East North Avenue, Baltimore, Maryland, convicted on June 29, 1961, in the Baltimore City Criminal Court, Baltimore, Maryland.

Barea, John G., 9415 Pickwick Circle West, Building #15, Taylor, Michigan, convicted on May 3, 1967, in the Detroit Recorder's Court, Detroit, Michigan.

Bowling, Welfie H., 1054 Greenhurst Avenue, N.W., Roanoke, Virginia, convicted on May 26, 1958, Circuit Court, Augusta County, Virginia.

Bueter, James J., 1623 46th Street, Elkhart, Indiana, convicted on July 8, 1968, Elkhart Superior Court, Indiana.

Conde, Grover, P.O. Box 1652, Rock River, Wyoming, convicted on October 7, 1969, in the United States District Court, Kansas.

Cresellous, Willis V., 2902 D Avenue, New Castle, Indiana, convicted on September 26, 1964, in the Circuit Court of Henry County, Indiana.

Davis, William L., 7005 Lanewood Avenue, Apt. #325, Hollywood, California, convicted on June 5, 1972, in the Los Angeles, California, Superior Court.

Dishaw, Charles J., 230 Lake Street, Ogdensburg, New York, convicted on November 29, 1965, St. Lawrence County Court, New York.

Duncan, Kenneth W., 3520 S. Oswego, Tulsa,

Oklahoma, convicted on December 29, 1966, in the Bryan County District Court, Oklahoma.

Edwards, Paul A., Route 27, Box 347F, Parkville, Missouri, convicted on February 22, 1972, in the Circuit Court of Platte County, Missouri.

Fong, Harold M., 845-9th Avenue, Sacramento, California, convicted on August 2, 1965, in the Superior Court, Sacramento, California.

Guibord, Kevin L., 303 S. Cobban Street, Chippewa Falls, Wisconsin, convicted on March 4, 1971, in Sawyer County Court, Wisconsin.

Gustafson, Crandall L., Route 2, Box 349B1, Post Falls, Idaho, convicted on March 1, 1961, in the District Court for the Fourth Judicial District, Hennepin County, Minnesota.

Harmon, Bobbie Ray, Box 506, Canutillo, Texas, convicted on March 16, 1971, in the United States District Court for the Western District of Texas.

Hatcher, James E., Route 1, Box 313a, Cedar Creek, Texas, convicted on June 9, 1961, in the District Court of Wilson County, Texas; and on November 7, 1963, in the 144th District Court of Bexar County, Texas; and on April 13, 1964, in the District Court of Gillespie County, Texas; and on November 20, 1968, First Judicial District Court for Caddo Parish, Louisiana.

Hoelzen, Keith A., 2137 East Sheridan Street, Phoenix, Arizona, convicted on April 19, 1962, in the Superior Court, Maricopa County, Arizona.

Huber, Herman L., 2103 Hershey Road, Erie, Pennsylvania, convicted on August 9, 1973, in the United States District Court, Western Judicial District, Pennsylvania.

Huber, Nellie M., 2103 Hershey Road, Erie, Pennsylvania, convicted on August 9, 1973, in the United States District Court, Western Judicial District, Pennsylvania.

Jennings, Bobby L., 14801 Trinity, Detroit, Michigan, convicted on January 6, 1964, in the Circuit Court for Livingston County, Michigan.

Keim, Marvin J., R.D. #1, Smicksburg, Pennsylvania, convicted on or about October 26, 1956, in the United States District Court for the Northern District of Ohio.

Lawson, Dennis E., R.R. #1, Norborne, Missouri, convicted on January 13, 1969, in the Circuit Court of Carroll County, Missouri.

Lloyd, Michael, 122 East Grand Avenue, Chippewa Falls, Wisconsin, convicted on December 14, 1969, and April 8, 1970, in the Chippewa County Court, Chippewa Falls, Wisconsin.

Lotreck, Allan R., 74 Hartford Street, Natick, Massachusetts, convicted on September 4, 1968, in the Peabody District Court, Massachusetts.

Madlock, L. C., 1119 West 7th Avenue, Apt. #1, Spokane, Washington, convicted on October 3, 1956, October 22, 1959, and February 3, 1961, in the Superior Court, Spokane County, Washington.

Markowitz, Arthur S., 11736 Brandon Place, Philadelphia, Pennsylvania, convicted on January 9, 1961, in the United States District Court, Eastern District of Pennsylvania.

McNelly, Leon, Scott Road, Terrville, Connecticut, convicted on June 25, 1962, in the Eighteenth Circuit Court, Torrington, Connecticut.

Miller, Jerald H., 3808 Sandgate, Fort Worth, Texas, convicted on March 10, 1967, in the County Criminal Court #1, Tarrant County, Texas; and on May 14, 1969, in the Criminal District Court, Tarrant County, Texas.

Moschel, Gerald L., 1304 Howard Road, Glen Burnie, Maryland, convicted on April 22,

1957, in the Fourth Judicial Division, District of Alaska.

Ogg, Rodger J., 5617 N. Interstate Avenue, Portland, Oregon, convicted on February 3, 1964, in the Circuit Court of the State of Oregon for the County of Linn.

Paramore, Claude A., III, 1006 Roanoke Street, Scotland Neck, North Carolina, convicted on October 27, 1954, in the Superior Court, Halifax County, North Carolina; and on July 22, 1957, in the Granville County Superior Court, Oxford, North Carolina.

Patzner, Daniel M., 643 Oregon Avenue, N.E., Salem, Oregon, convicted on July 19, 1971, in the Marion County Circuit Court, Oregon.

Puynko, Fred, 510 84th Street, Brooklyn, New York, convicted on January 8, 1968, in the Supreme Court, Kings County, New York.

Randolph, Raymond L., 3701 Forest Manor Blvd., Indianapolis, Indiana, convicted on March 1, 1963, in the Marion County Court, Indiana.

Saunders, Levi, 2629 St. Jean Street, Detroit, Michigan, convicted on September 6, 1950, in the Recorder's Court, Detroit, Michigan.

Sloan, Thomas B., Route 3, Bassett, Virginia, convicted on July 8, 1947, in the United States District Court, Roanoke, Virginia; and on February 10, 1959, in the United States District Court, Danville, Virginia.

Sovereign, Jerry L., 404 Cummings Road, Eureka, California, convicted on November 14, 1968, and July 16, 1971, in the Superior Court, County of Humboldt, California.

Stoddard, Robert D., O.D., Prospect Street, Wilton, Maine, convicted on April 30, 1970, in the Superior Court, Franklin County, Maine.

Strah, Jeffrey A., 1355 South 3rd Street, Salt Lake City, Utah, convicted on September 10, 1970, in the District Court of the Third Judicial District in and for Salt Lake County, Utah.

Szabo, Thomas, 3300 Lincoln Way West, South Bend, Indiana, convicted on or about February 5, 1930, in the United States District Court for the Northern District of Indiana.

Threewitt, Charles D., 1063 14th Avenue, N.W., Hickory, North Carolina, convicted on August 2, 1972, in the General Court of Justice, Superior Court Division, Catawba County, North Carolina.

VanDerHeyden, Richard M., 11584 Chicago Road, Warren, Michigan, convicted on April 24, 1974, and June 13, 1949, in the Recorder's Court of the City of Detroit, Michigan.

Walter, Hubert B., R.1, Osterburg, Pennsylvania, convicted on April 4, 1972, in the United States District Court, Pennsylvania.

Zanker, James Robert, 5024 Timberwolf, El Paso, Texas, convicted on December 7, 1960, in the District Court of El Paso County, Thirty-Fourth Judicial District, Texas.

Signed at Washington, D.C. this 14th day of August, 1974.

[SEAL] REX D. DAVIS,
Director, Bureau of
Alcohol, Tobacco and Firearms.

[FR Doc. 74-19849 Filed 8-27-74; 8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the
Army

NATIONAL DAM SAFETY PROGRAM

Proposed Guidelines for Safety Inspection
of Dams

Notice is hereby given that the Secretary of the Army (acting through the Chief of Engineers) is proposing to recommend guidelines prescribing the pro-

cedures for the safety inspection of dams as part of the recommendations for a comprehensive national dam safety program as required by the National Dam Safety Act, Pub. L. 92-367. These recommended guidelines will provide the procedures for inspection and evaluation of dams to determine if they constitute hazards to human life or property. They were developed to assist the States and Federal agencies in establishing or strengthening their dam safety programs.

Prior to recommending the proposed guidelines to Congress, consideration will be given to any comments submitted to the Chief of Engineers. Such comments should be sent to the Chief of Engineers, ATTN: DAEN-CWE-D, Department of the Army, Washington, D.C. 20314, on or before October 1, 1974.

Dated: August 14, 1974.

J. W. MORRIS,
Major General, USA,
Director of Civil Works.

PROPOSED GUIDELINES FOR
SAFETY INSPECTION OF DAMS

NATIONAL PROGRAM FOR SAFETY OF DAMS

JULY 1974.

Table of Contents

Chapter 1—Introduction

Paragraph

- 1.1 Purpose.
- 1.2 Applicability.
- 1.3 Authority.

Chapter 2—General Requirements

- 2.1 Classification of Dams.
- 2.1.1 Size.
- 2.1.2 Hazard Potential.
- 2.2 Selection of Dams to be Investigated.
- 2.3 Technical Investigations.
- 2.4 Qualifications of Investigators.
- 2.5 Reports.

Chapter 3—Phase I Investigation

- 3.1 Purpose.
- 3.2 Scope.
- 3.3 Engineering Data.
- 3.4 Field Inspections.
- 3.5 Evaluation of Hydraulic and Hydrologic Features.
- 3.5.1 Design Data.
- 3.5.2 Operating Records.
- 3.6 Evaluation of Structural Stability.
- 3.6.1 Design and Construction Data.
- 3.6.2 Operating Records.
- 3.6.3 Seismic Stability.

Chapter 4—Phase II Investigation

- 4.1 Purpose.
- 4.2 Scope.
- 4.3 Hydraulic and Hydrologic Analysis.
- 4.3.1 Maximum Water Surface Based on SDF Peak Inflow.
- 4.3.1.1 Peak for 100 Year Flood.
- 4.3.1.2 Peak for PMF or Fraction Thereof.
- 4.3.2 Maximum Water Surface Based on SDF Hydrograph.
- 4.3.3 Acceptable Procedures.
- 4.3.4 Freeboard Allowances.
- 4.4 Stability Investigations.
- 4.4.1 Foundation and Material Investigations.
- 4.4.2 Stability Assessment.
- 4.4.2.1 Seismic Stability.
- 4.4.2.2 Clay Shale Foundation.
- 4.4.3 Embankment Dams.

Paragraph

- 4.4.3.1 Liquefaction.
- 4.4.3.2 Shear Failure.
- 4.4.3.3 Loading Condition.
- 4.4.3.4 Safety Factors.
- 4.4.3.5 Seepage Failure.
- 4.4.3.6 Seepage Analyses.
- 4.4.4 Concrete Dams.
- 4.4.4.1 Requirements for Stability.
- 4.4.4.2 Loads.
- 4.4.4.3 Stresses.
- 4.4.4.4 Overturning.
- 4.4.4.5 Sliding.
- 4.4.4.5.1 Sliding Resistance.
- 4.4.4.5.2 Downstream Resistance.
- 4.4.4.5.3 Safety Factor.

Chapter 5—Reports

- 5.1 General.
- 5.2 Preparation of Report.
- 5.2.1 Phase I Reports.
- 5.2.2 Phase II Reports.

Tables

- Table 1 Size Classification.
- Table 2 Hazard Potential Classification.
- Table 3 Hydrologic Evaluation Guidelines.
- Table 4 Factors of Safety (Embankment Dams).

Figures

- Figure 1 Seismic Zone Map of Contiguous States.
- Figure 2 Seismic Zone Map of California, Nevada and Arizona.
- Figure 3 Seismic Zone Map of Alaska.
- Figure 4 Seismic Zone Map of Hawaii.
- Figure 5 Design Envelope for Case I (Table 4).
- Figure 6 Design Envelope for Cases II and III (Table 4).

Appendices

- Appendix A Engineering Data.
- Appendix B Inspection Items.
- Appendix C P.L. 92-367.¹

CHAPTER 1—INTRODUCTION

1.1 *Purpose.* This document provides recommended guidelines for the inspection and evaluation of dams to determine if they constitute hazards to human life or property.

1.2 *Applicability.* The procedures and guidelines outlined in this document apply to the inspection and evaluation of all dams as defined in the National Dam Safety Act, Pub. L. 92-367. Included in this program are all artificial barriers together with appurtenant works which impound or divert water and which (1) are twenty-five feet or more in height or (2) have an impounding capacity of fifty acre-feet or more. Not included are barriers which are six feet or less in height, regardless of storage capacity, or barriers which have a storage capacity at maximum water storage elevation of fifteen acre-feet or less regardless of height.

1.3 *Authority.* The Dam Safety Act, Pub. L. 92-367 (Appendix C), authorized the Secretary of the Army, through the Corps of Engineers, to initiate a program of safety inspections of dams throughout the United States. The Chief of Engineers issues these guidelines pursuant to that authority.

CHAPTER 2—GENERAL REQUIREMENTS

2.1 *Classification of Dams.* Dams should be classified in accordance with size and hazard potential in order to formulate a priority basis for selecting dams to be included in the inspection program and also to provide compatibility between guideline requirements and involved risks. When possible the classifications should be based upon

¹ Appendix C filed as part of the original document.

information listed in the National Inventory of Dams with respect to size, impoundment capacity and hazard potential.

2.1.1 *Size.* The classification for size based on the height of the dam and storage capacity should be in accordance with Table 1. The height of the dam is established with respect to the maximum storage potential measured from the natural bed of the stream or watercourse at the downstream toe of the barrier, or if it is not across a stream or watercourse, the height from the lowest elevation of the outside limit of the barrier to the maximum storage elevation. For the purpose of determining height, the maximum storage elevation may be considered equal to the top of dam elevation. The storage capacity is the total storage space in a reservoir below the maximum water surface elevation including any surcharge storage. Size classification may be determined by either storage or height, whichever gives the larger size category.

TABLE 1

SIZE CLASSIFICATION

Category	Impoundment	
	Storage (acre-feet)	Height (feet)
Small.....	<1,000.....	<40.
Intermediate....	>1,000 and <50,000..	>40 and <100.
Large.....	>50,000.....	>100.

2.1.2 *Hazard Potential.* The classification for potential hazards should be in accordance with Table 2. The hazards pertain to potential loss of human life or property damage in the area downstream of the dam in event of failure or misoperation of the dam or appurtenant facilities.

TABLE 2

HAZARD POTENTIAL CLASSIFICATION

Category	Extent of development	
	Loss of life	Economic loss
Low.....	None expected (no permanent structures for human habitation).	Minimal (undeveloped to occasional structures or agriculture).
Significant....	Few (no rural communities or urban developments and no more than a small number of inhabitable structures).	Appreciable (notable agriculture, industry, or structures).
High.....	More than few.....	Excessive (extensive community, industry, or agriculture).

2.2 *Selection of Dams to be Investigated.* The selection of dams to be investigated should be based upon an assessment of the existing and potential future development in flood hazard areas. Those dams possessing a hazard potential classified significant or high as indicated in Table 2 should be investigated in accordance with the guidelines contained herein. In general, dams in the high hazard potential category should be given first priority in the inspection program.

2.3 *Technical Investigations.* A detailed, systematic, technical inspection and evaluation should be made of each dam selected for investigation to analyze and evaluate the hydraulic and hydrologic capabilities, structural stability and operational adequacy of project features to determine if the dam constitutes a danger to human life or property. The investigation should vary in scope and completeness depending upon the availability and suitability of engineering data,

the validity of design assumptions and analyses and the condition of the dam. The minimum investigation will be designated Phase I, and an in-depth investigation designated Phase II should be made where deemed necessary. Phase I investigations should consist of a visual inspection of the dam and a review of readily available engineering data. It is not intended to perform costly explorations or analyses during Phase I. Phase II investigations should consist of all additional engineering investigations and analyses found necessary by results of the Phase I investigation.

2.4 Qualifications of Investigators. The technical investigations should be conducted under the direction of licensed professional engineers experienced in the design, construction and operation of dams assisted by qualified hydrologic, hydraulic, soil-mechanic and structural engineers, engineering geologists and other specialists experienced in their appropriate fields. All field inspections should be conducted by qualified engineers, engineer geologists and other specialists knowledgeable in the design, construction and operation of dams.

2.5 Reports. Results of the technical investigations should be reported as indicated in Chapter 5.

CHAPTER 3—PHASE I INVESTIGATION

3.1 Purpose. The primary purpose of the Phase I investigation program is to identify expeditiously those dams which pose hazards to human life or property.

3.2 Scope. The Phase I investigation will develop an assessment of the general condition with respect to safety of the project based upon available data and a visual inspection, determine any need for emergency measures and conclude if additional studies, investigation and analyses are necessary and warranted. A review will be made of pertinent existing and available engineering data relative to the design, construction and operation of the dam and appurtenant structures, including electrical and mechanical operating equipment and measurements from inspection and performance instruments and devices; and a detailed systematic visual inspection will be performed of those features relating to the stability and operational adequacy of the project. Based upon findings of the review of engineering data and the visual inspection, an evaluation will be made of the general condition of the dam, including where possible the assessment of the hydraulic and hydrologic capabilities and the structural stability.

3.3 Engineering Data. To the extent feasible the engineering data listed in Appendix A relating to the design, construction and operation of the dam and appurtenant structures, should be collected from existing records and reviewed to aid in establishing the adequacy of hydraulic and hydrologic capabilities and stability of the dam. Where the necessary engineering data are unavailable, inadequate or invalid, a listing should be made of those specific additional data deemed necessary by the engineer in charge of the investigation for a proper safety evaluation.

3.4 Field Inspections. The field inspection of the dam, appurtenant structures, reservoir area, and downstream channel in the vicinity of the dam should be conducted in a systematic manner to minimize the possibility of any significant feature being overlooked. A detailed checklist should be developed and followed for each dam inspected to document the examination of each significant structural and hydraulic feature including electrical and mechanical equipment for operation of the control facilities that affect the safety of the dam.

3.4.1. Particular attention should be given to detecting evidence of leakage, erosion, seepage, slope instability, undue settlement, displacement, tilting, cracking, deterioration, and improper functioning of drains and relief wells. The adequacy and quality of maintenance and operating procedures as they pertain to the safety of the dam and operation of the control facilities should also be evaluated.

3.4.2. Photographs and drawings should be used freely to record conditions in order to minimize descriptions.

3.4.3. The field inspection should include appropriate features and items, including but not limited to those listed in Appendix B, which may influence the safety of the dam or indicate potential hazards to human life or property.

3.5. Evaluation of Hydraulic and Hydrologic Features.

3.5.1 Design Data. Original hydraulic and hydrologic design assumptions obtained from the project records should be assessed to determine their acceptability in evaluating the safety of the dam. All constraints on water control such as blocked entrances, restrictions on operation of spillway and outlet gates, inadequate energy dissipators or restrictive channel conditions, significant reduction in reservoir capacity by sediment deposits and other factors should be considered in evaluating the validity of discharge ratings, storage capacity, hydrographs, routings and regulation plan. The discharge capacity and/or storage capacity should be capable of safely passing the recommended spillway design flood for the size and hazard potential classification of the dam as indicated in Table 3. The hydraulic and hydrologic determinations for design as obtained from project records will be acceptable if conventional techniques similar to the procedures outlined in paragraph 4.3. were used in obtaining the data. When the project design flood actually used exceeds the recommended spillway design flood, from Table 3, the project design flood will be acceptable in evaluating the safety of the dam.

TABLE 3

HYDROLOGIC EVALUATION GUIDELINES
Recommended Spillway Design Floods

Hazard	Size	Spillway design flood ¹ (SDF)
Low	Small	50 to 100 year frequency.
	Intermediate	100 year to $\frac{1}{2}$ PMF.
	Large	$\frac{1}{2}$ PMF to PMF.
Significant	Small	100 year to $\frac{1}{2}$ PMF.
	Intermediate	$\frac{1}{2}$ PMF to PMF.
	Large	PMF.
High	Small	$\frac{1}{2}$ PMF to PMF.
	Intermediate	PMF.
	Large	PMF.

¹The recommended design floods in this column represent the magnitude of the spillway design flood (SDF), which is intended to represent the largest flood that need be considered in the evaluation of a given project, regardless of whether a spillway is provided; i.e., a given project should be capable of safely passing the appropriate SDF. Where a range of SDF is indicated, the magnitude that most closely relates to the hazard potential should be selected.

100 yr=100 Year Exceedence Interval. The flood magnitude expected to be exceeded, on the average, of once in 100 years. It may also be expressed as an exceedence frequency with a one-percent chance of being exceeded in any given year.

PMF=Probable Maximum Flood. The flood that may be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in the region. The PMF is derived from probable maximum precipitation (PMP), which information is generally

available from the National Weather Service, NOAA. Most Federal agencies apply reduction factors to the PMP when appropriate. Reductions may be applied because rainfall isohyets are unlikely to conform to the exact shape of the drainage basin and/or the storm is not likely to center exactly over the drainage basin. In some cases local topography will cause changes from the generalized PMP values, therefore, it may be advisable to contact Federal construction agencies to obtain the prevailing practice in specific areas.

3.5.2 Operating Records. In some cases where design data are lacking, an evaluation of overtopping potential may be based on watershed characteristics and rainfall and reservoir records. Where the review of such experience data indicates that the recommended spillway design flood would not cause overtopping additional hydraulic and hydrologic determinations will be unnecessary.

3.6 Evaluation of Structural Stability. The Phase I evaluations of structural adequacy of project features are expected to be based principally on existing conditions as revealed by the visual inspection, together with available design and construction information and records of performance. The objectives are to determine the existence of conditions which are hazardous, or which with time might develop into safety hazards, and to formulate recommendations pertaining to the need for any additional studies, investigations, or analyses. The results of this phase of the inspection must rely very substantially upon the experience and judgment of the inspecting engineer.

3.6.1 Design and Construction Data. The principal design assumptions and analyses obtained from the project records should be assessed to aid in establishing the condition of stability. The original design and construction records should be used judiciously, recognizing the restricted applicability of such data as material strengths and permeabilities, geological factors and construction descriptions. Original stability studies and analyses should be acceptable if conventional techniques and procedures similar to those outlined in paragraph 4.4 were employed. The need for such analyses where either none exist or the originals are incomplete or unsatisfactory will be determined by the inspecting engineer based upon other factors such as condition of structures, prior maximum loadings and the hazard degree of the project. Design assumptions and analyses should include all applicable loads including earthquake and indicate the structure's capability to resist overturning, sliding and overstressing with adequate factors of safety. In general seepage and stability analyses comparable to the requirements of paragraph 4.4 should be on record for all dams in the high hazard category and large dams in the significant hazard category. This requirement for other dams will be subject to the opinion of the inspecting engineer.

3.6.2 Operating Records. The performance of structures under prior maximum loading conditions should in some instances provide partial basis for stability evaluation. Satisfactory experience under loading conditions not expected to be exceeded in the future should generally be indicative of satisfactory stability, provided adverse changes in physical conditions have not occurred. Instrumentation observations of forces, pressures, loads, stresses, strains, displacements, deflections or other related conditions should also be utilized in the safety evaluation. Where such data indicate abnormal behavior, unsafe movement or deflections, or loadings which adversely affect the stability or functioning of the structure, prompt reporting

of such circumstances is required without the delay for preparation of the official inspection report.

3.6.3 Seismic Stability. An assessment should be made of the potential vulnerability of the dam to seismic events and a recommendation developed with regard to the need for additional seismic investigation. In general, projects located in Seismic Zones 0, 1 and 2 may be assumed to present no hazard from earthquake provided static stability conditions are satisfactory and conventional safety margins exist. Dams in Zones 3 and 4 should, as a minimum, have on record suitable analyses made by conventional equivalent static load methods. The seismic zones together with appropriate coefficients for use in such analyses are shown in Figures 1 through 4. Boundary lines are approximate and in the event of doubt about the proper zone, the higher zone should be used. All high hazard category dams in Zone 4 and high hazard dams of the hydraulic fill type in Zone 3 should have a stability assessment based upon knowledge of regional and local geology, engineering seismology, in situ properties of materials and appropriate dynamic analytical and testing procedures. Departure from this general guidance should be permitted whenever in the judgment of the investigating engineer different seismic stability requirements are warranted because of local geological conditions or other reasons.

CHAPTER 4—PHASE II INVESTIGATION

4.1 Purpose. The Phase II investigation will be supplementary to Phase I and should be conducted when the results of the Phase I investigation indicate the need for additional in-depth studies, investigations or analyses.

4.2 Scope. The Phase II investigation should include all additional studies, investigations and analyses necessary to evaluate the safety of the dam. Included, as required, will be additional visual inspections, measurements, foundation exploration and testing, materials testing, hydraulic and hydrologic analysis and structural stability analyses.

4.3 Hydraulic and Hydrologic Analysis. Hydraulic and hydrologic capabilities should be determined using the following criteria and procedures. Depending on the project characteristics, either the spillway design flood peak inflow or the spillway design flood hydrograph should be the basis for determining the maximum water surface elevation and maximum outflow.

4.3.1 Maximum Water Surface Based on SDF Peak Inflow. When the total project discharge capability at maximum pool exceeds the peak inflow of the recommended SDF, and operational constraints would not prevent such a release at controlled projects, a reservoir routing is not required. The maximum discharge should be assumed equal to the peak inflow of the spillway design flood. Flood volume is not controlling in this situation and surcharge storage is either absent or insignificant in relation to the spillway and outlet capacity.

4.3.1.1 Peak for 100 Year Flood. When the 100 year flood is applicable under the provisions of Table 3 and data are available, the spillway design flood peak inflow may be determined by use of "A Uniform Technique for Determining Flood Frequencies," Water Resources Council (WRC), Hydrology Committee, Bulletin 15, December 1967. Flow frequency information from regional analysis is generally preferred over single station results when available and appropriate. Rainfall-runoff techniques may be necessary when there are inadequate runoff data available to make a reasonable estimate of flow frequency.

4.3.1.2 Peak for PMF or Fraction Thereof. When either the Probable Maximum Flood

peak or a fraction thereof is applicable under the provisions of Table 3, the unit hydrograph-infiltration loss technique is generally the most expeditious method of computing the spillway design flood peak for most projects. This technique is discussed in the following paragraph.

4.3.2 Maximum Water Surface Based on SDF Hydrograph. Both peak and volume are required in this analysis. Where surcharge storage is significant, or where there is insufficient discharge capability at maximum pool to pass the peak inflow of the SDF, considering all possible operational constraints, a flood hydrograph is required. When there are upstream hazard areas that would be imperiled by fast rising reservoir levels, SDF hydrographs should be routed to ascertain available time for warning and escape. Determination of probable maximum precipitation or 100 year precipitation, whichever is applicable, and unit hydrographs or runoff models will be required, followed by the determination of the PMF. Conservative loss rates (significantly reduced by antecedent rainfall conditions where probable) should be estimated for computing the rainfall excess to be utilized with unit hydrographs. Rainfall values are usually arranged with gradually ascending and descending rates with the maximum rate in the center of the storm. When applicable, conservatively high snowmelt runoff rates and appropriate releases from upstream projects should be assumed. The PMF may be obtained from National Weather Service (NWS) publications such as Hydrometeorological Report (HMR) 33. Special HMR publications for particular areas should be used when available. Rainfall for the 100-year frequency flood can be obtained from the NWS publication "Hydrometeorological Rainfall Frequency Atlas, Technical Paper No. 40." The maximum water surface elevation and spillway design flood outflow are then determined by routing the inflow hydrograph through the reservoir surcharge storage, assuming a starting water surface at the bottom of surcharge storage, or lower when appropriate. For projects where the bottom of surcharge space is not distinct, or the flood control storage space (exclusive of surcharge) is appreciable, it may be appropriate to select starting water surface elevations below the top of the flood control storage for routings. Conservatively high starting levels should be estimated on the basis of hydrometeorological conditions reasonably characteristic for the region and flood release capability of the project. Necessary adjustment or reservoir storage capacity due to existing or future sediment or other encroachment may be approximated when accurate determination of deposition is not practicable.

4.3.3 Acceptable Procedures. Techniques for performing hydraulic and hydrologic analyses are generally available from publications prepared by Federal agencies involved in water resources development or textbooks written by the academic community. Some of these procedures are rather sophisticated and require expensive computational equipment and large data banks. While results of such procedures are generally more reliable than simplified methods, their use is generally not warranted in studies connected with this program unless they can be performed quickly and inexpensively. There may be situations where the more complex techniques have to be employed to obtain reliable results; however, these cases will be exceptions rather than the rule. Whenever the acceptability of procedures is in question, the advice of competent experts should be sought. Such expertise is generally available in the Corps of Engineers, Bureau of Reclamation and Soil Conservation Service.

While many other agencies, educational facilities and private consultants can also provide adequate advice, their resources may be rather limited.

4.3.4 Freeboard Allowances. Guidelines on specific minimum freeboard allowances are not considered appropriate because of the many factors involved in such determinations. The investigator will have to assess the critical parameters for each project and develop their minimum requirements. Many projects are reasonably safe without freeboard allowance because of the nature of the various factors involved. Conversely, freeboard allowances of several feet may be necessary to provide a safe condition. Parameters that should be considered include the duration of high water levels in the reservoir during the design flood; the effective wind fetch and reservoir depth available to support wave generation; the probability of high wind speed occurring from a critical direction; the potential wave runup on the dam based on roughness and slope; and the ability of the dam to resist erosion from overtopping waves.

4.4 Stability Investigations. The Phase II stability investigations should be compatible with the guidelines of this paragraph.

4.4.1 Foundation and Material Investigations. The scope of the foundation and materials investigation should be limited to obtaining the information required to analyze the structural stability and to investigate any suspected condition which would adversely affect the safety of the dam. Such investigations may include borings to obtain concrete, embankment, soil foundation, and bedrock samples; testing specimens from these samples to determine the strength and elastic parameters of the materials, including the soft seams, joints, fault gouge and bentonites in the foundation; determining the character of the bedrock including joints, bedding planes, fault zones and other geological irregularities; and installing instruments for determining movements, strains, seepage gradients and uplift forces. A concrete core drilling program should be undertaken only when the existence of significant structural cracks is suspected or the general qualitative condition of the concrete is in doubt. The tests of materials will be necessary only where such data are lacking or are outdated.

4.4.2 Stability Assessment. Stability assessments should utilize in situ properties of the structure and its foundation and pertinent geologic information. Geologic information that should be considered includes groundwater and seepage conditions; lithology, stratigraphy, and geologic details disclosed by borings, "as-built" records, and geologic interpretation; maximum past overburden at site as deduced from geologic evidence; bedding, folding and faulting; joints and joint systems; weathering; slickensides, and field evidence relating to slides, movements along faults and earthquake activity. Foundations may present problems where they contain adversely oriented joints, slickensides or fissured material, faults, seams of soft materials, or weak layers. Such defects and excess pore water pressures may contribute to the instability of the mass, and special tests may be necessary to determine physical properties of particular materials. The results of stability analyses afford a means of evaluating the structure's existing resistance to failure and also the effects of any proposed modifications. Results of stability analyses should be reviewed for compatibility with performance experience when possible.

4.4.2.1 Seismic Stability. The inertial forces for use in the conventional equivalent static force method of analysis should be obtained by multiplying the weight by the seismic coefficient and should be applied at

the center of gravity of the section or element. The seismic coefficients suggested for use with such analyses are listed in Figures 1 through 4. Seismic stability investigations for all high hazard category dams located in Seismic Zone 4 and high hazard dams of the hydraulic fill type in Zone 3 should include suitable dynamic procedures and analyses. These should be "state-of-the-art" procedures involving seismological and geological studies to establish earthquake parameters for use in dynamic stability analyses and, where appropriate, the dynamic testing of materials. Stability analyses may be based upon either time-history or response spectra techniques. Factors of safety with dynamic analyses should be more moderate than those stipulated for conventional pseudo-static analyses and should be established by judgment of the investigating engineer.

4.4.2.2. Clay Shale Foundation. Clay shale is a highly overconsolidated sedimentary rock comprised predominantly of clay minerals, with little or no cementation. Foundations of clay shales require special measures in stability investigations. Clay shales, particularly those containing montmorillonite, are highly susceptible to expansion and consequent loss of strength upon unloading. The shear strength and the resistance to deformation of clay shales may be quite low and high pore water pressures may develop under increase in load. The presence of slickensides in clay shales is usually an indication of low shear strength. Prediction of field behavior of clay shales should not be based solely on results of conventional laboratory tests since they may be misleading. The use of peak shear strengths for clay shales in stability analyses may be unconservative because of non-uniform stress distribution and possible progressive failures. Thus the available shear resistance may be less than if the peak shear strength were mobilized simultaneously along the entire failure surface. In such cases, either greater safety factors or residual shear strengths should be used.

4.4.3. Embankment Dams.

4.4.3.1. Liquefaction. The phenomenon of liquefaction of loose, saturated sands and silts may occur when such materials are subjected to shear deformation or earthquake shocks. The possibility of liquefaction must presently be evaluated on the basis of empirical knowledge supplemented by special laboratory tests and engineering judgment. Sands having a relative density equal to or greater than 70 percent are not likely to be susceptible to liquefaction.

4.4.3.2. Shear Failure. Shear failure is one in which a portion of an embankment or of an embankment and foundation moves by sliding or rotating relative to the remainder of the mass. It is conventionally represented as occurring along a surface and is so assumed in stability analyses, although shearing may occur in a zone of substantial thickness. The circular arc or the sliding wedge method of analyzing stability, as pertinent, should be used. The circular arc method is generally applicable to essentially homogeneous embankments and to soil foundations consisting of thick deposits of fine-grained soil containing no layers significantly weaker than other strata in the foundation. The wedge method is generally applicable to rockfill dams and to earth dams on foundations containing weak layers. Other methods of analysis may be used provided they are in common usage in the engineering profession and provide equally conservative results as the circular arc sliding wedge methods.

4.4.3.3. Loading Conditions. The loading conditions for which the embankment structures should be investigated are (I) Sudden drawdown from spillway crest elevation, (II) Partial pool, (III) Steady seepage from spillway crest or top of gates and (IV) Earthquake. Cases I and II apply to upstream slopes only; Case III applies to downstream slopes; and Case IV applies to both upstream and downstream slopes. A summary of suggested strengths and safety factors are shown in Table 4.

TABLE 4
FACTORS OF SAFETY¹

Case	Loading condition	Factor of safety	Shear strength	Remarks
I.....	Sudden drawdown from spillway crest or top of gates to minimum drawdown elevation.	1.2	Minimum composite of R and S shear strengths, see fig. 5.	Within the drawdown zone submerged, unit weights of materials are used for computing forces resisting sliding and saturated unit weights are used for computing forces contributing to sliding.
II.....	Partial pool with assumed horizontal steady seepage saturation.	1.5	$\frac{R+S}{2}$ for $R < S$ S for $R > S$	Composite intermediate envelope of R and S shear strengths. See fig. 6.
III.....	Steady seepage from spillway crest or top of gates with $K_h/K_v = 9$ assumed. ⁴	1.5	Same as case II.	
IV.....	Earthquake (cases II and III with seismic loading).	1.0	(⁵)	See figs. 1 through 4 for seismic coefficients.

¹ Not applicable to embankments on clay shale foundation.

² Other strength assumptions may be used if in common usage in the engineering profession.

³ The safety factor should not be less than 1.5 when drawdown rate and pore water pressure developed from flow nets are used in stability analyses.

⁴ K_h/K_v is the ratio of horizontal to vertical permeability. A minimum of 9 is suggested for use in compacted embankments and alluvial sediments.

⁵ Use shear strength for case analyzed without earthquake. It is not necessary to analyze sudden drawdown for earthquake loading. Shear strength tests are classified according to the controlled drainage conditions maintained during the test. R tests are those in which specimen drainage is allowed during consolidation (or swelling) under initial stress conditions, but specimen drainage is not allowed during application of shearing stresses. S tests allow full drainage during initial stress application and shearing is at a slow rate so that complete specimen drainage is permitted during the complete test.

4.4.3.4. Safety Factors. Safety factors for embankment dam stability studies should be based on the ratio of available shear strength to developed shear strength, S_D :

$$S_D = \frac{C}{F.S.} + \frac{\tan \phi}{F.S.} \quad (1)$$

C = cohesion
 ϕ = angle of internal friction
 σ = normal stress

Successive iterations of trial factors of safety should be used until a condition of limiting equilibrium is reached. The factors of safety listed in Table 4 are recommended. Final accepted factors of safety should depend upon the degree of confidence the investigating engineer has in the engineering data available to him. The consequences of a failure with respect to human life and property damage are important considerations in

establishing factors of safety for specific investigations.

4.4.3.5 Seepage Failure. A critical uncontrolled underseepage or through seepage condition that develops during a rising pool can quickly reduce a structure which was stable under previous conditions, to a total structural failure. The visually confirmed seepage conditions to be avoided are (1) the exit of the phreatic surface on the downstream slope of the dam and (2) development of hydrostatic heads sufficient to create in the area downstream of the dam sand boils that erode materials by the phenomenon known as "piping." The dams most susceptible to seepage problems are those built of, or on pervious materials of uniform fine particle size, with no provisions for an internal drainage zone and/or no underseepage controls.

4.4.3.6 Seepage Analyses. Review and modifications to original seepage design analyses often have their best bases in conditions observed in the field inspection and piezometer instrumentation. Laboratory permeability tests are subject to difficulties that usually limit the validity of the test results. The method that usually provides the most reliable data for a seepage analysis in saturated areas is a field pump test. A seepage analysis needs to consider the permeability ratios resulting from natural deposition and from compaction placement of materials. A horizontal to vertical permeability ratio (K_h/K_v) should not be assumed to be less than 9 for compacted materials. An underseepage analysis should provide a factor of safety not less than 1.5 based on the critical gradient concept.

$$F.S. = i_c/i = \frac{\Delta H_c/D_b}{\Delta H/D_b} = D_b \frac{(\gamma_m - \gamma_w)}{\Delta H \gamma_w} \quad (2)$$

i_c = Critical gradient

i = Design gradient

ΔH = Uplift head at downstream toe of dam measured above tailwater

ΔH_c = The critical uplift

D_b = The thickness of the top impervious blanket at the downstream toe of the dam

γ_m = The estimated moist unit weight of the material in the top impervious blanket

γ_w = The unit weight of water

Where a factor of safety less than 1.5 is obtained the provision of an underseepage control system is indicated. The factor of safety of 1.5 is a recommended minimum and may be adjusted by the responsible engineer based on the competence of the engineering data. A recommended reference for seepage analysis is "Seepage, Drainage and Flow Nets," Harry R. Cedergren, John Wiley & Sons, Inc.

4.4.4. Concrete Dams.

4.4.4.1 Requirements for Stability. Concrete dams and structures should be capable of resisting overturning, sliding and overstressing with adequate factors of safety for normal and maximum loading conditions.

4.4.4.2 Loads. Loadings to be considered in stability analyses include the water load on the upstream face of the dam; the weight of the structure; internal hydrostatic pressures (uplift) within the body of the dam, at the base of the dam and within the foundation; earth and silt loads; ice pressure and seismic loads. Where tailwater or backwater exists on the downstream side of the structure it should be considered, and assumed uplift pressures should be compatible with drainage provisions and prototype measurements if available. Where applicable, ice pressure should be applied to the contact surface of the structure at normal pool elevation. A unit pressure of not more than 5,000 pounds per square foot should be used. Normally, ice thickness should not be assumed greater than two feet. Earthquake

forces should consist of the inertial forces due to the horizontal acceleration of the dam itself and hydrodynamic forces resulting from the reaction of the reservoir water against the dam. Dynamic water pressures for use in conventional methods of analysis may be computed by means of the "Wester-gaard Formula" using the parabolic approximation (H. M. Westergaard, "Water Pressures on Dams During Earthquakes," Trans., ASCE, Vol. 98, 1933, pages 418-433), or similar method.

4.4.4.3 Stresses. The analysis of concrete stresses should be based on in situ properties of the concrete and foundation. Computed maximum compressive stresses for normal operating conditions should be in the order of $\frac{1}{2}$ or less of in situ strengths. Tensile stresses in unreinforced concrete should be acceptable only in locations where cracks will not adversely affect the overall performance and stability of the structure. Foundation stresses should be such as to insure against failure of the foundation material under all loading conditions.

4.4.4.4 Overturning. Gravity structures should be capable of resisting all overturning forces. The resultant of all combinations of horizontal and vertical forces, excluding earthquake forces, acting above any horizontal plane through the structure or at its base should be located within the middle third of the section. When earthquake is included the resultant should fall within the limits of the plane or base, and foundation pressures must be acceptable.

4.4.4.5 Sliding. Sliding of concrete gravity structures and of abutment and foundation rock masses for all concrete dams should be evaluated by the shear-friction resistance concept. The available sliding resistance is compared with the driving force which tends to induce sliding to arrive at a sliding stability safety factor. The investigation should be made along all potential sliding paths. The critical path is that plane or combination of planes which offers the least resistance.

4.4.4.5.1 Sliding Resistance. Sliding resistance is a function of the unit shearing strength at no normal load (cohesion) and the angle of friction on a potential failure surface. It is determined by computing the maximum horizontal driving force which could be resisted along the sliding path under investigation. The following general formula is obtained from the principles of statics and may be derived by resolving forces parallel and perpendicular to the sliding plane:

$$R = \sum V \tan(\phi + \alpha) + \frac{sA}{\cos \alpha (1 - \tan \phi \tan \alpha)} \quad (3)$$

where
 R = Sliding Resistance (maximum horizontal driving force which can be resisted by the critical path)
 ϕ = Angle of internal friction of foundation material or, where applicable, angle of sliding friction
 $\sum V$ = Summation of vertical forces (including uplift)
 s = Unit shearing strength at zero normal loading along potential failure plane
 A = Area of potential failure plane developing unit shear strength "s"
 α = Angle between inclined plane and horizontal (positive for uphill sliding)

For sliding downhill the angle α is negative and Equation (1) becomes:

$$R = \sum V \tan(\phi - \alpha) + \frac{sA}{\cos \alpha (1 + \tan \phi \tan \alpha)} \quad (4)$$

When the plane of investigation is horizontal, the angle α is zero and Equation (1) reduces to the following:

$$R = \sum V \tan \phi + sA \quad (5)$$

4.4.4.5.2 Downstream Resistance. When the base of a concrete gravity structure is embedded in rock or the potential failure plane lies below the base, the passive resistance of the downstream layer of rock may sometimes be utilized for sliding resistance. Rock that may be subjected to high velocity water scouring should not be used. The magnitude of the downstream resistance is the lesser of (a) the shearing resistance along the continuation of the potential sliding plane until it daylight or (b) the resistance available from the downstream rock wedge along an inclined plane. The theoretical resistance offered by the passive wedge can be computed by a formula equivalent to formula (1):

$$P_p = W \tan(\phi + \alpha) + \frac{sA}{\cos \alpha (1 - \tan \phi \tan \alpha)} \quad (6)$$

P_p = passive resistance of rock wedge
 W = weight (buoyant weight if applicable) of downstream rock wedge above inclined plane of resistance, plus any superimposed loads
 ϕ = angle of internal friction or, if applicable, angle of sliding friction
 α = angle between inclined failure plane and horizontal
 s = unit shearing strength at zero normal load along failure plane
 A = area of inclined plane of resistance

When considering cross-bed shear through a relatively shallow, competent rock strut, without adverse jointing or faulting, W and α may be taken at zero and 45° , respectively, and an estimate of passive wedge resistance per unit width obtained by the following equation:

$$P_p = 2sD \quad (7)$$

where
 D = Thickness of the rock strut

4.4.4.5.3 Safety Factor. The shear-friction safety factor is obtained by dividing the resistance R by H , the summation of horizontal service loads to be applied to the structure:

$$S_{s-f} = \frac{R}{H} \quad (8)$$

When the downstream passive wedge contributes to the sliding resistance, the shear friction safety factor formula becomes:

$$S_{s-f} = \frac{R + P_p}{H} \quad (9)$$

The above direct superimposition of passive wedge resistance is valid only if shearing rigidities of the foundation components are similar. Also, the compressive strength and buckling resistance of the downstream rock layer must be sufficient to develop the wedge resistance. For example, a foundation with closely spaced, near horizontal, relatively weak seams might not contain sufficient buckling strength to develop the magnitude of wedge resistance computed from the cross-bed shear strength. In this case wedge resistance should not be assumed without resorting to special treatment (such as installing foundation anchors). Computed sliding safety factors approximating 3 or more for all loading conditions without earthquake, and 1.5 including earthquake, should indicate satisfactory stability, depending upon the reliability of the strength parameters used in the analyses. In some cases when the results of comprehensive foundation studies

are available, smaller safety factors may be acceptable. The selection of shear strength parameters should be fully substantiated. The bases for any assumptions; the results of applicable testing, studies and investigations; and all pre-existing, pertinent data should be reported and evaluated.

CHAPTER 5—REPORTS

5.1 General. This chapter outlines the procedures for reporting the results of the technical investigations. Hazardous conditions will be reported immediately upon detection to the owner of the dam, the Governor of the State in which the dam is located and the appropriate Federal agency, when applicable, without delay for preparation of the formal report.

5.2 Preparation of Report. A formal report should be prepared for each dam investigated. Each report should contain the information indicated in the following paragraphs. The signature and registration identification of the professional engineer who directed the investigation and who was responsible for evaluation of the dam should be included in the report.

5.2.1 Phase I Reports. Phase I reports should contain the following information:

5.2.1.1 Description of dam including regional vicinity map showing location and plans, elevations and sections showing the essential project features and the size and hazard potential classifications.

5.2.1.2 Summary of existing engineering data.

5.2.1.3 Results of the visual inspection of each project feature including photographs and drawings to minimize descriptions.

5.2.1.4 Evaluation of operational adequacy of the reservoir regulation plan and maintenance of operating facilities and features that pertain to the safety of the dam.

5.2.1.5 Evaluation of the hydraulic and hydrologic assumptions and structural stability.

5.2.1.6 An assessment of the general condition of the dam with respect to safety based upon the findings of the visual inspection and review of engineering data. Where data on the original design indicate significant departure from or non-conformance with guidelines contained herein, the engineer-in-charge of the investigation will give his opinion of the significance, with regard to safety, of such factors. Any additional studies, investigations and analyses considered essential to assessment of the safety of the dam should be listed, together with an opinion about the urgency of such additional work.

5.2.1.7 Indicate alternative remedial measures or revisions in operating and maintenance procedures which would correct deficiencies and hazardous conditions found during the investigation.

5.2.2 Phase II Reports. Phase II reports should describe the detailed investigations and should supplement Phase I reports. They should contain the following information:

5.2.2.1 Summary of additional engineering data obtained to determine the hydraulic and hydrologic capabilities and/or structural stability.

5.2.2.2 Results of all additional studies, investigations, and analyses performed.

5.2.2.3 Technical assessment of dam safety including deficiencies and hazardous conditions found to exist.

5.2.2.4 Indicate alternative remedial measures or revision in operating procedures which would correct deficiencies and hazardous conditions found during the investigation.

From TM 5-809-10/NAVFAC P-355/AFM 88-3, Chapter 13; April 1973

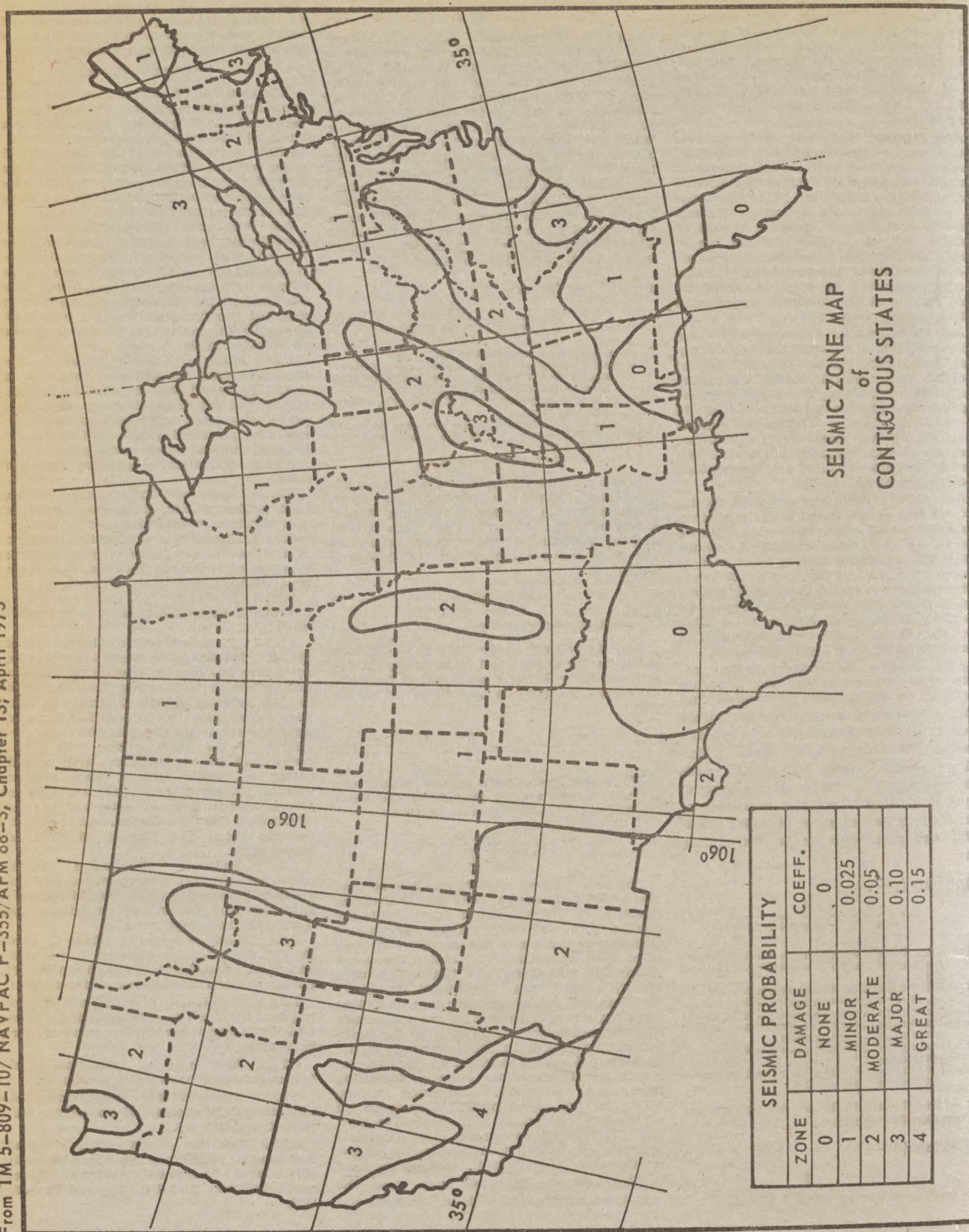


Figure 1

From TM 5-809-10/NAVFAC P-355/AFM 88-3, Chapter 13; April 1973

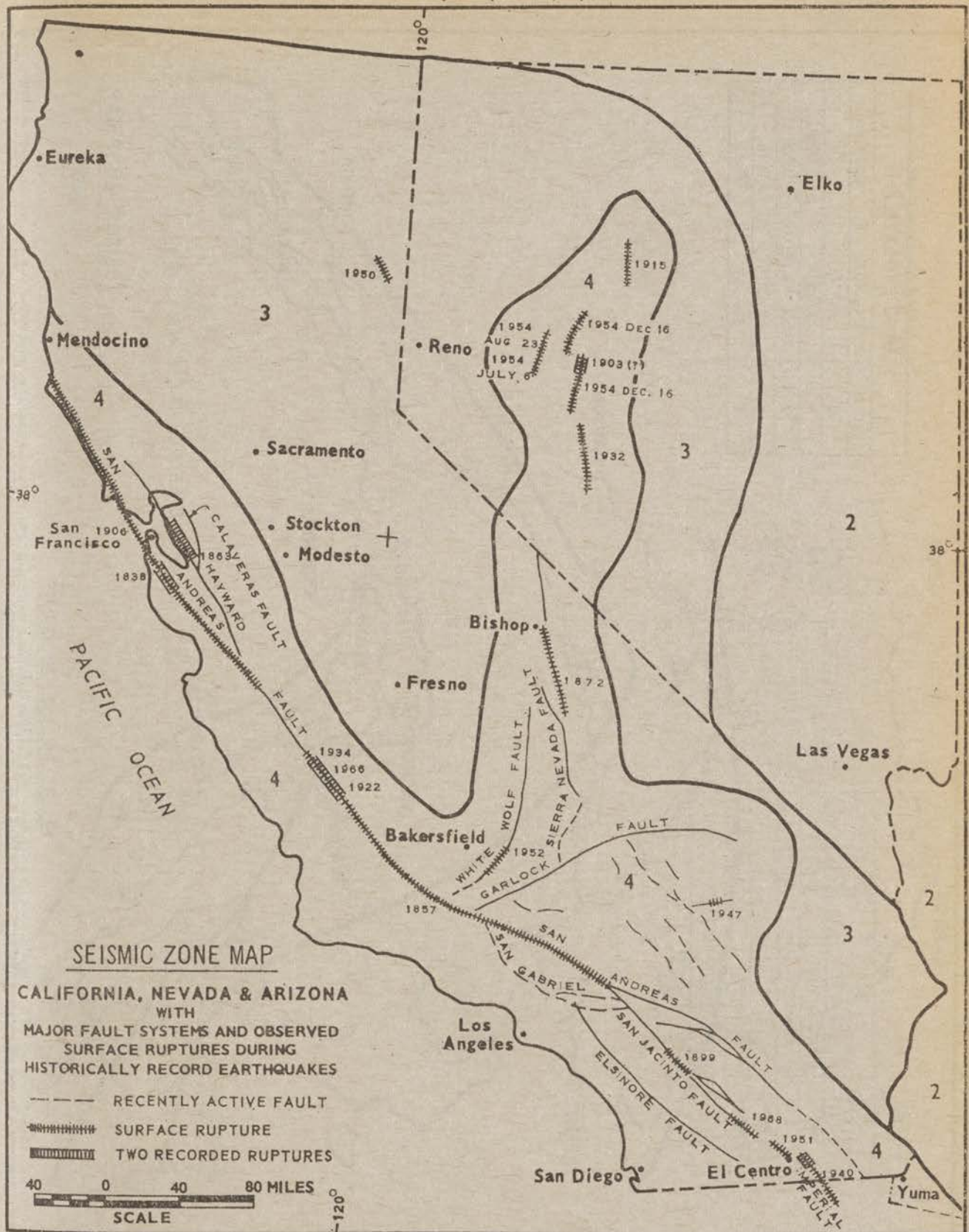


Figure 2

From TM 5-809-10, NAVFAC P-355, AFM 88-3, Chapter 13, April 1973

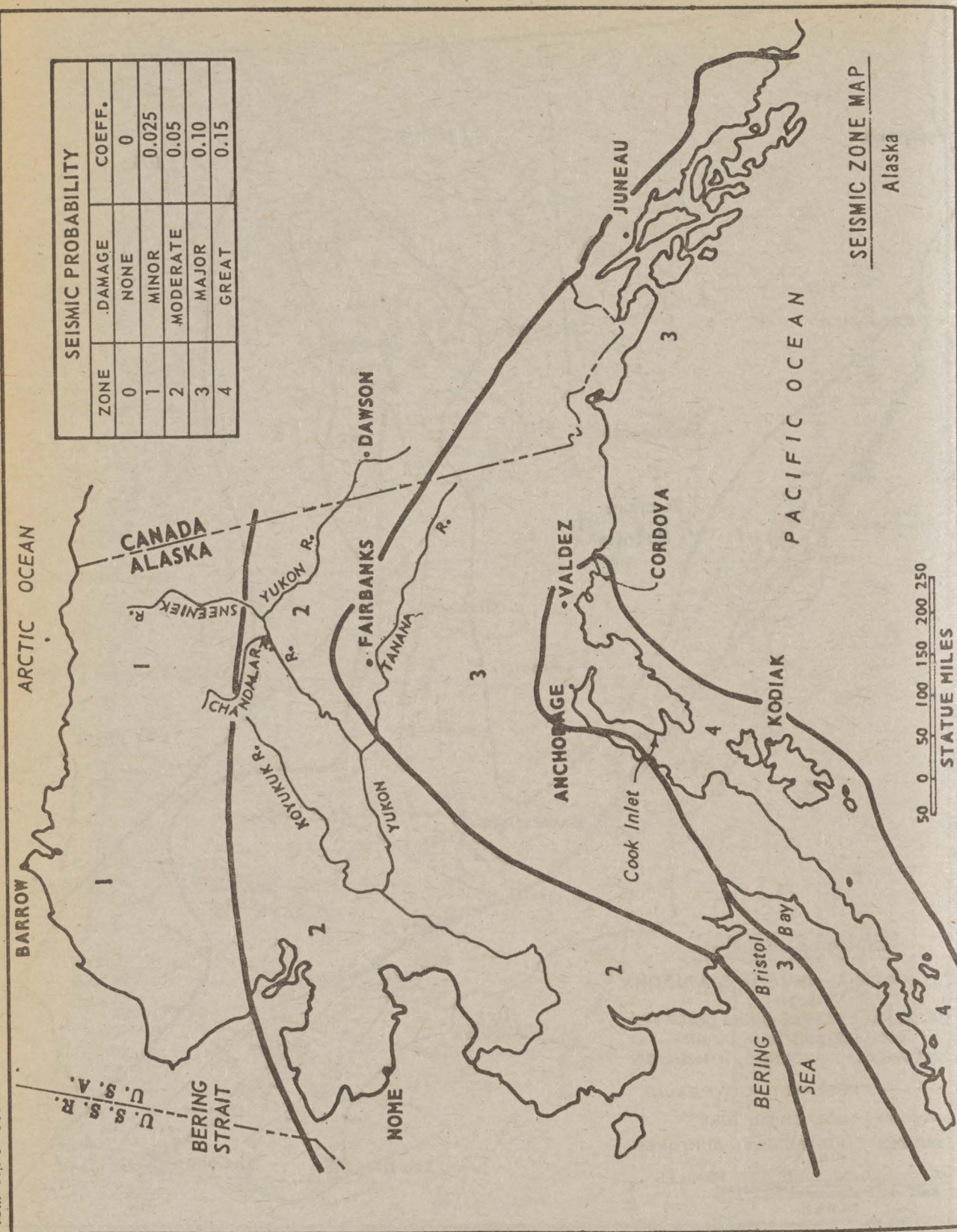


Figure 3

From TM 5-809-10 NAVFAC P-355 AFM 88-3, Chapter 13; April 1973

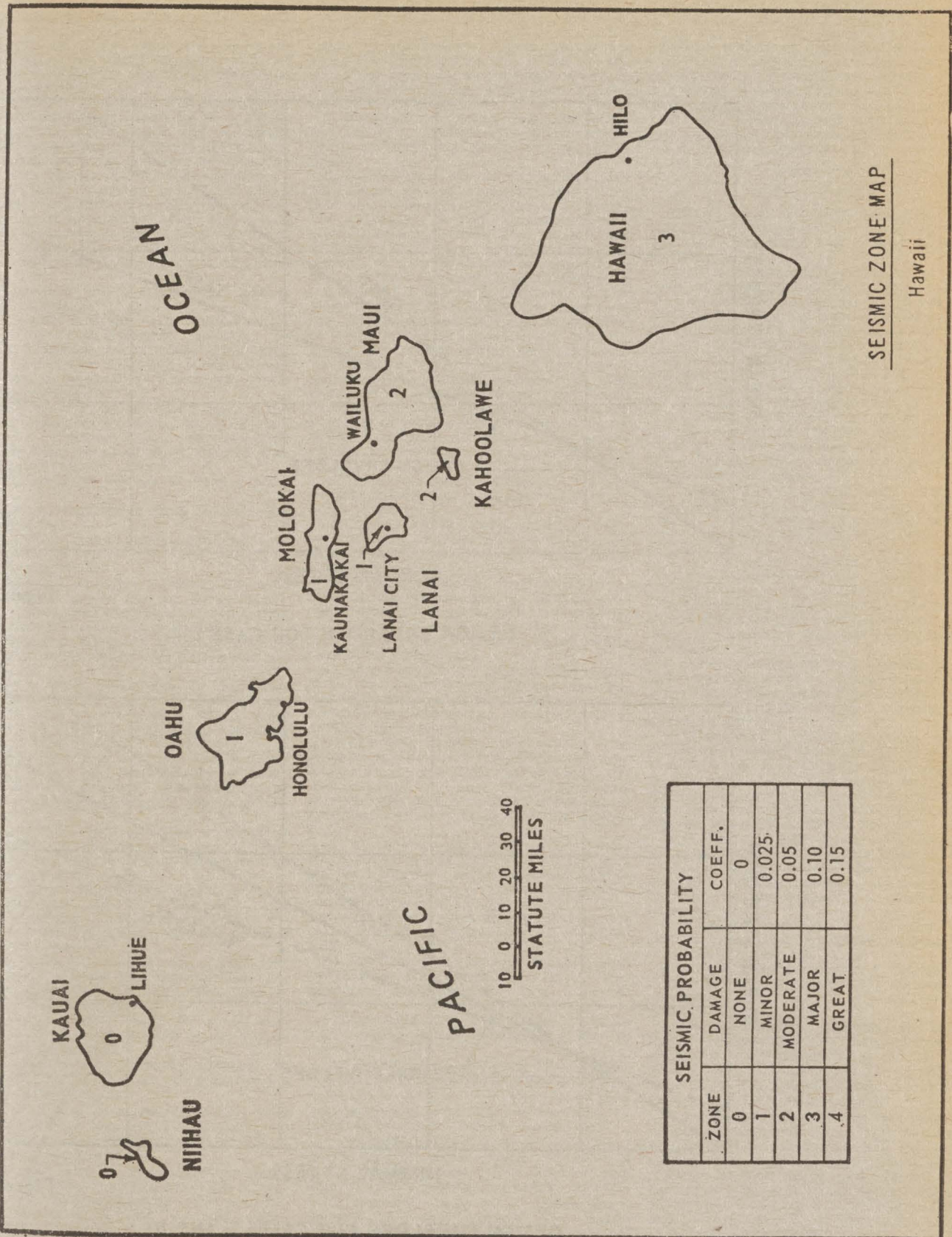


Figure 4

NOTE: Figures 5 and 6 refer to Table 4.

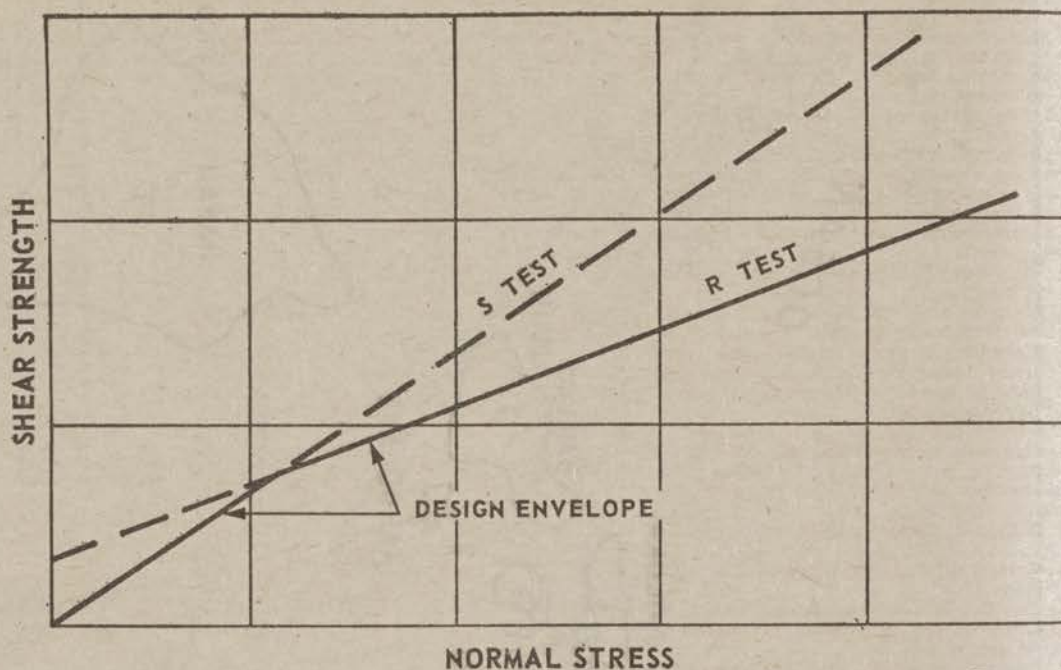


Figure 5

DESIGN ENVELOPE FOR CASE I

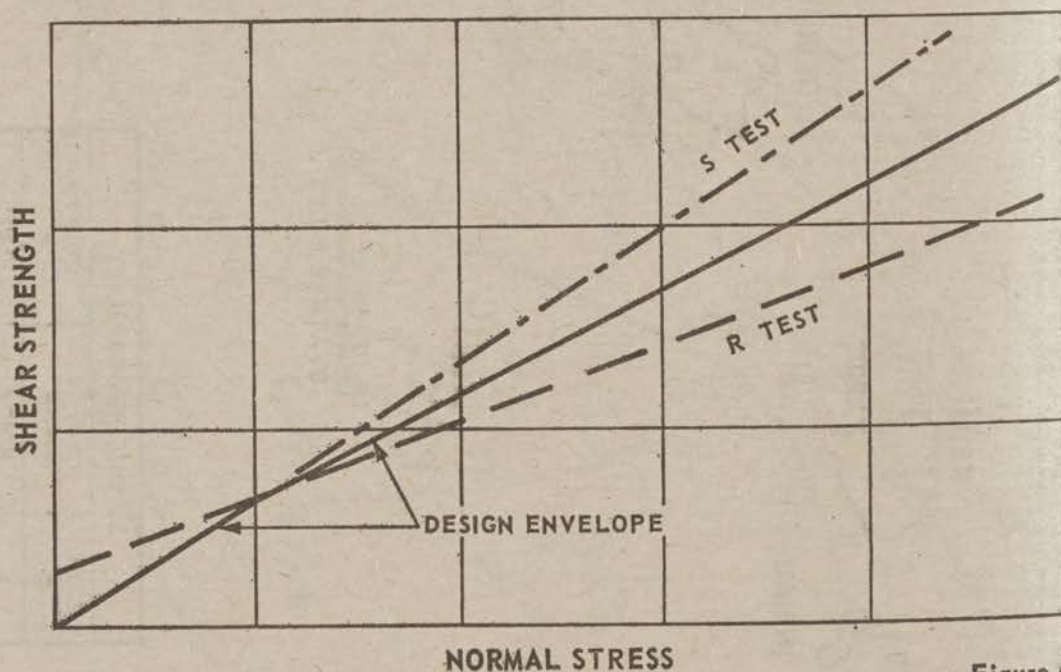


Figure 6

DESIGN ENVELOPE FOR CASES II AND III

APPENDIX A ENGINEERING DATA

This appendix lists engineering data which should be collected from project records and included in the Phase I investigation report. Data not readily available and not deemed essential to the safety evaluation may be omitted.

1. *General Project Data.* a. *Regional Vicinity Map* showing the location of the dam, the upstream drainage area and the downstream area subject to potential damage due to failure of the dam and misoperation or failure of the operating equipment.

b. *As-Built Drawings* indicating plans, elevations and sections of the dam and appurtenant structures including the details of the discharge facilities such as outlet works, limited service and emergency spillways, flashboards, fuse plugs and operating equipment.

2. *Hydrologic and Hydraulic Data* including the following:

a. Drainage area and basin runoff characteristics (indicating pending changes).

b. Elevation of top of conservation pool or normal upper retention water surface elevation, as applicable (base level of any flood impoundment).

c. Storage capacity including dead or inactive storage, corresponding to top of conservation or normal upper retention level (cumulative, excluding flood control and surcharge storage).

d. Elevation of the top of flood control pool.

e. Storage capacity of flood control zone (incremental).

f. Elevation of maximum design pool (corresponding to top of surcharge storage or spillway design flood).

g. Storage capacity of surcharge zone (incremental, above top of flood control pool or, above normal upper retention level if flood control space not provided).

h. Height of freeboard (distance between maximum design flood water surface and top of dam).

i. Elevation of top of dam (lowest point of embankment or non-overflow structure).

j. Elevation of crest, type, width, crest length and location of spillways (number, size and type of gates if controlled).

k. Type, location, entrance and exit inverts of outlet works and emergency drawdown facilities (number, size and shape of conduits and gates, including penstocks and sluices).

l. Location, crest elevation, description of invert and abutments (concrete, rock, grass, earth) and length of limited service and emergency spillways.

m. Location and description of flashboards and fuse plugs, including hydraulic head (pool elevation) and other conditions required for breaching, along with the assumed results of breaching.

n. Location and top elevation of dikes and floodwalls (overflow and non-overflow) affected by reservoir. Include information on low reaches of reservoir rim.

o. Type, location, observations and records of hydrometeorological gages appurtenant to the project.

p. Maximum non-damaging discharge, or negligible damage rate, at potential damage locations downstream.

3. *Foundation Data and Geological Features* including logs of borings, geological profiles and cross sections, and reports of foundation treatment.

4. *Properties of Embankments and Foundation Materials* including results of laboratory tests, field permeability tests, construction control tests, and assumed design properties for materials.

5. *Concrete Properties* including the type, location, observations and records of installed inspection and performance instrumentation.

6. *Electrical and Mechanical Equipment* Type and rating of normal and emergency power supplies, hoists, cranes, valves and valve operator, control and alarm systems and other electrical and mechanical equipment and systems that could affect the safe operation of the dam.

7. *Construction History* including diversion scheme, construction sequence, alterations, modifications and maintenance repairs.

8. *Water Control Plan* including regulation plan under normal conditions and during flood events or other emergency conditions. The availability of dam tenders, means of communication between dam tenders and authority supervising water control, and method of gate operation (manual, automatic, or remote control) should be included.

9. *Operation Record.* a. Summary of past major flood events including any experiences that presented a serious threat to the safety of the project or to human life or property. The critical project feature, date and duration of event, causative factor, peak inflow and outflow, maximum elevation of water surface, wind and wave factors if significant, issuance of alert or evacuation warnings and adequacy of project feature involved should be included in the summary of past experience of serious threat to the safety of the project.

b. List of any known deficiencies that pose a threat to the safety of the dam or to human life or property.

c. Pending remedial measures for correcting known deficiencies and the schedule for accomplishing remedial measures should be indicated.

10. *Earthquake History* including a summary of the seismic data of significant recorded earthquakes in the vicinity of the dam and information on major damage in the vicinity of the dam from both recorded and unrecorded earthquakes.

11. *Inspection History* including the results of the last safety inspection, the organization that performed the inspection, the date inspection performed and the authority for conducting the inspection.

12. *Principal Design Assumptions and Analyses.* a. *Hydrologic and Hydraulic Determinations.* (1) Quantity, time and area distribution, and reference source of depth-area-duration data of spillway design storm precipitation (point precipitation if applicable).

(2) Maximum design flood inflow hydrograph including loss rates (initial and average for design flood conditions) and time of runoff concentration of reservoir watershed (peak inflow only when applicable).

(3) Maximum design flood outflow hydrograph (maximum outflow only when applicable).

(4) Discharge-frequency relationship, preferably at damsite, including estimated frequency of spillway design flood, if appropriate.

(5) Reservoir area and storage capacity versus water surface elevation (table or curves).

(6) Rating curves (free flow and partial gate openings) for all discharge facilities contribution to the maximum design flood outflow hydrograph. Also a composite-rating of all contributing facilities, if appropriate.

(7) Tailwater rating curve immediately below damsite including elevation corresponding to maximum design flood discharge and approximate nondamaging channel capacity.

(8) Hydrologic map of watershed above damsite including reservoir area, watercourse, elevation contours, and principal

stream-flow and precipitation gaging stations.

b. *Stability and Stress Analysis* of the dam, spillway and appurtenant structures and features including the assumed properties of materials and all pertinent applied loads.

c. *Seepage and Settlement Analyses.* The determination of distribution, direction and magnitude of seepage forces and the design and construction measures for their control. Settlement estimates and steps adopted to compensate for total settlement and to minimize differential settlements.

APPENDIX B

INSPECTION ITEMS

This appendix provides guidance for performing field inspections and may serve as the basis for developing a detailed checklist for each dam.

1. *Concrete Structures in General.* a. *Concrete Surfaces.* The condition of the concrete surfaces should be examined to evaluate the deterioration and continuing serviceability of the concrete. Descriptions of concrete conditions should conform with the appendix to "Guide for Making a Condition Survey of Concrete in Service," American Concrete Institute (ACI) Journal, Proceedings Vol. 65, No. 11, November 1968, pages 905-918.

b. *Structural Cracking.* Concrete structures should be examined for structural cracking resulting from overstress due to applied loads, shrinkage and temperature effects or differential settlement.

c. *Movement—Horizontal and Vertical Alignment.* Concrete structures should be examined for evidence of any abnormal settlements, heaving, deflections, or lateral movements.

d. *Junctions.* The conditions at the junctions of the structure with abutments or embankments should be determined.

e. *Drains—Foundation, Joint, Face.* All drains should be examined to determine that they are capable of performing their design function.

f. *Water Passages.* All water passages and other concrete surfaces subject to running water should be examined for erosion, cavitation, obstructions, leakage or significant structural cracks.

g. *Seepage or Leakage.* The faces, abutments and toes of the concrete structures should be examined for evidence of seepage or abnormal leakage, and records of flow of downstream springs reviewed for variation with reservoir pool level. The sources of seepage should be determined if possible.

h. *Monolith Joints—Construction Joints.* All monolith and construction joints should be examined to determine the condition of the joint and filler material, any movement of joints, or any indication of distress or leakage.

1. *Foundation.* Foundation should be examined for damage or possible undermining of the downstream toe.

2. *Embankment Structures.* a. *Settlement.* The embankments should be examined for any evidence of localized or overall settlement.

b. *Slope Stability.* Embankment slopes should be examined for irregularities in alignment and variances from smooth uniform slopes, unusual changes from original crest alignment and elevation, and surface cracks which indicate movement.

c. *Seepage.* The downstream face of abutments, embankment slopes and toes, embankment-structure contacts, and the downstream valley areas should be examined for evidence of existing or past seepage. The sources of seepage should be determined and thoroughly investigated to determine cause and potential severity to dam safety under all operating conditions.

d. *Drainage Systems.* All drainage systems should be examined to insure the systems can freely pass discharge and the discharge water is not carrying embankment or foundation material. Systems used to monitor drainage should be examined to assure they are operational and functioning properly.

e. *Slope Protection.* The slope protection should be examined for erosion-formed gullies and wave-formed notches and benches that have reduced the embankment cross-section or exposed less wave resistant materials. The adequacy of slope protection against waves, currents, and surface runoff that may occur at the site should be evaluated.

3. *Spillway Structures.* Examination should be made of the structures and features including bulkheads, flashboards, and fuse plugs of all service and auxiliary spillways which serve as principal or emergency spillways for any condition which may impose operational constraints on the functioning of the spillway.

a. *Control Gates and Operating Machinery.* The structural members, connections, hoists, cables and operating machinery and the adequacy of normal and emergency power supplies should be examined and tested to determine the structural integrity and verify the operational adequacy of the equipment. Where cranes are intended to be used for handling gates and bulkheads, the availability, capacity and condition of the cranes and lifting beams should be investigated. Operation of control systems and protective and alarm devices such as limit switches, sump high water alarms and drainage pumps should be investigated.

b. *Unlined Saddle Spillways.* Unlined saddle spillways should be examined for evidence of erosion and any conditions which may impose constraints on the functioning of the spillway. The ability of the spillway to resist erosion due to operation and the potential hazard to the safety of the dam from such operation should be determined.

c. *Approach and Outlet Channels.* The approach and outlet channels should be examined for any conditions which may impose constraints on the functioning of the spillway and present a potential hazard to the safety of the dam.

d. *Stilling Basin (Energy Dissipators).* Stilling basins including baffles, flip buckets or other energy dissipators should be examined for any conditions which may pose constraints on the ability of the stilling basin to prevent downstream scour or erosion which may create or present a potential hazard to the safety of the dam. The existing condition of the channel downstream of the stilling basin should be determined.

4. *Outlet Works.* The outlet works examination should include all structures and features designed to release reservoir water below the spillway crest through or around the dam.

a. *Intake Structures.* The structure and all features should be examined for any conditions which may impose operational constraints on the outlet works. Entrances to intake structure should be examined for conditions such as silt or debris accumulation which may reduce the discharge capabilities of the outlet works.

b. *Operating and Emergency Control Gates.* The structural members, connections, guides, hoists, cables and operating machinery including the adequacy of normal and emergency power supplies should be examined and tested to determine the structural integrity and verify the operational adequacy of the operating and emergency gates, valves, bulkheads, and other equipment.

c. *Conduits, Sluices, Water Passages, Etc.* The interior surfaces of conduits should be

examined for erosion, corrosion, cavitation, cracks, joint separation and leakage at cracks or joints.

d. *Stilling Basin (Energy Dissipator).* The stilling basin or other energy dissipator should be examined for conditions which may impose any constraints on the ability of the stilling basin to prevent downstream scour or erosion which may create or present a potential hazard to the safety of the dam. The existing condition of the channel downstream of the stilling basin should be determined by soundings.

e. *Approach and Outlet Channels.* The approach and outlet channels should be examined for any conditions which may impose constraints on the functioning of the discharge facilities of the outlet works, or present a hazard to the safety of the dam.

f. *Emergency Drawdown Facilities.* Facilities provided for emergency drawdown of the reservoir to avert impending failure of the dam or to facilitate repairs in the event of stability or foundation problems should be examined for any conditions which may impose constraints on their functioning as planned.

5. *Safety and Performance Instrumentation.* Instruments which have been installed to measure behavior of the structures should be examined for proper functioning. The available records and readings of installed instruments should be reviewed to detect any unusual performance of the instruments or evidence of unusual performance or distress of the structure. The adequacy of the installed instrumentation to measure the performance and safety of the dam should be determined.

a. *Headwater and Tailwater Gages.* The existing records of the headwater and tailwater gages should be examined to determine the relationship between other instrumentation measurements such as stream flow, uplift pressures, alignment, and drainage system discharge with the upper and lower water surface elevations.

b. *Horizontal and Vertical Alignment Instrumentation (Concrete Structures).* The existing records of alignment and elevation surveys and measurements from inclinometers, inverted plumb bobs or other devices should be examined to determine any change from the original position of the structures.

c. *Horizontal and Vertical Movement, Consolidation, and Pore-Water Pressure Instrumentation (Embankment Structures).* The existing records of measurements from settlement plates or gages, surface reference markers, slope indicators and other devices should be examined to determine the movement history of the embankment. Existing piezometer measurements should be examined to determine if the pore-water pressures in the embankment and foundation would under given conditions impair the safety of the dam.

d. *Uplift Instrumentation.* The existing records of uplift measurements should be examined to determine if the uplift pressures for the maximum pool would impair the safety of the dam.

e. *Drainage System Instrumentation.* The existing records of measurements of the drainage system flow should be examined to establish the normal relationship between pool elevations and discharge quantities and any changes that have occurred in this relationship during the history of the project.

f. *Seismic Instrumentation.* The existing records of seismic instrumentation should be examined to determine the seismic activity in the area and the response of the structures to past earthquakes.

6. *Reservoir.* The following features of the reservoir should be examined to determine to what extent the water impounded by the dam would constitute a danger to the safety

of the dam or a hazard to human life or property.

a. *Shore line.* The land forms around the reservoir should be examined for indications of major active or inactive landslide areas and to determine susceptibility of bedrock stratigraphy to massive landslides of sufficient magnitude to significantly reduce reservoir capacity or create waves that might overtop the dam.

b. *Sedimentation.* The reservoir and drainage area should be examined for excessive sedimentation or recent developments in the drainage basin which could cause a sudden increase in sediment load thereby reducing the reservoir capacity with attendant increase in maximum outflow and maximum pool elevation.

c. *Potential Upstream Hazard Areas.* The reservoir area should be examined for features subject to potential backwater flooding resulting in loss of human life or property should the reservoir reach the maximum water storage capacity including any surcharge storage.

d. *Watershed Runoff Potential.* The drainage basin should be examined for any extensive alterations to the surface of the drainage basin such as changed agriculture practices, timber clearing, railroad or highway construction or real estate developments that might extensively affect the runoff characteristics. Upstream projects that could have impact on the safety of the dam should be identified.

7. *Downstream Channel.* The channel immediately downstream of the dam should be examined for conditions which might impose any constraints on the operation of the dam or present any hazards to the safety of the dam. Development of the potential flooded area downstream of the dam should be assessed for compatibility with the hazard classification.

8. *Operation and Maintenance Features.* a. *Reservoir Regulation Plan.* The actual practices in regulating the reservoir and discharges under normal and emergency conditions should be examined to determine if they comply with the designed reservoir regulation plan and to assure that they do not constitute a danger to the safety of the dam or to human life or property.

b. *Maintenance.* The maintenance of the operating facilities and features that pertain to the safety of the dam should be examined to determine the adequacy and quality of the maintenance procedures followed in maintaining the dam and facilities in safe operating condition.

[FR Doc.74-19682 Filed 8-27-74; 8:45 am]

Department of the Navy NAVY RESALE SYSTEM ADVISORY COMMITTEE Annual Report

The Navy Resale System Advisory Committee, on August 12, 1974, filed its annual report for 1973 with the Library of Congress pursuant to the requirements of section 13 of Pub. L. 92-463.

Any persons desiring to review the report may visit the Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, Washington, D.C. Copies of the report and additional information may be obtained by addressing requests as follows:

Navy Resale System Advisory Committee
Coordinator (Code: PL)
Navy Resale System Office
3rd Avenue and 29th Street
Brooklyn, New York 11232

Dated: August 20, 1974.

H. B. ROBERTSON, JR.,
Rear Admiral, JAGC, U.S. Navy
Acting Judge Advocate General.

[FR Doc.74-19926 Filed 8-27-74; 8:45 am]

Office of the Secretary
ARMED FORCES EPIDEMIOLOGICAL BOARD

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Armed Forces Epidemiological Board, 4 October 1974, Warren Air Force Base, Cheyenne, Wyoming. The agenda includes discussion of Board membership, the establishment of permanent committees, and recommendations on physical standards.

The meeting is open to the public but limited by space accommodations. Interested persons wishing to participate should advise the Executive Secretary, AFEB in writing, prior to the meeting, at the following address: Executive Secretary, AFEB, Room 6B066 Forrestal Building, Washington, D.C. 20314.

DUANE G. ERICKSON,
LTC, MSC, USA,
Executive Secretary.

AUGUST 22, 1974.

[FR Doc.74-19927 Filed 8-27-74; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 20177]

NEW MEXICO

Notice of Application

AUGUST 20, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a Compressor Station Site right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 29 E.,
Sec. 5, lots 8 and 9.

This facility will be a component part of the applicant's gathering system and will occupy an area of 5.0 acres of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-19925 Filed 8-27-74; 8:45 am]

[NM 21033]

NEW MEXICO

Notice of Application

AUGUST 20, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Co. of America has applied for a 2-inch natural gas pipeline and meter site right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 20 S., R. 23 E.,
Sec. 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 15, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 21, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 28, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

This pipeline and meter site will convey natural gas across 4.434 miles for pipeline and 0.01 acre for meter site of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-19923 Filed 8-27-74; 8:45 am]

[NM 22528]

NEW MEXICO

Notice of Application

AUGUST 20, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Anadarko Production Company has applied for one 4 $\frac{1}{2}$ inch, one 3 $\frac{1}{2}$ inch and two 2 $\frac{3}{8}$ inch water injection supply pipelines and one 2 inch water disposal pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 17 S., R. 30 E.,
Sec. 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

These pipelines will convey water across 1.796 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their

name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-19921 Filed 8-27-74; 8:45 am]

[NM 22740]

NEW MEXICO

Notice of Application

AUGUST 20, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4 $\frac{1}{2}$ inch natural gas pipelines right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 27 E.,
Sec. 12, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

These pipelines will convey natural gas across .157 mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-19924 Filed 8-27-74; 8:45 am]

[NM 22741]

NEW MEXICO

Notice of Application

AUGUST 20, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4 $\frac{1}{2}$ -inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 23 S., R. 31 E.,
Sec. 25, S $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 35, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

These pipelines will convey natural gas across .693 mile of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Man-

ager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-19922 Filed 8-27-74; 8:45 am]

ROSEBURG DISTRICT ADVISORY BOARD Notice of Meeting

Notice is hereby given that the Bureau of Land Management Roseburg District Advisory Board will meet at 8:30 a.m., September 26, 1974, at the Roseburg District Office, 1928 NE. Airport Road, Roseburg, OR, for the purpose of making a field tour to the Sprague Seed Orchard at Merlin, OR.

The tour is for the purpose of observing this important part of the Bureau's tree improvement program. There will be a brief business meeting at the Sprague Seed Orchard at which District staff members will report to the Board on work accomplishments and the status of ongoing projects. The tour and the meeting will be open to the public though non-board members must provide their own transportation.

GEORGE C. FRANCIS,
District Manager.

AUGUST 20, 1974.

[FR Doc.74-19920 Filed 8-27-74; 8:45 am]

Office of the Secretary HARLEY COLLINS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 8, 1974.

Dated: July 8, 1974.

HARLEY COLLINS.

[FR Doc.74-19894 Filed 8-27-74; 8:45 am]

WILLIAM A. DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 16, 1974.

Dated: July 16, 1974.

WILLIAM A. DAVIS.

[FR Doc.74-19916 Filed 8-27-74; 8:45 am]

DONALD B. GREGG

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of April 14, 1974.

Dated: July 26, 1974.

DONALD B. GREGG.

[FR Doc.74-19908 Filed 8-27-74; 8:45 am]

EARL D. DRYER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) Additions: Pacific Gas & Electric Co. Chesapeake & Potomac Tel of Md. United Aircraft Corp.
- (3) Deletions: Essex International.
- (4) No change.

This statement is made as of July 11, 1974.

Dated: July 11, 1974.

EARL D. DRYER.

[FR Doc.74-19907 Filed 8-27-74; 8:45 am]

EDWARD GLASS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 15, 1974.

Dated: July 15, 1974.

E. C. GLASS.

[FR Doc.74-19909 Filed 8-27-74; 8:45 am]

B. M. GUTHRIE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 5, 1974.

Dated: July 5, 1974.

B. M. GUTHRIE.

[FR Doc.74-19895 Filed 8-27-74; 8:45 am]

ELMER HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 5, 1974.

Dated: July 5, 1974.

E. S. HALL.

[FR Doc.74-19910 Filed 8-27-74; 8:45 am]

WILLIAM HENNE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 8, 1974.

Dated: July 8, 1974.

W. G. HENNE.

[FR Doc.74-19896 Filed 8-27-74; 8:45 am]

B. C. HULSEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 8, 1974.

Dated: July 8, 1974.

B. C. HULSEY.

[FR Doc.74-19897 Filed 8-27-74;8:45 am]

EVAN W. JAMES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) Purchased additional shares of: Crown Zellerbach common stock, Load Abbott Fund, Potomac Electric Power Co. common stock.
- (3) Purchased shares of American Natural Gas Co. common stock, Peavey Co. common stock, and Wisconsin Electric Power Co. common stock.
- (3) No change.
- (4) No change.

This statement is made as of July 9, 1974.

Dated: July 9, 1974.

EVAN W. JAMES.

[FR Doc.74-19911 Filed 8-27-74;8:45 am]

ANDREW P. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of June 30, 1974.

Dated: July 8, 1974.

ANDREW P. JONES.

[FR Doc.74-19898 Filed 8-27-74;8:45 am]

JOHN H. KLINE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 8, 1974.

Dated: July 8, 1974.

JOHN H. KLINE.

[FR Doc.74-19912 Filed 8-27-74;8:45 am]

CARLOS O. LOVE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 5, 1974.

Dated: July 5, 1974.

CARLOS O. LOVE.

[FR Doc.74-19899 Filed 8-27-74;8:45 am]

ROBERT J. MARCHETTI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 9, 1974.

Dated: July 9, 1974.

ROBERT J. MARCHETTI.

[FR Doc.74-19900 Filed 8-27-74;8:45 am]

JOHN A. McMAHON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 17, 1974.

Dated: July 17, 1974.

JOHN A. McMAHON.

[FR Doc.74-19901 Filed 8-27-74;8:45 am]

FREDERICK L. PETERSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Pro-

duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 8, 1974.

Dated: July 8, 1974.

FREDERICK L. PETERSEN.

[FR Doc.74-19915 Filed 8-27-74;8:45 am]

SAMUEL R. SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 1, 1974.

Dated: July 15, 1974.

RIGGS SHEPPERD.

[FR Doc.74-19902 Filed 8-27-74;8:45 am]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 31, 1974.

Dated: July 31, 1974.

WILLARD B. SIMONDS.

[FR Doc.74-19903 Filed 8-27-74;8:45 am]

KEITH E. SPENCER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 8, 1974.

Dated: July 8, 1974.

KEITH E. SPENCER.

[FR Doc.74-19914 Filed 8-27-74; 8:45 am]

E. F. TIMME

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) American Telephone & Telegraph.
- (3) No change.
- (4) No change.

This statement is made as of July 11, 1974.

Dated: July 11, 1974.

E. F. TIMME.

[FR Doc.74-19917 Filed 8-27-74; 8:45 am]

FRED M. TREFFINGER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 8, 1974.

Dated: July 8, 1974.

FRED M. TREFFINGER.

[FR Doc.74-19904 Filed 8-27-74; 8:45 am]

JOHN R. VOGEL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 8, 1974.

Dated: July 8, 1974.

JOHN R. VOGEL.

[FR Doc.74-19913 Filed 8-27-74; 8:45 am]

C. N. WHITMIRE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Pro-

duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 1, 1974.

Dated: July 5, 1974.

C. N. WHITMIRE.

[FR Doc.74-19905 Filed 8-27-74; 8:45 am]

ROBERT WINFREE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 1, 1974.

Dated: July 8, 1974.

ROBERT WINFREE.

[FR Doc.74-19906 Filed 8-27-74; 8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

ASOTIN PLANNING UNIT, UMATILLA NATIONAL FOREST, WASHINGTON

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Asotin Planning Unit, Umatilla National Forest, Washington. USDA-FS-FES-(Adm)-74-3.

The environmental statement concerns selection of a long-range resource allocation plan and broad management activity direction for the Asotin Planning Unit, Umatilla National Forest, in Garfield and Asotin Counties, State of Washington.

This final environmental statement was transmitted to CEQ on August 20, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., S.W.
Washington, D.C. 20250
USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97204
Umatilla National Forest
2517 S.W. Halley Avenue
Pendleton, Oregon 97801

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208, or Forest Supervisor H. B. Rudolph, 2517 S.W. Halley Avenue, Pendleton, Oregon 97801.

VICTOR L. KREIMEYER,
Acting Regional Forester,
Region 6.

AUGUST 20, 1974.

[FR Doc.74-19850 Filed 8-27-74; 8:45 am]

REPLACEMENT OF PRAIRIE PORTAGE DAM SUPERIOR NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Replacement of Prairie Portage Dam, USDA-FS-DES-(Adm)-75-02.

The environmental statement concerns a proposal to replace the Prairie Portage Dam with a permanent structure (120' x 14') at the outlet of Sucker Lake in the Boundary Waters Canoe Area of the Superior National Forest, Lake County, Minnesota.

This draft environmental statement was transmitted to CEQ on August 22, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250
USDA, Forest Service, Eastern Region
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203
USDA, Forest Service
Superior National Forest
Federal Building
Duluth, Minnesota 55801
USDA, Forest Service
Chippewa National Forest
Cass Lake, Minnesota 55633
USDA, Forest Service
North Central Forest Experiment Station
Folwell Avenue
St. Paul, Minnesota 55101
USDA, Forest Service
Aurora Ranger District
Aurora, Minnesota 55705
USDA, Forest Service
Gunflint Ranger District
Grand Marais, Minnesota 55604
USDA, Forest Service
Halfway and Kawishiwi Ranger Districts
Ely, Minnesota 55731
USDA, Forest Service
Isabella Ranger District
Isabella, Minnesota 55607
USDA, Forest Service
Tofte Ranger District
Tofte, Minnesota 55615
USDA, Forest Service
Two Harbors Ranger District
Two Harbors, Minnesota 55616
USDA, Forest Service
LaCroix Ranger District
Cook, Minnesota 55723

USDA, Forest Service
Virginia Ranger District
Virginia, Minnesota 55792

A limited number of single copies are available upon request to the Forest Supervisor, Superior National Forest, P.O. Box 338, Duluth, Minnesota 55801.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Written comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Superior National Forest, P.O. Box 338, Duluth, Minnesota 55801. Written comments must be received by October 22, 1974 in order to be considered in the preparation of the final environmental statement.

R. MAX PETERSON,
Deputy Chief,
Forest Service.

AUGUST 22, 1974.

[FR Doc.74-19893 Filed 8-27-74; 8:45 am]

ELGIN PLANNING UNIT, UMATILLA NATIONAL FOREST, OREGON

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Elgin Planning Unit, Umatilla National Forest, Oregon. USDA-FS-FES-(Adm)-74-2.

The environmental statement concerns selection of a long-range resource allocation and management direction of the Elgin Planning Unit, Umatilla National Forest, in Umatilla and Union Counties, State of Oregon.

This final environmental statement was transmitted to CEQ on August 21, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97204

Umatilla National Forest
2517 S.W. Halley Avenue
Pendleton, Oregon 97801

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon

97208, or Forest Supervisor H. B. Rudolph, 2517 SW Halley Avenue, Pendleton, Oregon 97801.

VICTOR L. KREIMEYER,
Acting Regional Forester,
Region 6.

AUGUST 21, 1974.

[FR Doc.74-19928 Filed 8-27-74; 8:45 am]

Rural Electrification Administration COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with loan applications from Colorado-Ute Electric Association, Inc., Box 1149, Montrose, Colorado 81401. The statement covers approximately 16.5 miles of new 115 kV transmission line from Basalt, Eagle County, Colorado, to Aspen, Pitkin County, Colorado; the upgrading of an existing parallel 69 kV line to 115 kV to provide loop service from Basalt to Aspen, Colorado; the installation of terminal facilities for both lines at the existing Basalt Substation and a 3.5 mile 115 kV tap line from the proposed Basalt to Aspen loop transmission system to a 115-24.9 kV substation in the Snowmass-at-Aspen area. It will also cover 42 miles of 115 kV transmission line from Bayfield, La Plata County, Colorado to Pagosa, Archuleta County, Colorado; terminal facilities at the existing Bayfield Substation and a new 115-69 kV Pagosa Substation.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Askegaard at the address given above. Comments must be received on or before October 29, 1974, to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 22nd day of August, 1974.

DAVID H. ASKEGAARD,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.74-19892 Filed 8-27-74; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

U.S. GEOLOGICAL SURVEY, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before September 17, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00545-89-43000. Applicant: U.S. Geological Survey, Hawaiian Volcano Observatory, Hawaii National Park, Hawaii 96718. Article: Proton Precession Magnetometer System. Manufacturer: University of Queensland, Australia. Intended use of article: The article is intended to be used to automatically measure and record the earth's magnetic field at three different sites of Kilauea volcano. Application received by Commissioner of Customs: June 25, 1974.

Docket number: 75-00037-33-46040. Applicant: Rutgers University, Botany Department, Nelson Lab, New Brunswick, New Jersey 08903. Article: Electron Microscope, Model Elmiskop 1A. Manufacturer: Siemens Corp., West Germany. Intended use of article: The article is intended to be used in a variety of research programs by biologists from the disciplines of biochemistry, botany, physiology, microbiology and zoology and will involve the study of viruses, bacteria,

fungi, and plant and animal cells. The projects are:

1. Lysosomal enzymes in the sarcoplasmic reticulum of muscle.
2. Cytological change in renal tissue of mice infected with Manson's Schistosomiasis.
3. Pathology of *Leishmania* parasite infection of vertebrate macrophages.
4. Fine structure of cortical alveoli in the unfertilized egg of *Brachydanio rerio*.
5. Ultrastructure of infectious and non-infectious flagellates of the tsetse fly.
6. Lysogeny of phageontypable strains of *S. aureus*.
7. C-type virus particles in cultured animal cells.
8. Isolated membrane preparations from *Rhodospirillum rubrum*.
9. Cell surface constituents of tumor cells.
10. Mitochondrial Suprastructure.
11. Red Algae Life Cycles.
12. Mitosis and cytokinesis in green algae.
13. Axon-muscle fiber junctions in *Mercenaria*.
14. Chloroplast membrane proteins.
15. Algal Viruse.
16. Ultrastructure of Ragweed Pollen.
17. Blue-green algal viruses.
18. Fine structure of the retina of *Scolecopharyx*.
19. Chemoreceptor cells in crustaceans.

In addition, the article will be used in two courses, Cytology 405 and Ultrastructural Techniques, for both graduate and undergraduate students.

Application received by Commissioner of Customs: July 31, 1974.

Docket Number: 75-00038-85-46070. Applicant: U.S. Department of Interior Geological Survey, 345 Middlefield Road, Menlo Park, California 94025. Article: Scanning Electron Microscope, Model S 180 and Microanalysis specimen stage. Manufacturer: Cambridge Scientific Instruments Ltd., United Kingdom. Intended use of article: The article is intended to be used in a variety of astrogeologic studies, including Alaskan geology, environmental geology, chemical resources, engineering geology, earthquake studies, experimental geochemistry and mineralogy, field geochemistry and petrology, isotope geology, marine geology, energy resources, geochemistry and geophysics, oil and gas resources, mineral exploration, mineral resources, paleontology and stratigraphy, regional geochemistry, and theoretical and applied geophysics. A wide range of geological and paleontological specimens involving the investigation of coarse and fine surface morphology, external structure and elemental composition will be studied. Application received by Commissioner of Customs: July 31, 1974.

Docket Number: 75-00039-85-40600. Applicant: Brown University, Department of Geological Sciences, Providence, Rhode Island 02912. Article: VG Micro-mass 602C, Small Sample System, Spare Parts Kit. Manufacturer: The Kearns Group, United Kingdom. Intended use of article: The article is intended to be

used in a research project to reconstruct the history of the ocean-atmosphere-ice system which requires determination of Oxygen-18 value to high precision on very small samples of calcium carbonate from deep sea cores. The article will also be used in Carbon-13 and Oxygen-18 studies of carbonate cements in order to better understand development and destruction of porosity and permeability in carbonate rocks. Moreover, the article is intended to be used to train students in the operation and use of the instrument and interpretation of results in connection with geological and geochemical research. Application received by Commissioner of Customs: July 31, 1974.

Docket number 75-00040-33-22400. Applicant: Presbyterian-University of Pennsylvania Medical Center, Scheie Eye Institute, 51 North 39th Street, Philadelphia, Pa. 19104. Article: MSE Ultrasonic Disintegrator. Manufacturer: Measuring & Scientific Equipment, Ltd., United Kingdom. Intended use of article: The article is intended to be used to study either purified viruses or sub-cellular fractions prepared by density gradient centrifugation following subcellular fractionation. The studies will be conducted morphologically and biochemically in an effort to understand how envelope virus particles are put together and the mechanism whereby viral specific macromolecules are synthesized and/or transported to their site of assembly at specific membranes. Application received by Commissioner of Customs: August 5, 1974.

Docket number: 75-00041-98-68495. Applicant: University of California Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87544. Article: Alcatel MIV-3000 Helium Gas Pumping System. Manufacturer: Alcatel, France. Intended use of article: The article is intended to be used as part of the "He recirculating refrigeration of a polarized target to measure a spin correlation parameter (Cnn) in high energy proton-proton elastic scattering. The target will also be available as a ZGS facility for use in other experiments. Application received by Commissioner of Customs: August 5, 1974.

Docket number: 75-00042-88-46070. Applicant: Field Museum of Natural History, Department of Zoology, Lake Shore Drive & Roosevelt Road, Chicago, Illinois 60605. Article: Scanning Electron Microscope, Model S4-10. Manufacturer: Cambridge Instruments, Ltd., United Kingdom. Intended use of article: The article will be used for the study of surface features, histological details, and fracture sections of biological objects and fossils. Study materials include live insect and plant materials, preserved museum specimens, critical point dried biological materials and minerals. Some of the specimens must be observed without fixation, or coating. By placing these in a humidity chamber for 24 hours prior to study, the elevated water content prevents or minimizes charging. Interpretation of the studies is aided by the ability to compare wet specimen observations

with those of specimens treated or prepared in other ways such as fixing and critical point drying. Examples of specific specimens to be studied using various methods of handling are mites, pillid beetles, plant materials and other diverse organisms. In the main comparative studies on the classification, functional morphology and structures of the various specimens with a view toward understanding the significance and function of observed structures (many of which are expected to be hitherto unobserved) will be carried out. The article will also be used extensively in teaching in graduate level courses (open to students at the University of Chicago, Northwestern University, University of Illinois Medical Center and other institutions of higher education) offered in Problems in Phylogeny and Zoogeography, Mammalian Systematics, Vertebrate Paleontology, Entomology, Organic Evolution and Biogeography by Museum staff members. Application received by Commissioner of Customs: August 5, 1974.

Docket number: 75-00043-33-90000. Applicant: Good Samaritan Hospital & Medical Center, 1015 N.W. 22nd Avenue, Portland, Oregon 97210. Article: EMI Scanner with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in clinical research in a variety of diseases of the brain and orbits, including tumors, strokes, dementia, and trauma. Studies will include evaluating various modes of therapy in stroke and other patients. The article will also be used in the training of the resident doctor staff, especially in Neuroradiology, Neurology and Neurosurgery.

Application received by Commissioner of Customs: August 5, 1974.

Docket number: 75-00044-33-90000. Applicant: Sutter Community Hospitals, 2820 "L" Street, Sacramento, California 95816. Article: EMI Scanner System and Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article will be principally used in a clinical setting from which data will be obtained relative to the use of the article in comparison with other modalities of neuroradiological diagnosis including contrast enhancement. Moreover, the article is intended to be an integral part of the residency training program in diagnostic radiology for both the University of California Davis Medical Center and Sutter Community Hospitals. The data and studies obtained from the unit will be coded in the teaching file fashion and available for review by radiology, neurology and neurosurgery residents. Application received by Commissioner of Customs: August 5, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Education and Scientific Materials.)

A. H. STUART,
Director, Special Import
Programs Division.

[FR Doc.74-19933 Filed 8-27-74; 8:45 am]

**National Bureau of Standards
BIBLIOGRAPHIC INFORMATION
INTERCHANGE ON MAGNETIC TAPE**

**Proposed Federal Information Processing
Standard**

Under the provisions of Pub. L. 89-306, the Secretary of Commerce is authorized to establish uniform Federal ADP Standards. A proposed standard for bibliographic information interchange on magnetic tape, based upon the Federal adoption of a voluntary industry standard developed by the American National Standards Institute, is being recommended for Federal use. This proposed standard prescribes a format for the interchange of bibliographic data recorded on magnetic tape.

Prior to submission of a final endorsement of this proposal to the Secretary of Commerce for approval, it is essential to assure that proper consideration is given to the needs and views of manufacturers, the public, and state and local governments. The purpose of this notice is to solicit such views.

The proposed Federal Information Processing Standard contains two basic sections: (1) An announcement section which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specification section which deals with the technical requirements of the standard. The first section is provided in its entirety in this notice.

Interested parties may obtain copies of the technical specifications from, and may submit comments to, the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, on or before November 26, 1974.

Dated: August 9, 1974.

**RICHARD W. ROBERTS,
Director.**

**PROPOSED FEDERAL INFORMATION PROCESSING
STANDARDS PUBLICATION**

Date: August 9, 1974.

**ANNOUNCING THE STANDARD FOR BIBLIOGRAPHIC
INFORMATION INTERCHANGE ON MAGNETIC TAPE**

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to the Federal Property and Administrative Services Act of 1949 as amended, Pub. L. 89-306 (79 Stat. 1127), and as implemented by Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 CFR (Code of Federal Regulations).

Name of Standard. Bibliographic Information Interchange on Magnetic Tape.

Category of Standard. Data Standard, Data Formats.

Explanation. This standard prescribes a format for the interchange of bibliographic data recorded on magnetic tape. It provides a generalized structure used to exchange bibliographic records describing various forms of documents, reports, books, periodicals, recordings, name and subject authorities, etc.

Approving Authority. Secretary of Commerce.

Maintenance Agency. The Library of Congress, MARC Development Office, Washington, D.C. 20540.

Cross Index. a. American National Standard Z39.2-1971, Bibliographic Information Interchange on Magnetic Tape.

b. International Standard ISO 2709-1973, Documentation—Format for Bibliographic Information Interchange on Magnetic Tape.

Applicability. This standard will be used for formatting and recording of records on magnetic tape used to interchange bibliographic information between a variety of data processing systems. It will be used whenever such records are exchanged with the public, industry, universities and state and local governments. This standard will be cited in Federal procurements whenever the results of such contracts are in the form of recorded bibliographic records on magnetic tape.

Implementation Schedule. This standard becomes effective one year after the publication date of this FIPS PUB.

Waiver Procedure. Heads of agencies may waive the provisions of the implementation schedule. Proposed waivers will be coordinated in advance with the National Bureau of Standards. Letters should be addressed to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. They should describe the nature of the waiver and set forth the reasons therefor.

Sixty days should be allowed for review and response by the National Bureau of Standards. The waiver is not to be made until a reply from the National Bureau of Standards is received; however, the final decision for granting the waiver is a responsibility of the agency head.

Specifications. This standard adopts in whole American National Standard Z39.2-1971, Bibliographic Information Interchange on Magnetic Tape, which was developed and approved by the American National Standards Institute.

Special information. The data element tags, names and representations cited in the Appendices of American National Standard Z39.2-1971 are not adopted as part of this Federal standard. These will be developed and promulgated as Federal Program Standards under the provisions of Part 6 Title 15 of the Code of Federal Regulations.

Other standards specify the codes, labeling and recording on magnetic tape. Additional standards are under development and will be applicable for coding additional graphic and control characters not currently specified in the ASCII (FIPS 1) code. These, when available, will be announced by NBS in the FIPS PUB series of publications.

Where to obtain copies of the specifications of the standard. a. Federal Government activities should obtain copies from established sources within each agency. When there is no established source, purchase orders should be submitted to the General Services Administration, Specifications Activity, Printed Materials Supply Division, Building 197, Washington Navy Yard Annex, Washington, D.C. 20407. Refer to Federal Information Processing Standard ---- (Price — cents a copy.)

b. Others may obtain copies from the American National Standards Institute, 1430 Broadway, New York, New York 10018. Refer to American National Standard Z39.2-1971, Bibliographic Information Interchange on Magnetic Tape. Price is \$6.00 a copy. (Discounts available on quantity orders. See ANSI catalog.)

[FR Doc.74-19864 Filed 8-27-74; 8:45 am]

**FEDERAL INFORMATION PROCESSING
STANDARD ON THE SUBSETS OF THE
STANDARD CODE FOR INFORMATION
INTERCHANGE (FIPS 15)**

Notice of Proposed Amendment

Under the provisions of Pub. L. 89-306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal ADP standards. A proposed amendment to the Federal Standard on the Subsets of the Standard Code for Information Interchange (FIPS 15) is being recommended for Federal use.

This amendment is designed to overcome difficulties experienced by Federal installations in the implementation of the 64 character subset in punched card applications and is based on the continued need to use the convention of overpunching digits with a 12 or 11 punch to represent signed numbers or for other purposes. The 64 character subset as prescribed in FIPS 15 adopts the graphic characters in columns 2, 3, 4 and 5 of the FIPS 1 code table. This does not satisfactorily provide for the continued use of the overpunching convention in that the hole-patterns 12-0 and 11-0 as prescribed in FIPS 14 are not included in this 64 character subset. The 12-0 and 11-0 hole-patterns are associated with the graphic characters "(", "and")" which are located in column 7 of FIPS 1. These hole-patterns and graphic characters are included in the 95 graphic character subset and in the full 128 character set of FIPS 1. To use these larger sets only to provide for overpunching would not be in the best interest of many punched card systems.

The proposed amendment to FIPS 15 provides for the continued use of overpunching digits within a 64 character subset of the standard code.

Prior to approval of this amendment by the Secretary of Commerce, it is essential to assure that proper consideration is given to the needs and views of manufacturers, the public, and state and local governments. The purpose of this notice is to solicit such views.

For comment purposes, a copy of the standards cited in this notice may be obtained from the Office of ADP Standards Management, Room B226, Building 225, National Bureau of Standards, Washington, D.C. 20234, phone (301) 921-3157. Interested parties may submit comments to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, on or before October 15, 1974.

Dated: August 21, 1974.

**R. S. WALLEIGH,
Acting Director.**

PROPOSED AMENDMENT TO FIPS 15

Section 2—Specifications for 64-Character Graphic Character Subset, Explanation Paragraph, Page 6.

The following paragraph is added:

In punched card applications that utilize overpunching conventions (i.e., 12 or 11 punches over digits to represent signed num-

bers or for other purposes) and where this 64 character subset is specified, the 12-0 hole-pattern may be substituted for the 12-8-2 hole-pattern for the character "I" and the 11-0 hole-pattern may be substituted for the 11-8-2 hole-pattern for the character "J". These substitutions do not affect the graphic characters as contained in Figure 2 nor do these affect the hole-pattern to bit-pattern correspondences as prescribed in FIPS 14. When these substitutions are made and when data are to be interchanged, all of the interchange parties concerned should be informed of the conditions involved.

[FR Doc.74-19847 Filed 8-27-74;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE OF THE AMERICAN STATISTICAL ASSOCIATION

Notice of Public Meetings

The Census Advisory Committee of the American Statistical Association will convene on September 19 and 20, 1974 at 9:00 a.m. The Committee will meet in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Statistical Association was established in 1919 to advise the Director, Bureau of the Census in all aspects of the Bureau's statistical programs, and to respond to the Bureau's request for opinions and judgments in the whole area of its operations.

The Committee is composed of 17 members appointed by the President of the American Statistical Association.

The agenda for the September 19 meeting is: (1) Staff changes, major program developments, user oriented objectives, impact of energy shortage, and other general topics, (2) Current plans for the 1980 Census Local Workshops, (3) Quick response polling capability, (4) Application of synthetic estimates to small areas, (5) 1972 performance and 1977 plans of the Economic Censuses, and, (6) Survey methodology information system.

The agenda for the September 20 meeting, which will adjourn at 12:30 p.m., is progress reports: 1) New developments in the demographic area such as status of revenue sharing and crime statistics, 2) The ASA-Census Research Fellowship Program, 3) Study of data use, and, 4) Census year 2000 planning.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside on September 20 for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Mr. James L. O'Brien, Assistant Chief, Statistical Research Division, Bureau of the Census, Room 3581, Federal Building 3, Suitland, Maryland. (Mail address:

Washington, D.C. 20233). Telephone 301-763-7134.

Dated: August 23, 1974.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

[FR Doc.74-19866 Filed 8-27-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

TROPICAL MEDICINE AND PARASITOLOGY STUDY SECTION

Amended Notice of Meeting

Notice is hereby given of the change in meeting date of the Tropical Medicine and Parasitology Study Section, Division of Research Grants, which was published in the FEDERAL REGISTER on August 12, 1974 (39 FR 28923). This committee was to have convened at 3:00 p.m. on September 15, 1974, but has been changed to begin at 9:00 a.m. on September 16 and continue through September 18, 1974. It will be held at NIH, Building 31, Conference Room 3, Bethesda, Maryland 20014, and will be open to the public from 9:00 a.m. to 10:00 a.m. on September 16.

Dated: August 21, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74-19848 Filed 8-27-74;8:45 am]

Office of the Secretary

OFFICE OF THE ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT; OFFICE OF MANPOWER

Statement of Organization and Functions

Part 1 of the Statement of Organization and Functions for the Department of Health, Education, and Welfare is amended to add a new subchapter to Chapter 1R 39 FR 11614 3129/74), Assistant Secretary for Human Development. The subchapter is designated 1R92, Office of Manpower. The mission, organization, and functions read as follows:

1R92.00 Mission. The Office of Manpower, located in the Office of Human Development, provides Departmental focus for manpower coordination activities, including coordination of Departmental implementation of roles established pursuant to the Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203). The major goal of the Office is to improve DHEW manpower services delivery through coordinated program planning.

The Office has primary responsibility for developing policy, analyzing legislative initiatives and providing staff advice through ASHD, to OS/DHEW and component Agencies on matters relating to the development of comprehensive manpower planning systems.

In conjunction with the Office of the

Assistant Secretary for Human Development, the Office of Manpower provides the Departmental liaison with other Federal agencies on manpower coordination issues.

The Office of Manpower encourages the establishment of systems supportive of manpower program coordination. The office evaluates national, State and local coordination efforts; coordinates with DHEW agencies in the design of and reviews the implementation of systems used by appropriate DHEW agencies. The Office of Manpower explores methods by which all programs and related activities which are designed to provide for more efficient and economically productive utilization of human resources can be coordinated. These programs include vocational education, vocational rehabilitation, adult basic education, health manpower, para-professional training, supportive services such as child care, health services and other related human resources activities. The office coordinates review of CETA Title III project applications by constituent HEW agencies and supports chief elected officials' comprehensive manpower planning efforts.

1R92.10 Organization. The Office of Manpower located in the Office of Human Development, is under the direction and guidance of a Director who reports to the Deputy Assistant Secretary for Human Development.

1R92.20 Functions. The Office of Manpower:

1. Manages intra-departmental coordination of manpower initiatives and general policy development. Chairs intra-departmental working group on manpower coordination.

2. Develops, in coordination with DHEW Agencies, a common manpower policy for the Department. Such policy will be reflected in legislative initiatives and program planning requirements.

3. In conjunction with DHEW agencies serves as liaison with the Department of Labor/Manpower Administration on manpower policy issues and facilitates appropriate coordination between HEW agencies and DOL on manpower issues.

4. Coordinates overall Departmental implementation of responsibilities under the Comprehensive Employment and Training Act of 1973 (CETA).

(a) Establishes and reviews policy and procedures necessary for effective implementation of DHEW roles under CETA.

(b) Coordinates the development of CETA-related technical assistance materials for distribution to Regional Offices.

(c) Serves as liaison between staffs of Regional Directors and ASHD.

(d) Coordinates intra-departmental review and comment on Title III activities for which DOL retains national level authority.

(e) In cooperation with DHEW agencies develops and monitors procedures for exercising Secretarial approval au-

thority over arrangements for basic education and vocational training made directly by the Secretary/DOL.

(f) Develops procedures required to meet HEW's CETA-mandated reporting requirements.

(g) With support of DHEW Agencies develops Secretarial report to the Congress on manpower coordination and facilities utilization.

(h) Provides staff support to the National Commission for Manpower Policy.

(i) Analyzes, reviews and comments on legislation and regulations for manpower implications.

(j) Coordinates with DHEW Agencies evaluation of CETA research projects requiring institutional training.

5. Formulates forward plans and objectives for Operational Planning System; coordinates planning with appropriate HD planning offices.

6. Evaluates Departmental manpower coordination initiatives; reviews regional manpower coordination systems implementation.

7. Serves as liaison with manpower arms of public interest groups (National Governor's Conference, National League of Cities/U.S. Conference of Mayors, National Association of Counties).

8. Coordinates comprehensive manpower planning capacity-building initiatives with the activities of the Assistant Secretary for Planning and Evaluation.

Dated: August 22, 1974.

JOHN OTTINA,
Assistant Secretary for
Administration and Management.

[FR Doc. 74-19944 Filed 8-27-74; 8:45 am]

OFFICE OF HUMAN DEVELOPMENT; OFFICE OF PLANNING AND EVALUATION

Statement of Organization and Functions

1R93.00 Mission. The Office of Planning and Evaluation advises the Assistant Secretary for Human Development on all matters relating to planning, program and policy development, research and evaluation. It develops and implements procedures, processes and systems for carrying out planning, research, analysis and evaluation activities throughout HD. Provides direction and guidance to HD units in the development of plans and operational objectives. Has overall responsibility for the development of the HD forward plan, research, evaluation, and annual operational plans. Provides leadership and direction in the establishment of priority objectives, determines resources and responsibilities for their achievement, serves as the central focus for reporting progress, problems and program developments; assesses overall effectiveness of program achievements and makes recommendations to the Assistant Secretary for strengthening capabilities to accomplish stated goals. Serves as liaison with the Assistant Secretary for Administration and Management in regard to the development and monitoring of annual operating plans. Serves as the contact point for HD with the Office of the Assistant

Secretary for Planning and Evaluation in overall matters of planning and evaluation and as liaison with Regional Offices in such matters.

Collaborates and coordinates with other Departmental and Federal agencies, public and private organizations and groups with concerns for the design and implementation of human services delivery systems. Initiates and conducts studies and analyses on policy directions, program structure and performance, and HD target populations. Develops and recommends program development and technical assistance strategies for better coordinating and integrating delivery of services to special population groups. Provides policy review and coordination in the development of regulations, guidelines, and legislative and programmatic proposals.

1R93.10 Organization. The Office of Planning and Evaluation consists of three organizational elements which report to the Director: Program and Policy Analysis Division; Research and Evaluation Division; and Operational Planning System Division.

1R93.20 Functions. A. *Office of the Director.* The Director of Planning and Evaluation provides leadership, direction and coordination to the activities of the Division of Program and Policy Analysis, Division of Research and Evaluation, and Division of Operational Planning System. The Director reports directly to the Assistant Secretary for Human Development, and is responsible for coordinating all policy, program and target group planning and analysis, the development of research, information and evaluation strategies, and long-range and operational plans and program priorities. Serves as the principal advisor to the Assistant Secretary for Human Development in these areas. Works closely with the Director of the Office of Administration and Management in developing and implementing joint planning and resource allocation systems for HD.

B. *Division of Program and Policy Analysis.* The Program and Policy Analysis Division has primary responsibility for advising the Director in matters pertaining to planning, program and policy analysis. Provides leadership, technical assistance, guidance, and coordination to program units and Regional Offices in matters pertaining to program and policy analysis. Initiates, directs, undertakes and reviews studies and analyses of HD and related programs, policies and accomplishments to adequately plan HD programs. Collects and analyzes pertinent data, statistics, and studies on target populations and special groups to provide updated information and data for short- and long-term HD planning. Assesses benefits and costs of HD programs, compares to alternative programs and recommends new initiatives and alternative program designs. Identifies, formulates and analyzes policy issues, prepares option papers, background memoranda and makes recommendations. Identifies new policy and program directions and priorities, examines potential impact and ramifications of al-

ternative courses of action and makes recommendations.

Prepares or reviews regulations, guidelines, policy and legislative proposals relating to HD and other programs having an impact on or of interest to HD target populations. Provides leadership, guidance and technical assistance to the program units in the development of forward plans. Prepares the HD forward plan. Coordinates the HD long-range planning process with the program units, Regional Offices and the Office of the Assistant Secretary for Planning and Evaluation. Develops and coordinates joint activities of HD program units in review of policy issues, program design, technical assistance and training activities. Recommends HD program development, technical assistance and training strategies for integrating and improving service delivery and providing assistance to State and local public and private agencies.

C. *Division of Research and Evaluation.* The Research and Evaluation Division has primary responsibility for advising the Director on matters concerning research and evaluation related to HD program units. Provides leadership, guidance and assistance to HD organizational units in the development and implementation of research and evaluation plans and projects. The Division is responsible for developing strategies for research and demonstration and evaluation within the context of the total HD planning process and for coordinating their implementation within HD. Ensures relationship of proposed R & E activities to informational needs of HD and the Department as well as long and short-term program goals. Initiates and coordinates the development of policy implication papers resulting from R & E activities. Analyzes, reviews and makes recommendations on project design, methodologies, evaluation instruments. Prepares R & E planning guidance and recommends areas for priority consideration in the development of R & E projects. Initiates and monitors HD cross-cutting research and evaluation projects and oversees performance of R & E grants and contracts. Represents the Assistant Secretary for Human Development on interagency R & E matters including coordination with the Office of the Assistant Secretary for Planning and Evaluation.

D. *Division of Operational Planning System.* The Operational Planning System Division provides the means for focusing concentrated management attention on appropriate Departmental objectives and all HD priorities through the establishment, monitoring and evaluating of significant and clearly defined goals. The Division provides direction and guidance to HD organizational units in the development of program priorities and the translation of designated priorities into specific objectives and operational plans. Aids in the identification and determination of resources for achieving objectives, monitors progress, assists in identifying and remedying problems, recommends objective revi-

sions where appropriate, and reports on program accomplishments. Develops a systematic means for identifying HD-wide priorities and potential intra-Departmental efforts and makes recommendations on the selection of objectives. Designs procedures and systems for fully implementing the Operational Planning System throughout HD, providing for consistent reporting and program accountability, and ensuring appropriate Regional input and participation. Organizes and prepares briefing materials for management conferences of both the Secretary and the Assistant Secretary for Human Development. Serves as primary liaison with OS Management Control Staff.

Dated: August 22, 1974.

JOHN OTTINA,
Assistant Secretary for
Administration and Management.

[FR Doc.74-19943 Filed 8-27-74; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales
Registration

[Docket No. N-74-247]

YOGI BEAR'S JELLYSTONE PARK CAMP RESORT

Notice of Hearing

In the matter of Yogi Bear's Jellystone Park Camp Resort, et al. Land Sales Enforcement Division Docket No. 74-89, pursuant to 15 U.S.C. 1706(d) and CFR 1720.160(b) notice is hereby given that:

1. First American Land Corporation, Martin I. Price, President/Director, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued July 2, 1974, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Yogi Bear's Jellystone Park Camp Resort, located in Berkeley County, West Virginia, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received July 31, 1974, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), it is hereby ordered, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Frederick

W. Denniston, in room 7155, Department of HUD, 451 7th Street SW., Washington, D.C. on September 27, 1974, at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before September 19, 1974.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default, and the proceeding shall be determined against Respondent, the allegations in the Notice shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1) and 1720.160(c).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: August 22, 1974.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.74-19951 Filed 8-27-74; 8:45 am]

Office of the Secretary

[Docket No. D-74-287]

ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority

The Assistant Secretary for Administration is authorized to certify to the Comptroller General under 22 U.S.C. 2321b. that Department of Defense excess articles acquired by this Department will not be transferred by any means to a foreign country or international organization.

(Sec. 8 of Pub. L. 91-672, 22 U.S.C. 2321b., as amended by sec. 402 of Pub. L. 92-226 (Feb. 7, 1972); sec. 7(d) of Dept. of HUD Act (42 U.S.C. 3535(d)))

Effective date. This delegation of authority shall be effective June 3, 1974.

JAMES T. LYNN,
Secretary of Housing
and Urban Development.

[FR Doc.74-19886 Filed 8-27-74; 8:45 am]

[Docket No. D-74-288]

OFFICE OF GENERAL COUNSEL

Designation and Redesignation

SECTION A. *Designation.* The Deputy General Counsel, the Assistant General Counsel for Finance and Administrative Law, and the Regional Counsels are designated Deputy Counselors to give advice and guidance to current and prospective employees and special Government employees with respect to matters involving conflicts of interest and other matters pursuant to 24 CFR Part 0.

Sec. B. *Authority redelegated.* The Deputy General Counsel and the Assistant General Counsel for Finance and Administrative Law as Deputy Counselors are each authorized to exercise the

power and authority of the Secretary of Housing and Urban Development under section 208(b) of Title 18 of the United States Code, as implemented by § 0.735-205(b)(2) of the Department's Standards of Conduct, with respect to determining whether the financial interest of a Government officer or employee is so substantial as to be deemed likely to affect the integrity of the services which the Department may expect from such officer or employee.

Sec. C. *Superseding.* This designation and redelegation supersedes that published August 31, 1973, in 38 FR 23546.

Effective date. This document is effective on August 28, 1974.

JAMES T. LYNN,
Secretary of Housing
and Urban Development.

[FR Doc.74-19887 Filed 8-27-74; 8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON DIABLO CANYON, UNITS 1 & 2

Notice of Meeting

AUGUST 23, 1974.

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Diablo Canyon project will hold a meeting on September 12, 1974 in Room 1046, 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to begin the Committee's formal review of a proposal to issue an Operating License for this facility. The Diablo Canyon Units 1 & 2 are adjacent to the Pacific Ocean in San Luis Obispo, California.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Thursday, September 12, 1974—9 a.m.—4:30 p.m.

The Subcommittee will hear presentations by Regulatory Staff and personnel of Pacific Gas and Electric Company and their representatives and hold discussions with these groups pertinent to issuance of an Operating License for this facility.

In connection with the above agenda item, the Subcommittee will hold an executive session beginning at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members present and internal deliberations for the purpose of formulation of recommendations to the ACRS. In addition, the Subcommittee may hold closed sessions with the Regulatory Staff and Applicants to discuss privileged information relating to fuel design and performance, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the dis-

cussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that closed sessions may be held, if necessary, to discuss certain information relating to fuel design and performance which is privileged and falls within exemption (4) of 5 U.S.C. 552(b).

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 such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee 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 September 5, 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 the Diablo Canyon, Units 1 & 2 Final Safety Analysis Report and related documents on file (Dockets 50-275-OL and 50-323-OL) and available for public inspection at the Atomic Energy Commission's Public Document Room 1717 H Street, NW., Washington, D.C. 20545 and the San Luis Obispo County Free Library, 888 Morro Street (P.O. Box X), San Luis Obispo, California 93406.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, during the afternoon portion of the meeting.

(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 September 11, 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 Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., and within nine days at the San Luis Obispo County Free Library, 888 Morro Street (P.O. Box X), San Luis Obispo, California 93406. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after December 12, 1974. Copies may be obtained upon payment of appropriate charges.

ROBERT A. KOHLER,
Acting Advisory Committee
Management Officer.

[FR Doc.74-19981 Filed 8-27-74; 8:45 am]

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO. Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-7 issued to Pacific Gas and Electric Company which revised Technical Specifications for operation of the Humboldt Bay Power Plant Unit No. 3, located near Eureka, California. The amendment is effective as of its date of issuance.

The amendment incorporates temperature limitations for inservice hydrostatic

tests of the reactor vessel based upon its neutron irradiation history and permits hydrostatic test pressures up to 1100 psig.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated May 29, 1974, (2) Amendment No. 4 to License No. DPR-7, with Change No. 46, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Public Information Office of the Commission's San Francisco Operations Office at 1333 Broadway, Oakland, California 94612. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 20th day of August, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch #2, Directorate of
Licensing.

[FR Doc.74-19939 Filed 8-27-74; 8:45 am]

LASER FUSION PROGRAM Establishment of Panel

AUGUST 26, 1974.

The U.S. Atomic Energy Commission has established a panel to review the laser fusion program in the United States. The Panel, to be chaired by Dr. Lawrence R. Hafstad, will examine the relative roles of Government, industry, and the academic community and make recommendations to the Commission for program planning purposes as to the desirability of modifying those roles. This Panel is subject to the Federal Advisory Committee Act, and its establishment has been determined to be in the public interest.

The United States laser fusion program under the sponsorship of the Federal Government includes mostly classified activities for national security purposes. The Panel's meetings, therefore, will involve mostly classified information; and I have, therefore, determined that all meetings must be closed to the public.

An unclassified summary will be prepared at the conclusion of the Panel's study. Notice of the availability of such report will be published in the FEDERAL REGISTER.

The duration of the Panel is not expected to extend beyond January 31, 1975.

There will be a full-time employee of the U.S. Atomic Energy Commission present at all Panel meetings to assure that the provisions of the Federal Advisory Committee Act are met.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.74-20032 Filed 8-27-74; 8:45 am]

SPECIAL LASER FUSION ADVISORY PANEL

Notice of Meeting

AUGUST 26, 1974.

The Atomic Energy Commission's Special Laser Fusion Advisory Panel will hold its first meeting beginning at 9 a.m. on September 16, 1974, at the Lawrence Livermore Laboratory at Livermore, California. The purpose of the meeting will be to initiate discussions concerning the Panel's review of the relative roles of Government, industry, and the academic community in the United States' laser fusion program as part of the process of formulating recommendations to the Commission concerning these roles. The meeting will be closed to the public.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that it is necessary to close the meeting to discuss information that is classified and falls within exemptions (1) and (3) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the meeting will be inextricably intertwined with discussion of the exempt material, and no separation of this material is considered practical.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.74-20033 Filed 8-27-74; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 26977, 25449, 25212, 20234;
Order 74-8-89]

NEW YORK-RIO DE JANEIRO- JOHANNESBURG CASE, ET AL.

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22nd day of August, 1974.

By Order 73-11-128, November 28, 1973, the Board directed all interested persons to show cause why the Board should not issue an order making final certain tentative findings and conclusions stated therein and amending the certificate of public convenience and necessity of Pan American World Airways for route 133 so as to add a new segment to read as follows:

2. Between the terminal point New York, New York, the intermediate points Rio de Janeiro, Brazil, and Kinshasa, Republic of

Zaire, and the terminal point Johannesburg, Republic of South Africa.¹

In addition, pending the outcome of the show cause procedures, we tentatively determined to defer consideration of Pan American's application in Docket 25449 for an exemption so as to permit it to implement New York-Rio de Janeiro-Johannesburg service immediately, pending final Board action on its certificate applications.²

An answer objecting to making the final the proposed findings and conclusions was filed by Braniff Airways.³

Braniff's central contention is that the Ashbacker doctrine⁴ entitles it to a comparative hearing on its application for similar authority (Docket 20234) on the ground that its application is mutually exclusive with that of Pan American.

Pan American filed a reply to Braniff's answer, accompanied by a motion for leave to file an otherwise unauthorized document.⁵

Pan American has also filed a further pleading requesting expedited action on either its application for exemption authority or its application for certificate amendment, or both. Braniff filed an answer opposing such relief.

Upon consideration of the various pleadings and of all relevant facts, we have decided (a) to make final our tentative findings and conclusions in Order 73-11-128, only insofar as they relate to the ultimate conclusion that the public convenience and necessity require the authorization of a U.S. carrier on the New York-Rio de Janeiro-Johannesburg route; (b) not to make final our tentative findings and conclusions in that order in any other respect; (c) to institute an expedited comparative proceeding to deal with the question of which carrier should be selected to provide service over the route;⁶ and (d) to deny Pan American's application for *pendente lite* exemption authority.

¹ Pan American currently provides service between New York and Johannesburg via a number of intermediate points in West Africa. South African Airways (SAA) and Varig, the flag carrier of Brazil, provide service over a New York-Rio de Janeiro-Johannesburg route and SAA also provides New York-Johannesburg service via Sal Island and/or Las Palmas.

² In support of its exemption application, Pan American argues, inter alia, that it has a substantial historical interest in the areas in question; that the exemption authority will be profitable for it; that the grant of its application will aid the U.S. international balance of payments position; and that the exemption request will have no adverse impact on any other U.S. carrier.

³ A response in opposition was also received from SAA.

⁴ *Ashbacker Radio Corp. v. F.C.C.*, 326 U.S. 327 (1945).

⁵ We will grant this motion.

⁶ The expedited proceeding will also deal with the limited question of whether service should be authorized to any additional foreign intermediate points on the New York-Rio de Janeiro-Johannesburg route.

We have concluded that, while the question of the public convenience and necessity for U.S.-flag service over the route here involved is unquestioned by any party, the issue of carrier selection is too controversial to be dealt with by show cause procedures and requires a full evidentiary hearing. However, the context in which the proceeding instituted herein arises calls for expedited treatment. As we noted in Order 73-11-128, SAA and Varig already operate the New York-Rio de Janeiro-Johannesburg route, and by Order 73-10-2, served October 3, 1973, the President approved the Board's decision to amend the foreign air carrier permit of SAA so as to authorize it to operate between New York and Johannesburg via Sal Island and/or Las Palmas, a significantly shorter second route. SAA has now instituted operations over the new route and this has resulted in a situation in which SAA has scheduled air transportation authority far superior to the authority presently held by the U.S.-flag carrier authorized to serve South Africa. The market pattern between New York and Johannesburg has, therefore, been altered in a manner which will likely prevent U.S.-flag carriage of a fair share of the traffic. As we found in Order 73-11-128, the prospect that largely U.S.-generated international traffic will be attracted disproportionately to foreign-flag services will undoubtedly have a harmful effect on a United States balance of payments which has shown a deficit for the last few years. Moreover, the U.S. traveling public moving in the New York-Johannesburg market and transiting Rio de Janeiro is being denied the choice of using the single-carrier service of a U.S. airline rather than relying upon the connecting service of U.S. and foreign carriers or the single-carrier services of foreign-flag operations. Therefore, for these reasons, it is necessary that U.S.-flag service be restored to an equitable competitive position as soon as possible.

Moreover, we have determined that the proceeding instituted herein is by its very nature not one which could lead to a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA). In a case such as the instant one all prospective environmental effects, direct and secondary, proceed in the first instance from changes in aircraft schedules and levels of service. Our conclusion in regard to the environment is largely based, therefore, upon our finding that there are unlikely to be environmentally significant changes in such schedules and service levels should the service in question be authorized. In its application for exemption authority pending final Board decision on its application in Docket 25212 Pan American proposes the addition of a single weekly New York-Rio de Janeiro-Johannesburg round trip. In

view of the size of the New York-Johannesburg market (13,140 O & D U.S. carrier passengers for the 12-month period ended June 30, 1973), it is unlikely that Braniff or any other candidate for the authority in question would offer significantly more service.⁷ Such a service change must be placed against the large overall level of traffic at New York. Kennedy International Airport at New York is a large hub which ranked fourth among U.S. airports in air carrier passenger enplanement for fiscal year 1972. For 1973 there were 376,000 aircraft operations at Kennedy, with 384,000 projected for 1975 and 392,000 in 1976.⁸ It can be assumed that the air traffic at Rio and Johannesburg is also at a very substantial level. Therefore, it is unreasonable to suppose on the face of the matter that authorization of New York-Rio de Janeiro-Johannesburg service will lead to more than extremely minor environmental changes.

Finally, we have decided to deny Pan American's application for exemption authority. The carrier has not persuaded us that the exercise by the Board of its extraordinary exemption powers under section 416(b) of the Act is required by the public interest in view of our decision to move forward expeditiously with the instant proceeding.

Accordingly, it is ordered, That:

1. The findings and conclusions in Order 73-11-128, are made final to the extent that they support the ultimate conclusion that the public convenience and necessity require that a U.S.-flag carrier be certificated to serve the following route:

Between the terminal point New York, New York/Newark, N.J., the intermediate point Rio de Janeiro, Brazil, and the terminal point Johannesburg, Republic of South Africa.

2. A proceeding to be known as the New York-Rio de Janeiro-Johannesburg Case, be and it hereby is instituted in Docket 26977, and shall be set down for expeditious hearing before an Administrative Law Judge of the Board at a time and place hereafter designated;

3. The proceeding instituted by paragraph (2) above shall be limited to consideration of the following issues:

(a) Do the public convenience and necessity require the authorization of service by an air carrier to any additional foreign intermediate points on the following route:

Between the terminal point New York, New York/Newark, N.J., the intermediate point Rio de Janeiro, Brazil, and the terminal

point Johannesburg, Republic of South Africa.

(b) Which air carrier should be authorized by the Board to serve the route set out in (a) above as expanded to include any additional foreign intermediate points which may be found to be required by the public convenience and necessity.

Provided, However, that any authority granted as a result of the proceeding instituted herein shall be subject to the restriction that flights over the route in issue must serve both Rio de Janeiro and Johannesburg;

4. Insofar as they conform to the scope of the proceeding set forth in paragraph (3) above, the applications of Pan American World Airways, Inc., Docket 25212, and Braniff Airways, Inc., Docket 20234, be and they hereby are consolidated with the proceeding instituted by paragraph (2) above; to the extent not consolidated herein, the foregoing applications be and they hereby are dismissed without prejudice;

5. The application of Pan American World Airways, Inc., in Docket 25449 be and it hereby is denied;

6. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed no later than 20 days after the date of service of this order, and answers to such pleadings should be filed no later than five days thereafter; and

7. The motion of Pan American World Airways, Inc., to file an otherwise unauthorized document be and it hereby is granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 74-19940 Filed 8-27-75; 8:45 am]

[Docket No. 24717; Order 74-8-93]

U.S. CERTIFICATED CARRIERS

Amenities and Services for Delayed Passengers; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of August 1974.

In response to our Order of Investigation,¹ various carriers amended their respective tariff provisions to conform with the policy of the Board announced therein, and subsequently the Board dismissed those carriers as parties to this investigation.² Alaska Airlines, Inc., Braniff Airways, Inc., Pan American World Airways, Inc., and Texas International Airlines, Inc., were not dismissed as parties to this proceeding because they continued to specify certain circumstances under which amenities and services would not be offered which the Board believed to be inconsistent with the public interest.

Braniff, Pan American, and Texas International have recently amended their

tariff rules to eliminate the infirmities which the Board has previously found to be objectionable. However, Texas International has now included in its tariff rules an exception that lodging will not be provided passengers whose flight coupon value from point of origin or last point of stopover to point of destination or next point of stopover is less than \$25.00. Although this exception may discriminate among passengers on the basis of fare paid, the limitation of \$25 is not unreasonable in light of the cost of lodging today. In addition, the number of passengers affected would be relatively small, and the flight distances would be short. Finally, as a subsidized local service carrier, Texas International should not be burdened with a cost for amenities which could well exceed the fare paid. Based on these circumstances, we believe that Texas International's amenities tariff rules no longer raise sufficient questions of discrimination to warrant further investigation.

As the tariff rules of Braniff, Pan American, and Texas International now conform with Board policy in this area, we will grant their motions to be dismissed as parties in Docket 24717. This leaves Alaska Airlines as the only remaining party in this investigation.

In Order 73-11-28, the Board found the exception in Alaska's tariff rules—that amenities will not be provided if passengers are notified prior to departure that the flight may be diverted to another point because of weather conditions—to be an appropriate matter for investigation. Alaska has recently revised the particulars of this exception to a minor extent, but it still contains the same infirmities as those which made it subject to investigation in the first place. In addition, the exception is vague as to the basis on which the passengers are advised as to their chance of landing at their destination. The exception is also vague as to whether ground transportation will be provided at point of origin of the flight or at the point to which the flight is overflown. Furthermore, it should be noted that such exception does not appear in the amenities rules of any other Alaskan carrier, even though other Alaskan carriers are faced with the same weather-related problems as Alaska Airlines. In sum, because the exception in Alaska's tariff rules denies the provision of amenities to passengers in certain circumstances, without any compelling reason to depart from the need for uniformity of treatment in this area, it is inconsistent with the public interest and its investigation will be continued.

Another exception in Alaska's tariff rules denies all amenities to any passenger whose local coach fare is less than \$50, thus discriminating among passengers on the basis of class of service and fare paid. This exception differs from the one in Texas International's tariff rules in that it applies to all amenities and not just lodging alone, penalizes coach passengers only, and imposes a dollar limitation which is twice as high as that in Texas International's excep-

¹ In releasing this O & D data the Board has determined, pursuant to § 399.100(c) of its rules, that its release is consistent with and necessary to the carrying out of its regulatory functions and responsibilities.

² Terminal Area Forecast, 1975-1985, Department of Transportation, FAA, Office of Aviation Economics, Aviation Forecast Division, July 1973, pages ix and EA 20. (The forecasts in this study were prepared before the energy crisis in the fall of 1973 and therefore do not reflect its impact on future activity levels.)

¹ Order 72-9-1, September 1, 1972.

² Orders 72-11-17, November 3, 1972, 73-2-49, February 12, 1973, 73-8-88, August 17, 1973, and 73-11-28, November 7, 1973.

tion. While we have determined herein that Texas International's exception is reasonable under all the circumstances noted above, we can find no justification for accepting Alaska's exception which is so obviously discriminatory in several respects and therefore contrary to the public interest. Based on the foregoing, we believe that a continuing investigation of this exception is also warranted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The motions of Braniff Airways, Inc., Pan American World Airways, Inc., and Texas International Airlines, Inc., to be dismissed as parties in Docket 24717 are hereby granted; and

2. Copies of this order shall be served upon Alaska Airlines, Inc., Braniff Airways, Inc., Pan American World Airways, Inc., and Texas International Airlines, Inc.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-19941 Filed 8-27-74; 8:45 am]

CIVIL SERVICE COMMISSION FEDERAL EMPLOYEES PAY COUNCIL Notice of Meeting; Correction

The meeting of the Federal Employees Pay Council previously announced for Wednesday, September 28 [sic], 1974, will be held on Wednesday, September 25. For the reasons discussed in the original notice (39 FR 29618, August 16, 1974), this meeting will not be open to the public.

For the President's agent:

RICHARD H. HALL,
Advisory Committee Management
Officer for the President's Agent.

[FR Doc.74-19891 Filed 8-27-74; 8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

USE OF SAMPLING PLANS

Proposed Statement of Policy

The Consumer Product Safety Commission is publishing for comment a proposed statement of policy concerning the use of sampling plans in Commission rules. Such a policy is considered a general statement of policy or a rule of agency procedure and, therefore, exempt from the notice and public procedure provisions of 5 U.S.C. 553 (Administrative Procedure Act). However, in view of the importance of such a policy and because a public hearing was previously held on this issue, the Commission has decided to seek public comment on the proposed policy. The decision to publish the proposed policy for comment is not

intended to establish a precedent to be followed for the implementation of future procedural rules. The proposed statement of policy is as follows:

I. Introduction. The Consumer Product Safety Commission has developed a statement of policy on the use of sampling plans in Commission rules bearing in mind that the over-riding purpose of Commission safety rules is, notwithstanding any other possible considerations, to protect the consumer from products posing an unreasonable risk of injury. It is also true that in order for safety rules to be effective they must clearly and explicitly spell out the responsibilities of those being regulated, especially as to those particulars which define compliance with the rule.

The Commission has considered extensively the many arguments which have been put forth on the advantages and disadvantages to both consumers and manufacturers of the incorporation of sampling plans in Commission rules. The issues were illuminated in two days of public hearings on the use of sampling plans held April 4-5, 1974, and by many written comments and analyses provided the Commission by various parties subsequent to the hearings.

Emerging from its careful consideration of the subject, the Commission recognizes the following:

A. While in principle, 100 percent testing of items of production would appear to provide maximum assurance of safety to consumers, there are situations in which cost or other considerations might argue against a requirement for 100 percent testing. On the other hand, online quality control and testing programs at various stages of the production process or product safety redesign could offer alternatives to 100 percent testing of end products without substantially compromising 100 percent conformance with the desired product characteristics as set forth in the CPSC rule.

B. In general, increasing the level of assurance of 100 percent compliance of articles coming off the production line entails increased costs—costs which must, in the interest of the consumer, be balanced against the increments in safety flowing from the increments in cost.

C. The use of sampling plans by the Commission in certain cases could impose additional burdens of proof on the Commission in seeking sanctions legally available to it. On the other hand, in the absence of a Commission-specified sampling plan, the possibility exists that courts will subjectively adopt varying criteria for determining whether the nonconforming items involved were the result of a manufacturing fluke or indicative of a pattern of production meriting conviction on a violation of the rule.

D. Regarding the prosecution of private liability suits, the Consumer Product Safety Act explicitly states that conformance with a Commission rule shall not relieve any person from liability at common law or under State statutory law.

E. While the use of sampling plans in Commission rules would permit a certain fraction of production to be "noncomplying", their use could in some cases provide a net incentive for manufacturers to continually reduce the likelihood of nonconforming items because of the economic consequences of a requirement to reject or reprocess nonconforming lots.

F. In those instances where sampling plans might be used they could be incorporated in either the standard itself, certification rules, or enforcement rules.

G. The Commission should not be bound by current manufacturing processes, but rather should make every effort to encourage technological advances in manufacturing processes which would tend towards making 100 percent product conformity more of a reality.

In view of the foregoing, the Commission has developed the following policy statement which is intended to reflect in a brief and concise manner the requirements established through deliberation of the Commission.

II. Policy on Sampling Plans. Decisions on the use of sampling plans by the Commission will be on a case-by-case basis. Sampling plans will be included in Commission regulations where appropriate from the point of view of combined cost and benefit to the consumer and where necessary to specify clearly and unambiguously the technical requirements of the regulation and accompanying legal obligations to regulated industries.

Sampling plans will not be used in any case in which those nonconforming items which may be acceptable under the sampling plan adversely affect the safety of consumers to any substantial degree.

When sampling plans are used as part of the Commission's regulations the following shall be used as guide for manner of inclusion:

- 1st preference—in a certification program.
- 2nd preference—in published enforcement rules accompanying the standard.
- 3rd preference—as part of the standard.

III. Comment on Proposed Policy. Interested persons are invited to submit, on or before September 27, 1974, written comments regarding this proposal. Comments and any accompanying material should be submitted, preferably in 5 copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, 10th floor, 1750 K Street, NW., Washington, D.C., during working hours Monday through Friday.

Dated: August 23, 1974.

SADYE E. DUNN,
Secretary, Consumer Product
Safety Commission.

[FR Doc.74-19967 Filed 8-27-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 255-7; OPP-32000/103]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before October 29, 1974 any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D), for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after October 29, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 241-EUN. American Cyanamid Co., PO Box 400, Agricultural Div., Princeton NJ 08540. CYTHION INSECTICIDE "THE PREMIUM GRADE MALATHION 50%; MANUFACTURING CONCEN-

TRATE. Active Ingredients: Malathion 50.0%; Xylene 39.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 30948-RR. Bionomical Chemicals & Services, 1003 Pine, 116 Rd., PO Box 4292, Chattanooga TN 37405. ANT & ROACH SPRAY #505 RESIDUAL INSECTICIDE. Active Ingredients: Pyrethrins 0.05%; Piperonyl Butoxide Technical 0.28%; 0,0-diethyl-0-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.50%; Petroleum Distillates 99.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7998-RR. Chemix Corp., 1141 108th St., Arlington TX 76011. WILDCAT INSECTICIDE 100 W.B. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate 0.250%; Related Compounds 0.034%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2169-EUI. Patterson Chemical Co., Div. Curry-Cartwright, Inc., 1400 Union Ave., Kansas City MO 64101. PATTERSON'S KERB 50-W A SELECTIVE HERBICIDE FOR POA ANNUA CONTROL IN BERMUDAGRASS. Active Ingredients: 3,5-dichloro-N(1,1-dimethyl-2-propenyl) benzamide 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 352-317. E. I. duPont de Nemours & Co., 6054 DuPont Bldg., Wilmington DE 19898. SINBAR TERBACIL WEED KILLER (For Use In Sugarcane). Active Ingredients: Terbacil [3-tert-butyl-5-chloro-6-methyluracil] 80.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2496-RL. The General Pest Control Co., 3561 W. 105th St., Cleveland OH 44111. MYSTIC FLEA & TICK SPRAY. Active Ingredients: Pyrethrins 0.050%; Technical Piperonyl Butoxide 0.250%; Aliphatic Petroleum Solvent 98.700%; 0,0-dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate 0.000%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 869-RUO. Green Light Co., PO Box 16192, San Antonio TX 78246. GREEN LIGHT LAWN CHINCH BUG SPRAY. Active Ingredients: Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11275-L. Guth Corp., PO Box 302, Naperville IL 60540. SODATE BROADLEAF WEED KILLER. Active Ingredients: Sodium 2,4-Dichlorophenoxyacetate Monohydrate 95%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1645-TU. Knox Chemical Co., 900 North Franklin Chicago IL 60610. KNOX M-F FOGGING SPRAY. Active (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate 0.200%; Related compounds 0.027%; Aromatic petroleum hydrocarbons 0.265%; Petroleum distillate 99.500%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1471-35. Elanco Products Co., A Div. of Eli Lilly and Co., PO Box 1750, Indianapolis IN 46206. ELANCO HERBICIDE TREFLAN E.C. Active Ingredients: Trifluralin (a,a,a-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine) 44.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1471-96. Elanco Products Co., a Division of Eli Lilly and Co., P.O. Box 1750, Indianapolis, IN 46206. ELANCO HERBICIDE SURFLAN 75W. Active Ingredients: Oryzalin (3,5-dinitro-N,N-dipropylsulfanilamide) 75%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 10133-T. National Chemical, 840 Selig Dr., S.W. Atlanta, GA 30336. NP-45L. Active Ingredients: Disodium cyanodithioimidocarbonate 3.63%; Ethylenediamine 1.37%; Potassium N-methyldithiocarbamate 5.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1270-RIN. Zep Manufacturing Co., Div. of Natl. Service Industries, Inc., 1310 Seaboard Industrial Blvd., N.W., Atlanta, GA 30301. ZEP X-7074. 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 34428-R. The New Jersey Zinc Co., 2045 City Line Rd., Bethlehem, PA 18017. LATOX 510. Active Ingredients: Zinc Oxide 98.40%; Zinc Dimethyldithiocarbamate 1.47%; Zinc 2-Mercaptobenzothiazole 0.13%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 478-IA. Real-kill Products, Div. of Realex Corp., P.O. Box 78, 2500 Summit, Kansas City, MO 64141. REAL-KILL LIQUID HOUSE & GARDEN BUG KILLER. Active Ingredients: Pyrethrins 0.020%; piperonyl butoxide, technical, 0.020%; (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate 0.080%; related compound 0.011%; Petroleum Distillate 0.080%; Aromatic petroleum distillate 0.109%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3509-RR. Safeway Farm Products Co., P.O. Box 6309, Austin TX 78762. SAFE-WAY BRAND FLEA POWDER. Active Ingredients: 1-Naphthyl N-Methylcarbamate 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 538-REU. O. M. Scott & Sons Co., Marysville, OH 43040. (SCOTTS) PROTURF 101 BROAD SPECTRUM FUNGICIDE. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 7.40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 491-ERL. Sellg Chemical Industries, 840 Selig Dr., S.W., Atlanta, GA 30336. SWIMCIDE. 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 3238-TT. Standard Spray and Chemical Co., P.O. Box 63, Lakeland, FL 33802. STANDARD BRAND 412 SOLUBLE OIL. Active Ingredients: Petroleum Oil 97.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 769-ULN. Woolfolk Chemical Works, Inc., P.O. Box 938, Fort Valley, GA 31030. SECURITY SEVIN 80% DUST BASE CARBARYL INSECTICIDE. Active Ingredients: Carbaryl (1-naphthyl methylcarbamate) 80%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 769-UUO. Woolfolk Chemical Works, Inc., P.O. Box 938, Fort Valley,

GA 31030. SECURITY SNAIL & SLUG BAIT. Active Ingredients: 4-(methylthio)-3,5-xylyl methylcarbamate 2%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: August 19, 1974.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.74-19637 Filed 8-27-74; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE (CTAC) PANEL 4 (CLASS II (NON-BROADCAST) CABLE TELEVISION CHANNELS)

Notice of Meeting

AUGUST 21, 1974.

Pursuant to section 10 of the Federal Advisory Committee Act, 5 U.S.C. App. I, § 10 (Supp. II, 1972), notice is hereby given of a meeting of the CTAC Panel 4 (Class II (Non-Broadcast) Cable Television Channels) on September 17, 1974, to be held at 2025 M Street NW., Washington, D.C., Room 8202-W. The meeting is scheduled to commence at 10 a.m.

The agenda is as follows:

- (1) Report on Actions Taken at Recent Steering Committee Meetings.
- (2) Modulator Requirements for Class II (non-broadcast) Cable Television Channels.
- (3) Non-Phased Color and Chrominance Bandwidth Limitations.
- (4) Television Receiver Sub-Carrier Frequency Tolerance.
- (5) Final Report of Panel 4 to the Steering Committee.
- (6) New Business.
- (7) Adjournment.

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. A. M. Rutkowski, FCC, 1919 M Street NW., Washington, D.C. 20554, (202) 632-9797.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-19877 Filed 8-27-74; 8:45 am]

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE (CTAC) PANEL 6 (TECHNICAL OPERATIONS)

Notice of Meeting

AUGUST 20, 1974.

Pursuant to section 10 of the Federal Advisory Committee Act, 5 U.S.C. App. I, section 10 (Supp. II, 1972), notice is hereby given of a meeting of the CTAC Panel 6 (Technical Operations) on September 17, 1974, to be held at 2025 M Street NW., Washington, D.C., Room 6331. The meeting is scheduled to commence at 10 a.m.

The agenda is as follows:

- (1) Discussion of Draft Report—"the State-of-the-Art and Economics of Cable Television Construction."
- (2) Categories of Cable Television Systems.
- (3) Guideline for Practical Applications of Measurement and Performance Standards.
- (4) Review of Technical Operations Matters Associated with Existing Federal Communications Commission Cable Television Technical Standards (47 CFR Part 76, Subpart K).
- (5) Technical Operations Matters Associated with Pay Television Technical Standards.
- (6) Possible Need for Certification of Cable Technicians and Engineers.
- (7) Technical Operations Problems Associated with Three Tier (Federal, State, and Local) Regulations.
- (8) New Business.
- (9) Adjournment.

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. A. M. Rutkowski, FCC, 1919 M Street NW., Washington, D.C. 20554, (202) 632-9797.

Dated: August 19, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-19876 Filed 8-27-74; 8:45 am]

FEDERAL ENERGY ADMINISTRATION MANDATORY PETROLEUM ALLOCATION PROGRAM

Extension of Filing Dates for Forms FEA-15, FEA-15A, and FEA-25

The Federal Energy Administration hereby provides notice that the filing date for the following forms has been changed to September 15, 1974: FEA-15 (Supplier's Certification of Unusual Growth Adjustments), FEA-15A (Notification of Adjustment to Base Period Volume for Unusual Growth), and FEA-25 (Certification of Requirements for use under Allocation Levels not subject to an Allocation Fraction). There has been no change in the requirement to § 211.13(b)(1)(v) of the Mandatory Petroleum Allocation Regulations that suppliers shall commence deliveries on the basis of adjustments to base period volumes which reflect unusual growth no later than July 1, 1974.

Administrative difficulties have prevented the issuance of the above forms in sufficient numbers to provide adequate time for completion of these forms before the due dates set forth in these forms.

Issued in Washington, D.C., on August 22, 1974.

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

[FR Doc.74-19942 Filed 8-27-74; 8:45 am]

FEDERAL MARITIME COMMISSION ASSOCIATED NORTH ATLANTIC FREIGHT CONFERENCES

Modification of Agreement

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 September 17, 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:

Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 9978-2, among the member conferences of the above-named agreement, provides that the Executive Director of the Agreement may provide self-policing, enforcement, and/or inspection services on behalf of non-member carriers or ratemaking groups, subject to compliance with governmental requirements and receipt of any necessary governmental approval.

By Order of the Federal Maritime Commission.

Dated: August 23, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-19966 Filed 8-27-74; 8:45 am]

FEDERAL MEDIATION AND CONCILIATION SERVICE

ARBITRATION SERVICES ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given that the Federal Mediation and Conciliation Service Arbitration Services Advisory Committee

tration Services Advisory Committee, in accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Thursday, September 19, and Friday, September 20, starting at 10 a.m., in Conference Room 1106, Main Labor Building, 14th and Constitution Avenue, NW., Washington, D.C.

The agenda will include presentations and discussions related to:

1. Purpose and Objectives of the Arbitration Services Advisory Committee
2. Development of Committee Rules and Regulations
3. Discussion of Office of Arbitration Services Procedures
4. Review and Discussion of:
 - a. Roster of Arbitrator Criteria
 - b. Administrative Role in the Arbitration Process
 - c. Procedure and Criteria for Removal of Arbitrator for Cause
 - d. Appeals Procedures
 5. And such other related topics that may arise.

Members of the public are invited to attend the proceedings. Any written data or views concerning the subjects to be considered which are received by the Committee by September 13, 1974, together with 15 duplicate copies, will be provided to the members and will be included in the record of the meeting. Communications to the Management Officer should be addressed as follows:

Mr. Lawrence B. Babcock, Jr.
Executive Assistant to the National Director
Federal Mediation and Conciliation Service
Washington, D.C. 20427

Signed at Washington, D.C., this 21st day of August 1974.

W. J. USERY, Jr.,
National Director.

[FR Doc. 74-19831 Filed 8-27-74; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI 75-21]

INDEPENDENT OIL & GAS ASSOCIATION OF WEST VIRGINIA

Notice of Petition for Special Relief

AUGUST 20, 1974.

Take notice that on August 12, 1974, Independent Oil & Gas Association of West Virginia (IOGA) (Petitioner), 1730 M Street, NW., Washington, D.C. 20036, filed a petition to initiate proceedings to establish a special area rate or other special relief pursuant to Opinion No. 699 for producers in the Appalachian Basin, and to institute by order an interim ceiling rate of 78 cents per Mcf for new Appalachian Basin gas production.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate

action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-19838 Filed 8-27-74; 8:45 am]

[Docket No. ID-1484]

JOSEPH M. FARLEY

Notice of Supplemental Application

AUGUST 21, 1974.

Take notice that on July 29, 1974, Joseph M. Farley (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

President, Alabama Power Company, Public Utility.
President, Southern Electric Generating Company, Public Utility.

Alabama Power Company (herein sometimes referred to as "Alabama") has its principal place of business at 600 North Eighteenth Street, Birmingham, Alabama, and is engaged within the State of Alabama, in the generation and purchase of electric energy and the distribution and sale of such energy at retail in 639 communities (including Birmingham, Mobile and Montgomery), as well as in rural areas, and the sale at wholesale of electric energy to 15 municipalities and to 7 rural electric distribution cooperative systems and a substantial part of the supply of four other rural electric cooperatives. The Company also provides electric service to Alabama Electric Cooperative, Inc. under a comprehensive interconnection agreement entered into in 1972.

Southern Electric Generating Company (hereinafter sometimes referred to as "SEGCO") has its principal place of business in the Central Bank Building, Birmingham, Alabama and is engaged in the generation and transmission of electric energy within the State of Alabama and the sale of such energy under a long-term contract to ALABAMA and Georgia Power Company (hereinafter sometimes referred to as "Georgia"), each of which owns 50 percent of its common stock. Such sales are made at SEGCO's generating units at the Ernest C. Gaston Steam Plant in Shelby County, Alabama, in the case of Alabama, and in the case of Georgia, at two points on the Alabama-Georgia state line and GEORGIA's Goat Rock switching station in Alabama. Segco also owns and operates a coal mine in Walker County, Alabama, the entire output of which is used at the Ernest C. Gaston Steam Plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 29, 1974 file with the Federal Power Com-

mission, 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. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-19845 Filed 8-27-74; 8:45 am]

[Docket No. E-8971]

KANSAS GAS AND ELECTRIC CO.

Amended Service Schedule

AUGUST 21, 1974.

Take notice that on August 12, 1974, Kansas Gas and Electric Company tendered for filing Schedule ES, Emergency Service, between Kansas Gas and Electric Company and The Empire District Electric Company, dated July 1, 1974. This Schedule provides for the purchase and sale of emergency service between the Companies. The Schedule supplements the Interconnection Agreement between the two Companies, dated November 6, 1958 (FPC No. 83), and supersedes Supplement No. 14 thereto dated November 15, 1970.

Kansas Gas and Electric Company on August 12, 1974, also tendered for filing a Certificate of Concurrence, dated August 1, 1974, by the Empire District Electric Company.

The change being made in this proposed Service Schedule is the rate at which emergency service would be supplied and paid for. The increase in the rate will cause the price for emergency service to be more nearly in line with present day costs.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-19842 Filed 8-27-74; 8:45 am]

[Docket No. E-8962]

KANSAS GAS AND ELECTRIC CO.
Notice of Supplemented Agreement

AUGUST 20, 1974.

Take notice that on August 5, 1974, Kansas Gas and Electric Company (Kansas) tendered for filing a Schedule of Emergency Service to supplement its Interconnection Agreement with Public Service Company of Oklahoma. Kansas states that this supplement is a reciprocal type of arrangement for the purchase and sale of emergency service between the two companies. Such service, under the agreement, may be repaid in kind with a 5 mills per Kwh charge or in cash at a rate equal to the higher of 1) 17.5 mills per Kwh; 2) seller's cost of fuel plus 5 mills per Kwh; or 3) 110 percent of seller's costs to purchase such energy from another supplier, provided the 10 percent amount does not exceed 2 mills per Kwh. Kansas requests an effective date of July 1, 1974 for this supplement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-19839 Filed 8-27-74; 8:45 am]

[Docket Nos. E-8217; E-8137]

**NEW ENGLAND POWER SERVICE CO. AND
 BOSTON EDISON CO.**

**Extension of Time and Postponement of
 Hearing**

AUGUST 20, 1974.

On August 15, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued June 17, 1974, in the above-designated matter. The motion stated that no party objects to this extension.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Staff Evidence, September 18, 1974.
 Rebuttal Evidence, October 8, 1974.
 Hearing, October 22, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-19840 Filed 8-27-74; 8:45 am]

[Docket No. RP72-154]

NORTHWEST PIPELINE CORP.
Change in Rate

AUGUST 21, 1974.

Take notice that Northwest Pipeline Corporation (Northwest) on August 15, 1974, tendered for filing a notice of change in rates applicable to service rendered under rate schedules affected by and subject to the Purchased Gas Cost Adjustment Provision (PGAC) now contained in its FPC Gas Tariff, Original Volume No. 1. Northwest states that such change in rates is proposed to become effective October 1, 1974 and is for the purpose of compensating Northwest for its increases in the cost of both its domestic and imported gas purchases to reflect the change in the unrecovered purchased gas cost since the prior PGAC filing, and to eliminate the prior surcharge adjustment.

Specifically, Northwest states that the change is a decrease in the currently effective gas sales rates. The currently effective gas sales rates decrease since the current gas purchase cost adjustment is offset by the reduction resulting from elimination of the prior surcharge adjustment.

The annualized increase in Northwest's purchased gas costs aggregates \$6,021,333. When applied to total system sales for the twelve months ended June 30, 1974, the aggregate of the increased domestic and imported purchased gas costs equates to 1.37¢ per Mcf (131¢ per therm). Northwest has a negative balance of \$2,836,630 in its Account No. 191, Unrecovered Purchased Gas Cost, at June 30, 1974. The amortization of this balance based on the jurisdictional sales volumes for the six months ended June 30, 1974, will reduce applicable rates by 1.30¢ per Mcf (124¢ per therm). The resulting current adjustment, as reflected in the tendered revised tariff sheets, is .07¢ per Mcf (.007¢ per therm).

Concurrently, Northwest is filing a proposed change in rates to recover demand charge credits in accordance with the Commission's order dated March 2, 1974, at Docket No. RP74-72. Both proposed rate changes are reflected on the tendered revised tariff sheet which is proposed to become effective on October 1, 1974.

Copies of this filing were served upon Northwest's jurisdictional customers and affected state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 1974. Protests will be considered by the Commission in deter-

mining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-19844 Filed 8-27-74; 8:45 am]

[Docket No. E-8958]

SIERRA PACIFIC POWER CO.
Notice of Application

AUGUST 20, 1974.

Take notice that on August 5, 1974, Sierra Pacific Power Company (Applicant) tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the Regulations issued thereunder, an Electric Service Agreement dated as of September 1, 1974, with the Department of the Navy (Navy) for service to the Naval Ammunition Depot at Hawthorne, Nevada under Applicant's FPC Electric Tariff, Original Volume No. 1. Service rendered the Navy at Hawthorne by Applicant is proposed to begin on September 1, 1974 and will supplant the present service arrangements by Southern California Edison Company pursuant to Rate Schedule FPC No. 11, as supplemented.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 6, 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. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-19841 Filed 8-27-74; 8:45 am]

[Docket No. E-8959]

UTAH POWER & LIGHT CO.
Notice of Application

AUGUST 21, 1974.

Take notice that on August 5, 1974, Utah Power & Light Company (Applicant) tendered for filing pursuant to section 205 of the Federal Power Act and Part 35.12 of the Regulations issued thereunder, a May 31, 1973 Supplement No. 7 to the Interconnection Agreement

with Arizona Public Service Company (Arizona Company) dated July 8, 1963 and designated Utah Power & Light Company Rate Schedule FPC No. 89. Supplement No. 7 specifies terms and conditions for the sale of 100 mw to Arizona Company from Applicant's initial 400 mw Huntington steam electric generating unit in Energy County, Utah, through the June 1, 1976 expiration date of the Agreement. The Supplement additionally provides Applicant with the option of suspending electric sale and service if the capacity is not required for Arizona Company's own operations. Estimated Arizona Company payments for its 100 mw entitlement total \$4,491,600, comprising the sum of monthly Readiness-to-Supply Charges and Fuel Charges. Applicant requests that Supplement No. 7 take effect July 17, 1974, the first date of commercial operation of Huntington Unit No. 1.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 6, 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. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-19843 Filed 8-27-74; 8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of May 21, 1974

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on May 21, 1974.¹

The information reviewed at this meeting suggests that real output of goods and services—which had declined appreciably in the first quarter—is likely to change little in the current quarter and that price increases are continuing exceptionally large. In April industrial production and manufacturing employment expanded somewhat, after having declined for 4 months. The unemployment rate edged down to 5 per cent, as the civilian labor force declined. Wholesale prices of farm and food products declined substantially further, but increases among industrial commodities again were wide-

¹ The Record of Policy Actions of the Committee for the meeting of May 21, 1974, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

spread and extraordinarily large. The advance in wage rates has accelerated somewhat in recent months, and unit labor costs have been rising at a fast pace.

In April and early May the dollar depreciated further against leading foreign currencies, and the balance of payments remained in deficit on the official settlements basis. Rising import costs for petroleum and other products contributed to a sizable deficit in U.S. foreign trade in March.

Growth in the narrowly defined money stock slackened somewhat in April from the rapid pace in the preceding 2 months, and the more broadly defined money stock continued to expand moderately. Deposit experience at nonbank thrift institutions deteriorated sharply. Business short-term credit demands remained exceptionally strong. These demands were concentrated in banks, and to help finance loan growth, banks issued a record amount of large-denomination CD's and continued to borrow in the commercial paper and Euro-dollar markets. Private short-term market interest rates have risen sharply further in recent weeks and conditions in financial markets have been uneasy. Treasury bill rates also rose in late April and early May, but have declined markedly in recent days. Long-term rates have continued upward. Effective April 25, Federal Reserve discount rates were raised one-half point to 8 per cent.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to resisting inflationary pressures, supporting a resumption of real economic growth, and achieving equilibrium in the country's balance of payments.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to maintain about the prevailing restrictive money market conditions, provided that the monetary aggregates appear to be growing at rates within the specified ranges of tolerance.

By order of the Federal Open Market Committee, August 20, 1974.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.74-19870 Filed 8-27-74; 8:45 am]

FIRST & MERCHANTS CORP.

Revised Notice for the Acquisition of Proposed New Banks

First & Merchants Corporation, Richmond, Virginia, has applied in three separate applications for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842 (a) (3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the following proposed new banks: First & Merchants National Bank of Loudoun, Leesburg, Virginia; First and Merchants National Bank of Fairfax, McLean, Virginia; and First and Merchants National Bank of Prince William, Dale City, Virginia. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First & Merchants Corporation is also engaged in the following nonbank activities: Leasing of personal property and equipment; origination, sale and servicing of first mortgage loans; second mortgage lending; construction financing; ad-

visor to a real estate investment trust; underwriting, as reinsurer, of credit life and credit accident and health insurance; and agent for the sale of credit life and disability insurance and physical damage insurance, all in connection with extensions of credit by Applicant's lending subsidiaries. Applicant also provides equity capital and construction financing to builder developers which activities it is required to terminate by December 31, 1980. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposals in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the applications should submit views in writing to the Reserve Bank, to be received not later than September 6, 1974.

Board of Governors of the Federal Reserve System, July 30, 1974.

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

[FR Doc.74-19868 Filed 8-27-74; 8:45 am]

FORD CITY CORP. Acquisition of Bank

Ford City Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 14.9 per cent of the voting shares of State Bank of Countryside, Countryside, Illinois, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 19, 1974.

Board of Governors of the Federal Reserve System, August 22, 1974.

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

[FR Doc.74-19869 Filed 8-27-74; 8:45 am]

GENERAL SERVICES ADMINISTRATION

PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES FOR THE OFFICE OF OPERATING PROGRAMS

Notice of Meeting

AUGUST 22, 1974.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Public Advisory Panel on Architectural and Engineering Services for the Office of

Operating Programs, September 5, 1974, from 10 a.m. to 12 noon, Room 5334, General Services Administration Building, 18th and F Streets, NW., Washington, D.C. This meeting will be for the purpose of developing selection recommendations for the proposed modernization of Building and Purchase and Installation of Hammermill, Building 167, Navy Yard Annex, Washington, D.C., GS-OOB-02538.

The meeting will be closed to the public in accordance with the provisions set forth in section 10(d) of Pub. L. 92-463.

CLAUDE G. BERNIER,
Acting Chief, Design Branch.

[FR Doc.74-19885 Filed 8-27-74; 8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

DORIS COAL CO.

Application for Renewal Permit Electric Face Equipment Standard; Notice of Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 has been received for the item of equipment in underground coal mine as follows:

ICP Docket No. 4077-000, DORIS COAL COMPANY, Mine No. 6, Mine ID No. 44 01875 0, Grundy, Virginia:

ICP Permit No. 4077-001 (Epling 3-Wheel Battery Tractor, I.D. No. E-3).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

AUGUST 22, 1974.

[FR Doc.74-19846 Filed 8-27-74; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 23, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census: Analysis of the Annual Discover America POW WOW & Travel Mart, Form ----, Annual, EGG/Strasser, Travel Industry Executives.

GENERAL SERVICES ADMINISTRATION

Integrated Grant Administration (IGA): assessment questionnaires for (1) grantees; (2) public interest groups, Form ----, Single Time, Lowry, Public interest groups.

DEPARTMENT OF HEALTH, EDUCATION, & WELFARE

Office of Education:

School District Boundary Change Questionnaire, Form OE-2373, Single Time, Planchon, State & Regional Educational Agencies.

Survey of Career-Related, Community-Related, Interdisciplinary, & Non-Traditional Programs in For. Language, Fall 1974, Form OE-370, Single Time, Planchon, Language departments in colleges & universities.

Departmental: Cost & Information Reporting System & Formative Evaluation of the Child & Family Resource Program, Form ----, Single Time, HRD/Planchon, Participants in Head Start Program.

DEPARTMENT OF HOUSING & URBAN AFFAIRS

Housing Management:

Fall River Housing Authority Long Term Impact Study Interview, Form ----, Occasional, Sunderhauf, Residents of Highland Heights Public Housing for Elderly & Handicapped.

Housing Assistance Supply Experiment, Survey of Tenants & Homeowners, Wave 2, Form ----, Single Time, Sunderhauf, Individuals.

DEPARTMENT OF LABOR

Manpower Administration: Apprentice Survey Questionnaire, Form MA6-132T, Single Time, Collins, 6,000 apprentices in a sample group.

VETERANS ADMINISTRATION

Application for Home Loan Guaranty-Re-financing Loan: Form 26-1802b, Occasional, Caywood, Veterans & Lenders.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of the Census:

Oilseeds, Beans & Nuts: Form M20J, Monthly, Lowry, Bean Crushers & Manufacturers.

Survey of Expenditure & Employment for Civil & Criminal Justice Activities, Form CJ-25, Annual, Hall/Planchon, Federal Criminal Justice Agencies.

Survey of Expenditures & Employment for Civil & Criminal Justice Activities of Local Governments, Form CJ-6, Annual, Hall/Planchon, County & Municipal Governments.

Survey of Expenditures & Employment for Civil & Criminal Justice Activities of Local Governments (Fee Supported), Form CJ-6D, Annual, Hall/Planchon, Fee-supported civil & criminal justice agencies of county government.

Survey of Expenditures & Employment for Selected Special Police Forces, Form CJ-23, Annual, Hall/Planchon, Colleges, Universities, school districts & special districts.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of the Census:

Annual Report on Shipments & Production of Sulfuric Acid, Form MA-288, Annual, Evinger, Shippers & Producers of Sulfuric Acid.

Export Sales & Orders, Form MA-4, Annual, Evinger.

Fibrous Glass, Annual Report on Production & Shipments, Form MA-32J, Annual, Evinger.

Inorganic Chemicals—Report on Shipments & Production, Form MA28E, Annual, Evinger.

Lumber Production & Stocks, Form MA-24-T, Annual, Evinger.

Pharmaceutical Preparations, Except Biologicals, Form MA 28G, Annual, Evinger.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration: ARCOS Transaction Reporting, Form DEA-333, Occasional, Evinger, CSA Type "B" Registrants.

VETERANS ADMINISTRATION

Application for Amounts Due Estates of Persons Entitled to Benefits, Form 21-609, Occasional, Caywood, Claimants.

Reimbursement Waiver, Form 21-5328, Occasional, Caywood, Claimants.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-20000 Filed 8-27-74; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

AUGUST 22, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from August 23, 1974 through September 1, 1974.

By the Commission.

[SEAL]

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-19949 Filed 8-27-74; 8:45 am]

[File No. 500-1]

FRANKLIN NATIONAL BANK
Notice of Suspension of Trading

AUGUST 22, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the preferred stock and 4.75 percent debentures of Franklin National Bank (New York, N.Y.) 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 August 23, 1974 through September 1, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.
 [FR Doc. 74-19947 Filed 8-27-74; 8:45 am]

[File No. 500-1]

FRANKLIN NEW YORK CORP.
Notice of Suspension of Trading

AUGUST 22, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock and 7.30 percent notes of Franklin New York Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from August 23, 1974 through September 1, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.
 [FR Doc. 74-19948 Filed 8-27-74; 8:45 am]

GEORGIA POWER CO.
Transactions Related to Financing of
Pollution Control Facilities

AUGUST 21, 1974.

Notice is hereby given that Georgia Power Company ("Georgia"), 270 Peachtree Street, N.W., Atlanta, Georgia 30302 an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application-declaration and an amendment thereto with this Commission designating sections 6(b) and 9(a) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a) (5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Georgia states that in order to comply with prescribed air and water quality

control standards of the State of Georgia it has been and will be necessary to construct certain pollution control facilities. The filing relates to Georgia's proposal for its disposition and acquisition and the financing of pollution control facilities for use in connection with its Arkwright, Bowen, McDonough, Mitchell, and Yates steam plants located, respectively, in Bibb, Bartow, Cobb, Dougherty, and Coweta Counties, Georgia. It is intended that the Development Authority of each such county ("Authorities") will issue its respective pollution control revenue bonds ("Revenue Bonds") for the purpose of paying the costs of the construction and equipping of the pollution control facilities at said plants ("Projects").

Georgia proposes to enter into Installment Sale Agreements ("Agreements") with the Authorities which will provide for the construction and equipping of the Projects by the Authorities and the issuance by the Authorities of Revenue Bonds in aggregate principal amount presently estimated not to exceed \$36,000,000, sufficient to cover the cost of construction of the Projects. Such \$36,000,000 of Revenue Bonds is broken down by counties as follows: Bibb County-\$3,000,000; Bartow County-\$13,000,000; Cobb County-\$8,000,000; Dougherty County-\$2,500,000; and Coweta County-\$9,500,000. The proceeds of the sales of the Revenue Bonds will be deposited by the Authorities with a Trustee under indentures to be entered into between the Authorities and such Trustee pursuant to which the Revenue Bonds are to be issued and secured. Such proceeds will be applied to payment of the cost of construction of the Projects. The Agreements also will provide for the sale of the Projects to Georgia, the payment by Georgia of the purchase price of each of the Projects in semi-annual installments over a term of years, and the assignment to the Trustee of the Authorities' interest in, and of the moneys receivable by the Authorities under, the Agreements. The Agreements will provide that the purchase prices of the Projects payable by Georgia will be such amounts, including interest thereon, as shall be sufficient (together with other moneys held by the Trustee under the indentures for that purpose) to pay the principal of and interest on the Revenue Bonds as the same become due and payable. The Agreements will also obligate Georgia to pay the fees and charges of the Trustee. The Agreements will provide that Georgia may at any time, so long as it is not in default thereunder, prepay the purchase price for the Projects, including interest thereon, in whole or in part, such payments to be sufficient to redeem or purchase outstanding Revenue Bonds in the manner and to the extent provided in the indentures. The indentures will provide that the Revenue Bonds will be redeemable (a) at any time on or after 10 years from the date of issuance, in whole or in part, at the option of Georgia, initially with a premium of 3 percent of the principal amount and declining by 1/2 of 1 percent thereafter and (b) in whole, at the option of Georgia,

in certain other situations. The Revenue Bonds will mature in 30 years and such bonds will be entitled to the benefit of mandatory redemption sinking funds calculated to retire not less than 25 percent of the aggregate principal amount of the issues prior to maturity.

In order to obtain the benefit of a rating for the Revenue Bonds equivalent to the rating enjoyed by the first mortgage bonds outstanding under its Indenture dated as of March 1, 1941, between Georgia and Chemical Bank, as Trustee, as supplemented and amended ("Mortgage"), which rating Georgia has been advised may be thus attained, Georgia proposes to obtain the authentication of certain series of such first mortgage bonds ("Collateral Bonds") under the Mortgage, as proposed to be supplemented by a further supplemental indenture to be dated as of the first day of the month in which the Collateral Bonds are to be authenticated and delivered. To secure its obligations under the Agreements, Georgia proposes to deliver to the Trustee to be held as Collateral the Collateral Bonds in principal amount equal to the principal amount of the Revenue Bonds to be issued by the Authorities. The Collateral Bonds will bear interest at a rate equal to the interest rate per annum to be borne by the Revenue Bonds and will mature on the maturity date of such bonds and will be nontransferable by the Trustee. The supplemental indenture will provide, however, that the obligation of Georgia to make payments with respect to the Collateral Bonds will be satisfied to the extent that payments are made under the Agreements sufficient to meet payments when due in respect of the Revenue Bonds. The supplemental indenture will provide that upon acceleration by the Trustee of the principal amount of all outstanding Revenue Bonds under the Indentures, the Trustee may demand the mandatory redemption of the Collateral Bonds then held by it as collateral at a redemption price equal to the principal amount thereof plus accrued interest, if any, to the date fixed for redemption.

The indentures will provide that, upon deposit with the Trustee of funds sufficient to pay or redeem all or any part of the Revenue Bonds, or upon direction to the Trustee by Georgia to so apply funds available therefor, or upon delivery of outstanding Revenue Bonds to the Trustee by or for the account of Georgia, the Trustee will be obligated to deliver to Georgia or for the account of Georgia the Collateral Bonds then held as collateral in an aggregate principal amount equal to the aggregate principal amount of Revenue Bonds for the payment or redemption of which such funds have been deposited or applied or which shall have been so delivered.

In order to comply with the appropriate statute of the State of Georgia, it will be necessary for Georgia to convey to the Authorities such portion of the Projects as are now owned by Georgia ("Existing Facilities") subject to the Mortgage. Under the Agreements, Georgia will receive, out of the proceeds

of the Revenue Bonds, an amount equal to Georgia's original cost for the Existing Facilities. The Existing Facilities will thereupon become a part of the Projects which are to be provided by the Authorities and which Georgia proposes to purchase as provided in the Agreements.

It is contemplated that the Revenue Bonds will be sold by the Authorities pursuant to arrangement with a group of underwriters represented by Merrill Lynch, Pierce, Fenner & Smith Incorporated. In accordance with the laws of the State of Georgia, the interest rate to be borne by the Revenue Bonds will be fixed by the Authorities. Georgia will not be party to the underwriting arrangements for the Revenue Bonds. Bond counsel are to issue an opinion that interest on the Revenue Bonds will be exempt from Federal income taxation. Georgia has been advised that the annual interest rates on obligations, the interest on which is tax exempt, historically have been and can be expected at the time of issue of the Revenue Bonds, to be 1½ percent to 2½ percent lower than the rates of obligations of like tenor and comparable quality, interest on which is fully subject to Federal income tax.

The application-declaration states that the fees incident to the proposed disposition of the Existing Facilities and the acquisition of the Projects (as distinguished from and excluding fees and expenses incident to the sale of the Revenue Bonds by the Authorities payable out of the proceeds of such sale) are intended to be filed by amendment. It is stated that the issuance of the Collateral Bonds is subject to the jurisdiction of the Georgia Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction in respect thereof. Georgia states further that the competitive bidding requirements of Rule 50 in respect of the issuance of the Collateral Bonds are inappropriate under the circumstances described herein, inasmuch as the Collateral Bonds are to be issued and pledged solely to secure Georgia's obligations to the Authorities and no public offering of the Collateral Bonds is to be made. It is stated that no other aspect of the proposed transactions is subject to the jurisdiction of any State commission or Federal commission, other than this Commission.

Notice is further given that any interested person may, not later than September 13, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of

service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-19950 Filed 8-27-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

FIRST CUMBERLAND INVESTMENTS, INC.

Surrender of License

Notice is hereby given that, pursuant to § 107.105 of the Small Business Administration (SBA) rules and regulations governing Small Business Investment Companies (13 CFR 107.105 (1974)), First Cumberland Investments, Incorporated, 420 North Washington Avenue, Cookeville, Tennessee 38501, incorporated under the laws of the State of Tennessee, has surrendered its license, No. 04/05-0097, issued by the SBA on March 5, 1971.

First Cumberland Investments, Incorporated has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the above-cited regulation, the license of First Cumberland Investments, Incorporated is hereby accepted and it is no longer licensed to operate as a Small Business Investment Company.

Dated: August 21, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator,
for Investment.

[FR Doc.74-19935 Filed 8-27-74;8:45 am]

[Delegation of Authority No. 30, Region IX;
Rev. 1, Amdt. 1]

SENIOR SURETY BOND SPECIALIST

Delegation of Authority

Delegation of Authority No. 30, Region IX, (39 FR 11357) is hereby amended to provide the Senior Surety Bond Specialist authority to take actions in relation to applications and to delete authority granted to Chief, Financing Division to make initial size determinations in relation to surety bonds and lease guarantees and to grant such authority (except for lease guarantee reinsurance) to Chief, CED.

PART III—COMMUNITY ECONOMIC DEVELOPMENT (CED) PROGRAM

Part III, Section C. Lease Guarantee Approval Authority, paragraph 2 is revised to provide for delegated authority to the Senior Surety Bond Specialist:

2. * * *

(6) Senior Surety Bond Specialist, SF/DO only

PART VIII—ELIGIBILITY AND SIZE DETERMINATIONS

Part VIII, Section B. Size Determinations, paragraph 1. c. and d. are revised to delete some delegated authority to Chief, Financing Division and grant more authority to Chief, CED for initial size determinations, in relation to Lease Guarantee and Surety Bond Guarantee programs.

1. * * *

c. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended (except sections 501 and 502 loans and surety bonds and lease guarantees) and further, to make product classification decisions for financing purposes only: (1) Chief, Financing Division.

d. To make initial size determinations in all sections 501 and 502 loans, Lease Guarantee (except lease reinsurance) and Surety Bond Guarantee programs within the meaning of The Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans, Lease Guarantee and Surety Bond Guarantee programs only: (1) Chief, CED.

Effective date: August 16, 1974.

GILBERT MONTANO,
Regional Director,
Region IX.

[FR Doc.74-19936 Filed 8-27-74;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

FREQUENCY MANAGEMENT ADVISORY COUNCIL

Notice of Public Meeting

Notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet at 10:00 a.m. in Room 712, 1800 G Street, NW., Washington, D.C., on Friday, September 6, 1974.

The principal agenda items will be: (1) A discussion of the preparatory work that is just starting for the 1979 ITU World General Radio Conference, (2) the development of an FMAC study program in support of its advisory role to the Office of Telecommunications Policy, (3) impact of electric power facilities on terrestrial communications systems, and an electromagnetic compatibility analysis of the 4990-5250 MHz band.

The meeting will be open to the public; any member of the public will be permitted to file a written statement with the Council, before or after the meeting.

The names of the members of the Council, a copy of the agenda, a summary of the meeting, and other information pertaining to the meeting may be ob-

tained from Mr. L. R. Raish, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202-395-5623).

Dated: August 22, 1974.

BRYAN M. EAGLE,
Advisory Committee
Management Officer.

[FR Doc.74-19857 Filed 8-27-74; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 579]

ASSIGNMENT OF HEARINGS

AUGUST 23, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after August 23, 1974.

MC 130219, Fred M. Wolfe, Dba the Merry-Go-Round, now being assigned for hearing October 22, 1974 (3 days), at Boise, Idaho, in a hearing room to be later designated.

MC 61592 Sub 312, Jenkins Truck Line, Inc., now assigned September 10, 1974, at Los Angeles, Calif., is canceled and application dismissed.

AB-26 Sub-3, Southern Railway Company and Southern Railway-Carolina Division Abandonment Between Barnwell and Furman, in Barnwell, Allendale, and Hampton Counties, South Carolina, now being assigned October 16, 1974 (3 days), at Allendale, South Carolina, in a hearing room to be later designated.

MC 119777 Sub-279, Ligon Specialized Hauler, Inc., now being assigned October 21, 1974 (1 week), at Birmingham, Ala., in a hearing room to be later designated.

MC 106644 Sub 168, Superior Trucking Company, Inc., MC 108341 Sub 34, Moss Trucking, Inc., MC 108676 Sub 56, A. J. Metler Hauling & Rigging, Inc., MC 109397 Sub 293, Tri-State Motor Transit Co., and MC 127834 Sub 96, Cherokee Hauling & Rigging, Inc., continued to September 30, 1974 (1 week), at Atlanta, Ga., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-19959 Filed 8-27-74; 8:45 am]

[Ruling 124]

EXTENSION OF CREDIT

Administrative Ruling

The following is an administrative ruling of the Bureau of Operations made in response to questions propounded by the public, indicating what is deemed by the Bureau to be the correct application and interpretation of the Interstate Commerce Act and Commission regulations and is made in the absence

of authoritative decision upon the subject by the Commission.

Question: What is the meaning of the term "legal holidays" and "holidays" as used in § 1320.12 of the Commission's regulations governing Extension of Credit to Shippers by Rail Carriers (49 CFR Part 1320), § 1321.1 of the regulations governing the Extension of Credit to Shippers by Express Companies (49 CFR 1321), §§ 1322.1 and 1322.3 of the regulations governing the Extension of Credit to Shippers by Motor Carriers (49 CFR Part 1322), § 1323.4(c) of the regulations governing Settlements of Rates Charges of Common Carriers by Water (49 CFR Part 1323) and incorporated by reference in § 1324.1 of the regulations governing Settlement of Freight Charges by Freight Forwarders (49 CFR Part 1324)?

Answer: This Bureau takes the position that the terms "legal holidays" or "holidays" as used in the above Sections refer to the same legal public holidays adopted by the Federal government by virtue of the enactment of Pub. L. 90-363 (H.R. 15951) June 28, 1968, and as set forth in section 6103, Title 5 of the United States Code (5 U.S.C. 6103), and as interpreted in Presidential Executive Order No. 11582, promulgated February 11, 1971, which became effective January 1, 1971, as set forth in Volume 36 of the FEDERAL REGISTER (36 FR 2957).

The specific legal public holidays listed in section 6103 are: New Year's Day, January 1; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans Day, the fourth Monday in October; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25, and January 20 of each fourth year after 1965, Inauguration Day.

If any holiday falls on a Saturday or Sunday, it will be observed on the preceding Friday or subsequent Monday or else as established by the Federal government in accordance with the provisions of section 6130 or Executive Order 11582.

[SEAL] R. D. PFAHLER,
Director.

[FR Doc.74-19956 Filed 8-27-74; 8:35 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 23, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for in-

formation concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55101, filed August 9, 1974. Applicant: DITTO FREIGHT LINES, INC., 1575 Industrial Avenue, San Jose, Calif. 95112. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of I. General commodities: (A) Between all points and places in the San Francisco Territory as described in Note A, including all points and places within 15 miles of any point therein. (B) Between all points and places, inclusively, on and within 15 miles laterally of the following routes: (1) U.S. Highway 101 between San Jose and Paso Robles; (2) State Highway 17 between San Jose and Santa Cruz; (3) State Highway 1 between Santa Cruz and Monterey; (4) State Highway 68 between Salinas and Monterey; (5) Interstate Highway 80 between San Francisco and Sacramento; (6) Interstate Highway 580 between San Francisco and its junction with Interstate Highway 205, thence via Interstate Highway 205 to its junction with Interstate Highway 5; (7) State Highway 4 between its junction with Interstate Highway 80, near Pinole, and Stockton; (8) State Highway 24 between Oakland and Walnut Creek and between Walnut Creek and its junction with State Highway 4, near the U.S. Naval Weapons Station, Concord; from said junction via State Highway 4 to its junction with State Highway 160, near Oakley and State Highway 160 between said junction and Sacramento; (9) State Highway 33 between Tracy and Gustine; (10) State Highway 99 between Sacramento and Bakersfield; (11) State Highway 120 between the Mossdale Wye and Manteca; (12) State Highway 132 between Vernalis and Modesto; (13) State Highway 140 between Gustine and Merced; (14) State Highway 152 between Gilroy and Califa; (15) Interstate Highway 5 between Stockton and its junction with State Highway 58; (16) State Highway 198 between its junction with Interstate Highway 101 and its junction with State Highway 99; (17) State Highway 46 between its junction with Interstate Highway 101 at Paso Robles and its junction with State Highway 99; and (18) U.S. Highway 101 between San Francisco and Santa Rosa. (C) Through routes and joint rates may be established between any and all points in Part I.

(D) In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service. Except that pursuant to the authority herein granted, carrier shall not transport any shipments of: (1) Used household goods,

personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B. (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Logs; (8) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and (9) Fresh fruits and vegetables.

SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue.

Easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly

along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd. northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 55091, filed August 2, 1974. Applicant: LEYBA TRUCKING SERVICE, INC., doing business as ENTERPRISE TRUCKING SERVICE, 3442 Adeline Street, Oakland, Calif. 94608. Applicant's representative: E. H. Griffiths, 1182 Market Street, Suite 207, San Francisco, Calif. 94102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except as hereinafter provided: Between all points and places on or within ten miles of the points on the following routes: (1) U.S. Highway 101 between San Rafael and Coyote, inclusive; (2) U.S. Highway 280 between San Francisco and San Jose, inclusive; (3) State Highway 17 between San Rafael and San Jose, inclusive; (4) U.S. Highway 80 between Vallejo and San Jose, inclusive; (5) U.S. Highway 680 between Vallejo and San Jose, inclusive; (6) State Highway 4 between Pinole and Antioch inclusive; (7) State Highway 24 between Oakland and Concord, inclusive; (8) U.S. Highway 80 and 580 between San Francisco and Livermore, inclusive; and (9) State Highway 84 between Livermore and Atherton, inclusive. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service. **EXCEPT THAT** Applicant shall not transport any shipments of:

(1) Used household goods and per-

sonal effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff No. 4-B; (2) Automobiles, trucks and buses, viz.: new and used finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Cement; (8) Logs; (9) Commodities of unusual or extraordinary value; (10) Fresh fruits and vegetables; and (11) Commodities requiring the use of special refrigeration or temperature control in specially designated and constructed refrigerator equipment; Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Montana Docket No. 2250, filed August 1, 1974. Applicant: ROY D. ROGERS, Star Route, Box 4, Ronan, Mont. 59864. Applicant's representative: Roy D. Rogers (same address as applicant). Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Freight*, and moving within the city of Polson and a 15 mile radius thereof. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the Montana Public Service Commission, 1227-11th Avenue, Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-19962 Filed 8-27-74; 8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 23, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than

those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before September 12, 1974.

FSA No. 42868—*Acetic Acid or Acetic Anhydride to Decatur, Alabama*. Filed by Southwestern Freight Bureau, Agent, (No. B-482), for interested rail carriers. Rates on acetic acid or acetic anhydride, in tank-car loads, as described in the application, from Brownsville, Texas, and Taft, Louisiana, to Decatur, Alabama.

Grounds for relief—Market competition.

Tariff—Supplement 23 to Southwestern Freight Bureau, Agent, tariff 11-F, I.C.C. No. 5082. Rates are published to become effective on September 21, 1974.

FSA No. 42869—*Joint Water-Rail Container Rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 81), for itself and interested rail carriers. Rates on general commodities, from rail carrier's terminal at Galveston, Texas, to ports in Japan, Korea, Hong Kong, and Taiwan.

Grounds for relief—Water competition.

Tariff—Sea-Land Service, Inc., tariff I.C.C. No. 72. Rates are published to become effective on September 23, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-19958 Filed 8-27-74; 8:45 am]

[Notice 13]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 23, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-13028 (Deviation No. 19), BONANZA BUS LINES, INC., 27 Sabin Street, P.O. Box 1116, Annex Station, Providence, R.I. 02901, filed August 14, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From Springfield, Mass., over Interstate Highway 90 to junction U.S. Highway 9 near North Chatham, N.Y., thence continuing over extension of Interstate Highway 90 to Albany, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Springfield, Mass., over U.S. Highway 20 to Albany, N.Y., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.74-19961 Filed 8-27-74; 8:45 am]

[Notice 27]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 23, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-33641 (Deviation No. 61), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 16, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 94 and Interstate

Highway 196 over Interstate Highway 196 to junction Michigan Highway 21 near Holland, Mich., thence over Michigan Highway 21 to Grand Rapids, Mich., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From the junction of U.S. Highway 12 (now Interstate Highway 94) and U.S. Highway 31 over U.S. Highway 12 (Interstate Highway 94) to Battle Creek, Mich., thence over Michigan Highway 37 to Grand Rapids, Mich., and return over the same route.

No. MC-33641 (Deviation No. 62), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 16, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Grand Rapids, Mich., over Interstate Highway 96 to junction B.L. 96, thence over B.L. 96 to Lansing, Mich., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Grand Rapids, Mich., over Michigan Highway 37 to Battle Creek, Mich., thence over U.S. Highway 12 (now Interstate Highway 94) to Jackson, Mich., thence over U.S. Highway 127 to Lansing, Mich., and return over the same route.

No. MC-33641 (Deviation No. 63), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 16, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Lansing, Mich., over Michigan Highway 78 to junction Michigan Highway 21, thence over Michigan Highway 21 to Flint, Mich., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Lansing, Mich., over U.S. Highway 127 to Jackson, Mich., thence over U.S. Highway 12 to Ann Arbor, Mich., thence over U.S. Highway 23 to Flint, Mich., and return over the same routes.

No. MC-2202 (Deviation No. 131), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, Ohio 44309, filed August 19, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Chattanooga, Tenn., over Interstate Highway 24 to junction Interstate Highway 59, thence over Interstate Highway 59 to junction Georgia Highway 143, thence over Georgia Highway 301, thence over Georgia Highway 301 to junction Alabama Highway 75, thence over Alabama Highway 75 to Albertville, Ala., and return over the

same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chattanooga, Tenn., over U.S. Highway 41 to Calhoun, Ga., thence over Georgia Highway 53 to Rome, Ga., thence over U.S. Highway 27 to Cedartown, Ga., thence over U.S. Highway 278 to Gadsden, Ala., thence over U.S. Highway 431 to Albertville, Ala., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc. 74-19960 Filed 8-27-74; 8:45 am]

[Notice No. 69]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 23, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new special rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 127812 (Sub-No. 17), (Re-publication), filed March 22, 1973, and published in the FEDERAL REGISTER issue of May 10, 1973, and republished this issue. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue SW., New Brighton, Minn. 55112. Applicant's representative: Anthony C. Vance, 1111 E Street NW., Washington, D.C. 20004. An Order of the Commission, Review Board Number 2, dated July 25, 1974, and served August 8, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of confectioneries, cocoa, cocoa compounds, cocoa butter, and cocoa sirup, in vehicles equipped with mechanical refrigeration, between New Brighton, Minn., on the one hand, and, on the other, points in Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Iron, Jackson, La Crosse, Oneida, Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Trempealeau, Washburn, and

Vilas Counties, Wis.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC-129862 (Sub-No. 2) (Re-publication), filed March 15, 1973, and published in the FEDERAL REGISTER issue of April 26, 1973, and republished this issue. Applicant: RAJOR, INC., P.O. Box 756, Franklin, Tenn. 37064. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, Calif. 90621. An Order on Further Proceedings, Review Board Number 3, dated June 14, 1974, and served June 25, 1974, finds that operation by applicant as a contract carrier, by motor vehicle, over irregular routes, (1) in interstate or foreign commerce, of electronic instruments and components, tables, and stands for electronic instruments and components, and toys and games, other than coin-operated, (a) from Greeneville and Jefferson City, Tenn., to Dallas, Tex., Pasco and Seattle, Wash., San Francisco and Torrance, Calif., Denver, Colo., Phoenix, Ariz., Portland, Oreg., and Salt Lake City, Utah, and (b) between Greeneville and Jefferson City, Tenn., on the one hand, and, on the other, Nogales, Ariz.; and (2) in foreign commerce only, of equipment, materials, and supplies used in the manufacture and production of the commodities in (1) above (except commodities in bulk, in tank vehicles), from Los Angeles and Long Beach, Calif., and points in San Francisco, San Mateo, Alameda, and Contra Costa Counties, Calif., to Greeneville and Jefferson City, Tenn., under a continuing contract or contracts with The Magnavox Company, Inc., of Fort Wayne, Ind., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief

in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 59367 (Sub-No. 60) (Notice of filing of petition to modify the territorial description), filed August 6, 1974. Petitioner: DECKER TRUCK LINE, INC., P.O. Box 915, 3584 5th Avenue, Fort Dodge, Iowa 50501. Petitioner's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Petitioner presently holds a motor common carrier certificate No. MC 59367 (Sub-No. 60), issued January 2, 1970, authorizing transportation over irregular routes, of Foodstuffs (except meats, meat products, and meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766), from the storage facilities utilized by Continental Processors, and Lamb-Weston, Inc., at Fort Dodge, Iowa, to points in Wisconsin and Illinois, restricted to the transportation of traffic originating at the above-named storage facilities and destined to points in the above-named destination States. By the instant petition, petitioner seeks to modify the territorial description to read: "from the storage facilities of Kold Storage, Inc., at Fort Dodge, Iowa, to points in Wisconsin and Illinois, restricted to the transportation of traffic originating at the above-named storage facility and destined to points in the above-named destination States." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC-108341 (Sub-No. 7) (Notice of filing of petition to remove a restriction), filed August 14, 1974. Petitioner: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, 3027 N. Tryon Street, Charlotte, N.C. 28208. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner presently holds a motor common carrier certificate in No. MC-108341 (Sub-No. 7), issued September 23, 1966, authorizing transportation, over irregular routes, of Tractors (except truck tractors) and parts, implements, attachments, accessories, and supplies therefor, when moving incidentally thereto as a part of the same shipment (except commodities which because of their size or weight require the use of special equipment or handling), between points in Arkansas, North Carolina, South Carolina, Florida, Georgia, Tennessee, Alabama, and Mississippi, restricted to the transportation of traffic originating at and destined to points within the States described above. By the instant petition, petitioner seeks to remove the commodity restriction which reads: "Commodities which because of their size or weight require the use of special equipment or handling." Any interested person or persons desiring to participate may file an

original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC-114608 (Sub-No. 27) (Correction of a notice of filing of petition to extend territorial description), filed June 27, 1974, published in the FEDERAL REGISTER issue of August 7, 1974, republished as corrected in the FEDERAL REGISTER issue of August 14, 1974, and in third publication as corrected this issue. Petitioner: CAPITAL EXPRESS, INC., 1239 Randolph SW., Grand Rapids, Mich. 49507. Petitioner's representative: J. M. VanDaalen (same address as petitioner). Petitioner presently holds a motor contract carrier permit No. MC-114608 (Sub-No. 27), issued May 30, 1974, authorizing transportation, over irregular routes, of (1) *Household appliances*, from Belding and Greenville, Mich., to points in Illinois (except Moline), Indiana, and Ohio; and (2) *Machinery parts, materials, and supplies* used in the manufacture of the commodities described in (1) above (except in bulk in tank vehicles, and commodities which because of their size or weight require the use of special equipment), from points in Illinois (except Moline), Indiana, and Ohio, to Belding and Greenville, Mich.; restricted: (a) Said operations are limited to a transportation service to be performed, under a continuing contract or contracts with Gibson Products Corporation of Greenville, Mich.; and (b) The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act. By the instant petition, petitioner seeks to extend the territorial description in (1) above to read: "From Belding, Greenville and Muskegon, Mich., to points in Illinois (except Moline), Indiana, and Ohio".

NOTE.—The purposes of this republication are to correctly state the dates of previous publications and to state the petitioner holds motor contract carrier authority. Any interested person or persons desiring to participate may file an original and six copies of his written representation, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 117574 (Sub-No. 232) (Notice of petition to modify the commodity description), filed August 5, 1974. Petitioner: DAILY EXPRESS, INC., 1076 Harrisburg Pike, P.O. Box 39, Carlisle, Pa. 17013. Petitioner's representative: William A. Chestnutt, 915 Pennsylvania Building NW., Washington, D.C. 20004. Petitioner presently holds a motor common carrier certificate in No. MC 117574 (Sub-No. 232), issued March 25, 1974, authorizing, transportation, over irregular routes, of *Heavy Machinery, build-*

ing and contractor's equipment, supplies, and materials, between Baltimore, Md., and points within 25 miles thereof, on the one hand, and, on the other, Martinsburg, W. Va., New York, N.Y., and points in Virginia, Maryland, Pennsylvania, Delaware, New Jersey, and the District of Columbia. By the instant petition, petitioner seeks to modify the commodity description to read "*Commodities* which because of size or weight require special handling or the use of special equipment; *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith; and *building and contractor's equipment, supplies and materials*." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 125010 (Sub-No. 2) (Notice of filing of petition to add an additional contracting shipper), filed August 12, 1974. Petitioner: GIBCO MOTOR EXPRESS, INC., P.O. Box 312, 3405 North 33rd Street, Terre Haute, Ind. 47808. Petitioner's representative: Michael V. Gooch, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Petitioner holds a motor contract carrier permit in No. MC-125010 (Sub-No. 2), issued July 21, 1972, authorizing, transportation, over irregular routes, of *Coal and coke*, in bulk, from points in Clay, Greene, Sullivan, and Vigo Counties, Ind., to points in Illinois, under a continuing contract, or contracts with (a) Amax Coal Company, a Division of American Metal Climax, Inc., and (b) Amax Carbon Products, Inc., a subsidiary of American Metal Climax, Inc. By the instant petition, petitioner seeks to add Central Illinois Public Service Company as an additional contracting shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128383 (Sub-No. 29) (Notice of filing of petition to remove a restriction), filed August 9, 1974. Petitioner: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Petitioner's representative: Steven L. Weiman, 303 North Frederick Ave., Gaithersburg, Md. 20760. Petitioner presently holds a motor common carrier certificate in No. MC-128383 (Sub-No. 29), issued March 28, 1974, authorizing, transportation over irregular routes, of *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between John F. Kennedy International Airport, New York, N.Y., Newark Airport, Newark, N.J., and Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on

the other, Miami International Airport at or near Miami, Fla., Hartsfield International Airport at or near Atlanta, Ga., and Douglas Municipal Airport at or near Charlotte, N.C.; restricted: (a) to the transportation of shipments having a prior or subsequent movement by air; and (b) against the transportation of shipments moving to Miami International Airport at or near Miami, Fla., which have a subsequent movement beyond Miami, Fla., in foreign commerce. By the instant petition, petitioner seeks to remove the restriction stated in (b) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 136913 (Sub-No. 1) (Notice of filing of petition to extend the territorial description), filed August 9, 1974. Petitioner: FRED SNIDER, doing business as SUNDOWN LUMBER EXPRESS, P.O. Box 611, Silver Springs, Nev. 89429. Petitioner's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Petitioner presently holds a motor contract carrier permit in No. MC 136913, issued June 11, 1974, authorizing transportation over irregular routes, of *Forest products and lumber* (except commodities in bulk), (1) from points in California and Nevada, to points in Arizona, Colorado, Kansas, New Mexico, Oklahoma, Utah, and Texas; and (2), from points in Arkansas, Arizona, Colorado, New Mexico, Oklahoma, Utah, and Wyoming, to points in California and Nevada; (1) and (2) above, under a continuing contract, or contracts, with Sundown Timber Company, of Stockton, Calif. By the instant petition, petitioner seeks to extend the territorial description to read: "(1) from points in California and Nevada to points in Arizona, Colorado, Kansas, New Mexico, Oklahoma, Utah, Texas, North Carolina, South Carolina, Georgia, Florida, Mississippi, Alabama, Louisiana, and Arkansas; and (2) from points in Arkansas, Arizona, Colorado, New Mexico, Oklahoma, Utah, Wyoming, North Carolina, South Carolina, Georgia, Florida, Mississippi, Alabama, and Louisiana, to points in California and Nevada." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210A(B)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATE OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT

No. MC-52974 (Sub-No. 10), filed July 8, 1974. Applicant: JACOBS TRANSFER, INC., 2300 Beaver Road, Landover, Md. 20785. Applicant's representative: Francis W. McNerny, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Telephone supplies and equipment*, between points in the Washington, D.C. commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Maryland and Virginia; and (2) between Baltimore, Md., on the one hand, and, on the other, the following Maryland Counties: Anne Arundel, Charles, Calvert, Prince Georges, and St. Marys, under continuing contracts with Western Electric Company, Incorporated and The Chesapeake and Potomac Telephone Companies.

NOTE.—Applicant holds common carrier authority in MC-59909 Sub 1, therefore dual operations may be involved. The purpose of this application is to convert applicant's common carrier authority to contract carrier authority. This is a matter directly related to the Section 5 proceeding in MC-F-12122 published in the FEDERAL REGISTER issue of February 6, 1974. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC-140099, filed July 3, 1974. Applicant: CENTRAL OZARK BUS LINES, INC., P.O. Box 185, Waynesville, Mo. 65583. Applicant's representative: Turner White, 910 Plaza Towers, Springfield, Mo. 65804. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, newspapers, and mail* in the same vehicle with passengers, (1) between St. Clair, Mo. and Cuba, Mo., over U.S. Highway 44, restricted against service between St. Clair, Mo., on the one hand, and, on the other, points in Cuba, Mo., and including a restriction against service between any intermediate points destined to or from St. Clair or Cuba, Mo.; and (2) between Waynesville, Mo., and Fort Leonard Wood, Mo., over Business Route U.S. Highway 66 to the junction of U.S. Highway 66 Spur, thence over U.S. Highway 66 Spur to Fort Leonard Wood and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. The authority sought in (2) above is presently held under a Certificate of Registration issued to Williams Bus Lines, a partnership, under MC-120457, Sub-No. 1, and this proceeding seeks conversion thereof into a Certificate of Public Convenience and Necessity. Applicant seeks to acquire a portion of the operation rights of Williams Bus Lines. This is a matter directly related to the Section 5 Proceeding in MC-F-12245 published in the FEDERAL REGISTER issue of July 3, 1974. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, or St. Louis, Mo.

No. MC-F-12260. (Correction) (RUSSELL GERDIN—CONTROL—DENVER SOUTHWEST EXPRESS, INC.), published in the July 17, 1974, issue of the FEDERAL REGISTER on page 26220. Prior notice should not have stated that Denver Southwest Express is to be controlled by Heartland Express. It also failed to note that dual operations may be involved.

MC-F-12291. Authority sought for purchase by NICK STRIMBU, INC., 3500 Parkway Road, Brookfield, Ohio, 44403, of the operating rights of STATEWIDE CARTAGE CO., 16004 Broadway Avenue, Cleveland, Ohio, 44137, and for acquisition by NICK STRIMBU and THOMAS STRIMBU, both of Brookfield, Ohio 44403 address, of control of such rights through the purchase. Applicants' attorney: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a common carrier over irregular routes between Cleveland, Ohio, on the one hand, and, on the other, points in those parts of Pennsylvania on and north of U.S. Highway 322 from the Ohio-Pennsylvania State line to Franklin, Va., and on and on and west of U.S. Highway 62 from Franklin to the Pennsylvania-New York State line. Vendee is authorized to operate as a common carrier in Pennsylvania, Ohio, Florida, South Carolina, Alabama, Mississippi, Tennessee, Kentucky, Arizona, California, Colorado, Kansas, Wyoming, Georgia, Illinois, Indiana, Michigan, Missouri, Massachusetts, Texas, Wisconsin, New York, West Virginia, Connecticut, Louisiana, Maine, Maryland, New Hampshire, North Carolina, Rhode Island, Vermont, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MC-F-12292. Authority sought for merger by OLD DOMINION FREIGHT LINE, P.O. Box 2006, High Point, North Carolina 27261, of the operating rights and property of STAR TRANSPORT CO., INC., 4730 Hollins Ferry Road, Baltimore, Maryland 21227, and for acquisition by E. E. CONGDON, of the High Point, N.C. 27261 address, of control of such rights through the merger. Applicants' attorney: HARRY J. JORDAN, 1000 Sixteenth Street NW., Washington, D.C. 20036. Operating rights sought to be merged. *General commodities*, with exceptions as a common carrier, over regular routes, between Winchester, Va., and Frostburg, Md., serving all intermediate points, and off-route points within a territory bounded by a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 50 to Winchester, Va., thence along U.S. Highway 50 to Washington, D.C., thence along U.S. Highway 1 to Baltimore, Md., thence along Maryland Highway 144 to junction U.S. Highway 40, thence along U.S. 40 to Frederick, Md., thence along Alternate U.S. High-

way 40 to Hagerstown, Md., thence along U.S. Highway 40 to Frostburg, Md., thence along U.S. Highway 40 to the Garrett-Allegany County line, thence in a southerly direction along the Garrett-Allegany County line to the Maryland-West Virginia State line, thence in an easterly direction along the Maryland-West Virginia State line to the Maryland-West Virginia State lines, thence along the West Virginia-Virginia State line to the point of beginning, including the points specified with restrictions.

Flour, in bulk, as a common carrier over irregular routes from Muirkirk, Md., to Baltimore, Md., and Washington, D.C., *general commodities*, with exceptions between points in Cumberland and Salem Counties, N.J., on the one hand, and, on the other, Providence, R.I., Corning, N.Y., points in that part of New York within 150 miles of Newark, N.J., points in that part of Massachusetts on and east of U.S. Highway 5, and points in that part of Connecticut on and east of U.S. Highway 5, and those on U.S. Highway 1 between the New York-Connecticut State line and New Haven, Conn., between points in New Jersey, on the one hand, and, on the other, Baltimore, Md., between points in the Philadelphia, Pa., Commercial Zone as defined by the Commission, with restrictions. Wool imported from any foreign country, wool tops and noils, and wool waste (carded, spun, woven, or knitted), from North Celmford, Boston, East Weymouth, West Millbury, and Lawrence, Mass., to Baltimore, Md. Vendee is authorized as a common carrier in Alabama, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12293. Authority sought for purchase by TRANS-NATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, TX 79105, of a portion of the operating rights of DUBOSE TRUCKING COMPANY, INC., Route 1, Box 257, Denham Springs, La., and for acquisition by DONALD J. SCHNEIDER, 2661 S. Broadway, Green Bay, WI 54304, of control of such rights through the purchase. Applicants attorney: Charles W. Singer, 2440 E. Commercial Blvd., Fort Lauderdale, FL 33308. Operating rights sought to be transferred: *Sugar*, in containers, as a common carrier, over irregular routes, from the plant sites of Colonial Sugars Company at Gramercy, La., and of Godchaux-Henderson Sugar Company at Reserve, La., to points in Missouri, Iowa, Kansas, Wisconsin, Illinois, Michigan, Indiana, Kentucky, and Ohio. Vendee is authorized to operate as a common carrier in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

THE BALTIMORE AND OHIO RAILROAD COMPANY, THE CHESAPEAKE AND OHIO RAILWAY COMPANY, THE CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC RAILWAY COMPANY, LOUISVILLE AND NASHVILLE RAILROAD COMPANY AND PENN CENTRAL TRANSPORTATION COMPANY, DEBTOR (George P. Baker, Richard C. Bond, and Robert W. Blanchette Jr., Trustees), respectively B&O, C&O, CNO &TP, L&N and PC, hereby give notice that on the 23rd day of July, 1974, they have jointly filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act, which was assigned Finance Docket No. 27690. In accordance with the Commission's regulations [49 CFR 1111.2(13)] Applicants advise as follows:

(i) The names and addresses of Applicants and their attorneys are:

The Baltimore and Ohio Railroad Company
Two North Charles Street
Baltimore, Maryland 21201
and
The Chesapeake and Ohio Railway Company
Terminal Tower
Cleveland, Ohio 44101
Attn: Garth E. Griffith, General Attorney
(B&O/C&O)

The Cincinnati, New Orleans and Texas
Pacific Railway Company
c/o Southern Railway System
P.O. Box 1808
Washington, D.C. 20013
Attn: R. Allan Wimbish, Senior General
Attorney

Louisville and Nashville Railroad Company
908 W. Broadway
P.O. Box 1198
Louisville, Kentucky 40201
Attn: Emried D. Cole, Jr., Asst. General
Attorney

Penn Central Transportation Company,
Debtor
(George P. Baker, Richard C. Bond and
Robert W. Blanchette, Trustees)
Transportation Center, 6 Penn Center Plaza
Philadelphia, Pennsylvania 19104
Attn: Charles E. Mechem, Commerce Counsel

(ii) The nature of the proposed transaction is the acquisition by the B&O, C&O, CNO&TP, and L&N of ownership in and with PC the joint use of certain trackage now owned by The Cincinnati Union Terminal Company, CUT, in the City of Cincinnati, Hamilton County, Ohio, for the operation of through freight trains and cuts of cars in interchange and approval of two agreements among the Applicants relating to the operation of the acquired property. CNO&TP also simultaneously filed a related application under Section 5(2) of the Interstate Commerce Act, which was assigned Finance Docket No. 27691, for the acquisition from CUT and use by CNO&TP alone of a short connection track incident to the aforesaid freight route.

(iii) The trackage, land and other facilities to be purchased jointly by B&O, C&O, CNO&TP, and L&N from The Cincinnati Union Terminal Company connects to (i) the bridge and trackage of the Cincinnati Inter-Terminal Railroad Company on the southeast, (ii) the

trackage of CNO&TP on the southwest at a point north of Eighth Street, and (iii) the double track of B&O at Queen City Avenue on the north, all in the City of Cincinnati. Approximately 24,888 feet of this trackage will be used after necessary changes are made, by Applicants pursuant to an agreement to be approved by the Commission. Applicants presently operate over the tracks to be acquired.

(iv) The lines to be purchased and operated are all located in Cincinnati, Hamilton County, Ohio, with the termini and approximate distances involved set forth in (iii) above.

(v) In accordance with the Commission's regulations (49 CFR 1100.25 in Ex Parte No. 55 (Sub-No. 4), *Implementation-Natl. Environmental Policy Act of 1969*, 349 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b) (1)-(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than September 27, 1974.

THE BALTIMORE AND OHIO RAILROAD COMPANY, THE CHESAPEAKE AND OHIO RAILWAY COMPANY, THE CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC RAILWAY COMPANY, LOUISVILLE AND NASHVILLE RAILROAD COMPANY, PENN CENTRAL TRANSPORTATION COMPANY, DEBTOR (George P. Baker, Richard C. Bond, and Robert W. Blanchette, Trustees).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-19963 Filed 8-27-74; 8:45 am]

[Notice 146]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

AUGUST 28, 1974.

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 September 17, 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-75123. By order of August 16, 1974 the Motor Carrier Board approved the transfer to Loudoun Transfer, Inc., Purcellville, Va., of the operating rights in Certificates No. MC-112372, MC-112372 (Sub-No. 2), MC-112372 (Sub-No. 3), MC-112372 (Sub-No. 5), MC-112372 (Sub-No. 7), MC-112372 (Sub-No. 10), MC-112372 (Sub-No. 11), and MC-112372 (Sub-No. 13) issued September 4, 1956, December 7, 1956, December 7, 1956, September 5, 1957, January 4, 1965, December 19, 1966, April 26, 1967, and October 16, 1969 respectively to Clarence G. Jewell, Leesburg, Va. authorizing the transportation of various commodities from and to specified points and areas in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Rhode Island, West Virginia, and the District of Columbia. Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601 Attorney for applicants.

No. MC-FC-75243. By order of August 20, 1974 the Motor Carrier Board approved the transfer to Howe Transportation Co., a corporation, Youngstown, Ohio, of Certificates Nos. MC-113440 and MC-113440 Sub 4 issued by the Commission April 25, 1957, and November 28, 1973, respectively, to Barco Transportation Co., a corporation, Chagrin Falls, Ohio, authorizing the transportation of new furniture, uncrated, between points in Mahoning County, Ohio, on the one hand, and, on the other, points in Indiana, Illinois, New York, Maryland, Pennsylvania, Kentucky, Virginia, West Virginia, Tennessee, New Jersey, and the District of Columbia, and new metal chairs and new metal filing cabinets from Youngstown, Ohio, to points in Indiana, Illinois, New York, Maryland, Pennsylvania, Kentucky, Virginia, West Virginia, Tennessee, New Jersey, and the District of Columbia; and institutional and business furniture, equipment fixtures, data processing equipment cabinets, printed forms and advertising matter, and plastic articles between the plants and facilities of the GF Business Equipment, Inc., at Youngstown, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia, respectively. A. Charles Tell, Esq., 100 East Broad, Columbus, Ohio 43215.

No. MC-FC-75257. By order of August 20, 1974 the Motor Carrier Board approved the transfer to Dan Barclay, Inc., Lincoln Park, N.J., of Certificate No. MC-135297 issued by the Commission July 7, 1972, to Luzerne Trucking Corp., Lincoln Park, N.J., authorizing the transportation of machinery between Scranton, Pa., on the one hand, and, on the other, points in New York. Mr. Kenneth R.

Davis, I.C.C. Practitioner, 999 Union Street, Taylor, Pa. 18517.

No. MC-FC-75293. By order of August 16, 1974 the Motor Carrier Board approved the transfer to Leonard J. Mickavicz, Taylor, Pa., of the operating rights in Certificate No. MC-15754 (Sub-No. 5) issued September 29, 1959 to Robert Anglemier, Clarks Summit, Pa., authorizing the transportation of carbonated beverages from Scranton, Pa. to Binghamton, N.Y. Kenneth R. Davis, 999 Union St., Taylor, Pa. 18517, Representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-19957 Filed 8-27-74; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

AUGUST 23, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065(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 September 9, 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-notice 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-504 (Sub-No. E8), filed May 16, 1974. Applicant: HARPER MOTOR LINES, INC., P.O. Box 460, Elberton, Ga. Applicant's representative: B. K. McClain (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, and those requiring special equipment), (1) from points in Virginia (except points south and east of a line beginning at Arlington and extending along Interstate Highway 95 to Richmond, thence along Interstate Highway 85 to the Virginia-North Carolina State line), to points in North Carolina beginning at Sanford, N.C. to and extending along North Carolina Highway 87 to its junction with U.S. Highway 76, thence along U.S. Highway 76 to its junction with U.S. Highway 701, thence along U.S. Highway 701 to the

North Carolina-South Carolina State line, (2) from points in Virginia (except points west of U.S. Highway 220 to points in South Carolina on and south of a line beginning at North Augusta, thence along U.S. Highway 1, to Columbia, thence along U.S. Highway 378 to Conway, thence along U.S. Highway 501 to Myrtle Beach, (3) from the District of Columbia to points in North Carolina in the counties of Arnett, Lee, Samson, Hoke, Cumberland, Bladen, Robeson, Scotland, Richmond, Moore, Anson, Montgomery, Union, Stanley, Cabarrus, Rowan, Randolph, Davidson, and Davie, and points in Iredell and Mecklenburg Counties east of U.S. Highway 21 and points in Columbus County (except those south of U.S. Highway 76 to its junction with U.S. Highway 701, thence along U.S. Highway 701 to North Carolina-South Carolina State line), and (4) from New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, to points in South Carolina. The purpose of this filing is to eliminate the gateway of Sanford, N.C., and points within 30 miles of Laurinburg, N.C.

No. MC-504 (Sub-No. E10), filed May 24, 1974. Applicant: HARPER MOTOR LINES, INC., P.O. Box 6985, Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cotton and cotton goods* from points in North Carolina, in Cabarrus, Union, Stanley, Montgomery, Anson, Richmond, Scotland, Moore, Chatham, Lee, Arnett, Hoke, Robeson, Bladen, Cumberland, Sampson, Duplin, Mecklenburg, Columbus, Brunswick, Onslow, Pender, New Hanover, and Gaston Counties, and points in Durham and Wake Counties on and south of U.S. Highway 70 to points in Maryland west of Interstate Highway 83 (except Baltimore, Md.); (2) *Cotton and cotton goods* from points in North Carolina on and south of U.S. Highway 421 (except points in New Hanover, Brunswick, Pender, and Sampson Counties) to points in Virginia on and north of Interstate Highway 64; (3) *Cotton and cotton goods* from points in South Carolina on and south of U.S. Highway 1, extending from North Augusta, S.C., to Columbia, S.C., thence along U.S. Highway 378 to Conway, S.C., thence along U.S. Highway 501 to Myrtle Beach, S.C., to points in Virginia (except points west of U.S. Highway 20). The purpose of this filing is to eliminate the gateway of Sanford, N.C.

No. MC-5470 (Sub-No. E5), filed May 20, 1974. Applicant: TAJON, INC., P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro-alloys*, in bulk, in dump vehicles, from any railhead in East Liverpool, Ohio, to points in Michigan. The purpose

of this filing is to eliminate the gateway of VanCoram, Ohio.

No. MC-5470 (Sub-No. E7), filed May 20, 1974. Applicant: TAJON, INC., P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys and ores*, in dump vehicles, from Theodore, Ala., to points in Connecticut, Massachusetts, New Hampshire, and Rhode Island. The purpose of this filing is to eliminate the gateway of Birdsboro, Pa.

No. MC-5470 (Sub-No. E8), filed May 20, 1974. Applicant: TAJON, INC., P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, scrap steel shapes, and pig iron*, in dump vehicles, from Theodore, Ala., to points in Delaware. The purpose of this filing is to eliminate the gateway of Charleston, S.C.

No. MC-5470 (Sub-No. E10), filed May 20, 1974. Applicant: TAJON, INC., P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron, scrap metal, alloys, silicon metals, and ores* (except fluorspar), in dump vehicles, from Wilmington, Del., to points in Alabama (except ores to points in Colbert and Lauderdale Counties), Arkansas, Louisiana, Mississippi (except ores to points in Tishomingo County), Missouri, points in Tennessee on and west of Interstate Highway 65 (except ores to points in Wayne and Hardin Counties), and Wisconsin. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC-5470 (Sub-No. E11), filed May 20, 1974. Applicant: TAJON, INC., R.D. #5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, scrap steel shapes, and pig iron*, in dump vehicles, from Theodore, Ala., to points in Connecticut. The purpose of this filing is to eliminate the gateway of Charleston, S.C.

No. MC-5470 (Sub-No. E16), filed May 20, 1974. Applicant: TAJON, INC., R.D. #5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro-alloys*, in bulk, in dump vehicles, from Alloy, W. Va., to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Riverview, Ohio.

No. MC-5470 (Sub-No. E17), filed May 20, 1974. Applicant: TAJON, INC., R.D. #5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal* (that can be unloaded by dumping), in dump vehicles, between Mars, Pa., and Staten Island, N.Y. The purpose of this filing is to eliminate the gateway of Oil City, Pa.

No. MC-8535 (Sub-No. E32), filed June 3, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products*, between points in Daviess, Henderson, McLean, and Webster Counties, Ky., on the one hand, and, on the other, points in Alabama in and south of Sumter, Greene, Hale, Bibb, Shelby, Saint Clair, Etowah, Dekalb Counties, and points in Connecticut, Georgia, Maine, Massachusetts, and North Carolina. The purpose of this filing is to eliminate the gateway of the facilities of National Southwire Aluminum Co., at or near Hawesville, Ky.

No. MC-8535 (Sub-No. E33), filed June 3, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper boxes, building materials, and glass*, (1) from points in Pennsylvania in and east of Erie, Venango, Clarion, Armstrong, Indiana, Cambria, and Bedford Counties, Pa., to points in North Carolina and South Carolina; (2) from points in Crawford, Mercer, Butler, Lawrence, Beaver, Allegheny, Westmoreland, and Somerset Counties, Pa., to points in Caswell, Guilford, Alamance, Randolph, Montgomery, Stanly, Cabarrus, Mecklenburg, Union, Anson, and Richmond, Counties, N.C.; (3) from points in Pennsylvania in Crawford, Mercer, Butler, Lawrence, Beaver, Allegheny, Westmoreland, and Somerset Counties, Pa., to points in Edgefield, Saluda, Lexington, Richland, Newberry, Fairfield, Kershaw, Chesterfield, Lancaster, Chester, Union, and York Counties, Pa.; (4) from points in Crawford, Mercer, Butler, Lawrence, Beaver, Allegheny, Washington, Westmoreland, Greene, Fayette, and Somerset Counties, Pa., to points in North Carolina, in and east of Person, Orange, Chatham, Moore, Hoke, and Scotland Counties; and (5) from points in Crawford, Mercer, Butler, Lawrence, Beaver, Allegheny, Washington, Westmoreland, Greene, Fayette, and Somerset Counties, Pa., to points in South Carolina in and east of Aiken, Orangeburg, Calhoun, Sumter, Lee, Darlington, and Marlboro Counties, Pa. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-8535 (Sub-No. E34), filed June 3, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper boxes, building materials, and glass*, (1) from points in Kent and Sussex Counties, Del., to points in North Carolina in and west of Warren, Nash, Wilson, Greene, Lenoir, Duplin, and Onslow Counties; and (2) from points in New Castle County, Del., to points in North Carolina in and west of Northampton, Halifax, Edgecomb, Pitt, Craven, and Carteret Counties and points in South Carolina. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-14702 (Sub-No. E43), filed June 4, 1974. Applicant: OHIO FAST FREIGHT, INC., PO Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except in bulk and except commodities requiring special equipment), between points in Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, and points in Connecticut on, north, and east of a line beginning at the New York-Connecticut State line and extending along U.S. Highway 6 to its intersection with Connecticut Highway 25, and thence along Connecticut Highway 25 to Bridgeport and the Atlantic Ocean, on the one hand, and, on the other, points in Ohio on and west of a line beginning at the shore of Lake Erie and extending along Ohio Highway 237 to its intersection with Ohio Highway 82, thence along Ohio Highway 82 to its intersection with U.S. Highway 42, thence along U.S. Highway 42 to its intersection with U.S. Highway 23, thence along U.S. Highway 23 to its intersection with U.S. Highway 62, and thence along U.S. Highway 62 to the Ohio-Kentucky State line, restricted against the transportation of traffic originating at or destined to points in Canada. The purpose of this filing is to eliminate the gateways of Warren, Ohio, and the plantsites and warehouses of Alcan Aluminum Corporation at Oswego, N.Y.

No. MC-14702 (Sub-No. E44), filed June 4, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except in bulk and except commodities requiring special equipment), between points in Maine, New Hampshire, Vermont, Rhode Island, and points in Massachusetts on, north, and east of a line beginning at the New York-Massachusetts State line and extending along Interstate Highway 90 to its intersection with U.S. Highway 202, and thence along U.S. Highway 202 to the Massachusetts-Con-

necticut State line, on the one hand, and, on the other, points in Ohio on, south, and east of a line beginning at the Ohio River and extending along Ohio Highway 39 to its intersection with Interstate Highway 77, thence along Interstate Highway 77 to its intersection with Ohio Highway 78, thence along Ohio Highway 78 to its intersection with Ohio Highway 13, thence along Ohio Highway 13 to its intersection with U.S. Highway 33, and thence along U.S. Highway 33 to the Ohio-West Virginia State line, restricted against the transportation of traffic originating at or destined to points in Canada. The purpose of this filing is to eliminate the gateways of Warren, Ohio, and the plantsites and warehouses of Alcan Aluminum Corporation at Oswego, N.Y.

No. MC-16682 (Sub-No. E9), filed May 16, 1974. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, and commercial and institutional fixtures and equipment* (except commodities which, because of their size or weight, require the use of special equipment), (1) between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Kansas, Nevada, New Mexico, Oklahoma, Utah, and Texas. (2) between points in Alabama, Florida, Georgia, Kentucky (except to and from points in Kansas, North Dakota and South Dakota), Mississippi, North Carolina, South Carolina and Tennessee, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming (except no service from points in Kentucky and points in Tennessee), (3) between points in Illinois (except Belleville), Indiana, Michigan, Ohio, and Wisconsin, on the one hand, and, on the other, points in Arizona, Arkansas, Louisiana, and Texas, and (4) between points in Minnesota, Missouri, North Dakota, and South Dakota, on the one hand, and, on the other, points in Arkansas, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC-17868 (Sub-No. E17), filed May 31, 1974. Applicant: H. E. BRINKERHOFF & SONS TRANSPORTATION CO., 1001 South Fourteenth Street, Harrisburg, Pa. 17104. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey in and south of Burlington and Atlantic Counties, on the one hand, and, on the other, points in

Maine, New Hampshire, points in Vermont in and north of Rutland and Windham Counties, those in that part of New York in, west, and north of Delaware, Otsego, Herkimer and Fulton Counties, thence from the Fulton County line along New York State Highway 153, thence along New York State Highway 153 to the New York-Vermont State line, and those in that part of Massachusetts on and east of a line beginning at the New Hampshire-Massachusetts State line and extending along U.S. Highway 3 to its junction with Massachusetts State Highway 128, thence along Massachusetts State Highway 128 to its junction with Massachusetts State Highway 24, thence along Massachusetts Highway 24, thence along Massachusetts State Highway 24 to its junction with Massachusetts State Highway 25, thence along Massachusetts State Highway 25 to its junction with Massachusetts State Highway 28, thence along Massachusetts State Highway 28 to its junction with U.S. Highway 6 at Wareham, and thence points east and south thereof including all points in Barnstable, Dukes, and Nantucket Counties. The purpose of this filing is to eliminate the gateway of Wilmington, Del., and Harrisburg, Pa.

No. MC-20582 (Sub-No. E5), filed June 3, 1974. Applicant: HENRY H. STEVENS INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Steven (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in that part of Michigan north and east of a line beginning at Detroit and extending along U.S. Highway 10 to Ludington and south of Benzie, Grand, Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties on the one hand, and, on the other, points in Alabama, Georgia, Florida, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of Flint, Mich.

No. MC-78228 (Sub-No. E1), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pig iron*, in dump vehicles, from points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire, to points in Illinois, Indiana, Michigan, Ohio (except Cuyahoga, Geauga, Portage, and Lorain Counties), and West Virginia; and (2) *Ferro alloys, silicon metals, and manganese metals*, in dump vehicles, from points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey (except Hope, N.J.), and points in its commercial zone, and points in Gloucester and Cumberland Counties, New York, Pennsylvania (except Adams County and points in that part of Penn-

sylvania west of U.S. Highway 15), Vermont, Virginia, and West Virginia (except Martinsburg, Millville, Bakerton, and points in their commercial zones, and Jefferson and Berkeley Counties), to points in Ohio (except Cuyahoga, Geauga, Lorain, Portage, and Washington Counties), Illinois, Indiana, and Iowa, RESTRICTION: Service is not authorized from points in New Hampshire, Vermont, and Connecticut, to Ashtabula County, Ohio, in (1) above. Service is not authorized from points in New Hampshire and Massachusetts to Ashtabula County, Ohio, in (2) above. The purpose of this filing is to eliminate the gateways of Michigan Falls and Buffalo, N.Y., and Pittsburgh, Pa., for points in (1) above; and Vancorram, Ohio, or Graham, W. Va., for points in (2) above.

No. MC-17868 (Sub-No. E40), filed June 3, 1974. Applicant: H. E. BRINKERHOFF & SONS TRANSPORTATION CO., 1001 South Fourteenth Street, Harrisburg, Pa. 17104. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Cecil, Kent, Queen Annes, Talbot, Carolina, Dorchester, Wicomico, Somerset, and Worcester Counties, Md., on the one hand, and, on the other, points in Florida, Iowa, Illinois, Indiana, Michigan, those in Georgia in and south of Chattooga, Floyd, Bartow, Cobb, Fulton, De Kalb, Rockdale, Newton, Jasper, Jones, Twiggs, Bleckley, Dodge, Telfair, Jeff Davis, Appling, Wayne, and Glynn Counties, those in Tennessee in and west of Hardin, Decatur, Humphreys, Houston, and Montgomery Counties, those in Kentucky in and west of Todd Christian, Hopkins, Webster, and Henderson Counties, and those in Ohio in and west of Clermont, Clinton, Fayette, Pickaway, Fairfield, Licking, Knox, Ashland, Huron, and Erie Counties. The purpose of this filing is to eliminate the gateways of Wilmington, Del., and Harrisburg, Pa.

No. MC-17868 (Sub-No. E41), filed June 3, 1974. Applicant: H. E. BRINKERHOFF & SONS TRANSPORTATION CO., 1001 South Fourteenth Street, Harrisburg, Pa. 17104. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Garrett, Allegany, and Washington Counties, Md., on the one hand, and, on the other, points in South Carolina, Georgia, Florida, those in Tennessee in and west of Hardin, Chester, Madison, Gibson, and Dyer Counties, those in Indiana in and west of Spencer, Dubois, Martin, Greene, Owen, Clay, and Vigo Counties, those in Illinois in and south of Edgar, Douglas, Moultrie, Macon, Menard, Sangamon, Cass, Schuyler, and Adams Counties, those in Iowa (except Muscatine, Scott, Cedar, Clinton, Jones,

Jackson, and Dubuque Counties), and those in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Wilmington, Del., and Harrisburg, Pa.

No. MC-17868 (Sub-No. E42), filed June 3, 1974. Applicant: H. E. BRINKERHOFF & SONS TRANSPORTATION CO., 1001 South Fourteenth Street, Harrisburg, Pa. 17104. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between New Hampshire, on the one hand, and, on the other, Crawford, Mercer, Lawrence, Beaver, Washington, Monroe, Greene, Fayette, Alleghany, Butler, Venango, Clarion, Armstrong, Westmoreland, Somerset, Indiana, Jefferson, Clearfield, Cambria, Bedford, Fulton, Blair, Centre, Delaware, Philadelphia, Montgomery, Bucks, Lehigh, and Northampton Counties, Pa. The purpose of this filing is to eliminate the gateways of Wilmington, Del., and Harrisburg, Pa.

No. MC-17868 (Sub-No. E43), filed May 31, 1974. Applicant: H. E. BRINKERHOFF & SONS TRANSPORTATION CO., 1001 S. Fourteenth Street, Harrisburg, Pa. 17104. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the District of Columbia, on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Florida, Georgia, South Carolina, Tennessee, Ohio, Kentucky, Indiana, Illinois, Iowa, Michigan, those points in Chester, Delaware, Montgomery, Bucks, Leigh, Northampton, Philadelphia, Carbon, Monroe, Luzerne, Pike, Wayne, Wyoming, Lackawanna, and Susquehanna Counties, Pa., those points in West Virginia in and west of Tyler, Doddridge, Harrison, Lewis, Braxton, Clay, Kanawha, Boone, Logan, Mingo, and McDowell Counties, and those points in Virginia in and west of Tazewell, and Smyth Counties and those points in North Carolina in and south of Ashe, Wilkes, Yadkin, Forsythe, Guilford, Alamance, Orange, Wake, Durham, Franklin, Nash, Edgecombe, Martin, Bertie, Washington, Tyrell, and Dare Counties. The purpose of this filing is to eliminate the gateway of Wilmington, Del., and Harrisburg, Pa.

No. MC-64808 (Sub-No. E2), filed May 30, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, (A) between points in Washington and Greene Counties, Pa., on the one hand,

and, on the other, points in Baltimore, Harford, Cecil, Prince Georges, Anne Arundel, Charles, Calvert, St. Marys, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Worcester, and Somerset Counties, Md.; (B) between points in Ohio, on the one hand, and, on the other, points in Maryland; (C) between points in Adams, Athens, Brown, Gallia, Jackson, Lawrence, Meigs, Pike, Scioto, and Vinton Counties, Ohio, on the one hand, and, on the other, points in Greene, Fayette, Westmoreland, Armstrong, Indiana, Clarion, and Jefferson Counties, Pa., points in that part of Somerset, Cambria, Clearfield and Elk Counties, Pa., on and west of U.S. Highway 219, and points in that part of McKean County, Pa., on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6, thence over U.S. Highway 6 to Kane, Pa., thence over Pennsylvania Highway 321 to junction U.S. Highway 219, thence over U.S. Highway 219 to the southern boundary of McKean County; (d) between points in Darke, Defiance, Mercer, Montgomery, Paulding, Preble, Van Wert, and Williams Counties, Ohio, on the one hand, and, on the other, points in Fayette County, Pa., and points in Somerset County, Pa., on and west of U.S. Highway 219; and (E) between points in Butler, Clermont, Clinton, Hamilton, Highland, and Warren Counties, Ohio, on the one hand, and, on the other, points in Greene, Fayette, Westmoreland, Indiana, and Jefferson Counties, Pa., and points in Somerset, Cambria, and Clearfield Counties, Pa. on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateways of Fairmont (Marion County), and Star City, W. Va.

No. MC-64808 (Sub-No. E3), filed May 30, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. 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, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Lewis County, W. Va., on the one hand, and, on the other, points in Ohio (except points in Adams, Pike, Scioto, Lawrence, Jackson, Gallia, Vinton, Athens, Meigs and Washington Counties, Ohio), points in Maryland, and points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6 (formerly portion U.S. Highway 219), thence over U.S. Highway 6 to Kane, Pa., thence over unnumbered highway (formerly portion U.S. Highway 219), via East Kane, Sergeant and Dahoga, Pa., to junction U.S. Highway 219, and thence along U.S. Highway 219 to the Pennsylvania-Maryland State line. The purpose of this filing

is to eliminate the gateway of Fairmont, W. Va.

No. MC-64808 (Sub-No. E4), filed May 30, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. 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, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Wetzel County, W. Va., on the one hand, and, on the other, points in Ohio (except points in Holmes, Carroll, Tuscarawas, Jefferson, Coshocton, Harrison, Licking, Muskingum, Guernsey, Belmont, Perry, Morgan, Noble, Monroe, Athens, and Washington Counties, Ohio), points in Maryland, points in Erie, Warren, Forest, Clarion, Jefferson, Armstrong, Indiana, Westmoreland, and Fayette Counties, Pa., points in that part of Elk, Clearfield, Cambria, and Somerset Counties, Pa., on and west of U.S. Highway 219, and points in that part of McKean County, Pa., on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6, thence over U.S. Highway 6 to Kane, Pa., thence over Pennsylvania Highway 321 to junction U.S. Highway 219, and thence over U.S. Highway 219 to the southern boundary of McKean County. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC-64808 (Sub-No. E5), filed May 30, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. 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, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Harrison County, W. Va., on the one hand, and, on the other, points in Ohio (except points in Fairfield, Perry, Morgan, Noble, Monroe, Hocking, Athens, Washington, Vinton, Meigs, Jackson, Gallia, and Lawrence Counties, Ohio), points in Maryland, and points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6 (formerly portion U.S. Highway 219), thence over U.S. Highway 6 to Kane, Pa., thence over unnumbered highway (formerly portion U.S. Highway 219), via East Kane, Sergeant and Dahoga, Pa., to junction U.S. Highway 219, and thence along U.S. Highway 219 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC-64808 (Sub-No. E7), filed May 30, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. 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, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Monongalia County, W. Va., on the one hand, and, on the other, points in Ohio (except points in Columbiana and Jefferson Counties and that part of Mahoning County south of U.S. Highway 224), points in that part of Maryland on and east of Interstate Highway 81, points in Erie, Crawford, Warren and Forrest Counties, Pa., points in that part of Venango County, Pa., on and north of U.S. Highway 62, points in that part of Elk County, Pa., on and west of U.S. Highway 219, and points in that part of McKean County, Pa., on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6, thence over U.S. Highway 6 to Kane, Pa., thence over Pennsylvania Highway 321 to junction U.S. Highway 219, and thence over U.S. Highway 219 to the southern boundary of McKean County. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC-64808 (Sub-No. E14), filed May 31, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Peoria, Ill., and Louisville, Ky., to Elkins, W. Va. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC-88368 (Sub-No. E20), 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* from points in Minnesota to points in Alabama (Harlan, Iowa and points within 15 miles thereof, and points in Missouri and Mississippi),* points in those Colorado Counties on and south of U.S. Highway 24 (Harlan, Iowa and points within 15 miles thereof, and Newton, Kans., and points within 15 miles thereof),* points in Florida (Harlan, Iowa and points within 15 miles thereof, points in Mississippi and Missouri, and Florence, Sheffield, and Tusculumbia, Ala.),* points in Georgia (Harlan, Iowa and points within 15 miles thereof, points in Mississippi and Missouri, and Florence, Sheffield, and Tus-

cumbia, Ala.),* points in Kansas (Harlan, Iowa and points within 15 miles thereof),* points in Missouri on and West of U.S. Highway 71 (Harlan, Iowa and points within 15 miles thereof),* points in Mississippi (Harlan, Iowa and points within 15 miles thereof and points in Missouri),* points in Oklahoma (Harlan, Iowa and points within 15 miles thereof, and points in Cowley County, Kans.)* and points in Texas (Harlan, Iowa and points within 15 miles thereof and points in Cowley County, Kans.)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC-95540 (Sub-No. E425), filed May 16, 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 vehicles, over irregular routes, transporting: *Bananas and coconuts and pineapples*, when moving in the same vehicle and at the same time with bananas, from points in Virginia on or east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 258 to Smithfield, thence along Virginia Highway 10 to its junction with Virginia Highway 31, thence along Virginia Highway 31 to Yorktown, thence along the Chesapeake Bay to the Atlantic Ocean, to points in Alabama on and south of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 98 to its junction with U.S. Highway 31, thence along U.S. Highway 31 to its junction with U.S. Highway 29, thence along U.S. Highway 29 to Andalusia, thence along U.S. Highway 84 to Opp, thence along Alabama Highway 134 to Enterprise, thence along U.S. Highway 84 to the Chattahoochee River. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla.

No. MC-95540 (Sub-No. E426), filed May 16, 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 vehicles, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration (except in bulk and except meats, meat products, meat by-products, and articles distributed by meat packing-houses, 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 points in Texas, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-95540 (Sub-No. E428), filed May 12, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30301. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables* (except in bulk, in tank vehicles), from points in New York on and east of a line beginning at Cape Vincent on Lake Ontario, and extending south along the shore of Lake Ontario to Oswego, thence along New York Highway 57 to Syracuse, thence along U.S. Highway 11 to Cortland, thence along New York Highway 90 to its junction with New York Highway 38, thence along New York Highway 38 to Oswego, thence along New York Highway 176 to its junction with New York Highway 282, thence along New York Highway 282 to the New York-Pennsylvania State line, to points in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 180 to Fort Worth, thence along Interstate 20 to its junction with U.S. Highway 80, thence along U.S. Highway 80 to Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Tifton, Georgia.

No. MC-95540 (Sub-No. E430), 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: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Michigan (except points on the Upper Peninsula of Michigan) to points in California on, west, and south of a line beginning at Santa Cruz and extending along California Highway 17 to Freedom, thence along California Highway 152 to its junction with Interstate Highway 5, thence along Interstate Highway 5 to its junction with California Highway 140, thence along California Highway 140 to Merced, thence along California Highway 99 to Bakersfield, thence along California Highway 58 to Barstow, thence along Interstate Highway 40 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of points in Alabama.

No. MC-95540 (Sub-No. E431), 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 and frozen vegetables*, from points in Florida on and east of U.S. Highway 331, to points in Kansas. The purpose of this filing is to eliminate the gateways of Tifton, Ga., and Florence, Ala.

No. MC-95540 (Sub-No. E432), filed May 14, 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*, in vehicles equipped with mechanical refrigeration (except in bulk and except meats, meat products, meat by-products, and articles distributed by meat packing-houses, 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 points in Texas, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC-95540 (Sub-No. E433), filed May 14, 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*, in vehicles equipped with mechanical refrigeration (except in bulk and except meats, meat products, meat by-products, and articles distributed by meat packing-houses), 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 points in Texas, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC-95540 (Sub-No. E442), filed May 20, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in South Carolina on and east of Interstate Highway 95 to all points in Idaho on, east and south of a line beginning at the Idaho-Montana State line and extending along U.S. Highway 93 to its junction with Idaho Highway 21, thence along Idaho Highway 21 to Boise, thence along Idaho Highway 55 to its junction with U.S. Highway 95, thence along U.S. Highway 95 to the Idaho-Oregon State line. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla., and Gulfport, Miss.

No. MC-95540 (Sub-No. E443), filed May 20, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in South Carolina on, east and south of a line beginning at North Augusta and extending along U.S. Highway 25 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line, from points in Oregon. The purpose of this filing is to eliminate the

gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC-95540 (Sub-No. E534), filed May 9, 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 Erie, Pa., to points on and south of a line beginning at the Oklahoma-New Mexico State line and extending along U.S. Highway 64 to its junction with Oklahoma Highway 3, thence along Oklahoma Highway 3 to its junction with Oklahoma Highway 15, thence along Oklahoma Highway 15 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to its junction with Oklahoma Highway 33, thence along Oklahoma Highway 33 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-95540 (Sub-No. E535), filed May 9, 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 Elmira, N.Y., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-95540 (Sub-No. E552), 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: *Canned goods*, not coldpack and not frozen, from Red Creek, Waterloo, Rushville, Penn Yan, Egypt, Fairport, Lyons, Newark, and Syracuse, N.Y., to points in Alabama on, east and south of a line beginning at the Alabama-Mississippi State line and extending along Alabama Highway 56, thence along Alabama Highway 56 to its junction with U.S. Highway 43, thence along U.S. Highway 43 to its junction with Alabama Highway 5, thence along Alabama Highway 5 to its junction with Alabama Highway 22, thence along Alabama Highway 22 to Clanton, thence along Alabama Secondary Highway 28 to its junction with Alabama Secondary Highway 55, thence along Alabama Highway 55 to Cross Coosa River, thence along Alabama Highway 41 to its junction with Alabama Highway 29, thence along Alabama Highway 29 to its junction with Alabama Highway 21, thence along Alabama Highway 21 to its junction with Alabama Highway 74, thence along Alabama Highway 74 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of

points in Virginia on the Del-Mar-Va Peninsula south of the Chesapeake and Delaware Canal.

No. MC-95540 (Sub-No. E554), 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: *Butter, cheese, cream, and milk, including concentrated milk*, from points in Ohio to points in Florida. The purpose of this filing is to eliminate the gateway of Moultrie, Ga.

No. MC-95540 (Sub-No. E559), 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., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mesa, Ariz., to points in Maryland. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E560), filed May 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. 30302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in Georgia on and east of U.S. Highway 301 (except points in Georgia on U.S. Highway 1), to points in Idaho. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC-95540 (Sub-No. E561), 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., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in Georgia on and east of U.S. Highway 301 (except points in Georgia on U.S. Highway 1), to points in Colorado on and west of a line beginning at the Colorado-New Mexico State line and extending along Interstate Highway 25 to Trinidad; thence along U.S. Highway 350 to LaJunta; thence along U.S. Highway 50 to its junction with Colorado Highway 71; thence along Colorado Highway 71 to Limon; thence along Interstate Highway 70 to Denver; thence along U.S. Highway 287 to the Colorado-Wyoming State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC-95540 (Sub-No. E562), 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: *Bananas and coconuts and pineapples*, when moving in the same vehicle and at the same time with bananas, from points in North Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 301 to its junction with U.S. Highway 13, thence along U.S. Highway 13 to its junction with U.S. Highway 258, thence along U.S. Highway 258 to the North Carolina-Virginia State line, to points in Mississippi on and south of U.S. Highway 98. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla.

No. MC-95540 (Sub-No. E563), 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: *Lumber* (except plywood), from points in West Virginia, to points in South Carolina. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC-95540 (Sub-No. E564), 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: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in New Mexico to points in North Carolina. The purpose of this filing is to eliminate the gateway of Dothan, Ala.

No. MC-95540 (Sub-No. E566), 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: *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, points in New Mexico on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 66 to Tucumcari, thence along New Mexico Highway 104 to Las Vegas, thence along Interstate Highway 25 to Santa Fe, 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 U.S. Highway 44, thence along U.S. Highway 44 to its junction with New Mexico 17, thence along New Mexico Highway 17 to Farmington, thence along U.S. Highway 550 to its junction with New Mexico Highway 504, thence along New Mexico Highway 504 to the New Mexico-Arizona State line, to Baltimore, Md. The purpose of this fil-

ing is to eliminate the gateway of Dothan, Ala.

No. MC-95540 (Sub-No. E567), 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: *Lumber* (except plywood), from Marietta and Uhrichsville, Ohio, to points in Alabama. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC-95540 (Sub-No. E568), 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: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in New Mexico on and west of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 62/180 to Hobbs, thence along U.S. Highway 18 to its junction with U.S. Highway 82, thence along U.S. Highway 82 to its junction with U.S. Highway 172, thence along U.S. Highway 172 to its junction with New Mexico Highway 31, thence along New Mexico Highway 31 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to Vaughn, thence along U.S. Highway 60 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to Los Lunas, thence along New Mexico Highway 6 to its junction with Interstate Highway 40 to the New Mexico-Arizona State line, to points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 220 to its junction with New York Highway 17, thence along New York Highway 17 to Binghamton, thence along U.S. Highway 7 to Schenectady, thence along U.S. Highway 50 to Glens Falls, thence along U.S. Highway 9 to its junction with Interstate Highway 87, thence along Interstate Highway 87 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Dothan, Ala.

No. MC-95540 (Sub-No. E582), filed May 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of the Appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), and subject to the condition

that such commodities as do not require refrigeration shall be transported only in mixed truckloads with commodities requiring refrigeration, from points in California, to the District of Columbia. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E591), filed May 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix 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 south of the line beginning at Eureka and extending along California Highway 299 to junction with State Highway 44, thence along California Highway 44 to its junction with U.S. Highway 395 thence along U.S. Highway 395 to its junction with unnumbered California Highway through Wendell to the California-Nevada State line, to points in New York on and south of a line beginning at the New York-Connecticut State line and extending along U.S. Highway 44, to Poughkeepsie, thence along New York Highway 55 to junction with Interstate Highway 87 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E623), filed May 6, 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, east, and south of a line beginning at Half Moon Bay and extending along unnumbered California Highway to California Highway 35, thence along California Highway 35 to San Mateo, thence along California Highway 92 to its junction with Interstate Highway 580, thence along Interstate Highway 580 to its junction with California Highway 120, thence along California Highway 120 to its junction with California Highway 99, thence along California Highway 99 to Tulare, thence along California Highway 137 to its junction with California Highway 65, thence along California Highway 65 to its junction with California Highway 155, thence along California Highway 155 to its junction with California Highway 178, thence along California Highway 178 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to its junction with California Highway 190, thence along California Highway 190 to Amargosa, thence along California Highway 127 to Shoshone, thence along California Highway 178 to the California-Nevada State line, to points in Pennsylvania on and east of a line begin-

ning at the Pennsylvania-Maryland State line and extending along Pennsylvania Highway 15 to Harrisburg, thence along Interstate Highway 81 to Scranton, thence along U.S. Highway 6 to its junction with Pennsylvania Highway 171, thence along Pennsylvania Highway 171 to its junction with Pennsylvania Highway 370, thence along Pennsylvania Highway 370 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E633), filed May 8, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Bridgeton, N.J., to points in Colorado, on and south of Interstate Highway 90. The purpose of this filing is to eliminate the gateways of Baltimore, Md., and Pike and Spaulding Counties.

No. MC-95540 (Sub-No. E634), filed May 8, 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. 30302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as defined by the Commission, and limited to those commodities which are fit for human consumption, from Dothan, Ala., to Bangor, Pine Point, Portland, and Waterville, Maine. The purpose of this filing is to eliminate the gateways of Englishtown, Glassboro, Gloucester, Seabrook, Swedesboro, and Vineland, N.J.

No. MC-95540 (Sub-No. E635), filed May 8, 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*, in packages, from Carrollton, Moberly, St. Joseph, Marshall, Macon, and Milan, Mo., to points in Florida on and east of U.S. Highway 331. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. E686), 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: *Bananas*, from points in Georgia on and east of U.S. Highway 301 (except points on U.S. Highway 1), to points in Oklahoma on and north of a line beginning at the New Mexico-Oklahoma State line and ex-

tending along U.S. Highway 56/64 to its junction with U.S. Highway 64 to Guyton, thence along U.S. Highway 54/64 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC-100666 (Sub-No. E63), filed May 3, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* (a) from points in Louisiana to points in Alabama (except from points in Louisiana on and north of a line from the Texas-Louisiana State line along U.S. Highway 190 to the junction of Interstate Highway 55, thence along Interstate Highway 55 to the Louisiana-Mississippi State line when destined to Steelwood, Stockton, Mobile, Mt. Vernon, Greenville, Chapman, and Selma, Ala.), to points in Connecticut, Delaware, Florida, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Tennessee (except Memphis), Virginia, Vermont, and the District of Columbia (the warehouses and plants of the International Paper Company located in Stone County, Miss.); (b) from points in Louisiana south of a line from the Texas-Louisiana State line along U.S. Highway 190 to the junction of Interstate Highway 55, thence along Interstate Highway 55 to the Louisiana-Mississippi State line to points in Georgia and West Virginia (points in Mississippi); (c) from points in Louisiana in excess of 250 miles from Texarkana, Tex., to points in Arkansas and Missouri over 250 miles from Texarkana, Tex. (points in Mississippi and points in Tennessee within 250 miles of Texarkana, Tex.); (2) *Plywood* from points in Louisiana over 250 miles from Texarkana, Tex., to points in California on and north of a line from the Arizona-California State line along Interstate Highway 40 to the junction of U.S. Highway 58, thence along U.S. Highway 58 to Kern County and in and north of Kern and San Luis Obispo Counties, and points in Idaho, Montana, Nevada, Oregon, Utah, and Washington (points in Mississippi and points in Louisiana over 250 miles from Texarkana, Tex.); (3) *Pallets* from points in Louisiana to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Ohio, North Carolina, Pennsylvania, South Carolina, Tennessee (except Memphis), Virginia, and West Virginia (points in Mississippi); (4) *Lumber, pallets, windows, and doors* complete with panes, (a) from points in Mississippi to points in Texas (points in Louisiana); (b) from points in Mississippi on and south of Interstate Highway 20 to points in Kansas and Oklahoma (points in Louisiana); (c) from points in Mississippi on and east of a line from the Alabama-Mississippi State line along

Mississippi Highway 12 to the junction of U.S. Highway 51, thence along U.S. Highway 51 to the junction of U.S. Highway 49, thence along U.S. Highway 49 to the junction of U.S. Highway 98, thence along U.S. Highway 98 to the Alabama-Mississippi State line to points in Arkansas on and south of a line from the Oklahoma-Arkansas State line along Arkansas Highway 8 to the junction of U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line (points in Louisiana); (d) from points in Mississippi on and south of a line from the Louisiana-Mississippi State line along Interstate Highway 20 to the junction of U.S. Highway 49, thence along U.S. Highway 49 to the junction of U.S. Highway 98, thence along U.S. Highway 98 to the Alabama-Mississippi State line to points in Arkansas (points in Louisiana); (5) *Pallets* from points in Mississippi on and south of a line from the Louisiana-Mississippi State line along Interstate Highway 20 to the junction of U.S. Highway 49, thence along U.S. Highway 49 to the junction of U.S. Highway 84, thence along U.S. Highway 84 to the Alabama-Mississippi State line to points in Missouri (points in Louisiana); (6) *Plywood* from Pascagoula, Miss., to points in Idaho, Montana, Nevada, Oregon, Utah, and Washington (points in Louisiana over 250 miles from Texarkana, Tex., and Pittsburg, Kans.); (7) *Lumber* from points in Mississippi to points in Arizona (points in Louisiana within 250 miles of Texarkana, Tex., and Texarkana, Tex.); (8) *Lumber and windows and doors* complete with panes, (a) from points in Mississippi in and south of Monroe, Chicaw, Calhoun, Yalobusha, Talahatchie, and Coahoma Counties to points in Colorado (points in Louisiana within 250 miles of Texarkana, Tex., and Duke, Okla.); (b) from points in Mississippi to points in New Mexico (Duke, Okla.); (9) *Lumber* from Pascagoula, Miss., to points in Indiana on and west of a line from the Indiana-Kentucky State line along Indiana Highway 57 to the junction of U.S. Highway 67, thence along U.S. Highway 67 to the junction of Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Ohio State line, and points in Iowa, Michigan, Minnesota, Nebraska, North Dakota, Pennsylvania, South Dakota, Wisconsin and Memphis, Tenn. (points in Louisiana within 250 miles of Texarkana, Tex., and points in Arkansas); (10) *Plywood* from points in Mississippi on and south of Interstate Highway 20 to points in California (points in Louisiana within 250 miles of Texarkana, Tex., and Pittsburg, Kans.). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC-107403 (Sub-No. E178), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER August 1, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers*, in bulk, from Lewes, Del., to points in North Carolina. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. The purpose of this republication is to correctly describe the destination authority.

No. MC-107403 (Sub-No. E265), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER July 31, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquids* (except milk, petroleum, petroleum products, coal tar, and coal tar products), in bulk, in tank vehicles, from Philadelphia, Pa., and points within 25 miles, to points in Ohio and West Virginia, within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of York Springs, Pa. The purpose of this correction is to correctly describe the commodities.

No. MC-107496 (Sub-No. E194), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemical adhesives*, in bulk, in tank vehicles, from the plant site of H. B. Fuller Company, at Kansas City, Kans., to points in Indiana (except points south of U.S. Highway 150). The purpose of this filing is to eliminate the gateway of the plant site of the Ashland Chemical Company at or near Mapleton, Ill.

No. MC-107515 (Sub-No. E35), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen edible meat products*, from Galveston, Tex., to the District of Columbia, and points in Connecticut, Delaware, Massachusetts, New Jersey, and those parts of Virginia, Maryland, Pennsylvania, and New York on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC-107515 (Sub-No. E39), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meats and meat products* (except canned, and chile con carne), in vehicles equipped with mechanical refrigeration, from Austin, Tex., to the District of Columbia, and points in Maryland, Massachusetts, New Jersey, Delaware, Connecticut, Rhode Island, New Hampshire

Vermont, Maine, and those parts of Virginia and Pennsylvania on and east of U.S. Highway 15, and that part of New York on and east of a line beginning at Lake Ontario, thence along New York Highway 21 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 19, thence along New York Highway 19 to the New York-Pennsylvania State line, restricted against joinder for the purpose of performing through service from Columbus, Ohio, Cudahy and Madison, Wis., Kansas City, Kans.-Mo., St. Joseph and St. Louis, Mo., E. St. Louis, Sterling, Moline, and Rochelle, Ill., Covington, Ky., West Point, Nebr., and points in Iowa and Minnesota, to points in Maryland and Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC-107515 (Sub-No. E40), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Unfrozen meats and meat products*, from Galveston, Tex., to the District of Columbia and points in Massachusetts, New Jersey, Maryland, Delaware, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, New York, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-West Virginia State line, thence along Pennsylvania Highway 281 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 948, thence along Pennsylvania Highway 948 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line, and that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 29 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC-107515 (Sub-No. E41), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Houston, Tex., to points in West Virginia, and those parts of Virginia and Pennsylvania west of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC-107515 (Sub-No. E42), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle,

over irregular routes, transporting: *Frozen meats and frozen edible meat products*, from San Angelo, Tex., to points in West Virginia, and those parts of Pennsylvania and Virginia on and west of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-107515 (Sub-No. E50), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen edible meat products*, from San Angelo, Tex., to the District of Columbia, and points in Connecticut, Delaware, Massachusetts, New Jersey, that part of Maryland on and east of a line beginning at the Maryland-District of Columbia boundary line thence along Interstate Highway 95 to Baltimore, thence along U.S. Highway 83 to the Maryland-Pennsylvania State line, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line and that part of New York on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC-107515 (Sub-No. E51), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Unfrozen meats and meat products*, from Paris, Tex., to the District of Columbia and points in Massachusetts, New Jersey, Delaware, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Maryland-Virginia State line, that part of Pennsylvania on and east of U.S. Highway 15, that part of Virginia on and east of U.S. Highway 15, and that part of New York on and east of Interstate Highway 81. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC-109397 (Sub-No. E30) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER July 30, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (a) *Explosives*, between points in Louisiana, on the one hand, and, on the other, Louviers, Colo., and points within 5 miles

thereof; and (b) *Classes A and B explosives*, (1) between points in Missouri and Arkansas, on the one hand, and, on the other, Louviers, Colo., and points within 5 miles thereof, and (2) between points in Louisiana, on the one hand, and, on the other, points in that part of Oklahoma on and north of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of points in Kansas. The purpose of this correction is to include Louviers, Colo., in the territorial description in (a) above.

No. MC-110525 (Sub-No. E723), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), from points in Virginia to points in Connecticut. The purpose of this filing is to eliminate the gateways of (1) points in that part of Virginia located in the District of Columbia commercial zone, (2) points in Aston Township, Pa., and (3) Newark, N.J.

No. MC-111401 (Sub-No. E10), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from points in that part of Kansas on and south of U.S. Highway 160 and on and west of U.S. Highway 83, to Demopolis, Ala., Chicago and Ringwood, Ill., and points in Indiana, Kentucky, Louisiana, and Ohio. The purpose of this filing is to eliminate the gateway of Kingsmill, Tex.

No. MC-111401 (Sub-No. E11), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from points in that part of Texas on and south of U.S. Highway 66 to Demopolis, Ala., Chicago and Ringwood, Ill., and points in Missouri, Kentucky, Louisiana, Ohio, and Indiana. The purpose of this filing is to eliminate the gateway of Kingsmill, Tex.

No. MC-111401 (Sub-No. E15), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas on and east of U.S. Highway 281 to points in Utah and Nevada. The purpose of this filing is to eliminate the gateway of Wynnewood, Okla.

No. MC-111545 (Sub-No. E152), (Correction), filed May 19, 1974, published in the FEDERAL REGISTER July 15, 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, restricted against the transportation of any such commodities to be used in, or in connection with, main or trunk pipelines, between points in that part of Arizona on and west of a line beginning at the International Boundary line between the United States and Mexico, thence along U.S. Highway 89 to Williams, thence along Arizona Highway 64 to Grand Canyon, thence along Arizona Highway 64 to Cameron, thence along U.S. Highway 89 to the Arizona-Utah State line, on the one hand, and, on the other, points in that part of Oklahoma on and north of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 75 to Tulsa, thence along U.S. Highway 64 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateway of Eve, Mo. The purpose of this correction is to substitute Mexico for Canada.

No. MC-111545 (Sub-No. E242), 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*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Utah, on the one hand, and, on the other, points in Virginia, restricted against the transportation of knitting machines and commodities to be used in, or in connection with, main or trunk pipelines. The purpose of this filing is to eliminate the gateways of Fort Scott, Kans., and Charlotte, N.C.

No. MC-111545 (Sub-No. E243), 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*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Nebraska, on the one hand, and, on the other, points in Ohio and Tennessee. The purpose of this filing is to eliminate the gateway of Keokuk, Iowa.

No. MC-111545 (Sub-No. E244), 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 Michigan, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC-111545 (Sub-No. E245), 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*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Maryland, on the one hand, and, on the other, points in Utah, restricted against the transportation of knitting machines and commodities to be used in, or in connection with, main or trunk pipelines. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Ft. Scott, Kans.

No. MC-111545 (Sub-No. E246), 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*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Maine, on the one hand, and, on the other, points in Utah, restricted against the transportation of knitting machines and commodities to be used in, or in connection with, main or trunk pipelines. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Pittsburg, Kans.

No. MC-111545 (Sub-No. E247), 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 Kansas, on the one hand, and, on the other, points in Maine and Rhode Island. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC-111545 (Sub-No. E248), 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*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Louisiana, on the one hand, and

on the other, Charlotte, N.C., and points in that part of North Carolina within 150 miles of Charlotte, N.C. The purpose of this filing is to eliminate the gateway of North Augusta, S.C.

No. MC-111545 (Sub-No. E250), 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*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Kansas within 300 miles of Ames, Iowa, on the one hand, and, on the other, points in Ohio and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Keokuk, Iowa.

No. MC-111545 (Sub-No. E259), 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*, 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 Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and the District of Columbia, restricted against the transportation of knitting machines and commodities to be used in, or in connection with, main or trunk pipelines. The purpose of this filing is to eliminate the gateways of Ft. Scott, Kans., and Charlotte, N.C.

No. MC-111545 (Sub-No. E262), 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 Connecticut, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Hugo, Okla.

No. MC-111545 (Sub-No. E263), 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 Connecticut, on the one hand, and

on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC-111545 (Sub-No. E264), 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*, the transportation of which, because of size or weight, requires the use of special equipment; between points in Connecticut, on the one hand, and on the other, points in Utah, restricted against the transportation of knitting machines and commodities to be used in, or in connection with, main or trunk pipelines. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Ft. Scott, Kans.

No. MC-111545 (Sub-No. E268), 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*, 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 Iowa. The purpose of this filing is to eliminate the gateway of Clarksville, Tenn.

No. MC-113267 (Sub-No. E14), filed May 16, 1974. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3385 Airways Boulevard, Memphis, Tenn. 38116. Applicant's representative: Lawrence A. Fischer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Charleston, S.C., to points in Texas, and Louisiana (except points in Concordia, Catahoula, Caldwell, Franklin, Tensas, Madison, Richland, Quachita, Jackson, Lincoln, Webster, Claiborne, Union, Morehouse, West Carroll, and East Carroll). The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Gulfport, Miss.

No. MC-113267 (Sub-No. E15), filed May 16, 1974. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3385 Airways Boulevard, Memphis, Tenn. 38116. Applicant's representative: Lawrence A. Fischer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses* (except abrasives, detergents, soap, soap stock, and soap products) as described in Appendix I, to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, and 766 (except

hides and commodities in bulk, in tank trucks), in vehicles equipped with mechanical refrigeration from points in Iowa (except Woodbury, Monona, Harrison, Shelby, Pottawattamie, Cass, Mills, Montgomery, Adams, Fremont, Page, and Taylor Counties), to points in Mississippi north of Clark, Jasper, Smith, Simpson, Copiah, and Claiborne Counties (except points in Benton, Tippah, Alcorn, Prentiss, Tishomingo, and Itawamba Counties). The purpose of this filing is to eliminate the gateways of Paducah, Ky., and Memphis, Tenn.

No. MC-113362 (Sub-No. E13), filed May 12, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 1105 1/2 8th Ave. NE., Austin, Minn. 55912. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Candy and confectionery*, from the plantsite and storage facilities of Topps Chewing Gum, Inc., at Duryea, Pa., (1) to points in that part of Illinois north of U.S. Highway 36 (except Chicago), and that part of Indiana on, north, and west of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 36 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 47, thence along Indiana Highway 47 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 43, thence along Indiana Highway 43 to U.S. Highway 421, thence along U.S. Highway 421 to Michigan City [Chicago, Ill.]*, and (2) to points in Iowa and that part of Michigan on and west of U.S. Highway 63 [Chicago, Ill., and Lakota, Iowa]*; and (B) *Candy* from the plantsite and storage facilities of Topps Chewing Gum, Inc., at Duryea, Pa., to Little Rock, Ark., Memphis, Tenn., Baton Rouge, La., and points in that part of Louisiana on, north, and west of a line beginning at the Texas-Louisiana State line, thence along Interstate Highway 10 to junction U.S. Highway 167, thence along Interstate Highway 167 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC-113362 (Sub-No. E18), filed May 12, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 1105 1/2 8th Ave. NE., Austin, Minn. 55912. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chewing gum base*, from Oak Tree, N.J., to LaPorte and South Bend, Ind., that part of Indiana on, north, and west of a line beginning at the Illinois-Indiana State line, thence along Interstate Highway 74 to junction U.S. Highway 41, thence along U.S. Highway 41 to its junction with Indiana Highway 28, thence along Indiana Highway 28 to

junction Indiana Highway 25, thence along Indiana Highway 25 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction U.S. Highway 421 to Michigan City, and that part of Illinois north of U.S. Highway 36 (except Chicago) [Chicago, Ill.]*, and (2) to points in Minnesota and Iowa [Chicago, Ill., and Lakota, Iowa]*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC-113362 (Sub-No. E19), filed May 12, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 1105 1/2 8th Ave. NE., Austin, Minn. 55912. Applicant's representative: Milton D. Adams, P.O. Box 561, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (except in bulk), from the plantsite and storage facilities of Charms Co., in Bloomfield, N.J., (1) to points in that part of Illinois north of U.S. Highway 36 (except Chicago), and that part of Indiana on, north, and west of a line beginning at the Illinois-Indiana State line, thence along Interstate Highway 74 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 28, thence along Indiana Highway 28 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Indiana-Michigan State line [Chicago, Ill.]*, and (2) to points in Minnesota and Iowa [Chicago, Ill., and Lakota, Iowa]*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC-113362 (Sub-No. E20), filed May 12, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 1105 1/2 8th Ave. NE., Austin, Minn. 55912. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such metal bottle caps as are dealt in by wholesale, retail, and chain grocery and food business houses, or are used as materials and supplies in the conduct of such businesses*, from New York, N.Y., to points in that part of Illinois north of U.S. Highway 36 (except Chicago), that part of Iowa east of U.S. Highway 69, and that part of Indiana on, north, and west of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 40 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 47, thence along Indiana Highway 47 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction Indiana Highway 31, thence along Indiana Highway 31 to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC-113362 (Sub-No. E21), filed May 19, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Ia. 50533. Applicant's

representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Frozen foods*, (1) from points in that part of Minnesota on, west, and north of a line beginning at the Iowa-Minnesota on, line, thence along Minnesota Highway 22 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line (except Wells), to Carrollton, Macon, Marshall, Moberly, Sedalia, and Milan, Mo., and (2) from Mankato, Minn., and points in that part of Minnesota north of U.S. Highway 212, to St. Joseph, Mo.; and (B) frozen vegetables, from Marshall, Mo., to points in that part of Minnesota on, west, and north of a line beginning at the Iowa-Minnesota State line, thence along Minnesota Highway 22 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line (except Wells). The purpose of this filing is to eliminate the gateway of (1) points in that part of Kossuth County, Iowa, located within 15 miles of Elmore, Minn., and (2) Wells, Minn.

No. MC-113459 (Sub-No. E9), (Correction), filed May 6, 1974, published in the FEDERAL REGISTER 19, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; and (2) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, from points in New Mexico, to points in Ohio. RESTRICTION: The operations authorized herein are restricted to commodities which are transported on trailers and restricted against the transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateway of Sterling, Ill. The purpose of this correction is to correct the inadvertent omission of the commodities described in (2) above.

No. MC-113459 (Sub-No. E10), (Correction), filed May 6, 1974, published in the FEDERAL REGISTER July 17, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts,*

and supplies when moving in connection therewith; and (2) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, between points in Michigan, on the one hand, and, on the other, points in that part of Missouri on and south of U.S. Highway 36. RESTRICTION: The operations authorized herein are restricted to commodities which are transported on trailers and restricted against the transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateway of Sterling, Ill. The purpose of this correction is to correct the inadvertent omission of the commodities described in (2) above.

No. MC-113826 (Sub-No. E28), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Greensboro, N.C., to points in (1) West Virginia, and (2) Delaware, Maryland, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Roanoke, Va., in (1) above, and Norfolk, Va., in (2) above.

No. MC-113843 (Sub-No. E293), filed May 12, 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: *Dairy products*, as defined by the Commission, from Toledo, Ohio, to points in that part of Kentucky on and west of U.S. Highway 45. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC-113843 (Sub-No. E297), filed May 12, 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: *Meats, meat products, and meat by-products*, as defined by the Commission, from Cleveland, Fostoria, Piqua, and Sandusky, Ohio, to Newark, N.J. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113908 (Sub-No. E1), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Chicago, Ill. to points in Texas (except Harris County), Oklahoma, Louisiana, points in that part of

Arkansas on and west of a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas Highway 11, thence along Arkansas Highway 11 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line, and points in that part of Mississippi on, south, and west of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 20 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 98, thence along U.S. Highway 98 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Nixa, Mo.

No. MC-113908 (Sub-No. E2), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycerine*, in bulk, in tank vehicles, from Springfield and Verona, Mo., to Des Moines and Madrid, Iowa. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

No. MC-113908 (Sub-No. E4), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Rogers, Ark. to points in Illinois and Michigan. The purpose of this filing is to eliminate the gateway of Nixa, Mo.

No. MC-113908 (Sub-No. E5), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Condensed milk and cream*, in bulk, in tank vehicles, from Evansville, Ind., to points in Oklahoma, and points in that part of Texas on, west, and north of a line beginning at the Texas-Louisiana State line thence along Texas Highway 21 to junction Texas Highway 90, thence along Texas Highway 90 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 36, thence along Texas Highway 36 to junction Texas Highway 60, thence along Texas Highway 60 to Matagorda. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC-113908 (Sub-No. E6), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box

3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Hutchinson and Wichita, Kans., to points in California. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-113908 (Sub-No. E7), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal and poultry feed supplements*, in bulk, in tank vehicles, from Verona, Mo., to points in Washington, Wisconsin, points in that part of Oregon on and west of U.S. Highway 395, points in that part of California north of a line beginning at Noys, thence along California Highway 20 to junction U.S. Highway 80, thence along U.S. Highway 80 to the California-Nevada State line, points in that part of Montana north of Montana Highway 200, and points in that part of North Dakota on and north of U.S. Highway 2. The purpose of this filing is to eliminate the gateway of Mapleton, Ill.

No. MC-113908 (Sub-No. E8), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, (1) from points in California, to points in Ohio, Indiana, Mississippi, points in that part of Iowa on and east of U.S. Highway 63, and points in that part of Oklahoma on, north, and east of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 75 to junction Oklahoma Highway 63, thence along Oklahoma Highway 63 to the Oklahoma-Arkansas State line; and (2) from points in Washington, to points in Ohio, Mississippi, points in that part of Louisiana on, south, and east of a line beginning at the Mississippi-Louisiana. The purpose of this filing is to eliminate the gateway of Nixa, Mo.

No. MC-113908 (Sub-No. E9), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Missouri 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Hutchinson and Wichita, Kans., to points in Indiana, Ohio, Mississippi, and points in that part of Louisiana on and west of a line beginning at

the Louisiana-Mississippi State line, thence along U.S. Highway 61 to junction Louisiana Highway 39, thence along Louisiana Highway 39 to Bohemia. The purpose of this filing is to eliminate the gateway of Nixa, Mo.

No. MC-113908 (Sub-No. E10), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Missouri 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Hutchinson and Wichita, Kans., to points in Michigan. The purpose of this filing is to eliminate the gateway of Nixa, Mo.

No. MC-114301 (Sub-No. E1), filed May 30, 1974. Applicant: DELAWARE EXPRESS CO., P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Walter J. Winther (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry poultry and animal feed*, from Philadelphia, Pa., to points in New Castle County, Del., Baltimore, Md., those in Harford, Baltimore, Carroll, Frederick, Howard, Montgomery, Anne Arundel, Prince Georges, Charles, Calvert, and St. Marys County, Md., and points in Arlington, Fairfax, Culpeper, Fauquier, Loudoun, and Prince William Counties, Va. The purpose of this filing is to eliminate the gateway of Newark, Del.

No. MC-114301 (Sub-No. E4), filed May 30, 1974. Applicant: DELAWARE EXPRESS CO., P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Walter J. Winther (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry poultry and animal feed*, from points in Harford, Baltimore, Carroll, Frederick, Howard, Montgomery, Anne Arundel, Prince Georges, Charles, Calvert, and St. Marys Counties, Md., points in Arlington, Fairfax, Culpeper, Fauquier, Loudoun, and Prince William Counties, Va.; and points in Adams, Chester, Lancaster, and York Counties, Pa., to points in New Jersey. The purpose of this filing is to eliminate the gateway of Newark and Wilmington, Del.

No. MC-114301 (Sub-No. E5), filed May 30, 1974. Applicant: DELAWARE EXPRESS CO., P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Walter J. Winther (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry poultry and animal feed*, from points in Bucks, Delaware, Lehigh, Montgomery, and Northampton Counties, Pa., to Washington, D.C., Baltimore, Md., points in Harford, Charles, Calvert, and St. Marys Counties, Md., and points in Arlington and Fairfax Counties, Va. The purpose of this filing is to eliminate the gateways of Newark,

Del., and the plant site of the Ralston Purina Co. at or near Wilmington, Pa.

No. MC-114301 (Sub-No. E9), filed May 30, 1974. Applicant: DELAWARE EXPRESS CO., P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Walter J. Winther (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Maryland and Delaware within 20 miles of Newark, Del., and points in Delaware, on and south of a line beginning at the Maryland-Delaware State line, and extending along Delaware Highway 404 to its junction with Delaware Highway 18, thence along Delaware Highway 18 to Lewes. The purpose of this filing is to eliminate the gateway of Newark, Del., and Havre de Grace, Md.

No. MC-114301 (Sub-No. E10), filed May 30, 1974. Applicant: DELAWARE EXPRESS CO., P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Walter J. Winther (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry poultry and animal feed* from points in Cumberland, Dauphin, and Lebanon Counties, Pa., to points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line, and extending along U.S. Highway 22 to Newark, N.J. The purpose of this filing is to eliminate the gateway of Newark, Del., and Wilmington, Del.

No. MC-115826 (Sub-No. E9), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bldg., Denver, Colo. 80202. 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 in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Roberts, Idaho and points within 5 miles of Roberts, to points in that part of Alabama on, south, and east of a line beginning at the Gulf of Mexico and extending along Alabama Highway 163 to Mobile, thence along Interstate Highway 10 to the Alabama-Florida State line, and points in that part of Florida on and south of a line beginning at the Alabama-Florida State line and extending along Interstate Highway 10 to De Funiak Springs, thence along U.S. Highway 90 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Phoenix, Ariz.

No. MC-115826 (Sub-No. E10), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bldg.,

Denver, Colo. 80202. 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 in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Roberts, Idaho, and points within 5 miles of Roberts, to points in that part of California on, south, and west of a line beginning at the Pacific Ocean and extending along California Highway 299 to Redding, thence along Interstate Highway 5 to junction California Highway 36, thence along California Highway 36 to junction California Highway 89, thence along California Highway 89 to junction California Highway 70, thence along California Highway 70 to junction U.S. Highway 395, thence along U.S. Highway 395 to the California-Nevada State line, and points in that part of Nevada on and south of a line beginning at the California-Nevada State line and extending along Interstate Highway 80 to junction U.S. Alternate Highway 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-Utah State line. The purpose of this filing is to eliminate the gateways of Salt Lake City, Ogden, or Logan, Utah.

No. MC-115826 (Sub-No. E11), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bk. Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Jefferson County, Idaho to points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Joplin, Mo., and points in Missouri and Kansas within 100 miles thereof.

No. MC-115826 (Sub-No. E12), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bk. Bldg., Denver, Colo. 80202. 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 in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank

vehicles), (1) from Denver, Colo., to points in California and Nevada; (2) from Colorado Springs, Colo., to points in Nevada and points in that part of California on, west, and north of Interstate Highway 15; and (3) from Greeley, Colo., to Yuma, Ariz., and points in Nevada and California. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

No. MC-115826 (Sub-No. E27), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh frozen and cured meats, and frozen meat products*, from the plantsite of Cornland Dressed Beef Company, at or near Lexington, Nebr., to points in that part of Oregon on and west of a line beginning at the Oregon-California State line and extending along U.S. Highway 97 to junction U.S. Highway 197 thence along U.S. Highway 197 to the Oregon-Washington State line, and points in that part of Washington on and west of a line beginning at the Oregon-Washington State line and extending along the eastern boundaries of Skamania, Lewis, and Pierce Counties, to the intersection of Washington Highway 410, thence along Washington Highway 410 to junction Interstate Highway 5, thence along Interstate Highway 5 to the U.S.-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Alturas, Calif.

No. MC-115826 (Sub-No. E28), filed May 29, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, frozen, and cured meats, and frozen meat products*, from Storm Lake and Estherville, Iowa, to points in that part of Oregon on, south, and west, of a line beginning at the Oregon-California State line and extending along U.S. Highway 97 to junction Oregon Highway 138, thence along Oregon Highway 138 to junction Oregon Highway 38, thence along Oregon Highway 38 to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Sacramento, Calif.

No. MC-115826 (Sub-No. E35), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats used as ingredients of animal food*, in vehicles equipped with mechanical refrigeration, from points in Kansas, Missouri, and that part of Illinois north of U.S. Highway 36 to points in Nevada on and north of U.S. Highway 50, and points in that part of California

on, north, and west of a line beginning at the California-Nevada State line and extending along the eastern boundaries of Alpine and Tuolumne Counties to the southern boundary of Mariposa County, thence along the southern boundaries of Mariposa and Merced Counties to the eastern boundary of San Benito County, thence along the eastern boundaries of San Benito and Monterey Counties to the southern boundary of Monterey County, thence along the southern boundary of Monterey County to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Midvale, Utah, a point within the Salt Lake City, Utah, commercial zone.

No. MC-124236 (Sub-No. E1), filed June 3, 1974. Applicant: CHEMICAL EXPRESS COMPANY, 1200 Simons Bldg., Dallas, Tex. 75201. Applicant's representative: N. Keith Hall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent catalyst*, in bulk, in covered hopper vehicles, from points in that part of Texas on, north, and east of a line beginning at the Oklahoma-Texas State line, thence along Texas Highway 283 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Texas Highway 44, thence along Texas Highway 44 to Corpus Christi and the Gulf of Mexico, to the site of the refinery of El Paso Natural Gas Products Company, located at Ciniza, N. Mex. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC-124236 (Sub-No. E2), filed June 3, 1974. Applicant: CHEMICAL EXPRESS CO., 1200 Simons Bldg., Dallas, Tex. 75201. Applicant's representative: N. Keith Hall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Amarillo, Tex., to points in Missouri. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC-124111 (Sub-No. E1), filed May 31, 1974. Applicant: OHIO EASTERN EXPRESS, INC., 300 W. Perkins Ave., Sandusky, Ohio 44870. Applicant's representative: John P. McMahon, 100 E. Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Bananas*, from points in the New York, N.Y., commercial zone, as defined by the Commission, to (1) Erie, Pa., (2) points in Defiance and Williams Counties, Ohio, (3) points in Michigan, (4) points in Wisconsin, (5) points in Illinois, (6) points in Indiana west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 231 to Crawfordsville, thence along Indiana Highway 32 to its intersection with Interstate Highway 69, thence along Inter-

state Highway 69 to Fort Wayne, and thence along Indiana Highway 24 to the Indiana-Ohio State line, and (7) points in Kentucky on and west of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 431 to its intersection with U.S. Highway 62, thence along U.S. Highway 62 to its intersection with U.S. 641, thence along U.S. Highway 641 to the Kentucky-Tennessee State line; (B) *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act when transported in mixed loads with bananas, from Charleston, S.C., to points in Connecticut. The purpose of this filing is to eliminate the gateways of Albany, N.Y., for (A) above, and Baltimore, Md., for (B) above.

No. MC-127042 (Sub-No. E36), filed May 31, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, and *articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk), from the plant site and storage facilities of, or used by, American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Idaho, and those in Baker and Malheur Counties, Oreg. The purpose of this filing is to eliminate the gateway of North Sioux City, S. Dak., and Omaha, Nebr.

No. MC-127042 (Sub-No. E37), filed May 31, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicants' representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, and

articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and storage facilities of, or utilized by, American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Montana. The purpose of this filing is to eliminate the gateway of North Sioux City, S. Dak., and West Point, Nebr.

No. MC-127042 (Sub-No. E38), filed May 31, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicants' representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, and *packinghouse products* as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Scottsbluff, Nebr., to points in Iowa on and south of a line beginning at the Iowa-Wisconsin State line and extending along U.S. Highway 18 to its junction with Iowa Highway 150, thence along Iowa Highway 150 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateway of North Sioux City, S. Dak.

No. MC-128878 (Sub-No. E18), filed May 13, 1974. Applicant: SERVICE TRUCK LINES, INC., P.O. Box 3904, Shreveport, Louisiana 71103. Applicant's representative: C. Wade Shemwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* from Sterlington, La., (1) to points in that part of Louisiana on and south of U.S. Highway 84 (Rilla, La.)*, and (2) to points in Oklahoma (Texarkana, Tex.)*, and fertilizer from Sterlington, La., to points in Texas (except in bulk) to points in Chambers,

Montgomery, Harris, Fort Bend, Galveston, Liberty, and Bragoria Counties (Shreveport, La.).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.74-19955 Filed 8-27-74; 8:45 am]

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 FR 8769) "Providing for the appointment of certain persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 FR 8809; 31 FR 930; 31 FR 13405; 32 FR 769; 32 FR 10786; 33 FR 522; 33 FR 10544; 33 FR 20067; 34 FR 11341; 35 FR 131; 35 FR 12175; 36 FR 1235; 36 FR 14359; 37 FR 3480; 37 FR 17100; 38 FR 3649; 38 FR 27248; and 39 FR 6574), for the six months' period ending July 3, 1974.

Revised list of Securities—7/3/74.

Braniff Air
Combustion Engineering
I.B.M.
IT&T
Kraftco
Marriott
Minnesota Mining & Manufacturing
Monarch Equity Realty Investment Trust
Phillips Petroleum
Skyline
Texaco
Union Carbide

Dated: July 29, 1974.

R. R. MANION.

[FR Doc.74-19851 Filed 8-27-74; 8:45 am]

WEDNESDAY, AUGUST 28, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 168

PART II



ENVIRONMENTAL PROTECTION AGENCY

■

MEAT PRODUCTS POINT SOURCE CATEGORY

Small Processor Subcategory; Effluent
Limitations and Guidelines

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 432]

[FRL-254-3]

MEAT PRODUCTS POINT SOURCE CATEGORY

Standards of Performance Applicable to New Sources for the Small Processor Subcategory

Notice is hereby given that effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On February 28, 1974, EPA promulgated a regulation adding Part 432 to Chapter 40 of the Code of Federal Regulations (39 FR 7894). That regulation established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the meat products point source category. The regulation proposed below will amend 40 CFR Part 432—meat products point source category by adding thereto the small processor subcategory (Subpart E), meat cutter subcategory (Subpart F), sausage and luncheon meat processor subcategory (Subpart G), ham processor subcategory (Subpart H), canned meats processor subcategory (Subpart I), and the renderer subcategory (Subpart J) pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act as amended 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500 (the Act).

(a) Legal authority.

(1) Existing point sources.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) to the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process

and procedure innovations, operating methods and other alternatives. The regulation proposed herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the small processor subcategory (Subpart E), meat cutter subcategory (Subpart F), sausage and luncheon meat processor subcategory (Subpart G), ham processor subcategory (Subpart H), canned meats processor subcategory (Subpart I), and the renderer subcategory (Subpart J) of the meat products point source category.

(2) New sources.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624) a list of 27 source categories, including the meat products category. The regulations proposed herein set forth the standards of performance applicable to new sources for the small processor subcategory (Subpart E), meat cutter subcategory (Subpart F), sausage and luncheon meat processor subcategory (Subpart G), ham processor subcategory (Subpart H), canned meats processor subcategory (Subpart I), and the renderer subcategory (Subpart J) of the meat products point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 432.56, 432.66, 432.76, 432.86, 432.96 and 432.106, proposed below, provide pretreatment standards for new sources within the small processor subcategory (Subpart E), meat cutter subcategory (Subpart F), sausage and luncheon meat processor subcategory (Subpart G), ham processor subcategory (Subpart H), canned meats processor subcategory (Subpart I), and the renderer subcategory (Subpart J) of the meat products point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The reports or "Development Documents" referred to below provide, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) Summary and Basis of Proposed Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources.

(1) General methodology.

The effluent limitations, guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under 40 CFR Part 128. The basis for such standards is set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters, except for section 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, sections 432.56, 432.66, 432.76, 432.86, 432.96 and 432.106 below amend section 128.133 to specify the application of the standard of performance for new sources rather than the "best practicable" standards applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the small processor subcategory (Subpart E), meat cutter subcategory (Subpart F), sausage and luncheon meat processor subcategory (Subpart G), ham processor subcategory (Subpart H), canned meats processor subcategory (Subpart I), and the renderer subcategory (Subpart J) of the meat products point source category.

(1) Categorization. As is discussed in detail in the Development Documents cited below, these segments of the meat products industry were derived following analyses of a number of factors. Among these factors were type of raw material, waste characteristics, final product, production process, and age and size of plants. The six subcategories discussed herein as a group represent those operations which process meat products but do not slaughter animals at the site. Any given plant will thus be accomplishing the processing or rendering of meat products or by-products in a manner identical or similar to these procedures at a slaughterhouse or packinghouse where animals are slaughtered.

In spite of the close relationship with production procedures encountered in the slaughterhouse and packinghouse operations, the meat processing plants and the rendering plants carry out processes which are mutually exclusive from each other. As a consequence, each is discussed in a separate report to assure that adequate details are presented with regard to analyses in establishing effluent limitations, standards of performance, and pretreatment standards. Also note that while the renderer operation described below may process raw materials from poultry sources, none of the meat processor subcategories involve poultry processing. A separate and distinct anal-

ysis of the poultry slaughtering and eviscerating (dressing) segment is underway, which will also include rendering accomplished "on site" by the poultry dressing or processing operation.

With regard to the factors for consideration in deriving subcategories, the various meat processing plants may be discretely segmented on the basis of differences in raw waste water characteristics primarily due to a combination of differences in finished products, manufacturing processes and size of plant. Analyses with respect to the factors of raw materials, age, and location of plants provided a secondary means for substantiating the selected subcategories. Accordingly, the meat processor segment of the meat products industry was subcategorized as follows: (1) Small processor (Subpart E), (2) meat cutter (Subpart F), (3) sausage and luncheon meat processor (Subpart G), (4) ham processor (Subpart H), and (5) canned meats processor (Subpart I). The nomenclature of each of the subcategories is reasonably mutually exclusive, e.g., small processors produce up to 2730 kilograms (6000 pounds) of any of a number of products per day such as fresh meat cuts, sausage, smoked products, luncheon meats, etc. The other subcategories, perhaps termed as large processors with more than 2730 kg/day, are similarly discrete. Meat cutters accomplish boning and cutting (sometimes called fabricating) of whole, half or partial fresh carcasses of all types of cattle, sheep, or swine into steaks, roasts, and other fresh meat cuts. Sausage and luncheon meat processors produce a greater variety of products which may include fresh cuts but primarily consists of ground and mixed products, smoked products such as bacon, frankfurters, bologna or sausage. Ham processors may produce only cured hams, but usually produce a substantial variety of products such as fresh meat cuts, luncheon meats, sausage, bacon and smoked or cured hams. Canned meats processor plants may produce canned meat products only, but usually produce a complete line of products such as canned meats, stew, bacon, hams, luncheon meats, sausage, and fresh meat cuts.

A companion analysis of rendering plants (often termed as "offsite" or "independent" renderers with respect to complete separation from "on-site" activities in slaughterhouses and packinghouses) disclosed a single discrete category for all sizes and types of rendering operations. Even though ranges in raw waste water characteristics were encountered, analyses of production process (batch versus continuous cooker), size, type of raw material and other factors revealed readily discernible similarities between all types and classes of rendering plants. Hence, in view of the close relationships in all factors, a single subcategory for renderers was derived.

(ii) Waste characteristics. Regardless of distinct differences in source as discussed below, raw waste waters from all subcategories are readily amenable to measurement and characterization by the pollutant parameters biochemical

oxygen demand, suspended solids, oil and grease, nutrients and coliform bacteria. As may be expected, these parameters are the same as those used to describe slaughterhouse and packinghouse wastes. Because of the protein, curing and bone substances in the source materials, raw waste waters also contain various forms of nitrogen and phosphorus and dissolved solids. None of the potentially harmful pollutants such as heavy metals are present in the raw wastes from either processors or renderers.

(iii) Origin of waste water pollutants. Raw waste water discharges from each of the subcategories contain meat and product residues, animal fats, and other residues normally discharged as a part of process or plant cleanup. Additional sources of raw waste specific to any given subcategory may include such discharges as pickling solutions (ham processors), can washing (canned meats), materials receiving drainage (rendering) or other characteristic process discharge.

The amount of residues or materials discharged is primarily a function of production process (e.g., renderers with continuous cooker systems tend to use less water per product unit than those with batch cookers) and in-plant house-keeping practices utilized before and during cleanup.

(iv) Treatment and control technology. Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

Specific technology currently being utilized by plants in all subcategories involves materials recovery (usually part of in-process primary treatment to recover usable by-product grease or solids) and biological treatment and control concepts. The treatment systems range from simple anaerobic-aerobic lagoon operations through an array of mechanically aerated modifications to the simple lagoons including activated sludge with extended aeration and final clarification. This range of technology was evaluated and all concepts were found to perform to achieve very high quality effluents. In addition to these biological methods, a number of control concepts resulting in no discharge of pollutants to navigable waters are in considerable use. Such practice appears to be the most common, if not the only, concept used by plants in the small processor subcategory. In these instances, very low rates of discharge (6700 liters or 800 gallons per day on the average) make a system such as a septic tank with drainfield, or a holding basin, a technically viable option at rather modest investment. Similarly, a wide range of plant sizes and types in the renderer subcategory are achieving no discharge using land irrigation of treated or partially stabilized waste

water, or evaporation basins. Since biological treatment with a discharge is also practiced by a number of rendering plants, the choice of "no discharge" systems appears to rest primarily on the apparent high feasibility of this option for many plant sites (i.e., land availability, cost, local pollution control requirements).

Except for the small processor subcategory for which the defined technology will result in no discharge of pollutants, best practicable control technology currently available (BPCTCA) is the biological treatment mode. For the various subcategories of meat processing plants this will involve anaerobic-aerobic lagoons, possibly with additional mechanical aeration. More capital intensive systems such as activated sludge treatment would achieve the same or better performance, and would thus be an option to BPCTCA. Plants in the rendering subcategory which do not discharge to municipal treatment systems but which currently achieve no discharge have already reached effluent controls beyond BPCTCA. For those rendering plants which do discharge to navigable waters, BPCTCA was found to be biological treatment using anaerobic-aerobic lagoons. Again, the addition of mechanical aeration to the treatment scheme may be helpful, or activated sludge treatment may be substituted for the lagoons. All three types of treatment are being utilized by rendering plants although the simple multi-chamber anaerobic-aerobic lagoon system clearly prevails.

Best available technology economically achievable (BATEA) is substantially the same for all subcategories (except small processors for which BPCTCA is no discharge). Principal modifications to BPCTCA to achieve BATEA are in treatment and controls to remove the nutrient parameters phosphorus and ammonia. Further significant reductions in organic load and suspended solids would also be required. The nutrient controls are not now being practiced by plants in the subcategories; rather, the technology is defined on the basis of substantial experience on municipal wastes (phosphorus precipitation), and reasonably well documented success on ammonia control (air stripping and related concepts in the petroleum refining industry). Reductions in the organic load (expressed as BOD) and suspended solids are commensurate with levels being achieved by at least two plants in the industry segments discussed herein and are further in accord with performance for at least two other plants in the slaughterhouse/packaginghouse segment of the meat industry.

With the exception of requirements to control ammonia in the rendering subcategory, best available demonstrated control technology (BADT) for new sources is the same as that described for BPCTCA for all subcategories. The biological treatment systems for the best rendering plants are already achieving the ammonia levels required; the addition of refined ammonia control sys-

tems would not appear to be necessary. At most, the addition of mechanical aeration to an otherwise total lagoon system may be contemplated.

The lack of sufficient data on ammonia precludes a similar requirement for any plants in the meat processor subcategories. However, data that are available show that ammonia is generally low in discharges from these plants.

While not of great concern in this industry, solid waste control must be given some consideration. Best practicable control technology and best available control technology as they are known today require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In most cases these are non-hazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long-term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g., impervious liners) should be taken to ensure long-term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

(v) Cost estimates for control of waste water pollutants. Total investment cost to the plants within all subcategories for achieving limitations for best practicable control technology currently available is estimated to range between \$3.0 and \$5.0 million. Costs per individual plant will range from less than \$10.0 thousand for all subcategories of meat processors to \$55.0 thousand for large rendering plants. Such costs are to be considered incremental to previous outlays since no information is available to indicate that any plants are discharging raw wastes; rather, all plants that are discharging have some type of treatment in place. Thus, the per-plant costs reflect estimates of capital expenses required to improve these existing facilities. In some cases this cost will be effectively zero since housekeeping and operational improvements may resolve any difficulty without capital expenditures.

(vi) Energy requirements and non-water quality environmental impacts. Incremental increases in energy consumption for meeting BPCTCA is estimated to be less than 0.1 percent of total energy consumption for rendering plants and about 1.4 percent for meat processor plants.

Any sludges requiring ultimate disposal in landfills would be compatible organic nutrient sources, and readily

managed. Odor problems of any significance could not be identified.

(vii) Economic impact analysis. Pollution control costs to the meat processing segment amount to 5.0 to 7.0 percent of the average annual capital expenditures (about \$40.0 million) for the period 1963-1973. Large meat processors alone accounted for about the same amount in capital expenditure during 1973 which industry trend toward integrated slaughterhouses and packaginghouse operations and larger processing plants. As a result of this trend, and the overwhelming relative number of plants using municipal treatment facilities, significant adverse economic impact on this segment is not foreseen. However, approximately 16 out of an estimated 376 plants in the size category of 6000-40,000 lbs. per day of final product are believed to be susceptible to closure due to the requirements for BPCTCA, and up to 23 additional plants in this size range may be endangered by BATEA requirements. The latter estimate is highly conservative since requirements for denitrification of effluents (nitrate limitations) have been deleted, because the costs of denitrification constituted a disproportionate amount (40.0 percent) of the original total cost estimates.

Rendering plants may expect a similar level of pollution control costs (7.0 to 10 percent) related to average annual capital expenditures. The industry has already made substantial commitments and progress in pollution control including air quality controls. Economic projections show that many small plants are susceptible to closure due to market conditions, but the trend may be accelerated by BPT limitations. Some 40 to 60 small plants are potentially susceptible to closure but at least 3 small plants are known to be achieving the limitations, and a number of others (19 identified to date) have applied for, or received, EPA discharge permits implying that treatment or control systems are, or soon will be, in place. Forty-five percent of all small plants, about 80 to 90 of 210, are achieving no discharge of pollutants; another 20 percent or more discharge to municipal systems. Potential implications for public health, i.e., disposal of dead animals if a local rendering plant is forced to close, would be the prime concern beyond any loss in overall by-product productivity or employment. Even in the instance of public health, however, a review of the geographical distribution of a substantial portion of the total of 450 plants in the industry reveals the likelihood that larger plants are located in a way which would result in the absorption of the inputs to closed plants. However, in some localized instances the services of picking up dead animals may be disrupted or reduced; at the same time burial or landfill disposal may be a practical alternative.

The reports entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Meat Processor Segment of the Meat Products Point Source Category" and "Develop-

ment Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Render Segment of the Meat Products Point Source Category" detail the analysis undertaken in support of the regulation being proposed herein and are available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. Supplementary analyses prepared for EPA of the possible economic effects of the proposed regulation are also available for inspection at these locations. Copies of these documents are being sent to persons or institutions affected by the proposed regulation, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of all reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which prescribe national standards of environmental quality or require national emission, effluent or performance standards and limitations.

The Agency determined to implement these procedures in order to insure that the public was apprised of the environmental effects of its major standards setting actions and was provided with detailed background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the *FEDERAL REGISTER*, where this is practicable. They provide, however, that where, because of the length of these materials, such publication is impracticable, the material may be made available in an alternate format.

The reports entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Meat Processor Segments of the Meat Products Point Source Category" and "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Renderer Segment of the Meat Products Point Source Category" contain information available to the Agency concerning the

major environmental effects of the regulation proposed below, including: (1) The pollutants presently discharged into the Nation's waterways by manufacturers of processed meat products or by-products and the degree of pollution reduction obtainable from implementation of the proposed guidelines and standards (see particularly Sections IV, V, VI, IX, X, and XI); (2) The anticipated effects of the proposed regulation on other aspects of the environment including air, solid waste disposal and land use, and noise (see particularly Section VIII); and (3) Options available to the Agency in developing the proposed regulatory system and the reasons for its selecting the particular levels of effluent reduction which are proposed (see particularly Sections VI, VII, and VIII).

The supplementary reports entitled "Economic Analysis of Proposed Effluent Guidelines MEAT PROCESSING INDUSTRY", and "Economic Analysis of Proposed Effluent Guidelines INDEPENDENT RENDERING INDUSTRY" contain estimates of the cost of pollution control requirements and an analysis of the possible effects of the proposed regulation on prices, production levels, employment, communities in which meat processing or rendering plants are located, and international trade. In addition, the Development Documents describe, in Section VIII, the cost and energy consumption implications of the proposed regulations.

The four reports described above in the aggregate exceed 600 pages in length and contain a substantial number of charts, diagrams, and tables. It is clearly impracticable to publish the material contained in these documents in the *FEDERAL REGISTER*. To the extent possible, significant aspects of the material have been presented in summary form in foregoing portions of this preamble. Additional discussion is contained in the following analysis of comments received and the Agency's response to them. As has been indicated, the documents are available for inspection at the Agency's Washington, D.C. and regional offices and at State water pollution control agency offices. Copies of each have been distributed to persons and institutions affected by the proposed regulations or who have placed themselves on a mailing list for this purpose. Finally, so long as the supply remains available, additional copies may be obtained from the Agency as described above.

When this regulation is promulgated, revised copies of the Development Documents will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) Summary of public participation.

Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the meat products point source category.

All participating agencies have been informed of project developments. Initial drafts of the Development Documents were sent to all participants and comments were solicited on those reports. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) other public agencies, interest groups, and associations: Ohio River Valley Sanitation Commission; Delaware River Basin Commission; U.S. Department of the Interior; U.S. Department of Commerce; U.S. Department of Health, Education, and Welfare; Water Resources Council; U.S. Department of Agriculture; The Conservation Foundation; Environmental Defense Fund, Inc.; Natural Resources Defense Council; American Society of Civil Engineers; Water Pollution Control Federation; National Wildlife Federation; American Institute of Chemical Engineers; National Independent Meat Packers Association; American Association of Meat Processors; American Meat Institute, and National Renderers Association.

The following responded with comments: State of Kentucky; American Institute of Chemical Engineers; American Association of Meat Processors; Carver-Greenfield Corporation; State of Michigan; State of Nebraska; Water Resources Council; State of Indiana; State of Minnesota; State of North Carolina; State of New York; National Renderers Association; American Meat Institute; U.S. Department of the Interior; State of Wisconsin; and Delaware River Basin Commission.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) A common criticism was that the costs of achieving the various levels of effluent control, particularly the cost of meeting best practicable control technology currently available, were underestimated.

A rather detailed evaluation of cost information developed in the course of the study of these industry segments reveals the cost estimates to be generally valid and representative of "typical" conditions. In this regard, an additional item of discussion on so-called "batch" rendering plants covering costs for achieving BPCTCA is being prepared for subsequent inclusion in the Development Document in recognition of certain distinctions from "continuous" rendering plants. Sufficient data are not available for ascertaining the degree to which the costs for specific plant conditions may diverge from the average costs. However, such divergence in the extreme would appear unlikely, except for very unusual circumstances, since the technical profile of the "typical" plants in each subcategory as described in the Development Documents appear quite representative of the production, raw waste, effluent treatment and other salient fea-

tures of the industry. Nevertheless, the available data is somewhat limited in scope; consequently, the Agency wishes to encourage the submission of any specific itemized cost data and related information for existing plants in any subcategories to add to present information regarding cost profiles and cost impact.

(2) A number of comments expressed concern that data gathered and utilized for the study was not properly manipulated or analyzed to reflect the true characteristics of the industry segments as portrayed by that data.

With relatively minor changes found to be required, all data received and summarized in the Development Documents accurately reflect all appropriate statistics and characteristics as reported in the questionnaires, on-site sampling reports, EPA permit records, state pollution control records, and literature sources utilized in these studies. As a matter of clarification, it should be explained that while any and all available data were used in some manner, the preponderance of information used to characterize subcategories originated from primary sources (i.e., questionnaire data from the industry, pollution control reports from state agencies, etc.) which were considered to generally reflect more typical conditions for a given plant. Another primary source, field sampling and site visit data, was used foremost to verify general validity of other primary data, but was also used as a specific data entry for tabular or descriptive information if no other primary source of such data existed. Secondary sources such as published literature were used only as background information that would bear upon discussions of subcategories, waste characteristics, and limitations.

(3) A substantial number of comments reflected general concurrence in the suggested limitations, but some reservations regarding the efficacy of complete nutrient controls, particularly nitrates, Kjeldahl nitrogen and phosphorus using best available technology economically achievable.

While limited additional information has been made available, treatment concepts which would achieve control of nitrates and Kjeldahl nitrogen are poorly defined as to reliable capability and costs. The Agency agrees that limitations based upon denitrification technology may be subject to significant variability in practice when such technology is utilized; requirements for denitrification (i.e., the removal of nitrates, nitrites, and Kjeldahl nitrogen) have been removed from recommended regulations at this time. On the other hand, chemical precipitation of phosphorus is a well established technical concept. Even though phosphorus control has not been specifically practiced by meat processors or renderers, there is no evidence that the controls could not be applied with great success. Moreover, the ability to maximize in-plant controls and house-keeping procedures is a viable option to minimize sources of phosphorus in the

raw waste waters and reduce or eliminate specific treatment requirements.

(4) The criticism was made that plants in the small processor subcategory should not be required to achieve "no discharge" when all larger plants were allowed to discharge under BPCTCA.

Of the nearly 100 small plants providing information to the study, 90 percent discharged to municipal treatment systems; all plants not using municipal facilities already achieved no discharge using septic tanks with subsurface drainfields, or a holding basin. No information was available to indicate that either biological treatment of the type used by larger plants was practiced or that such treatment would represent a cost effective option to plants of this size.

(5) The comment was made that the economic impact of BPCTCA limitations would be unusually severe for all small renderers who presently discharge partially treated process waste waters to navigable waters.

As discussed above in subsection vii, "Economic impact analysis", the Agency disagrees that all small plants will close or otherwise be substantially affected by limitations based upon BPCTCA. At the same time, the Agency fully recognizes that a significant portion of the small plants are of marginal economic viability, and would necessarily be confronted by the need for some additional capital expenditures to meet the requirements imposed by BPCTCA. It is also recognized that the potential disruption of rendering services on local rural areas if plants do close is worthy of consideration. While the available data upon which a final decision could be based is quite limited, tentative consideration is being given to exempting any renderer which processes up to 75,000 pounds of raw materials per day from requirements of BPCTCA. Submission of definitive information in support of, or opposition to, this consideration is encouraged by the Agency, particularly as to number of affected plants, types of treatment used by affected plants, specific waste discharge data, information on small plants already meeting BPCTCA (including "no discharge" technology) or related information.

(6) The comment was made that the meat cutter subcategory may affect plants in both manufacturing (SIC 2013) and wholesale trade (SIC 5147), as designated in the *Standard Industrial Classification Manual*, Office of Management and Budget, 1972.

The Agency agrees that some overlap in SIC code designation may develop for a given meat cutter operation. It should be emphasized that the subcategory was derived on the basis of technical consistencies; whereas, the SIC code is primarily a commercial and economic profile designation. The intent is to deal explicitly with the production concepts characteristic of a meat cutter without expressed regard for the ultimate disposition of final products, i.e., whether retail or wholesale. For the purposes of the meat cutter subcategory, the description common to the meat industry

is "fabricator" (a manufacturer of fresh meat cuts) who may sell products to distributors, institutional buyers, and the like. The more classical "butcher shop" distributor, grocery stores or other retail trade operations are not covered by the subcategory.

(7) One commenter raised a question about the economic feasibility of the proposed guideline for processors in the 6,000 to 40,000 lbs. per day of final product size range, pointing out that the economic analysis indicated that over 40 percent of the direct dischargers in this group could be forced to close by the 1977 requirements and that all of the remaining direct dischargers in the group could be forced to close by 1983.

The commenter is correct in that the analysis indicates that direct dischargers in the size range are disproportionately impacted by the guidelines. This is true, partially because of their existing low project margins as compared with those of larger plants, and partially because of minimum technology costs which produce higher per unit effluent control costs for this group than for larger plants. However, since the estimated closures are based on the analysis of one representative (model) plant in that size range, there is reason to believe that not all of the plants in that group would be impacted to the same degree and that all of them may not in reality be forced to close. This will be especially true if the plants have access to less expensive treatment technologies such as spray irrigation or septic fields, or if it can be determined that significant levels of control are already in place. The Agency encourages the submission of information in this regard and will continue to study the problem. Consideration will be given to an appropriate modification to the requirements for these plants prior to promulgation of the guidelines.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitations guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306 and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports,

the Development Documents and economic studies referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before September 27, 1974 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In consideration of the foregoing, 40 CFR Part 432 is hereby proposed to be amended as follows.

Date: August 9, 1974.

JOHN QUARLES,
Acting Administrator.

PART 432—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE MEAT PRODUCTS POINT SOURCE CATEGORY

Subpart E—Small Processor Subcategory

- Sec.
432.50 Applicability; description of the small processor subcategory.
432.51 Specialized definitions.
432.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
432.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
432.54 Reserved.
432.55 Standards of performance for new sources.
432.56 Pretreatment standards for new sources.

Subpart F—Meat Cutter Subcategory

- 432.60 Applicability; description of the meat cutter subcategory.
432.61 Specialized definitions.
432.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
432.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
432.64 Reserved.
432.65 Standards of performance for new sources.
432.66 Pretreatment standards for new sources.

Subpart G—Sausage and Luncheon Meats Processor Subcategory

- 432.70 Applicability; description of the sausage and luncheon meat processor subcategory.
432.71 Specialized definitions.
432.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

- Sec.
432.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
432.74 Reserved.
432.75 Standards of performance for new sources.
432.76 Pretreatment standards for new sources.

Subpart H—Ham Processor Subcategory

- 432.80 Applicability; description of the ham processor subcategory.
432.81 Specialized definitions.
432.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
432.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
432.84 Reserved.
432.85 Standards of performance for new sources.
432.86 Pretreatment standards for new sources.

Subpart I—Canned Meats Processor Subcategory

- 432.90 Applicability; description of the canned meats processor subcategory.
432.91 Specialized definitions.
432.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
432.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
432.94 Reserved.
432.95 Standards of performance for new sources.
432.96 Pretreatment standards for new sources.

Subpart J—Renderer Subcategory

- 432.100 Applicability; description of the renderer subcategory.
432.101 Specialized definitions.
432.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
432.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
432.104 Reserved.
432.105 Standards of performance for new sources.
432.106 Pretreatment standards for new sources.

Subpart E—Small Processor Subcategory

- § 432.50 Applicability; description of the small processor subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of finished meat products such as fresh meat cuts, smoked products, canned products, hams, sausages,

luncheon meats, or similar products by a small processor.

§ 432.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "small processor" shall mean an operation that produces up to 2730 kg (6000 lb) per day of any type or combination of finished products.

(c) The term "finished product" shall mean the final manufactured product as fresh meat cuts, hams, bacon or other smoked meats, sausage, luncheon meats, stew, canned meats or related products.

§ 432.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different from those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 432.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 432.54 [Reserved]

§ 432.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 432.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the small processor subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 432.15; *Provided*, that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133 as amended herein, the effluent standards set forth in 40 CFR 432.55 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart F—Meat Cutter Subcategory

§ 432.60 Applicability; description of the meat cutter subcategory.

The provisions of this subpart are applicable to discharges resulting from the fabrication or manufacture of fresh meat cuts such as steaks, roasts, chops, etc. by a meat cutter.

§ 432.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "meat cutter" shall mean an operation which fabricates, cuts, or otherwise produces fresh meat cuts and related finished products from livestock carcasses, at rates greater than 2730 kg (6000 lb) per day.

(c) The term "finished product" shall mean the final manufactured product as fresh meat cuts including, but not limited to, steaks, roasts, chops, or boneless meats.

§ 432.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best

practicable control technology currently available:

Effluent limitations		
Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of finished product		
BOD ₅	0.030.....	0.015
TSS.....	0.036.....	0.018
Oil and grease.....	0.012.....	0.006
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.....	
(English units) lb/1000 lb of finished product		
BOD ₅	0.030.....	0.015
TSS.....	0.036.....	0.018
Oil and grease.....	0.012.....	0.006
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.....	

§ 432.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations		
Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of finished product		
BOD ₅	0.018.....	0.009
TSS.....	0.024.....	0.012
Oil and grease.....	0.012.....	0.006
(English units) lb/1000 lb of finished product		
BOD ₅	0.018.....	0.009
TSS.....	0.024.....	0.012
Oil and grease.....	0.012.....	0.006
Milligrams per liter—effluent		
Ammonia.....	8.0.....	4.0
Phosphorus.....	4.0.....	2.0
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.....	

§ 432.64 Reserved.

§ 432.65 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of

pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of finished product		
BOD ₅	0.030.....	0.015
TSS.....	0.036.....	0.018
Oil and grease.....	0.012.....	0.006
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1000 lb of finished product		
BOD ₅	0.030.....	0.015
TSS.....	0.036.....	0.018
Oil and grease.....	0.012.....	0.006
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	

§ 432.66 Pretreatment standards for new sources.

(a) The pretreatment standards under section 307(c) of the Act for a source within the meat cutter subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 432.65; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

(b) For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133 as amended herein, the effluent standards set forth in 40 CFR 432.65 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart G—Sausage and Luncheon Meat Processor

§ 432.70 Applicability; description of the sausage and luncheon meat processor subcategory.

The provisions of this subpart are applicable to discharges resulting from the

manufacture of fresh meat cuts, sausage, bologna, and other luncheon meats by a sausage and luncheon meat processor.

§ 432.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "sausage and luncheon meat processor" shall mean an operation which cuts fresh meats, grinds, mixes, seasons, smokes or otherwise produces finished products such as sausage, bologna and luncheon meats at rates greater than 2730 kg (6,000 lb) per day.

(c) The term "finished product" shall mean the final manufactured product as fresh meat cuts including steaks, roasts, chops or boneless meat, bacon or other smoked meats except hams, sausage, bologna or other luncheon meats, or related products.

§ 432.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of finished product		
BOD ₅	0.48.....	0.24
TSS.....	0.58.....	0.29
Oil and grease.....	0.20.....	0.10
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1000 lb of finished product		
BOD ₅	0.48.....	0.24
TSS.....	0.58.....	0.29
Oil and grease.....	0.20.....	0.10
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	

§ 432.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of finished product		
BOD ₅	0.28.....	0.14
TSS.....	0.38.....	0.19
Oil and grease.....	0.20.....	0.10
(English units) lb/1000 lb of finished product		
BOD ₅	0.28.....	0.14
TSS.....	0.38.....	0.19
Oil and grease.....	0.20.....	0.10
Milligrams per liter—effluent		
Ammonia.....	8.0.....	4.0
Phosphorus.....	4.0.....	2.0
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	

§ 432.74 [Reserved]

§ 432.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of finished product		
BOD ₅	0.48.....	0.24
TSS.....	0.58.....	0.29
Oil and grease.....	0.20.....	0.10
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.....	
(English units) lb/1000 lb of finished product		
BOD ₅	0.48.....	0.24
TSS.....	0.58.....	0.29
Oil and grease.....	0.20.....	0.10
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.....	

§ 432.76 Pretreatment standards for new sources.

(a) The pretreatment standards under section 307(c) of the Act for a source within the sausage and luncheon meat processor subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 432.75: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

(b) For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133 as amended herein, the effluent standards set forth in 40 CFR 432.75 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart H—Ham Processor Subcategory

§ 432.80 Applicability; description of the ham processor subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of hams alone or in combination with other finished products by a ham processor.

§ 432.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "ham processor" shall mean an operation which manufactures hams alone or in combination with other finished products at rates greater than 2730 kg (6000 lb) per day.

(c) The term "finished products" shall mean the final manufactured product as fresh meat cuts including steaks, roasts, chops or boneless meat, smoked or cured hams, bacon or other smoked meats, sausage, bologna or other luncheon meats.

§ 432.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs), which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove

such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of finished product		
BOD ₅	0.54.....	0.27
TSS.....	0.64.....	0.32
Oil and grease.....	0.22.....	0.11
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.....	
(English units) lb/1000 lb of finished product		
BOD ₅	0.54.....	0.27
TSS.....	0.64.....	0.32
Oil and grease.....	0.22.....	0.11
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.....	

§ 432.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of finished product		
BOD ₅	0.32.....	0.16
TSS.....	0.42.....	0.21
Oil and grease.....	0.22.....	0.11
(English units) lb/1000 lb of finished product		
BOD ₅	0.32.....	0.16
TSS.....	0.42.....	0.21
Oil and grease.....	0.22.....	0.11
Milligrams per liter—effluent		
Ammonia.....	8.0.....	4.0
Phosphorus.....	4.0.....	2.0
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.....	

§ 432.84 [Reserved.]

§ 432.85 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of finished product		
BOD ₅	0.54.....	0.27
TSS.....	0.64.....	0.32
Oil and grease.....	0.22.....	0.11
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1000 lb of finished product		
BOD ₅	0.54.....	0.27
TSS.....	0.64.....	0.32
Oil and grease.....	0.22.....	0.11
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	

§ 432.86 Pretreatment standards for new sources.

(a) The pretreatment standards under section 307(c) of the Act for a source within the ham processor subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 432.85; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133 as amended herein, the effluent standards set forth in

40 CFR 432.85 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart I—Canned Meats Processor Subcategory

§ 432.90 Applicability; description of the canned meats processor subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of canned meats alone or in combination with any other finished products, by a canned meats processor.

§ 432.91 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "canned meat processor" shall mean an operation which manufactures canned meats (such as stew, sandwich spreads, or other canned meats) alone or in combination with other finished products at rates greater than 2730 kg (6000 lb) per day.

(c) The term "finished products" shall mean the final manufactured product as fresh meat cuts including steaks, roasts, chops or boneless meat, hams, bacon or other smoked meats, sausage, bologna or other luncheon meats, stews, sandwich spreads or other canned meats.

§ 432.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the estab-

lishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of finished product		
BOD ₅	0.66.....	0.33
TSS.....	0.80.....	0.40
Oil and grease.....	0.26.....	0.13
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1000 lb of finished product		
BOD ₅	0.66.....	0.33
TSS.....	0.80.....	0.40
Oil and grease.....	0.26.....	0.13
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	

§ 432.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of finished product		
BOD ₅	0.34.....	0.17
TSS.....	0.44.....	0.22
Oil and grease.....	0.26.....	0.13
(English units) lb/1000 lb of finished product		
BOD ₅	0.34.....	0.17
TSS.....	0.44.....	0.22
Oil and grease.....	0.26.....	0.13
Milligrams per liter—effluent		
Ammonia.....	8.0.....	4.0
Phosphorus.....	4.0.....	2.0
pH.....	Within the range 6.0 to 9.0.	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	

§ 432.94 [Reserved.]

§ 432.95 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of finished product		
BOD ₅	0.66.....	0.33
TSS.....	0.80.....	0.40
Oil and grease.....	0.26.....	0.13
pH.....	Within the range 6.0 to 9.0.	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1000 lb of finished product		
BOD ₅	0.66.....	0.33
TSS.....	0.80.....	0.40
Oil and grease.....	0.26.....	0.13
pH.....	Within the range 6.0 to 9.0.	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	

§ 432.96 Pretreatment standards for new sources.

(a) The pretreatment standards under section 307(c) of the Act for a source within the canned meats processor subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 432.95; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

(b) For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133 as amended herein, the effluent standards set forth in 40 CFR 432.95 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart J—Renderer Subcategory

§ 432.100 Applicability; description of the renderer subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of meat meal, dried animal by-product residues (tankage), animal oils, grease and tallow, perhaps including hide curing, by a renderer.

§ 432.101 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "renderer" shall mean an independent or off-site rendering operation, conducted separate from a slaughterhouse, packinghouse or poultry dressing or processing plant, which manufactures meat meal, tankage, animal oils, grease, and tallow, and may cure cattle hides, but excluding marine oils, fish meal, and fish oils.

(c) The term "tankage" shall mean dried animal by-product residues used in feedstuffs.

(d) The term "tallow" shall mean a product made from beef cattle or sheep fat that has a melting point of 40° C. or greater.

(e) The term "raw material" or as abbreviated herein, "RM" shall mean the basic input materials to a rendered composed of animal and poultry trimmings, bones, meat scraps, dead animals, feathers and related usable by-products.

§ 432.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology

available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

Subject to the provisions of subparagraph (b), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of raw material		
BOD ₅	0.30.....	0.15
TSS.....	0.40.....	0.20
Oil and grease.....	0.20.....	0.10
pH.....	Within the range 6.0 to 9.0.	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1000 lb of raw material		
BOD ₅	0.30.....	0.15
TSS.....	0.40.....	0.20
Oil and grease.....	0.20.....	0.10
pH.....	Within the range 6.0 to 9.0.	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	

(a) The limitations given in paragraph (a) for BOD₅ and TSS are derived for a

renderer which does no cattle hide curing as part of the plant activities. If a renderer does conduct hide curing, the fol-

lowing empirical formulas should be used to derive an additive adjustment to the effluent limitations for BOD₅ and TSS.

$$\text{BOD}_5 \text{ Adjustment (kg/kg RM)} = \frac{8.0 \times (\text{number of hides})}{\text{kg of raw material}}$$

$$(\text{lb}/1000 \text{ lb RM}) = \frac{17.6 \times (\text{number of hides})}{\text{lbs of raw material}}$$

$$\text{TSS Adjustment (kg/kg RM)} = \frac{11.0 \times (\text{number of hides})}{\text{kg of raw material}}$$

$$(\text{lb}/1000 \text{ lb RM}) = \frac{24.2 \times (\text{number of hides})}{\text{lbs of raw material}}$$

§ 432.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subject to the provisions of paragraph (b), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of raw material		
BOD ₅	0.14.....	0.07
TSS.....	0.20.....	0.10
Oil and grease.....	0.10.....	0.05
Ammonia.....	0.04.....	0.02
Phosphorus.....	0.10.....	0.05
pH.....	Within the range 6.0 to 9.0.	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	

$$\text{BOD}_5 \text{ Adjustment (kg/kg RM)} = \frac{3.6 \times (\text{number of hides})}{\text{kg of raw material}}$$

$$(\text{lb}/1000 \text{ lb RM}) = \frac{7.9 \times (\text{number of hides})}{\text{lbs of raw material}}$$

$$\text{TSS Adjustment (kg/kg RM)} = \frac{6.2 \times (\text{number of hides})}{\text{kg of raw material}}$$

$$(\text{lb}/1000 \text{ lb RM}) = \frac{13.6 \times (\text{number of hides})}{\text{lbs of raw material}}$$

§ 432.104 [Reserved]

§ 432.105 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of

pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: The limitations shall be as specified in § 432.102, with the exception that in addition

to the pollutants or pollutant properties controlled by that subsection, discharges of ammonia shall not exceed the limitations set forth below:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of raw material		
Ammonia.....	0.34	0.17
(English units) lb/1000 lb of raw material		
Ammonia.....	0.34	0.17

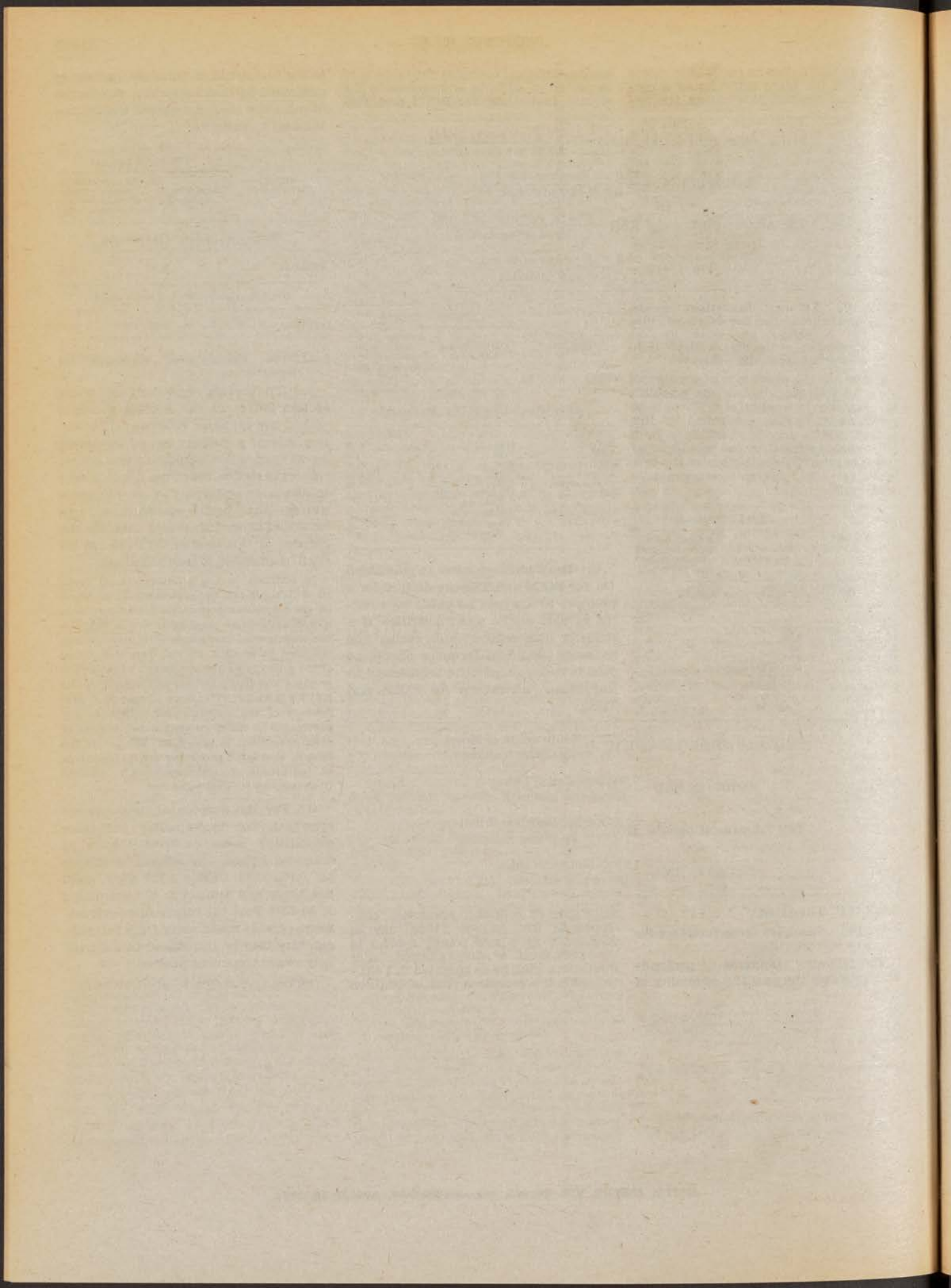
§ 432.106 Pretreatment standards for new sources.

(a) The pretreatment standards under section 307(c) of the Act for a source within the renderer subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 432.105; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

(b) For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133 as amended herein, the effluent standards set forth in 40 CFR 432.105 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

[FR Doc.74-19178 Filed 8-27-74;8:45 am]



federal register

WEDNESDAY, AUGUST 28, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 168

PART III



ENVIRONMENTAL PROTECTION AGENCY



WATER QUALITY AND POLLUTANT SOURCE MONITORING

Proposed Rules

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 35]

[FRL 222-6]

WATER QUALITY AND POLLUTANT SOURCE MONITORING

Notice of Proposed Rulemaking

Regulations are hereby proposed for monitoring in State and interstate water pollution control programs. Interim regulations were promulgated on June 29, 1973 to re-codify portions of 40 CFR Part 35, which pertain to grant awards for water pollution control programs. The interim regulations were published without Appendix A, Water Quality and Pollutant Source Monitoring, which is set forth below.

The Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), stipulates that no grant shall be made under Section 106 of the Act to any State, beginning in fiscal year 1974, which has not provided or is not carrying out as part of its program the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, and to compile and analyze data on (including classification according to eutrophic condition), the quality of navigable waters and to the extent practicable, ground waters including biological monitoring; and provision for annually updating such data and including it in the report required under section 305 of the Act. Monitoring is required by Titles I, II, III and IV of the Act, and this Appendix sets forth the monitoring requirement each State must meet.

The objectives of the State monitoring program required by these regulations are to determine compliance with permit terms and conditions, to develop and maintain an understanding of the quality (and causes and effects of such quality) of all waters in the State for the purpose of supporting all State water pollution control activities, to report on such quality and its causes and effects, and to assess the effectiveness of the State's water pollution control program.

The Director of the water pollution control agency in each State is required to develop and implement a strategy for progressing systematically toward implementation of the requirements set forth in this Appendix. The requirements described herein include:

- Development of a monitoring strategy;
- Coordination with other entities;
- Support to the State continuing planning process;
- Intensive monitoring surveys;
- A primary monitoring network;
- Compliance monitoring;
- Evaluation of water quality with respect to standards;
- Toxic pollutant monitoring;
- Groundwater monitoring;
- Classification of publicly owned fresh water lakes by eutrophic conditions;
- Laboratory support and quality assurance;
- Data reporting, handling, and storage;
- Collection, analysis, and evaluation of the basic information needed for the annual inventory reports required by Section 305(b) of the Act; and

Annual planning and reporting of program accomplishments in monitoring.

Interested parties are encouraged to submit written comments, suggestions, views, or data concerning these proposed regulations including views as to the desirability of issuing various portions of this information as a regulation or as a guideline to: Director, Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460. All information received on or before October 15, 1974, will be considered before final regulations are promulgated.

Dated: August 15, 1974.

JOHN QUARLES,
Acting Administrator.

Appendix A—Water Quality and Pollutant Source Monitoring

A. Purpose. This Appendix establishes and codifies details of the grant award limitations for monitoring described in Paragraph 35.559-6 of this Part and sets forth the requirements the States must meet to satisfy the monitoring provisions in Titles I, II, III, and IV of the Act.

B. Objectives and general requirements. The objectives of the State monitoring program required by the Act and these regulations are to determine compliance with permit terms and conditions, to develop and maintain an understanding of the quality (and causes and effects of such quality) of the waters in the State for the purpose of supporting State water pollution control activities, to report on such quality and its causes and effects, and to assess the effectiveness of the State's pollution control program. To this end each State shall carry out a broad range of monitoring activities both before and after implementing pollution controls, including measurement of pollutant sources, water quality, the factors affecting water quality, and the specific effects of such quality upon beneficial uses of the State's waters.

C. Definitions. As used in this Appendix, the following terms shall have the meaning set forth below:

- (1) The term "Act" means the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251, et seq.).
- (2) The term "EPA" or "USEPA" means the U.S. Environmental Protection Agency.
- (3) The term "Administrator" means the Administrator of the U.S. Environmental Protection Agency.
- (4) The term "Regional Administrator" means the Regional Administrator of the EPA Region of which the State is a part.
- (5) The term "Director" means the chief administrative officer of a State or interstate water pollution control agency. In the event that responsibility for water pollution control and enforcement is divided among two or more State or interstate agencies, the term "Director" means the administrative officer authorized to perform the particular procedure referred to.
- (6) The term "basin" means the streams, rivers, lakes and tributaries and the total land and navigable water area contained in one of the major or minor basins defined by EPA, or other basin units as agreed upon by the State(s) and the Regional Administrator. Unless specified otherwise, "basin" shall refer only to those portions within the borders of a single State.
- (7) The term "principal aquifer" means an aquifer that serves a significant portion of the population, yields a significant amount of the water used in an area, or is being, or should be reserved for such use.
- (8) The term "segment" means a portion of a basin the navigable waters of which

have common hydrologic characteristics (or flow regulation patterns); common natural physical, chemical, and biological processes; and common reactions to external stresses, e.g., discharge of pollutants.

(9) The term "reach" means a subdivision of a segment.

(10) The term "water quality limited segment" means any segment where it is known that water quality does not meet applicable water quality standards and which is not expected to meet water quality standards even after the application of the effluent limitations required by sections 301(b)(1)(A) and 301(b)(1)(B) of the Act.

(11) The term "principal discharger" means any person, who, in the judgment of the Director or Regional Administrator, is causing or may be causing serious or critical water quality problems, or who in the judgment of the Director or Regional Administrator should be designated as a principal discharger because of condition of discharge or substantial pretreatment requirements.

(12) The term "cluster" means two or more dischargers which discharge pollutants in such a way that the combination of their effluents causes or may cause water quality standards to be violated.

(13) The term "National Pollutant Discharge Elimination System (NPDES)" means the national system for the issuance of permits under sections 402 and 405 of the Act and includes any State or interstate program approved by the Administrator, in whole or in part, pursuant to Section 402 and 405 of the Act.

(14) The term "permit" means any permit or equivalent document or requirements issued by the Administrator, or, where appropriate, by the Director to regulate the discharge of pollutants pursuant to section 318, 402, 404, and 405 of the Act.

(15) The term "discharger" means any person responsible for the discharge of a pollutant.

(16) The term "parameter" means a quantity or characteristic which describes physical, chemical, or biological conditions such as: temperature; dissolved oxygen; color; count, species composition, or condition of aquatic organisms; streamflow; velocity; and area of channel cross-section.

(17) The term "representative point" means a location in navigable waters, groundwaters, sewer systems, or discharger facilities at which specific conditions or parameters may be measured in such a manner as to characterize or approximate the same at some other location, or throughout a reach, segment, or body of water.

(18) The term "monitoring station" or "station" means a representative point or a point of access to navigable water, groundwater, or pollutant discharge at which parameters have been measured, are being measured, or are planned to be measured.

(19) The term "self monitoring" means any measuring and analyzing activities carried out by a permittee in accordance with permit requirements.

(20) The term "compliance monitoring" means measuring and analyzing pollutant sources, review of reports and information obtained from dischargers, and all other activities conducted by the Director, to detect and/or verify violations of permit conditions, such as effluent limits and compliance schedules.

(21) The term "intensive survey" means the frequent sampling or measurement of parameters at a set of monitoring stations for a relatively short period of time to determine cause, effect, or cause and effect relationships of water quality conditions.

(22) The term "mass balance" means the quantified account of inputs, outputs, losses,

and storage of a material or constituent in a segment, reach, or body of water.

(23) The term "continuing planning process" or "planning process" means the continuing planning process required by section 303(e) of the Act and 40 CFR Parts 130 and 131.

(24) The term "significant lake" means any publicly owned fresh water lake which the Director designates as significant for reasons such as recreational value, significance of public use, eutrophic condition, and size.

(25) The term "agricultural wastes" means the discharge of pollutants from agricultural operations.

(26) The term "rural runoff" means the nonpoint source runoff from nonurban lands in which pollutants are carried into navigable waters.

(27) The term "monitoring activity" means any of the following activities described in this appendix: Coordination with other entities; planning process support; intensive monitoring surveys of navigable waters; state primary network monitoring; compliance monitoring; evaluation of water quality with respect to standards; toxic pollutant monitoring; groundwater monitoring; classification of publicly owned fresh water lakes by eutrophic conditions; laboratory support and quality assurance; data reporting, handling and storage; annual reporting or any other monitoring activity carried out by the Director or required by the Regional Administrator to meet or assist in meeting any objective of the Act.

(28) The definitions of the following terms contained in section 502 of the Act shall be applicable to such terms as used in this part unless the context requires otherwise: "State water pollution control agency," "State," "pollutant," "discharge of a pollutant," "effluent limitation," "toxic pollutant," "point source," "biological monitoring," "discharge," "pollution," "navigable waters," and "person."

D. *Eligibility.* A grant may be awarded to a State water pollution control agency which has submitted an application meeting the program requirements of these regulations provided, however, that the Regional Administrator has approved the program including specific approval of the monitoring program being carried out by the Director to meet the requirements set forth in this Appendix. For interstate agencies, the Regional Administrator may waive any requirement set forth in this Appendix which is not applicable to the particular interstate agency.

E. *Monitoring Strategy.* The Director shall develop, maintain, and implement a Statewide monitoring strategy as part of, and consistent with, the overall State strategy required by regulations published pursuant to section 303(e) of the Act in Part 130 of this Chapter. The monitoring strategy shall conform with the requirements of this Appendix and the Regional Administrator, and it shall:

(1) Detail the present monitoring activities being carried out by the Director as well as those being carried out by other entities insofar as the Director relies upon them to satisfy requirements of this Appendix;

(2) Describe the monitoring plan necessary to progress systematically toward implementation of these regulations. The plan shall define the monitoring program to be achieved by June 30, 1977, set the priorities for attainment of the several monitoring activities required by this Appendix, estimate the level of resources which will be applied to each activity, show milestones with planned dates of implementation, and describe generally what will be done in each of the monitoring activities. The program to be achieved by June 30, 1977, shall be defined

in a manner consistent with anticipated program emphasis as determined from the EPA water quality strategy paper, the overall State strategy, State needs, and requirements of the Regional Administrator.

The monitoring strategy shall be submitted to the Regional Administrator by June 15, 1975, as part of the State's program submission and need not be submitted in subsequent years, except when changes to the strategy are made, or as required by the Regional Administrator. The Regional Administrator shall review the monitoring strategy of each State and interstate pollution control agency grant recipient each year and require that it be revised or upgraded if in his judgment either the monitoring program or strategy is inadequate to meet the requirements set forth in this Part.

F. *Program Accomplishment Planning and Review.* As part of the midyear program assessment described in 40 CFR 35.560.1(a), State representatives shall meet with EPA Regional Office representatives to discuss accomplishments and difficulties encountered in fulfilling the monitoring strategy, to plan for monitoring in the coming year, to discuss proposed strategy modifications, and to exchange ideas of mutual interest relating to monitoring.

G. *Coordination with other entities.* The monitoring activities carried out pursuant to these regulations are the responsibility of the Director. However, monitoring activities conducted by other State and Federal agencies, organizations, legal subdivisions of the State, and municipalities should be encouraged and integrated into the State monitoring program where possible to help meet requirements set forth under this Part, provided that laboratory support and quality assurance requirements specified herein are satisfied.

The Director is encouraged to utilize the *Catalog of Information on Water Data*, maintained by the Office of Water Data coordination (OWDC) of the U.S. Department of Interior (USDI) and the related water-data program and coordination activities of the OWDC in developing and carrying out the monitoring activities required by these regulations.

H. *Planning process support.* (1) Water quality conditions including causes and effects, must be measured where needed to support the State's continuing planning process. Monitoring for this purpose must be conducted in such a manner as to enable prediction of environmental changes in receiving water resulting from pollution control actions, changes in pollution loads, and changes in hydrologic regimes. After implementing pollution controls, measurements of causes and effects of pollution, including the physical, chemical, and biological conditions involved, are required to determine the extent to which the control actions taken were successful, and to update or redirect pollution control plans.

(2) Monitoring before and after implementing pollution controls in areas of significant pollution sources, clustered pollution sources, localized nonpoint sources of pollution, and major bodies of water which are known or suspected to be accumulating pollutants should consist of intensive surveys, described in Paragraph I below, which include analyses of the pollution sources and receiving waters.

(3) Compliance monitoring data, self monitoring data, and data obtained from the State primary monitoring network must be evaluated by the Director each year to determine whether the cause and effect relationships found through previous surveys continue to be valid in accounting for current water quality. When such relationships are found to be no longer valid, the pollutant sources and receiving waters must be re-sur-

veyed to support the continuing planning process.

I. *Intensive monitoring surveys of navigable waters.* Intensive monitoring surveys shall be conducted in navigable waters for the following purposes:

(1) Setting priorities for establishing or improving pollution controls;

(2) Determining quantitative cause and effect relationships of water quality, including measuring and evaluating the contribution of pollutants to navigable waters and/or groundwaters from point and nonpoint sources and determining the biological, physical, chemical, and eutrophic conditions of publicly owned fresh water lakes;

(3) Obtaining data for updating water quality management plans, and where appropriate, setting effluent limits and verifying the classifications of segments developed pursuant to Parts 130 and 131 of this Chapter;

(4) Determining the extent to which pollution control actions taken were successful;

(5) Assisting, where necessary, to determine whether or not given discharges will, or do comply with section 301, 302, 306 or 307 of the Act;

(6) Determining any additional water quality management actions required.

An annual schedule of surveys to be conducted shall be submitted to EPA with the State program submission. The levels of effort devoted to a given monitoring survey shall depend upon the severity and complexity of the pollution problem in the survey area. For special purpose studies, the Regional Administrator may waive any particular requirements set forth below for intensive surveys.

The intensive surveys shall provide the basis for analyzing water quality conditions within the survey area and for evaluating the adequacy of the design and operation of the treatment facilities for all principal municipal and industrial dischargers affecting the study area. Station locations, parameter coverage, and sampling frequencies for intensive surveys shall be consistent with particular objectives of the study and with known or suspected forms and variability of pollution occurring in the survey area, and shall be as follows:

(1) *Station locations.* Monitoring stations shall be located in the survey area in such a manner as to measure inputs, transformations, movements, and outputs of pollutants within, to, and from the survey area, including stations located as follows:

(a) In wastewater outfalls or at representative sites for measuring pollutant contributions from point and nonpoint sources;

(b) In receiving waters including stations to define mixing and stratification characteristics and profiles or gradients of water quality with respect to distance, and, where necessary, for determining mass balances of pollutants;

(c) At study area boundaries for measuring flow and water quality entering and leaving the study area;

(d) At locations particularly selected for biological monitoring;

(e) In sediment deposits for measuring benthic demands, concentrations of pollutants in sediments, and the extent to which sediments act as sinks or sources for the various constituents of the water, and for investigating, where needed, sediment transport of pollutants;

(f) At locations as may be required to define other pollutant sources, factors, and sinks for completing determinations of mass balances of pollutants.

(2) *Parameter coverage.* The physical, chemical, biological, microbiological, hydrologic, hydrologic, climatic, and geometric parameters to be measured during monitor-

ing surveys will depend upon the survey purpose and local conditions, and should be tailored to the specific pollution problems of the area. However, all surveys shall include, at representative sites, measurements of dissolved oxygen, temperature, specific conductance, pH, and pollutants known or suspected to be entering the navigable waters of the survey area from specific point sources of pollution. All surveys of flowing streams shall include measurements of streamflow or estimates thereof where measurement is not possible or practical.

Depending upon the survey purpose and local conditions within the study area, some or all of the following parameters shall be measured where needed to satisfy objectives of the particular study and to fulfill requirements set by the Regional Administrator:

(a) Water quality and related parameters which measure intermediate forms or final effects of pollutants—such as nutrients in various forms, and standing crop of plankton, periphyton, or aquatic plants—to determine rates of transformation of water constituents from one form to another and to determine balances of materials affecting water quality;

(b) Biological parameters to evaluate the balance and condition of communities of aquatic organisms and eutrophic conditions, including standing crop, diversity of aquatic communities, and indicator organisms, in accordance with, but not limited to, parameters listed in Table 1;

(c) Biologically related chemical and physical measurements, analyses, and observations, including chemical analyses of tissue of aquatic organisms as necessary to determine the presence and extent of toxic materials;

(d) Microbiological parameters, where appropriate, including indicator organisms and/or specific pathogens in water, sediments, and aquatic biota including shellfish;

(e) Hydraulic and geometric parameters of the streams and bodies of waters in the study area if such data are not otherwise available at representative sites. Such parameters include cross-sectional area and depth, or mean width and depth; stream velocities or times of travel related to flow in streams and estuaries; stage measurements in tidal waters and lakes where water quality is affected by stage variations.

(3) *Sampling Frequencies.* Sampling frequencies must be determined on the basis of the variability of each of the parameters associated with the pollution problem, and must be adequate to define the pollution problem within statistically determined confidence intervals acceptable to the Regional Administrator. The sampling frequencies during intensive surveys must be adequate to determine mass balances of pollutants where necessary to define fluctuations of water quality and related parameters in receiving waters and pollutant sources. Most stations close to pollution sources, in tidal waters, or where diurnal or diel variations occur, must be sampled several times a day during intensive surveys so as to define the behavior of the pollutants and receiving water during each intensive survey.

In complex problem areas, monitoring surveys should be conducted in more than one season in such a manner as to reflect seasonal variations in water quality.

Each year, prior to approval of the State program for the next year, the Regional Administrator may require that the Director include, in the design of any survey(s) to be conducted in the next year, monitoring requirements with respect to any one or a combination of the following:

- (a) Sampling frequencies;
- (b) Parameters to be measured;
- (c) Station locations; and
- (d) Time of survey.

The Regional Administrator may likewise require intensive surveys on reaches or segments to provide a basis for setting effluent limits where, in his judgment, monitoring data show that such reaches or segments are water quality limited.

(4) *State primary network monitoring.* To establish baselines of water quality, to assist in determining whether or not pollutant dischargers comply with sections 301, 302, 306 and 307 of the Act, to maintain cognizance of water quality conditions throughout the State and to obtain basic information needed for reports required by Section 305(b) of the Act, the Director shall establish and maintain a network of primary water monitoring stations in navigable waters for use in obtaining physical, chemical, and biological data, as well as data taking into account seasonal, tidal, and other variations. The network shall be designed and operated in such a manner as to provide information which, when taken in combination with compliance monitoring data, self monitoring data, and information from intensive surveys, will show whether and to what degree water quality management activities are protecting the quality of the State's navigable waters.

The number and location of monitoring stations, parameter coverage, and sampling frequencies must be adequate to represent the quality of the navigable waters of the State in the annual inventory reports required under Section 305(b) of the Act. Station locations, parameter coverage, and sampling frequencies shall be as follows:

(1) *Station Locations.* Various types of monitoring stations including stations for monitoring stream quality, lake quality, estuarine and coastal water quality, biological conditions, hydrologic conditions, and sediment conditions, are required in the primary network. Primary stations shall be located in navigable waters as follows unless water quality at such locations may be represented by other stations:

(a) At a point within intensive survey areas, which on the basis of information from such surveys, represents reaches having the most critical water quality problems;

(b) At stations upstream and downstream of major population and/or industrial centers on flowing streams where it is possible to sample stream quality in a manner to represent differences in such quality occurring as a result of pollutant discharges from such centers;

(c) At points within lakes, reservoirs, estuaries, and coastal waters as necessary to measure water quality, eutrophic condition, bio-accumulation, and accumulation of pollutants in water and sediments;

(d) In major high quality water use areas, such as public water supply intakes, shellfish harvesting areas, and recreational areas;

(e) In stream-bed sediments;

(f) Within each morphologic zone in the State (i.e., mountains, piedmont, coastal plain) where access is practicable. Such stations shall be located in stream segments largely unaffected by man's activities for determining background levels or baselines of water quality and biological populations.

(2) *Parameter Coverage and Sampling Frequencies.* Water quality samples and measurements must be representative of the variations in water quality and changes in pollution occurring during the year. Streamflow shall be determined concurrently with water quality measurements at all primary stations in rivers and streams. Flow may be determined either by direct measurement or by estimation using nearby stream gauges or measurements at representative sites following guidelines for measurement of flows presented in the Federal interagency report, *Recommended Methods for Water Data Acquisition* (OWDC, USDI). Stage or

water surface elevation shall be determined concurrently with water quality measurements in lakes, reservoirs and estuaries if and where water quality variations are apparently related to stage variations. Sampling frequencies shall conform to minimum requirements indicated in parentheses below unless the Director and the Regional Administrator concur that representation of water quality can be equalled or improved by utilizing other frequencies with acceptable resource commitments; in that case, such other frequencies shall be used. Parameter coverage and sampling frequencies for each primary station agreed upon by the Director and the Regional Administrator shall include, where relevant:

(a) Parameters known or suspected to be associated with major upstream pollution sources such as areas of high population, industrial centers, agricultural and urban runoff, and mine drainage; and parameters specifically mentioned in the State's water quality standards relating to the sampling area (monthly or more often as necessary to be representative of variations in water quality during the year);

(b) Stage measurements in tidal waters and measurements of fresh water inflow to estuaries (concurrently with water quality measurements, measured or estimated from measurements at representative sites, taking into account flushing times and tidal phasing);

(c) Heavy metals and other toxic materials, oil and grease, chemical oxygen demand, total Kjeldahl nitrogen, and pesticides, in sediments at sediment stations (annually);

(d) Dissolved oxygen, temperature, specific conductance, and pH, at all primary monitoring stations (monthly beginning in Fiscal Year 1975);

(e) Total phosphorus, total Kjeldahl nitrogen, dissolved nitrite plus nitrate, total organic carbon, and chemical oxygen demand at all primary monitoring stations (monthly beginning in Fiscal Year 1976);

(f) Biological parameters at selected stations, including chlorophyll *a* and parameters sufficient to evaluate the balances and conditions of indigenous communities of aquatic organisms, including standing crop, species diversity, and the presence or absence of indicator organisms in accordance with, but not limited to, parameters and frequencies shown in Table 1;

(g) Biologically related chemical and physical analyses and observations at selected stations, including chemical analyses of tissue as necessary to determine presence, extent, and impact of toxic pollutants designated under Section 307(a) of the Act (annually);

(h) Microbiological parameters, both indicator organisms and specific pathogens where appropriate, in both navigable waters and commercially harvestable shellfish sampled at selected stations (as required).

Each year, prior to approval of the State program for the next year, the Regional Administrator may require that additional measurements be made in the primary network during the next year at specific new, or previously established, stations and frequencies and for particular parameters if, in his judgment, the primary monitoring network is deficient in such respects.

(5) *Compliance monitoring.* Compliance monitoring requirements for a given State shall be carried out as follows:

(1) In States having approved NPDES permit programs, the Director shall carry out monitoring activities to determine compliance with permits, to validate self-monitoring reports, and as necessary, to provide support for enforcement actions. Procedures for carrying out such activities shall be as mutually agreed upon by the Director and the

Regional Administrator. The Director shall inspect the facilities of dischargers, described in Subparagraphs (a), (b), and (c) below, including, where appropriate, effluent sampling and examination of monitoring records, reports, equipment, and methods. Such inspections are required as follows:

(a) *Principal Dischargers*—The Director shall designate principal dischargers and identify them as such in the list of dischargers required by Subpart D of Part 130 of this chapter. The Regional Administrator may identify specific dischargers which the Director shall designate as principal dischargers. The Director shall update such identifications in the list of dischargers and assure, each year, that they are accurate. The Director shall conduct inspections, including effluent sampling, at least once each year at the facilities of all dischargers designated as principal dischargers;

(b) *Selected Dischargers*—Inspections, with or without effluent sampling, as appropriate, shall be conducted at the facilities of selected dischargers not included in Subparagraph (a) above. The method of selecting such other dischargers to be inspected shall be based upon random selection each year or shall be as mutually agreed upon by the Director and Regional Administrator;

(c) *Follow-Up Investigations*—The Director shall review self-monitoring data, reports obtained from permittees, complaints, data obtained from activities described in Subparagraph (a) and (b) above, and any other available data sources for the purpose of identifying permit violations and permittee report errors. When permit violations are indicated, the Director shall take appropriate action in accordance with the Act and Parts 124 and 125 of this Chapter.

(2) In States not having approved NPDES permit programs, but having authorities similar to those provided under Section 308 of the Act, the Director may to the extent authorized by the Regional Administrator, conduct inspections similar to those described in Subparagraph (1) above in connection with EPA issued permits.

(3) While conformance with the quality assurance requirements described in Paragraph P below is required in all monitoring activities included in this Appendix, extraordinary emphasis shall be placed upon quality assurance in the compliance monitoring activities, and all samples shall be collected, preserved, and analyzed in accordance with the quality control requirements described in Paragraph P.

L. *Evaluation of Water Quality With Respect to Standards*. In each State, the Director shall review data obtained from the primary monitoring network and any other available pertinent data for the purpose of identifying waters apparently not in compliance with water quality standards. In the event that such noncompliance is indicated, the Director shall evaluate the apparent violations and proceed as in Subparagraph K (1) (c) above; in States not having approved NPDES permit programs, he shall notify the Regional Administrator of the violations in an amutually agreed upon manner. The Director shall also take appropriate action through the State's continuing planning process in the event of such violations. Intensive surveys, described in Paragraph I above, may be required in such cases to determine the magnitude, extent, and cause of violations.

M. *Toxic Pollutant Monitoring*. Studies and systematic sample collection from navigable waters, groundwaters, sediments, and biological communities are required to determine whether toxic pollutants, designated under Section 307(a) of the Act, are entering the State's water and for determining their origin and the priority for appro-

prate control action in the event they are found.

N. *Groundwater Monitoring*. The Director shall designate principal aquifers in a manner mutually agreeable to the Regional Administrator. In the designation of principal aquifers, the Director should utilize aquifer testing and classification methodology presented in the Federal inter-agency report, *Recommended Methods for Water-Data Acquisition* (OWDC, USDI) for developing and carrying out the State-wide groundwater monitoring program. Initial designation shall be completed in Fiscal Year 1975, based upon existing data, and updated as necessary. To the extent practicable, the Director shall establish and maintain a State-wide groundwater monitoring program which shall consist of a network of groundwater quality monitoring stations sampled in a systematic manner and designed to determine baseline conditions and provide early detection of pollution. A program of identification and surveillance of existing and potential groundwater pollution sources shall complement this network.

Groundwater quality monitoring shall be conducted at representative points relative to groundwater pollution sources and in areas of high utilization of groundwater. The location of groundwater monitoring stations will be dictated by the type and distribution of potential pollution sources. Selected water supply wells may be utilized for monitoring purposes. However, installation of additional monitoring wells may be necessary where experience shows that existing wells and other groundwater monitoring stations do not provide adequate coverage.

Parameter coverage will vary with natural and manmade conditions and with use of the groundwater. Sampling frequency will be dictated by local conditions and the potential threats involved. Each year, prior to approval of the State program for the next year, the Regional Administrator may require that additional groundwater measurements be made during the next year at specific locations and frequencies and for particular parameters if, in his judgment, the State's groundwater monitoring program is deficient in such respects. Groundwater related inventories are required as follows:

(1) *Inventory of Groundwater Monitoring Stations*—The Director shall develop and maintain an inventory of existing wells which are or may be suitable for inclusion in the State-wide groundwater monitoring network. This inventory shall be developed by April 15, 1976, and shall be updated as additional wells are selected or installed for the purpose of determining groundwater quality in accordance with this Appendix. Types of groundwater quality monitoring wells to be identified in the inventory include, but are not limited to, wells for saline water intrusion monitoring, baseline monitoring, routine monitoring in zones of high utilization of groundwater, and monitoring in the vicinity of pollution sources. The *Catalog of Information on Water Data*, maintained by the OWDC, USDI, should be consulted and utilized to the extent practicable in developing the inventory.

(2) *Inventory of Groundwater Pollution Sources*—Monitoring is required of waste disposal sites and other pollution sources which pollute or threaten pollution of the groundwaters of the State. Where appropriate, the types of pollution sources to be monitored include, but are not limited to, injection wells, sanitary landfills, chemical stockpiles, municipal and industrial waste lagoons, waste holding ponds, and sludge drying beds. Each State shall develop an inventory of groundwater pollution sources by April 15, 1976, and thereafter the inventory shall be updated annually.

O. *Classification of Publicly Owned Fresh Water Lakes by Eutrophic Conditions*. As part of maintaining an understanding of the nature and extent of water quality conditions for the State, the Director shall prepare by April 15, 1975, an inventory of publicly owned fresh water lakes including descriptive information on lakes which the Director designates as significant. The Director shall provide the Regional Administrator with a description of the criteria used in selecting lakes to be designated as significant and shall maintain the inventory and improve it as additional pertinent information is obtained. The principal emphasis in preparing, maintaining, and improving the inventory shall be in obtaining information on lakes which exhibit noticeable eutrophy. Initially, the inventory may include estimates when specific information is not known. It shall include the following information for lakes or the portions thereof which are included within the State:

(1) Number and total combined area of publicly owned fresh water lakes;

(2) Number and total combined area of significant lakes;

(3) Number and total combined area of significant lakes which are known to exhibit noticeable eutrophy as indicated by abnormal quantities or types of algae, aquatic plants, sedimentation, and other specified indicators or environmentally modifying factors. Such other indicators may include dissolved oxygen, pH, total phosphorous, total Kjeldahl nitrogen, and total organic carbon, particularly if their measured or estimated values are beyond the limits of applicable water quality standards;

(4) Number and total combined area of significant lakes that are known to exhibit no noticeable eutrophy or other problems;

(5) Number and total combined area of significant lakes for which the presence or absence of noticeable eutrophy is not known.

For each significant lake or reservoir that exhibits noticeable eutrophy or other problems, the following information must be supplied:

(1) Name, location, average depth, acres of lake surface area, and square miles of drainage area contributing surface water runoff to the lake;

(2) Nature of problem reported as algae, aquatic plants, sedimentation, and/or other specified indicators or environmentally modifying factors;

(3) Cause(s) of problem reported for each of the following categories as principal cause, intermediate contributing cause, or not applicable as identifiable cause:

(a) Municipal waste (including names or appropriate identification of municipal sources),

(b) Industrial waste (including names or appropriate identification of industrial sources),

(c) Septic tanks,

(d) Agricultural wastes,

(e) Urban storm drainage (including names or appropriate identification of urban sources),

(f) Rural runoff,

(g) Natural,

(h) Other (Identify).

(4) Narrative comments when needed for clarification.

P. *Laboratory Support and Quality Assurance*. The State water monitoring program shall produce data and information which may be used to describe the quality of State waters and characteristics of pollution sources in an accurate and consistent manner. Emphasis shall be placed upon quality assurance, and all samples required by this Appendix shall be collected, preserved, and analyzed in accordance with

the quality control requirements set forth in this paragraph.

Laboratories (or combinations of Laboratories) supporting the State monitoring program shall provide physical, professional, and analytical capabilities and quality assurance as follows:

(1) Physical and professional capabilities shall be adequate to perform analyses, in compliance with items 2 thru 8 below, for each of the water quality measurements listed in regulations published in Part 136 of Subchapter D of this Chapter, pursuant to Section 304(g) of the Act, and biological measurements listed in Table 1.

(2) Sample preservation for effluent analyses shall be conducted according to methods cited in the EPA manual entitled *Methods for Chemical Analysis of Water and Wastes*, unless superseded by sample preservation methods cited in Part 136 of Subchapter D of this Chapter. All other sample preservation shall be conducted in accordance with generally acceptable practices unless otherwise required by the Regional Administrator. Likewise, sample collection and handling shall be conducted in accordance with generally accepted procedures unless otherwise required by the Regional Administrator.

(3) Time-sensitive samples shall be delivered from the field and analyzed within specified holding times. Until superseded by designation in published EPA analytical reference methods, maximum holding times for sensitive samples shall be as specified in the EPA manual identified in Subparagraph (2) above.

(4) Procedures shall be instituted for assuring sample integrity during sampling, transport, storage, and analysis.

(5) For any samples collected for the purpose of providing evidence in enforcement actions, the Director shall follow such chain of custody procedures as will satisfy State rules or laws for introduction of evidence into enforcement or judicial proceedings.

(6) Physical, chemical, and microbiological analyses of ambient water quality and for facilities inspections shall be conducted by the use of analytical methods as specified in regulations published in Part 136 of Subchapter D of this Chapter, pursuant to Section 304(g) of the Act. Unless otherwise specifically required by the Regional Administrator, analyses of physical, chemical, biological, and microbiological parameters not identified in Part 136 of Subchapter D of this Chapter shall be conducted in accordance with generally acceptable methods such as those cited in the following references:

(a) *Standard Methods for the Examination of Water and Wastewater* (APHA).

(b) *Annual Book of Standards*, Part 23, *Water: Atmospheric Analysis* (ASTM).

(c) *Methods for Chemical Analysis of Water and Wastes* (USEPA).

(d) *Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents* (USEPA).

(e) *Recommended Methods for Water Data Acquisition* (OWDC, USDI).

(f) *Methods for Collection and Analysis of Water Samples of Dissolved Minerals and Gases* (USGS, USDI).

(g) *Methods for Collection and Analysis of Aquatic Biological and Microbiological Samples* (USGS, USDI).

(7) The Director of any State water pollution control agency, or interstate agency wishing to use a method not cited in Part 136 of Subchapter D of this Chapter for preservation or analysis of parameters cited in said Part, shall submit an application to the Regional Administrator for approval to employ such alternative methods. Such applications shall include a technical description of the proposed alternative method together with the reason(s) for seeking to use a method other than according to Subparagraph (2) and/or (6) above. The Regional Administrator may require that the Director provide a technical evaluation of the proposed method, as deemed appropriate by the Regional Administrator, to supplement the application. To insure utilization of uniform measurement methodology on a nationwide basis, the director of the EPA Methods Development and Quality Assurance Research Laboratory shall recommend alternative methods and procedures for measurement of physical, chemical, and biological characteristics for acceptance by the Regional Administrators. For the same purpose, the Regional Administrators shall forward copies of applications for alternative methods to the laboratory director for review and recommendation. Within 90 days of receipt by the Regional Administrator of an application for an alternative method, the Regional Administrator shall notify the State or interstate Director of approval or rejection, or shall specify any additional information which is required to determine whether to approve the proposed method.

(8) All participating laboratories shall routinely utilize and document intralaboratory analytical quality control procedures, including a combination of techniques such as: spiked sample recovery, replicate sample analyses, and reference sample analyses in a manner mutually agreed upon by the Director and the Regional Administrator. The operation of such an intralaboratory analytical control program shall conform to practices recommended in the EPA manual *Handbook for Analytical Quality Control in Water and Wastewater Laboratories*, as revised.

The laboratories shall participate in and document interlaboratory testing programs, including sample splitting between State monitoring support laboratories and EPA laboratories as needed.

(9) The Director shall make all monitoring support laboratories, laboratory data records, and records indicating laboratory techniques and quality control procedures used, open to EPA review as required by the Regional Administrator.

Q. Data Handling, Storage and Reporting. Pollutant source data, water quality data, and related data shall be analyzed, correlated, and made available to EPA in a form, volume, and manner approved by the Regional Administrator in conformance with the requirements set forth in this Paragraph and in 40 CFR 35, Subpart B. Unless otherwise specified by the Regional Administrator, compliance monitoring data shall be made available to EPA within ninety days after it is acquired by the Director, intensive survey data shall be made available to EPA within ninety days after it is collected, and data from the Primary Monitoring Network and the Groundwater Monitoring Network shall be made available

to EPA within ninety days after it is collected.

The Director shall utilize an information system capable of preparing, screening, validating, and transmitting to EPA the water monitoring data collected by the State in accordance with these regulations. The data shall be made available in a format suitable for direct entry into the EPA water information system and shall specifically include the following:

(1) All data collected from stations particularly identified as intensive survey stations, primary monitoring stations, and groundwater monitoring stations described above, beginning with data collected in Fiscal Year 1975, including accurate latitude and longitude coordinates, station type codes, and other station descriptors for each station;

(2) Pertinent hydraulic and geometric data obtained in connection with intensive surveys and primary monitoring network activities;

(3) All data acquired by the Director in support of the requirements set forth in Paragraph K above;

(4) A listing each fiscal year of the stations to be monitored in the primary monitoring network in the following year, highlighting changes from the current year, and including for each station, descriptions of station location, station type, parameter coverage, and sampling frequencies;

(5) The inventory of groundwater monitoring stations;

(6) The groundwater pollution source inventory;

(7) The inventory of lakes required in accordance with Paragraph O above;

(8) The discharger inventories required by Subpart D of Part 130 of this Chapter;

(9) Other monitoring data and information as may be required by the Regional Administrator.

The Director may elect to participate in the EPA water information system to satisfy requirements stated above. Descriptions of this system are available from the Regional Administrator. If the Director does not elect to use the EPA system, he shall provide a description of his proposed alternative system and a plan to make the data available to EPA in a form compatible with the EPA information system.

R. Annual Inventory and Input to State Strategy. The State's monitoring program shall provide for collection, analysis, and evaluation of basic information required for the annual inventory reports required by Section 305(b) of the Act. The results of the monitoring activities described herein are intended to supply the minimum monitoring information required for such inventories except that monitoring in addition to that anticipated in program grant applications, already submitted for fiscal year 1975, shall not be required for the annual inventory report due in 1975. The monitoring information and annual inventories shall be used in developing and maintaining the State strategy required by regulations published in 40 CFR 130.40 pursuant to Section 303(e) of the Act and shall be reported each year in the Section 106 Program Submission in the manner prescribed in the annual guidance for State program development.

TABLE 1.—Biological monitoring

Community and parameter	Priority ¹	Collection and analysis method ²	Sampling frequency ³
Plankton:			
Counts and identification.....	1	Grab samples.....	Once each in spring, summer, and fall.
Chlorophyll a.....	2		
Biomass as ash-free weight.....	2		
Periphyton:			
Counts and identification.....	1	Artificial substrates...	Minimally once annually during periods of peak periphyton population density and/or diversity.
Chlorophyll a.....	2		
Biomass as ash-free weight.....	2		
Macrophyton:			
Areal coverage.....	1	As circumstances prescribe.	Minimally once annually during periods of peak macrophyton population density and/or diversity.
Identification.....	1		
Biomass as ash-free weight.....	2		
Macro-invertebrate:			
Counts and identification.....	1	Artificial and natural substrates.	Once annually during periods of peak macro-invertebrate population density and/or diversity.
Biomass as ash-free weight.....	2		
Flesh tainting.....	2		
Toxic substances in tissue ⁴	2		
Fish:			
Toxic substances in tissue ⁴	1	Electrofishing or netting.	Once annually.
Counts and identification.....	2		
Biomass as wet weight.....	2		
Condition factor.....	2		
Flesh tainting.....	2		
Age and growth.....	2		

¹ Priority: 1—Minimum program, 2—Add as soon as capability can be developed.

² See "Biological Field and Laboratory Methods for Measuring the Quality of Surface Water and Effluents."

³ Keyed to dynamics of community.

⁴ See "Analysis of Pesticide Residues in Human and Environmental Samples," USEPA, Ferrine Primate Research Laboratories, Ferrine, FL 32157 (1970); and "Pesticide Analytical Manual," USDHEW, FDA, Washington, D.C.

[FR Doc.74-19647 Filed 8-27-74;8:45 am]

federal register

WEDNESDAY, AUGUST 28, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 168

PART IV



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Child Development

■

CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAM

Proposed Rules

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Child Development

[45 CFR Part 1340]

CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAM

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Secretary of Health, Education, and Welfare. The proposed regulations add a new Part 1340 to Chapter XIII, Subtitle B, Title 45, Code of Federal Regulations, in order to implement the provisions of the Child Abuse Prevention and Treatment Act (Pub. L. 93-247).

Proposed Part 1340 covers projects and activities of the Child Abuse and Neglect Prevention and Treatment Program. Proposed subpart A includes definitions necessary to conform with the requirements and intent of the Act. It also contains administrative provisions common to all grants and contracts awarded under the Act.

Proposed subpart B covers demonstrations, technical assistance, training materials, and confidentiality of information.

Proposed subpart C includes the purpose for which grants to States are made and the conditions the States must meet in order to be eligible for grants under the Act and for grants for programs and projects related to child abuse and neglect assisted under Parts A or B of Title IV of the Social Security Act. Further conditions for eligibility of the single State agency for the latter grants will be set forth in 45 CFR Part 220.

The Secretary is considering proposing regulations to further delineate certain conditions for eligibility of the single State agency under § 1340.3 and 45 CFR Part 220. Such regulations would set forth in detail the relationships of other agencies, offices, and organizations to the single State agency which will be included in the conditions for eligibility of the single State agency. Such other agencies, offices, and organizations would include those agencies from which the single State agency purchases services. The focal point of those possible regulations would be the extent of supervision or lack of supervision that the single State agency has over the other agencies, offices, or organizations from which it purchases services and which it can require to come into compliance with the Act and regulations (45 CFR Parts 1340 and 220).

Federal financial support under this Part is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d). Federal financial support is also subject to the provisions of section 504 of the Rehabilitation Act of 1973 (29 U.S.C.

794) concerning non-discrimination of handicapped persons.

Proposed regulations to ensure coordination between programs related to child abuse and neglect under this Act and other such programs which are assisted by Federal funds will be issued at a later date. Such regulations will be published as proposed regulations in the FEDERAL REGISTER.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed Part 1340 and/or the possible proposed regulations concerning relationships of agencies to the single State agency as a condition of the eligibility of the latter to the Acting Director, Office of Child Development, Department of Health, Education, and Welfare, P.O. Box 1182, Washington, D.C. 20013, on or before September 27, 1974. Such comments will be available for public inspection in Room 5163 of the Department's offices at 400 Sixth Street, SW., Washington, D.C., on Monday through Friday of each week from 9:00 a.m. to 5:00 p.m. (Area Code 202, 755-7583).

Dated: August 23, 1974.

FRANK CARLUCCI,
Acting Secretary.

Subtitle B of 45 CFR Chapter XIII is amended by adding Part 1340 as follows:

PART 1340—CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAM

Subpart A—General Provisions

Sec.	
1340.1-1	Purpose of the program.
1340.1-2	Definitions.
1340.1-3	General administrative requirements.
1340.1-4	Application for a grant.
1340.1-5	Awards.
1340.1-6	Conflict of interest.
1340.1-7	Non-allowable costs.
1340.1-8	Grant appeals.
1340.1-9	Civil rights.
1340.1-10	Non-discrimination of handicapped.
1340.1-11	Project duration.
1340.1-12	Program and project plan amendments.
1340.1-13	Protection of human subjects.
1340.1-14	Publications and copyright policy.
1340.1-15	Reports.

Subpart B—Demonstrations, Technical Assistance, and Other Activities

1340.2-1	Demonstrations.
1340.2-2	Technical assistance.
1340.2-3	Training materials.
1340.2-4	Research.
1340.2-5	Confidential information.

Subpart C—Child Abuse and Neglect Grants to States Under the Act and Under Title IV of the Social Security Act

1340.3-1	Purpose and eligible applicants.
1340.3-2	Establishment of compliance.
1340.3-3	Qualification for assistance.
1340.3-4	Approval of compliance statements.
1340.3-5	Approval of applications and funds.
1340.3-6	Funds available.
1340.3-7	Allocation of funds available.
1340.3-8	Reallocation of funds available.

AUTHORITY: Sec. 3, 88 Stat. 5 (Sec. 3, Pub. L. 93-247); Sec. 4(d), 88 Stat. 7 (Sec. 4(d), Pub. L. 93-247).

Subpart A—General

§ 1340.1-1 Purpose of the program.

(a) The basic purpose of this program is to assist States and localities, and non-profit private organizations in carrying out their responsibilities for the protection of children and for the amelioration of their environment, particularly as an integral part of a family unit whose adult member(s) need help in coping with emotional or environmental stresses.

(b) The main thrust of this program effort is to assist State, local, and voluntary agencies and organizations to strengthen their capacities to develop programs that will:

- (1) Prevent child abuse and neglect;
- (2) Identify abused and neglected children; and
- (3) Provide necessary ameliorative services to them and their families.

(c) In order to achieve this purpose, the National Center on Child Abuse and Neglect will:

- (1) Develop, gather, analyze, and disseminate information on child abuse and neglect research, public and private programs, training materials, and the national incidence of child abuse and neglect;
- (2) Provide technical assistance to public agencies and nonprofit private organizations to assist them in their activities relating to the prevention, identification, and treatment of child abuse and neglect;
- (3) Conduct research in order to develop new techniques in identifying, preventing, and treating child abuse and neglect; and
- (4) Make grants and enter into contracts for demonstrations and program models designed to develop and establish improved training programs, more effective service delivery vehicles, and for other innovative programs and projects showing promise of successfully preventing or treating child abuse and neglect.

(d) In seeking to directly assist and encourage States to improve their capacity to identify, prevent, and treat child abuse and neglect, the Secretary will:

- (1) Provide Federal financial assistance under the Act to States meeting the requirements therefore; such assistance is designed to enable States to develop, strengthen, and carry out activities related to child abuse and neglect and
- (2) Require the single State agencies to meet specified requirements in order to receive assistance for activities related to child abuse and neglect assisted under Part A or B of Title IV of the Social Security Act.

§ 1340.1-2 Definitions.

For purposes of this part—
(a) "Act" means the Child Abuse Prevention and Treatment Act, 88 Stat. 4 (Pub. L. 93-247), unless otherwise specified.

(b) "Child abuse and neglect" means harm or threatened harm to a child's health or welfare by a person responsible for the child's health or welfare.

(1) "Harm or threatened harm to a child's health or welfare" can occur through: Non-accidental physical or mental injury; sexual abuse, as defined by State law; or negligent treatment or maltreatment, including the failure to provide adequate food, clothing, or shelter. *Provided*, However, that a parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone shall not be considered a negligent parent.

(2) "Child" means a person under the age of eighteen.

(3) "A person responsible for a child's health or welfare" includes the child's parent, guardian, or other person responsible for the child's health or welfare, whether in the same home as the child, a relative's home, a foster care home, or a residential institution.

(c) "Director" means the Director of the Office of Child Development.

(d) (1) "Facility" means a building or portion thereof used to house programs or services designed to treat or prevent child abuse and neglect such as attention homes; emergency shelters; nurseries or treatment rooms or wards; central reporting registers; hot line services; diagnostic treatment and training centers; and other services or programs established to deal with the prevention and treatment of child abuse and neglect.

(2) "Repair or minor remodeling or alteration of an existing facility" means the physical modification of the facility, the cost of which must be reasonable in relation to the total proposed cost of the program or project and is consistent with the provisions of Chapter I-44 of the Grants Administration Manual of the Department of Health, Education, and Welfare.

(e) "Non-profit private organization" means a corporation or association, the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(f) "Project period" means the total period of time for which a project is approved for support with Federal funds.

(g) "Secretary" means the Secretary of the Department of Health, Education, and Welfare.

(h) "State" means one of the fifty States.

(i) "The single State agency" means the State agency administering or supervising the administration of the State plan under title IV-A and IV-B of the Social Security Act.

§ 1340.1-3 General administrative requirements.

(a) The provisions of Part 74 of this title shall apply to all grants made under this part to units of State and local government, as defined in Part 74 of this title, and the following subparts of Part 74 shall apply to grants to nonprofit private organizations:

Subpart:	Subject
A -----	General.
B -----	Cash depositories.
C -----	Bonding and insurance.

Subpart:	Subject
D -----	Retention and custodial requirements for records.
F -----	Grant-related income.
K -----	Grant payment requirements.
L -----	Budget revision procedures.
M -----	Grant closeout, suspension, and termination.
O -----	Property.
Q -----	Cost principles.

(b) Any contract under this part shall be entered into in accordance with and shall conform to all applicable laws, regulations, and other published Departmental policy.

§ 1340.1-4 Application for a grant.

(a) An application for a grant under this part shall be submitted by such time and in such form and manner as the Director may prescribe. The application shall contain a budget and narrative plan of the manner in which the applicant intends to conduct the project and carry out the applicable requirements of this part.

(b) The application must be signed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the statute, the applicable regulations of this part, and any additional conditions of the grant.

§ 1340.1-5 Awards.

All grant awards and contract awards for programs or projects under the Act shall be in writing and shall constitute the encumbrance of the Federal funds awarded. An award shall specify the project period.

§ 1340.1-6 Conflict of interest.

Employees or individuals participating in a program or project under the Act shall not use their positions for a purpose that is, or gives the appearance of being motivated by a desire for private gain for themselves, or others, particularly those with whom they have family, business or other ties.

§ 1340.1-7 Non-allowable costs.

(a) Federal financial assistance is not available under the Act for the construction of facilities.

(b) No Federal financial assistance may be furnished under the Act for the cost of activities for which payment is made under another part of this chapter or under other authority for the same purpose.

§ 1340.1-8 Grant appeals.

When a post-award dispute arises in the administration of grants under the Act following certain determinations adverse to a grantee, the grantee may apply for a review of such determination in accordance with the provisions of Subtitle A, Part 16, of this title.

§ 1340.1-9 Civil rights.

Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (78 Stat. 252 (42 U.S.C. 2000d et seq.)) and in particular section 601 of such act, which provides that no person in the

United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which applies to grants and contracts made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 1340.1-10 Non-discrimination of handicapped.

No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program, project, or activity assisted under the Act. No otherwise qualified individual shall be denied employment in any program, project, or activity assisted under this part solely because of a physical or mental disability (Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794)).

§ 1340.1-11 Project duration.

Programs and projects may be approved for a period not to exceed three years. Program and project budgets must be submitted and will be reviewed and approved annually.

§ 1340.1-12 Program and project plan amendments.

(a) The grantee shall submit an amendment describing any material change in the plan of his program or project proposed to be made during the project period. Proposed program or project plan amendments shall be submitted in writing for appropriate review prior to consideration by the Director.

(b) Proposed program and project plan amendments may be initiated by the Director if, on the basis of reports, it appears that Federal funds are being used for purposes beyond the scope of the approved project application.

§ 1340.1-13 Protection of human subjects.

The provisions of Part 46 of Subtitle A of this part, the Protection of Human Subjects, shall apply to all grants and contracts assisted under the Act supporting research, development, and related activities in which human subjects at risk, as defined in 45 CFR Subtitle A, § 46.3(b), are involved.

§ 1340.1-14 Publications and copyright policy.

(a) The results of any activity supported under this part may be published without prior review by the Department: *Provided*, That such publication's preface shall acknowledge the Federal assistance received and stating that interpretations of data do not necessarily represent interpretations of the Department and *Provided, further*, that 35 copies of such publication are furnished to the Department.

(b) Where a project activity leads to the publication of a book or other copy-

righted material, the author is free to copyright the work, but the Department reserves royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity. Any such publication shall contain a notice of such license.

§ 1340.1-15 Reports.

Reports shall be made to the Director in such form and containing such information as the Director may find necessary to enable the Director to perform his functions under this part.

Subpart B—Demonstrations, Technical Assistance, and Other Activities

§ 1340.2-1 Demonstrations.

(a) *Eligible applicants or contractors.* The Director will make grants to or enter into contracts with public agencies or nonprofit private organizations (or combinations thereof) for demonstration programs and projects.

(b) *Nature of demonstration programs and projects.* (1) Such demonstrations may include, but are not limited to pilot or experimental efforts to provide additional and more effective ways of preventing, identifying or treating child abuse and neglect than are currently available; testing the feasibility of providing child abuse and neglect services in new settings or under new conditions; innovative programs and methods of providing preventive and treatment services in urban and in rural areas; methods of coordinating most effectively the variety of disciplines and agencies involved in child abuse and neglect; the establishment and maintenance of facilities, such as central registers, satellite centers, attention homes, emergency shelters and "hot lines"; provision of consultation by teams to small communities; programs for the prevention and treatment of child abuse related to drug abuse; and, parent self-help projects and programs.

(2) All such demonstrations shall be evaluated, either as a part of the program or project or through a separate contractual effort. All demonstration programs should include provisions for continuing the program within the agency or organization or under other auspices upon the termination of funding under the Act. These provisions should be reasonable and firm commitments rather than hopeful expectations.

(c) *Manner of solicitations.* (1) Grant applications will be solicited through Program Announcements specifying the project goals and objectives for which applications are being solicited, the criteria by which they will be judged, the amount of funds available for such grants, and the deadline for receipt of applications.

(2) Contracts will be awarded in accordance with the procurement regulations of the Department of Health, Education, and Welfare (41 CFR Subtitle A, Part 3).

(d) *Per centum of appropriation.* Not less than 50 per centum of the funds

appropriated under the Act for any fiscal year shall be used for carrying out the provisions of subsection 4(a) of the Act.

(e) *Special criterion for selection—equitable distribution.* (1) The formula prescribed in § 1340.3-7, which includes for each State a minimum amount and an additional amount based on the number of children under the age of eighteen, is designed to achieve equitable distribution of assistance among the States.

(2) In the selection of applications submitted under this subpart which are judged to be of approximately equal merit, the Director will take into account the extent to which the selection of one applicant as against the other may achieve equitable distribution of assistance among geographic areas of the Nation and among rural and urban areas.

§ 1340.2-2 Technical assistance.

Technical assistance authorized in subsection 2(b) (4) of the Act will be furnished by the National Center on Child Abuse and Neglect, directly or by contract, to public agencies and nonprofit private organizations to assist them in planning, improving, developing and carrying out programs and activities relating to the prevention, identification, and treatment of child abuse and neglect.

§ 1340.2-3 Training materials.

The National Center on Child Abuse and Neglect, directly or through contracts, will develop, compile and publish training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of child abuse and neglect.

§ 1340.2-4 Research.

The National Center on Child Abuse and Neglect will conduct research into the causes of child abuse and neglect and into the prevention, identification, and treatment thereof. Such research will include a complete and full study and investigation of the national incidence of child abuse and neglect, including a determination of the extent to which incidents of child abuse and neglect are increasing in number or severity.

§ 1340.2-5 Confidential information.

(a) All information including lists of names, addresses, photographs and records of evaluation, obtained as to personal facts about individuals served by any demonstration, research, training or technical assistance project or program assisted under the Act shall be held to be confidential and may not be disclosed except as provided in paragraph (b).

(b) The use of such information and records shall be limited to purposes directly connected with the administration of the program or project, including evaluations thereof conducted under contract from the Department of Health, Education, and Welfare, and such information may not be disclosed, directly or indirectly, other than for such a purpose thereof or pursuant to the requirements of § 1340.3-3(e), unless the written consent of the agency providing the information and the individual to whom the

information applies or his representative has been obtained. No report or other documentation of a program or project to be disclosed outside the program or project may contain information that might serve to identify any person without his written consent or that of his representative.

Subpart C—Child Abuse and Neglect Grants to States Under the Act and Under Title IV of the Social Security Act

§ 1340.3-1 Purpose and eligible applicants.

(a) States that qualify under § 1340.3-2, may receive grants to initiate or continue the support of programs or projects of the State or one of its political subdivisions which can be expected to assist the State in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs. The Act also requires that the single State agency comply with certain requirements in order to begin or continue the receipt of funds for programs or projects related to child abuse and neglect assisted under Part A or B of Title IV of the Social Security Act.

(b) This subpart describes the process States must follow to establish their compliance and to apply for funds provided under section 4(b) (1) of the Act (Pub. L. 93-247). The process the single State agency must follow to establish compliance under the Act (and under the Social Security Act) is described in 45 CFR Part 220.

§ 1340.3-2 Establishment of compliance.

(a) (1) In order to be eligible for Federal financial assistance for programs or projects related to child abuse and neglect assisted under section 4(b) (1) of this Act, a State shall provide, in such form and with such documentation as the Secretary may require, a statement that the State meets the requirements of the Act and of this part, signed by the Governor. All legal opinions shall be certified by the Attorney General of the State.

(2) In order to be eligible for Federal financial assistance for programs or projects related to child abuse and neglect assisted under Part A or B of Title IV of the Social Security Act, the single State agency shall provide, in such form and with such documentation as the Secretary may require, a statement that it meets the requirements of the Act (Pub. L. 93-247) and the Social Security Act, in accordance with regulations published in 45 CFR Part 220.

(3) For programs or projects funded under section 4(b) (1) of the Act, the requirements are set forth in § 1340.3-3 (a)-(j). For programs or projects funded under Part A or B of Title IV of the Social Security Act, the requirements are set forth in 45 CFR 220.

(b) Whichever State office, agency, or organization is designated by the Governor, may apply for financial assistance under section 4(b) (1) for the payment of reasonable and necessary expenses in developing, strengthening, and carrying

out child abuse and neglect prevention and treatment programs. Such State office, agency, or organization need not be limited in its mandate or activities to child abuse and neglect. Such State office, agency, or organization designated by the Governor may enter into subcontracts with other offices, agencies, or organizations to conduct activities under the grant. The application for such funds shall include a description of the activities presently conducted by the State and its political subdivisions in relation to preventing and treating child abuse and neglect, the activities to be assisted under the grant, a statement of how the proposed activities are expected to develop, strengthen or carry out child abuse prevention and treatment programs, together with a budget in the form and detail and in accordance with the procedures prescribed by the Secretary, and such additional information in such form and with such documentation as the Secretary may require.

§ 1340.3-3 Qualification for assistance.

(a) The Act enumerates ten elements of a comprehensive system to prevent and treat child abuse and neglect which a State must have in order to qualify for assistance under section 4(b)(1). The enactment of identical laws and procedures in the States is not necessary. Rather, as its purpose, the Act seeks to insure that all States receiving assistance under this subsection (in meeting the ten requirements) must provide what may be grouped into four fundamental child protective capabilities: (1) Detection through third party reporting of children in danger, including mandatory and permissive reporting of suspected child abuse and neglect; (2) child protective services to provide non-criminal investigations for the verification of reports, to provide immediate protection of children through such means as protective custody, and to provide rehabilitative and ameliorative services; (3) juvenile or family court action to remove a child or to impose treatment services; and (4) law enforcement investigations and criminal court prosecution, when appropriate.

(b) Similarly, it is not necessary for States to adopt language for the definition of "child abuse and neglect" identical to that used in the Act. A State definition which is the same in substance as the one set forth in this part will be sufficient. In addition, nothing in this part is intended to prevent a State from further elaborating on the definition or from providing additional grounds to consider a child abused or neglected. This part takes this approach in recognition of the need to allow and encourage flexibility and innovation in light of the diverse local conditions found from State to State and community to community.

(c) Finally, in order to facilitate compliance, this part makes a distinction between requirements that can be satisfied by a specific State law and those that can be satisfied by a legally authorized and legally binding administra-

tive procedure, if certified by the State's Attorney General.

(d) In order for a State to qualify for assistance under section 4(b)(1) of the Act, the State shall satisfy each of the following ten requirements:

(1) The State must have in effect a child abuse and neglect law which includes provisions for immunity for all persons reporting, whether mandated by law or not, instances of known or reasonably suspected child abuse and neglect, from civil or criminal prosecution under any State or local law, arising out of such reporting. In the absence of a specific statutory provision in an existing child abuse and neglect reporting law, this requirement may be satisfied, but only until July 1, 1975, or the close of the next session of the State legislature, whichever is later, by a legal opinion of the State's Attorney General holding that such immunity exists under State law.

(2) (i) The State must provide for the reporting of known or suspected instances of child abuse and neglect. This requirement shall be deemed satisfied if a State requires specified persons by law, and has a law or administrative procedure which requires, allows, or encourages all other citizens, to report known or suspected instances of child abuse and neglect to a properly constituted authority with the power and responsibility to perform an investigation and take necessary ameliorative and protective steps as required in paragraph (c). A properly constituted authority may include the police, the juvenile court or any agency thereof, or a legally mandated, public or private child protective agency; *Provided*, However, that a properly constituted authority must be an agency other than the agency, institution or facility involved in the acts or omissions, if the report of child abuse and neglect involves the acts or omissions of a public or private agency or other institution or facility.

(ii) In the absence of a specific statute, the requirements of this subsection may be satisfied by an opinion of the State Attorney General holding that the State administrative procedures in this regard are legally binding.

(3) (i) A State must provide that upon the receipt of a report of known or suspected instance of child abuse or neglect an appropriate investigation by a properly constituted authority shall be initiated promptly to substantiate the accuracy of the report. Such investigation may include contact with central registers, field investigations and interviews, home visits, consultation with other agencies, medical examinations, and psychological and social evaluations.

(ii) Upon a finding of abuse or neglect, immediate steps, as required by law and/or administrative procedure, shall be taken to protect the health and welfare of the abused or neglected child, as well as that of any other child under the same care who may be in danger of abuse or neglect. Such steps may include multidisciplinary teams, instruction in educa-

tion for parenthood, protective and preventive social counselling, foster care, and, if appropriate, criminal court or juvenile court action, in order to protect the child and help strengthen the family, help the parents in their child rearing responsibilities, and if necessary, remove the child from a dangerous situation.

(4) The State must demonstrate that there are in effect throughout the State, in connection with the enforcement of child abuse and neglect laws and with the reporting of suspected instances of child abuse and neglect, such administrative procedures, such personnel trained in child abuse and neglect prevention and treatment, such training procedures, such institutional and other facilities (public and private), and such related multidisciplinary programs and services as may be necessary or appropriate to assure that the State has operational procedures and capabilities sufficient to deal effectively with child abuse and neglect cases in the State. Such operational procedures and capabilities shall include: provision for receipt, investigation and verification of reports; provision for the determination of treatment or ameliorative social service needs; provision of such services; and, when necessary, resort to criminal or juvenile court.

(5) The State must provide for methods to preserve the confidentiality of all records concerning reports of child abuse and neglect in order to protect the rights of the child, his parents or guardians. This section shall be satisfied if a State has a law which makes such records confidential and which makes any person who permits or encourages the unauthorized dissemination of their contents guilty of a crime. Such law may allow access to such records but only to the following agencies and persons: (i) A legally mandated, public or private child protective agency investigating a report of known or suspected child abuse or neglect or treating a child or family which is the subject of a report or record; (ii) a police or other law enforcement agency investigating a report of known or suspected child abuse or neglect; (iii) a physician who has before him a child whom he reasonably suspects may be abused or neglected; (iv) a person legally authorized to place a child in protective custody when such person has before him a child whom he reasonably suspects may be abused or neglected and such person requires the information in the report or record in order to determine whether to place the child in protective custody; (v) an agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record, or a parent, guardian, or other person who is responsible for the child's welfare; (vi) any person named in the report or record who is alleged to be abused or neglected; if the person named in the report or record is a minor or is otherwise incompetent, his guardian ad litem; (vii) a parent, guardian, or other person responsible for the welfare of a child named in a report or record;

(viii) a court, upon its finding that access to such records may be necessary for determination of an issue before such court, but such access shall be limited to in camera inspection, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it; (ix) a grand jury upon its determination that access to such records is necessary in the conduct of its official business; (x) any appropriate State or local official responsible for the child protective service or legislation carrying out his official functions; (xi) any person engaged in a bona fide research purpose, provided, however, that no information identifying the subjects of the report shall be made available to the researcher unless it is absolutely essential to the research purpose and the appropriate State official gives prior approval. Nothing in these regulations is intended to affect a State's laws or procedures concerning the confidentiality of its criminal court and its criminal justice system.

(6) The State must provide for the cooperation of law enforcement officials, courts of competent jurisdiction, and all appropriate State agencies providing human services in relation to preventing, identifying and treating child abuse and neglect. Such cooperation may include joint consultation and services, joint planning, joint case management, joint public education and information service, utilization of each other's facilities, and joint staff and other training.

(7) The State must provide that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem shall be appointed to represent the child in such proceedings. The requirement of this clause may be satisfied by a State law or by a legal opinion of the State's Attorney General holding that such appointments can be made, and by a statement from the Governor that such appointments are made, in all cases. Such guardian ad litem need not be an attorney; however, such representative may be an attorney charged with the presentation in a judicial proceeding of the evidence alleged to amount to the abuse and neglect, so long as his legal responsibility includes representing the rights, interests, welfare, and well-being of the child; where such appointments are made, the legal opinion of the State Attorney General must specify that such attorney has said legal responsibility.

(8) The State must provide that the aggregate of support for programs or projects related to child abuse and neglect assisted by State funds shall not be reduced below the level provided during Federal fiscal year 1973, and set forth policies and procedures designed to assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of State funds which would, in the absence of Federal funds, be available for such programs and projects.

(9) The State must provide for dissemination of information to the general public with respect to the problem of child abuse and neglect and the facilities and the prevention and treatment methods available to combat instances of child abuse and neglect; and

(10) To the extent feasible, the State must insure that parental organizations combating child abuse and neglect, as recognized by the State, receive preferential treatment.

§ 1340.3-4 Approval of compliance statements.

(a) The Secretary shall approve a compliance statement submitted under this subpart if he finds that it meets the requirements of this subpart and of the Act.

(b) If a State does not appear to meet the requirements of this subpart, the State will be provided reasonable opportunity to qualify before final action on the application or continued extension of funds is taken by the Secretary.

(c) The requirement that a single State agency must comply with section 4(b)(3) of the Act and 45 CFR Part 220 in order to continue receiving funds for programs or projects related to child abuse and neglect assisted under Part A or B of Title IV of the Social Security Act shall take effect on July 1, 1975, or the close of the State's next legislative session, whichever is later.

§ 1340.3-5 Approval of applications and funds.

(a) The Secretary shall approve an application for funds under section 4(b)(1) of the Act if he finds: (1) That the State applying for such funds qualifies for such funds under section 4(b)(2) of the Act, (2) that the funds are intended to be used to develop, strengthen, or carry out child abuse or neglect prevention or treatment programs, (3) that the State is otherwise in compliance with these regulations, and (4) that the funds requested are within

the State's allocation as determined pursuant to § 1340.3-7.

(b) The Secretary shall approve the initial or continued use of funds for the single State agency's programs or projects related to child abuse and neglect assisted under Part A or B of Title IV of the Social Security Act if he finds that the single State agency qualifies for such funds under the Act (Pub. L. 93-247) and under the Social Security Act, in accordance with the regulations published in 45 CFR Part 220.

§ 1340.3-6 Funds available.

Not less than 5 per centum and not more than 20 per centum of the sums appropriated under the Act shall be used by the Secretary for making grants to the States under subsection 4(b)(1) of the Act.

§ 1340.3-7 Allocation of funds available.

(a) Funds available for grants to States for a fiscal year under section 4(b)(1) of the Act shall be allocated among the States on the basis of the following criteria:

(1) An amount of \$20,000, or such other amount as the Secretary may determine, for a fiscal year, plus,

(2) An additional amount bearing the same ratio to the total amount made available for this purpose (after providing for the minimum amounts in paragraph (a)) as the number of children under the age of eighteen in each State bears to the total number of children under eighteen in all the States. The number of children under the age of eighteen to be used in this allocation shall be the number as determined by official estimates furnished to the Secretary by the Department of Commerce by October 1 of the fiscal year preceding the fiscal year for which Federal grant funds are appropriated.

(3) The Director will announce the allocations available to the States under section 4(b)(1) of the Act and this subpart.

§ 1340.3-8 Reallocation of funds available.

If a State has not qualified for assistance under section 4(b)(1) of the Act prior to the date designated by the Secretary in each fiscal year, the amount previously allocated to that State under § 1340.3-7 shall be used by the National Center on Child Abuse and Neglect for such purposes under the Act as the Secretary shall determine.

[FR Doc.74-19945 Filed 8-27-74; 8:45 am]