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HIGHLIGHTS OF THIS ISSUE

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

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Title 3—The President

PROCLAMATION 4279

Modification of Trade Agreement Concessions and Adjustment of Duty on Certain Ball Bearings

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), and section 201 of the Trade Expansion Act of 1962 (19 U.S.C. 1821) (TEA), the President, by proclamations, including Proclamation No. 3822 of December 16, 1967 (82 Stat. 1455), proclaimed such modifications of existing duties as were found to be required or appropriate to carry out certain trade agreements into which he had entered;

2. WHEREAS among the proclaimed modifications were modifications in the rate of duty on ball bearings which are now provided for in item 680.35 of the Tariff Schedules of the United States (TSUS);

3. WHEREAS the United States Tariff Commission has submitted to me a report of its Investigation No. TEA–I–27 of July 30, 1973 under section 301(b)(1) of the TEA (19 U.S.C. 1901) and a supplemental report with respect to such investigation pursuant to my request for additional information under section 351(a)(4) of the TEA (19 U.S.C. 1981(a)(4)), on the basis of which investigation and a hearing duly held in connection therewith the said Commission has determined in part that radial ball bearings having an outside diameter of 9 mm and over but not over 100 mm, provided for in TSUS item 680.35 are, as a result in major part of concessions granted thereon under trade agreements, being imported in such increased quantities as to cause serious injury to the domestic industry producing like or directly competitive products;

4. WHEREAS section 302(a)(1) and section 351(a)(1) of the TEA (19 U.S.C. 1902(a)(1) and 19 U.S.C. 1981(a)(1)) authorize the President, upon receiving an affirmative finding of the Tariff Commission under section 301(b) of the TEA with respect to an industry, to proclaim

such increase in, or imposition of, any duty or other import restriction on the articles causing or threatening to cause serious injury to such industry as he determines to be necessary to prevent or remedy serious injury to such industry;

5. WHEREAS section 302(a)(2) and section 302(a)(3), respectively, of the TEA (19 U.S.C. 1902(a)(2) and 19 U.S.C. 1902(a)(3)) authorize the President, upon receiving an affirmative finding of the Tariff Commission under section 301(b) of the TEA with respect to an industry, to provide with respect to such industry that its firms may request the Secretary of Commerce for certifications of eligibility to apply for adjustment assistance under chapter 2 of title III of the TEA (19 U.S.C. Chaper 7, Subchapter III, Part II) and that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3 of title III of the TEA (19 U.S.C. Chapter 7, Subchapter III, Part III); and

6. WHEREAS I have determined that the rates of duty hereinafter proclaimed are, when coupled with the adjustment assistance hereinafter provided, necessary to remedy serious injury to the industry producing radial ball bearings.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including sections 302(a)(1), (2), (3), and (4) and 351(a)(1) of the Trade Expansion Act of 1962, and in accordance with Article XIX of the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

1. The tariff concessions on ball bearings for item 680.35 in Part I of Schedule XX to the Geneva (1967) Protocol to the General Agreement on Tariffs and Trade (19 UST (pt. 2) 1530 *et seq.*) are modified in part to conform with the provisions set forth in the annex to this proclamation for such time and to such extent as provided for therein.

2. Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States is modified by the insertion, in numerical sequence, of such new items as are set forth in the annex to this proclamation.

3. The modifications in rates of duty established by paragraphs 1 and 2 shall be effective as to articles entered, or withdrawn from warehouse, for consumption during the period commencing May 1, 1974 and terminating at the close of April 30, 1978.

4. Provision is hereby made with respect to the industry producing radial ball bearings that its firms may request the Secretary of Commerce for certifications of eligibility to apply for adjustment assistance under chapter 2 of title III of the Trade Expansion Act of 1962 and that its workers may request the Secretary of Labor for certifications of eligibility

to apply for adjustment assistance under chapter 3 of title III of the Trade Expansion Act of 1962.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of March, in the year of our Lord nineteen hundred seventy-four and of the Independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

Annex

Item	Articles	1 Effective on or after— May 1, 1974	May 1, 1976	May 1, 1977	2
	Ball bearings, radial, provided for in item 680.35 of part 4J of schedule 6:				
923.80	Having an outside diameter of 9 mm and over but not over 30 mm and valued not over 60 cents each.	20% ad val.	16% ad val.	12% ad val.	No change.
923.82	Having an outside diameter of over 30 mm but not over 52 mm and valued not over 75 cents each.	do.	do.	do.	Do.
923.84	Having an outside diameter of over 52 mm but not over 100 mm and valued not over $1.30 each.	3.4¢ per lb. +15% ad val.	3.4¢ per lb. +15% ad val.	2.6¢ per lb. +11% ad val.	Do.

[FR Doc.74-7622 Filed 3-29-74;11:29 am]

EXECUTIVE ORDER 11776

Continuing the President's Committee on Mental Retardation and Broadening Its Membership and Responsibilities

The President's Committee on Mental Retardation, established by Executive Order No. 11280 on May 11, 1966, has mobilized national planning and carried out basic programs in the field of mental retardation. National goals have been established to reduce the occurrence of mental retardation by one-half before the end of the century and to return one-third of the people in mental institutions to useful lives in their communities. The achievement of these goals will require the most effective possible use of public and private resources.

Our country has become increasingly aware in recent years of the need to assure those who are retarded their full status as citizens under the law, and of the continuing need to mobilize the support of the general public and of specialized professional and volunteer groups for mental retardation activities. We also know that we must constantly evaluate existing programs to determine their adequacy and must continually consider a broad range of proposals for new mental retardation activities.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. *Committee continued and responsibilities expanded.* The President's Committee on Mental Retardation (hereinafter referred to as the Committee), with expanded membership and expanded responsibilities, is hereby continued in operation.

SEC. 2. *Composition of Committee.* The Committee shall be composed of the following members:

(1) The Secretary of Health, Education, and Welfare, who shall be the Chairman of the Committee.

(2) The Attorney General.

(3) The Secretary of Labor.

(4) The Secretary of Housing and Urban Development.

(5) The Director of the Office of Economic Opportunity.

(6) The Director of ACTION.

(7) Not more than twenty-one other members who shall be appointed to the Committee by the President. These persons may be employed in either the public or the private sectors and may include specialists in medicine and other healing arts, human development, special education, law, and employment problems, as well as members of foundations and other private organizations active in the mental retardation field. Except as the President may from time to time otherwise direct, appointees under this paragraph shall have three-year terms, except that an appointment

made to fill a vacancy occurring before the expiration of a term shall be made for the balance of the unexpired term.

SEC. 3. *Functions of the Committee.* (a) The Committee shall provide such advice and assistance in the area of mental retardation as the President or Secretary of the Department of Health, Education, and Welfare may request and particularly shall advise with respect to the following areas:

(1) evaluation of the adequacy of the national effort to combat mental retardation;

(2) identification of the potential of various Federal programs for achieving Presidential goals in mental retardation;

(3) provision of adequate liaison between Federal activities and related activities of State and local governments, foundations, and other private organizations; and

(4) development and dissemination of such information as will tend to reduce the incidence of retardation and ameliorate its effects.

(b) The Committee shall make an annual report to the President concerning mental retardation. Such additional reports or recommendations may be made as the President may require or as the Committee may deem appropriate.

SEC. 4. *Cooperation by other agencies.* To assist the Committee in providing advice to the President, Federal departments and agencies requested to do so by the Committee shall designate liaison officers with the Committee. Such officers shall, on request by the Committee, and to the extent permitted by law, provide it with information on department and agency programs which do contribute to or which could contribute to achievement of the President's goals in the field of mental retardation.

SEC. 5. *Administrative arrangements.* (a) The office of the Secretary of the Department of Health, Education, and Welfare shall, to the extent permitted by law, provide the Committee with necessary staff, administrative services, and facilities.

(b) Each member of the Committee, except any member who then receives other compensation from the United States, may receive compensation for each day he or she is engaged upon the work of the Committee, as authorized by law (5 U.S.C. 3109), and may also receive travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

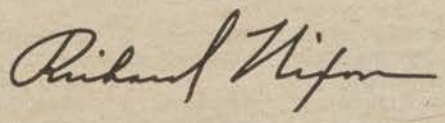
(c) The Secretary of Health, Education, and Welfare shall perform such other functions with respect to the Committee as may be required by the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I; 86 Stat. 770).

SEC. 6. *Construction.* Nothing in this order shall be construed as subjecting any Federal agency, or any function vested by law in, or

assigned pursuant to law to, any Federal agency, to the authority of the Committee or as abrogating or restricting any such function in any manner.

SEC. 7. Executive Order No. 11280 of May 11, 1966, is hereby superseded.

THE WHITE HOUSE,
March 28, 1974.



[FR Doc.74-7549 Filed 3-28-74;4:46 pm]

Rules and Regulations

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1974 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1974. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1974):

Title	Price
1	$1.10
2 [Reserved]	
7 Parts:	
52	4.80
945–980	1.80
1,120–1,199	2.80
8	2.05
11	1.10

1973 issuances not previously announced in the CFR Checklist are now available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of Oct. 1, 1973):

Title	Price
46 Parts:	
66–145	$4.10
146–149	5.80
200–end	4.70
47 Parts:	
70–79	4.35
49 Parts:	
1,000–1,199	2.50
1,300–end	2.20
50	2.55

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

PART 400—DEFINITIONS

Miscellaneous Amendments

Section 400.1(a) is amended by inserting the following definitions alphabetically.

§ 400.1 Definitions.

(a) * * *

Labor Cost at Standard. A pre-established measure of the labor element of cost, computed by multiplying labor-rate standard by labor-time standard.

Labor-Rate Standard. A pre-established measure, expressed in monetary terms, of the price of labor.

Labor-Time Standard. A pre-established measure, expressed in temporal terms, of the quantity of labor.

* * * * *

Material Cost at Standard. A pre-established measure of the material element of cost, computed by multiplying material-price standard by material-quantity standard.

Material-Price Standard. A pre-established measure, expressed in monetary terms, of the price of material.

Material-Quantity Standard. A pre-established measure, expressed in physical terms, of the quantity of material.

* * * * *

Production Unit. A grouping of activities which either uses homogeneous inputs of direct material and direct labor or yields homogeneous outputs such that costs or statistics related to these homogeneous inputs or outputs are appropriate as bases for allocating variances.

* * * * *

Standard Cost. Any cost computed with the use of pre-established measures.

* * * * *

Variance. The difference between a pre-established measure and an actual measure.

(84 Stat. 796, sec. 103; 50 U.S.C. App. 2168)

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.74-7449 Filed 3-29-74;8:45 am]

PART 407—USE OF STANDARD COSTS FOR DIRECT MATERIAL AND DIRECT LABOR

The Cost Accounting Standard on the Use of Standard Costs for Direct Material and Direct Labor published today is one of a series being promulgated by the Cost Accounting Standards Board pursuant to section 719 of the Defense Production Act of 1950, as amended, P.L. 91-379, 50 U.S.C. App. 2168, which provides for the development of Cost Accounting Standards to be used in connection with negotiated national defense contracts.

Work preliminary to the development of this Cost Accounting Standard was initiated as the result of the recognition that practices concerning the use of standard costs for contract costing purposes have not been well defined in Government procurement regulations. The Board has undertaken research on this subject with a view that Cost Accounting Standards promulgated on this subject will provide better guidance in the use of standard costs.

Because the subject of standard costs is extremely complex, the Board has elected to address this subject in phases. The Cost Accounting Standard being promulgated covers the use of standard costs for direct material and direct labor; the use of standard costs for service centers and the use of standard costs for overhead represent two other phases of this subject that are currently under research.

Early research on this Cost Accounting Standard included a study of available literature on the subject and of relevant decisions of boards of contract appeals and courts. Following this study, several issues were identified. A review of Disclosure Statements on file suggested that standard costs are in use by a large number of defense contractors. In an effort to learn the reasons underlying the use or non-use of standard costs for contract costing purposes, and to gain a better understanding of the standard-cost practices by companies in different industries, the Board developed and circulated a questionnaire on the use of standard costs. Selected respondents of this questionnaire were then visited for further discussion. Information derived from replies to the questionnaire and from visits suggested the complexity of the subject and the desirability of addressing it in phases. Accordingly, in the preparation of a preliminary draft, the subject was limited to the use of standard costs for direct material and direct labor. This preliminary draft was widely distributed for comment. Incorporating many comments thus received, a revised proposal was drafted and published in the FEDERAL REGISTER of November 21, 1973, with an invitation for interested parties to submit written views and comments to the Board. The Board also supplemented the invitation in the FEDERAL REGISTER by sending copies of that issue directly to several hundred organizations and individuals who had expressed an interest in the proposal or who had provided the Board with comments on the earlier proposal.

These direct and public invitations for comments resulted in the Board's receiving 47 sets of written comments from individual companies, Government agencies, professional associations, industry associations, public accounting firms, universities, and others. Some of these commentators also supplemented their written comments with discussions at individual or group meetings. All of these

comments and views have been carefully considered by the Board. Those issues that are of significance are discussed below, together with an explanation of the changes made in the Cost Accounting Standard being promulgated from the proposal published in the FEDERAL REGISTER of November 21, 1973.

The Board wishes to take this opportunity to express its appreciation for the helpful suggestions and constructive criticisms it has received, and for the time devoted to assisting the Board in this endeavor by the many organizations and individuals involved.

1. *Management uses of standard costs.* Several commentators emphasized the value of information generated from the use of standard costs for management-control purposes and urged the Board to retain these control features. The Board agrees with this view and has consequently modified the proposed Standard to better assure that its use will be fully compatible with the use of standard costs for management-control purposes.

2. *Exclusion of overhead and service centers in the Cost Accounting Standard.* A few commentators expressed the view that the Cost Accounting Standard being promulgated should be broadened to include the treatment of overhead and service centers. The Board believes that the Cost Accounting Standard being promulgated may be used effectively without such broadening. Further, because the use of standard costs for overhead and for service centers involves different issues, the Board believes that this Cost Accounting Standard should be promulgated as is.

3. *Coverage of this standard.* Many commentators suggested that the proposed Standard did not clearly state that the use of standard costs for Government contract costing purposes is at the option of a contractor; they recommended various changes in wording to make this point clear. The Board has accommodated this suggestion by appropriate modifications in § 407.40.

4. *Use of the term production unit.* Many commentators expressed a need for a better understanding of the meaning and significance of the term production unit. As defined in § 407.30(a)(7), a production unit is a grouping of activities which either uses homogeneous inputs of direct material and direct labor or yields homogeneous outputs. Where a grouping of activities meets either one of these two criteria, it is the proper level at which to accumulate standard costs of direct material and direct labor, and to accumulate variances related thereto. Since variances are allocated on the bases of costs and statistics of each production unit, homogeneity of standard costs of direct material and direct labor would assure that data thus accumulated would be appropriate as bases for allocating variances to cost objectives. The concept of homogeneity embodied in the term production unit, then, would permit contractors a degree of flexibility in setting and revising standards based on individual needs and circumstances and still provide for the proper cost assignment of variances.

To further clarify the intended meaning and purpose of a production unit, the Board has added an illustration as § 407.60(b).

5. *Homogeneous grouping of material.* A few commentators suggested that the concept embodied in the term homogeneous grouping of material be enunciated. The Board agrees; accordingly, the Board has added a statement under § 407.50(b)(2) and an illustration as § 407.60(d).

6. *Cost accounting period.* Quite a few commentators felt that relating the establishment of standards to a cost accounting period, which is the subject of a Cost Accounting Standard (4 CFR Part 406), is both undesirable and unnecessary, in view of the differences in industry practices and management needs for establishing and using standards; they urged the Board to reconsider. Upon reconsideration, the Board finds this argument persuasive. The Board has revised § 407.50(a)(1), which provides that a contractor shall state the period during which standards are to remain effective.

7. *Interim revision of standards.* Many commentators stated that, to maintain comparable information for management-evaluation purposes, revising standards during a cost accounting period is undesirable and counter-productive; they suggested the deletion of this provision. The Board finds this suggestion persuasive; accordingly, the Board has deleted this provision from the Cost Accounting Standard being promulgated.

8. *Procedural details.* Several commentators felt that the proposed Cost Accounting Standard contained too much procedural detail. The Board does not share this feeling. This Cost Accounting Standard, in addressing itself to the entire process of standard-cost accounting for direct material and direct labor and to alternatives in each step of the process, necessitates attention to a great many issues. The Board feels that the provisions of this Cost Accounting Standard only reflect the complexity of the subject matter and the diversity of practices being addressed.

9. *Recording allocation of variances in books of account.* A few commentators misconstrued the proposed Cost Accounting Standard and thought that certain provisions required the recording of variance allocations in formal accounting records; they urged the Board to permit the use of adjustments based on memorandum worksheets for covered contracts. To avoid this misconstruction, the Board has made appropriate revisions in the Cost Accounting Standard being promulgated by using the term books of account to mean formal accounting records, and by adding § 407.50(e) to specifically permit the use of memorandum worksheet adjustments.

10. *Adjustment of material-price variance recognized at the time of purchase.* Several commentators objected to a provision whereby material-price variances, recognized at the time purchases of material are entered into books of account, are allocated between items introduced into production units and items remaining in ending purchased-items inventory. They argued that this provision does not conform to their practices, particularly where the allocation of unfavorable variances would increase inventory carrying values, and that the provision infringes upon financial accounting.

In all its research, the Board gives extensive consideration to existing contractor practices. In this instance, however, the practices advocated by those contractors are likely to create inequities and are without adequate conceptual support. As to the second argument, the Board believes that this provision, which concerns the proper allocation of material-price variances between reporting periods for cost accounting purposes, is compatible with objectives of financial accounting. In view of these considerations, the Board has retained this provision in § 407.50(b)(3).

11. *Annual allocation of variances.* Quite a few commentators felt that a provision that permitted the allocation of variances not more frequently than once each cost accounting period does not reflect industry practices and management needs. The Board finds this argument persuasive. Accordingly, a provision that permits the allocation of variances more frequently than annually has been added under § 407.50(d)(1).

12. *Five percent materiality criterion.* Many commentators to the proposed Cost Accounting Standard objected to the inclusion of a 5 percent materiality criterion as a basis for determining whether variances are allocated to cost objectives or are included in indirect cost pools for subsequent allocation. Several of the commentators felt that the materiality criterion was arbitrary; others felt that it would delay the process of allocation where it is undertaken monthly; and still others felt that it could result in inconsistencies.

The Board's early research showed that a majority of respondents had variances below 5 percent, and quite a few experienced variances below 2 percent. Later, an overwhelming majority of those commenting on a preliminary draft of this Cost Accounting Standard, which contained a 2 percent materiality criterion, suggested that a materiality criterion set at 5 percent would be reasonable.

The intent of the materiality provision was to permit contractors to use a simpler method of allocation of variances where the amount was below the 5 percent level. Nevertheless, the Board is persuaded by the comments received, and has deleted this provision from the Cost Accounting Standard being promulgated. In its stead, the Board, in § 407.50(b)(4) and (d)(2), provides that, where variances are immaterial, such variances may be included in appropriate indirect cost pools for subsequent allocation.

13. *Cost/benefit.* As to benefits, this Standard provides needed criteria which the Board believes will improve cost measurement and will result in more

equitable assignment of contract costs. As to costs, the Board anticipates little or no cost of implementation by those contractors who are currently using standard costs: the Standard permits contractors to choose from many recognized standard cost practices. Consequently, the Board believes that the benefits to be derived by this Standard clearly outweigh any costs of implementation.

The Board expects that the effective date of this Cost Accounting Standard will be October 1, 1974.

There is also being published today an amendment to Part 400, Definitions, to incorporate in that part terms defined in § 407.30(a) of this Cost Accounting Standard.

Sec.
407.10 General applicability.
407.20 Purpose.
407.30 Definitions.
407.40 Fundamental requirement.
407.50 Techniques for application.
407.60 Illustrations.
407.70 Exemptions.
407.80 Effective date.

AUTHORITY: 84 Stat. 796, sec. 103, 50 U.S.C. App. 2168.

§ 407.10 General applicability.

This Standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof and by all relevant Federal agencies in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of $100,000, other than contracts or subcontracts where the price negotiated is based on: (a) Established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

§ 407.20 Purpose.

(a) The purpose of this Cost Accounting Standard is to provide criteria under which standard costs may be used for estimating, accumulating, and reporting costs of direct material and direct labor; and to provide criteria relating to the establishment of standards, accumulation of standard costs, and accumulation and disposition of variances from standard costs. Consistent application of these criteria where standard costs are in use will improve cost measurement and cost assignment.

(b) This Cost Accounting Standard is not intended to cover the use of pre-established measures solely for estimating.

§ 407.30 Definitions.

(a) The following definitions of terms which are prominent in this Cost Accounting Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Cost Accounting Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section.

(1) *Labor cost at standard.* A pre-established measure of the labor element of cost, computed by multiplying labor-rate standard by labor-time standard.

(2) *Labor-rate standard.* A pre-established measure, expressed in monetary terms, of the price of labor.

(3) *Labor-time standard.* A pre-established measure, expressed in temporal terms, of the quantity of labor.

(4) *Material cost at standard.* A pre-established measure of the material element of cost, computed by multiplying material-price standard by material-quantity standard.

(5) *Material-price standard.* A pre-established measure, expressed in monetary terms, of the price of material.

(6) *Material-quantity standard.* A pre-established measure, expressed in physical terms, of the quantity of material.

(7) *Production unit.* A grouping of activities which either uses homogeneous inputs of direct material and direct labor or yields homogeneous outputs such that the costs or statistics related to these homogeneous inputs or outputs are appropriate as bases for allocating variances.

(8) *Standard cost.* Any cost computed with the use of pre-established measures.

(9) *Variance.* The difference between a pre-established measure and an actual measure.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Cost Accounting Standard:

(1) *Actual cost.* An amount determined on the basis of cost incurred.

§ 407.4 Fundamental requirement.

Standard costs may be used for estimating, accumulating, and reporting costs of direct material and direct labor only when all of the following criteria are met:

(a) Standard costs are entered into the books of account;

(b) Standard costs and related variances are appropriately accounted for at the level of the production unit; and

(c) Practices with respect to the setting and revising of standards, use of standard costs, and disposition of variances are stated in writing and are consistently followed.

§ 407.50 Techniques for application.

(a) (1) A contractor's written statement of practices with respect to standards shall include the bases and criteria (such as engineering studies, experience, or other supporting data) used in setting and revising standards; the period during which standards are to remain effective; the level (such as ideal or realistic) at which material-quantity standards and labor-time standards are set; and conditions (such as those expected to prevail at the beginning of a period) which material-price standards and labor-rate standards are designed to reflect.

(2) Where only either the material price or material quantity is set at standard, with the other component stated at actual, the result of the multiplication shall be treated as material cost at standard. Similarly, where only either the labor rate or labor time is set at standard, with the other component stated at actual, the result of the multiplication shall be treated as labor cost at standard.

(3) A labor-rate standard may be set to cover a category of direct labor only if the functions performed within that category are not materially disparate and the employees involved are interchangeable with respect to the functions performed.

(4) A labor-rate standard may be set to cover a group of direct labor workers who perform disparate functions only under either one of the following conditions:

(i) Where that group of workers all work in a single production unit yielding homogeneous outputs (in this case, the same labor-rate standard shall be applied to each worker in that group), or

(ii) Where that group of workers, in the performance of their respective functions, forms an integral team (in this case, a labor-rate standard shall be set for each integral team).

(b) (1) Material-price standards may be used and their related variances may be recognized either at the time purchases of material are entered into the books of account or at the time material cost is allocated to production units.

(2) Where material-price standards are used and related variances are recognized at the time purchases of material are entered into the books of account, they shall be accumulated separately by homogeneous groupings of material. Examples of homogeneous groupings of material are:

(i) Where prices of all items in that grouping of material are expected to fluctuate in the same direction and at substantially the same rate, or

(ii) Where items in that grouping of material are held for use in a single production unit yielding homogeneous outputs.

(3) Where material-price variances are recognized at the time purchases of material are entered into the books of account, variances of each homogeneous grouping of material shall be allocated (except as provided in paragraph (b) (4) of this section), at least annually, to items in purchased-items inventory and to production units receiving items from that homogeneous grouping of material, in accordance with either one of the following practices, which shall be consistently followed:

(i) Items in purchased-items inventory of a homogeneous grouping of material are adjusted from standard cost to actual cost; the balance of the material-price variance, after reflecting these adjustments, shall be allocated to production units on the basis of the total of standard cost of material received from that homogeneous grouping of material by each of the production units; or

(ii) Items, at standard cost, in purchased-items inventory of a homogeneous grouping of material, are treated, collectively, as a production unit; the material-price variance shall be allocated to production units on the basis of standard cost of material received from that homogeneous grouping of material by each of the production units.

(4) Where material-price variances are recognized at the time purchases of material are entered into the books of account, variances of each homogeneous grouping of material which are insignificant may be included in appropriate indirect cost pools for allocation to applicable cost objectives.

(5) Where a material-price variance is allocated to a production unit in accordance with paragraph (b)(3) of this section, it may be combined with material-quantity variance into one material-cost variance for that production unit. A separate material-cost variance shall be accumulated for each production unit.

(6) Where material-price variances are recognized at the time material cost is allocated to production units, these variances and material-quantity variances may be combined into one material-cost variance account.

(c) Labor-cost variances shall be recognized at the time labor cost is introduced into production units. Labor-rate variances and labor-time variances may be combined into one labor-cost variance account. A separate labor-cost variance shall be accumulated for each production unit.

(d) A contractor's established practice with respect to the disposition of variances accumulated by production unit shall be in accordance with one of the following paragraphs:

(1) Variances are allocated to cost objectives (including ending in-process inventory) at least annually. Where a variance related to material is allocated, the allocation shall be on the basis of the material cost at standard, or, where outputs are homogeneous, on the basis of units of output. Similarly, where a variance related to labor is allocated, the allocation shall be on the basis of the labor cost at standard or labor hours at standard, or, where outputs are homogeneous, on the basis of units of output; or

(2) Variances which are immaterial may be included in appropriate indirect cost pools for allocation to applicable cost objectives.

(e) Where variances applicable to covered contracts are allocated by memorandum worksheet adjustments rather than in the books of account, the bases used for adjustment shall be in accordance with those stated in paragraphs (b)(3) and (d) of this section.

§ 407.60 Illustrations.

(a) Contractor A's written practice is to set his material-price standard for an item on the basis of average purchase prices expected to prevail during the calendar year. For that item whose usage from month to month is stable, a purchase contract is generally signed on May 1 of each year for a one-year commitment. The current purchase contract calls for a purchase price of $3 per pound; an increase of 5 percent, or 15¢ per pound, has been announced by the vendor when the new purchase contract comes into effect next May. Contractor A sets his material-price standard for this item at $3.10 per pound for the year ([$3.00×4+$3.15×8]÷12). Since Contractor A sets his material-price standard in accordance with his written practice, he complies with provisions of § 407.40(c) of this Cost Accounting Standard.

(b) Contractor B accumulates, in one account, labor cost at standard for a department in which several categories of direct labor of disparate functions, in different combinations, are used in the manufacture of various dissimilar outputs of the department. Contractor B's department is not a production unit as defined in § 407.30(a)(7) of this Cost Accounting Standard. Modifying his practice so as to comply with the definition of production unit in § 407.30(a)(7), he could accumulate the standard costs and variances separately, (1) for each of the several categories of direct labor, or (2) for each of several sub-departments, with homogeneous output for each of the sub-departments.

(c) Contractor C allocates variances at the end of each month. During the month of March, a production unit has accumulated the following data with respect to labor:

	Labor hours at standard	Labor dollars at standard	Labor cost variance
Balance, March 1	5,000	$25,000	$2,000
Additions in March	15,000	75,000	5,000
Total	20,000	100,000	7,000
Transfers-out in March	8,000	40,000	
Balance, March 31	12,000	60,000	

Using labor hours at standard as the base, Contractor C establishes a labor-cost variance rate of $.35 per standard labor hour ($7,000÷20,000), and deducts $2,800 ($.35×8,000) from the labor-cost variance account, leaving a balance of $4,200 ($7,000−$2,800). Contractor C's practice complies with provisions of § 407.50(d)(1) of this Cost Accounting Standard.

(d) Contractor D, who uses materials the prices of which are expected to fluctuate at different rates, recognizes material-price variances at the time purchases of material are entered into the books of account. He maintains one purchase-price variance account for the whole plant. Purchased items are requisitioned by various production units in the plant. Since prices of material are expected to fluctuate at different rates, this plant-wide grouping does not constitute a homogenous grouping of material. Contractor D's practice does not comply with provisions of § 407.50(b)(2) of this Cost Accounting Standard. However, if he would maintain several purchased-items inventory accounts, each representing a homogeneous grouping of material, and maintain a material-price variance account for each of these homogeneous groupings of material, Contractor D's practice would comply with § 407.50(b)(2) of this Cost Accounting Standard.

(e) Contractor E recognizes material-price variances at the time purchases of material are entered into the books of account and allocates variances at the end of each month. During the month of May, a homogeneous grouping of material has accumulated the following data:

	Material cost at standard	Material price variance
Inventory, May 1	$150,000	$20,000
Additions in May	1,850,000	120,000
Total	2,000,000	140,000
Requisitions:		
Production unit 1	900,000	
Production unit 2	450,000	
Production unit 3	300,000	
Production unit 4	150,000	
Inventory, May 31	200,000	

Contractor E establishes a material-price variance rate of 7% ($140,000÷$2,000,000) and allocates as follows:

	Material cost at standard	Material-price variance rate	Material-price variance allocation
		Percent	
Production unit 1	$900,000	7	$63,000
Production unit 2	450,000	7	31,500
Production unit 3	300,000	7	21,000
Production unit 4	150,000	7	10,500
Ending inventory of homogeneous grouping of material	200,000	7	14,000
Total	2,000,000		140,000

Contractor E's practice complies with provisions of § 407.50(b)(3)(ii) of this Cost Accounting Standard.

(f) Contractor F makes year-end adjustments for variances attributable to covered contracts. During the year just ended, a covered contract was processed in 4 production units, each with homogeneous outputs. Data with respect to output and to labor of each of the 4 production units are as follows:

	Total units of output	Total units used by the covered contract	Total labor cost at standard	Total labor-cost variance
Production unit 1	100,000	10,000	$400,000	$20,000
Production unit 2	30,000	6,000	900,000	30,000
Production unit 3	20,000	5,000	600,000	10,000
Production unit 4	10,000	4,000	500,000	20,000

Since the outputs of each production unit are homogeneous, Contractor F uses the units of output as the basis of making memorandum worksheet adjustments concerning applicable variances, and establishes the following figures:

	Labor-cost variance per unit of output	Units used by the covered contract	Labor-cost variance attributable to the covered contract
Production unit 1	$0.20	10,000	$2,000
Production unit 2	1.00	6,000	6,000
Production unit 3	.50	5,000	2,500
Production unit 4	2.00	4,000	8,000
Total labor-cost variance attributable to the covered contract			18,500

Contractor F makes a year-end adjustment of $18,500 as the labor-cost variances attributable to the covered contract. Contractor F's practice complies with provisions of § 407.50(e) of this Cost Accounting Standard.

§ 407.70 Exemptions.

None for this Cost Accounting Standard.

§ 407.80 Effective date.

(a) The effective date of this Cost Accounting Standard is [reserved].

(b) This Cost Accounting Standard shall be followed by each contractor as of the start of his next fiscal year beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.74-7450 Filed 3-29-74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. B]

PART 202—OPEN MARKET PURCHASES OF BILLS OF EXCHANGE, TRADE ACCEPTANCES, BANKERS ACCEPTANCES

Revocation of Part

The Board of Governors has revoked, effective April 1, 1974, its Regulation B (12 CFR 202), relating to open market purchases of bills of exchange and bankers' acceptances. After April 1, all provisions relating to such purchases will be included in the Regulation Relating to Open Market Operations of Federal Reserve Banks (12 CFR Part 270) of the Federal Open Market Committee, and in authorizations and directives issued by the Committee.

The requirements of section 553, Title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed with respect to this matter because the revocation of this Regulation would not, in itself, result in the material alteration of any substantive rule; under the circumstances, providing notice, public participation and deferred effective date would be unnecessary.

By order of the Board of Governors, effective April 1, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-7374 Filed 3-29-74;8:45 am]

[Reg. C]

PART 203—ACCEPTANCE BY MEMBER BANKS OF DRAFTS OR BILLS OF EXCHANGE

Revocation of Part

The Board of Governors has revoked, effective April 1, 1974, its Regulation C (12 CFR 203). This Regulation, dealing with acceptance by member banks of drafts or bills of exchange, has remained in force on the assumption that a member bank may make acceptances only of the types described in paragraphs 7 and 12 of section 13 of the Federal Reserve Act. However, the Board has ruled that "the acceptance power of State member banks is not necessarily confined to the provisions of section 13, inasmuch as the laws of many States confer broader acceptance powers upon their State banks. . . ." 1923 FR *Bulletin* 316, 317. Therefore, a State member bank may make acceptances of a nature other than the type described in section 13. The Comptroller of the Currency has ruled that national banks are authorized to make acceptances of types other than those described in section 13. *Comptroller's Manual* ¶ 7.7420. In view of the broad scope given the acceptance function by interpretation, the more narrow premise for Regulation C is no longer valid.

Interpretations of the statutory provisions that have been issued by the Board from time to time remain, for the present, in full force and effect. The Board intends to undertake a general review of its outstanding statutory interpretations with a view to determining whether any modifications should be made in light of current business and banking practices. Incident to this review, the Board would be aided in its determinations by the submission to the Board of views and comments by those familiar with the outstanding interpretations, particularly as to their applicability in the light of existing trade practices.

The requirements of section 553, Title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed with respect to this matter because the revocation of this Regulation would not, in itself, result in the material alteration of any substantive rule; under the circumstances, providing notice, public participation and deferred effective date would be unnecessary.

By order of the Board of Governors, effective April 1, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-7375 Filed 3-29-74;8:45 am]

SUBCHAPTER B—FEDERAL OPEN MARKET COMMITTEE

PART 270—OPEN MARKET OPERATIONS OF FEDERAL RESERVE BANKS

Purchase of Bankers' Acceptances

The Federal Open Market Committee has amended its Regulation Relating to Open Market Operations of Federal Reserve Banks (Part 270), effective April 1, 1974. Prior to this amendment, the Regulation authorized the purchase and sale of bankers' acceptances which were eligible for purchase and sale as provided in Regulation B of the Board of Governors (12 CFR 202). Effective the same date, the Board of Governors has revoked Regulation B. Beginning April 1, 1974, purchase and sale of bankers' acceptances by Federal Reserve Banks will be conducted pursuant to provisions of paragraphs 1(b) and 1(c) of the Committee's Authorization for Domestic Open Market Operations, as amended effective on that date. The new rules, as set forth in the Authorization, eliminate outdated provisions in the present rules specified in Regulation B and broaden somewhat the scope of bankers' acceptances eligible for purchase by Federal Reserve Banks.

The new rules eliminate the present requirement that banks have in their possession shipping documents conveying or securing title at the time they accept drafts covering the shipment of goods within the United States. This would remove a presently existing difference between the documentation required for international and domestic shipment of goods in this respect.

The amendments also remove dollar exchange bills from the list of acceptances authorized for System purchase, since these instruments are seldom used; increase from six to nine months the maturity of acceptances eligible for purchase by the Federal Reserve; and broaden the definition of such acceptances to include those that finance the storage of any goods rather than "readily marketable staples."

In amending the Committee's regulation, the requirements of section 553, Title 5, United States Code, with respect to notice, public participation and deferred effective date were not followed because the changes "relieve a restriction" (see 5 U.S.C. § 553(d)(1)) and following such procedures would be unnecessary (see 5 U.S.C. § 553(b)).

Effective April 1, 1974, § 270.4(c)(2) of Regulation Relating to Open Market Operations of Federal Reserve Banks is amended to read:

§ 270.4 Conduct of Open Market Operations.

* * * * *

(c) In accordance with such limitations, terms, and conditions as are prescribed by law and in authorizations and directives issued by the Committee, the Reserve Bank selected by the Committee is authorized and directed—

* * * * *

(2) To buy and sell bankers' acceptances in the open market for its own account; * * *

* * * * *

By order of the Federal Open Market Committee, effective April 1, 1974.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.74-7370 Filed 3-29-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-EA-116]

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

Alteration of Control Zone

On page 2106 of the FEDERAL REGISTER for January 17, 1974, the Federal Aviation Administration published a proposed rule which would alter the Franklin, Pa., Control Zone (39 FR 383).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT May 23, 1974.

(Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on March 18, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

Amend § 71.171 of Part 71, Federal Aviation Regulations so as to alter the description of the Franklin, Pa. control zone by deleting the last sentence and by substituting therefor, "This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airman's Information Manual.".

[FR Doc.74-7353 Filed 3-29-74;8:45 am]

[Docket No. 13592; Amdt. No. 139-5]

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CAB-CERTIFICATED AIR CARRIERS

Airports and Heliports Serving Air Carriers Conducting Only Unscheduled Operations or Operations With Small Aircraft: Extension of Reporting and Termination Dates

The purpose of this amendment to § 139.12 of Part 139 of the Federal Aviation Regulations is to extend from April 2, 1974, to August 15, 1974, the time within which persons who on May 20, 1973 were operating an airport or heliport serving a CAB-certificated air carrier conducting only unscheduled operations or operations with small aircraft may apply for an extension of their airport operating certificate, to extend the time for submitting a schedule of compliance showing how compliance with the requirements of Part 139 will be achieved, and to extend the termination date for provisional operating certificates.

Part 139 of the Federal Aviation regulations provides for the issuance of airport operating certificates for land airports serving CAB-certificated air carriers. As originally adopted, Part 139 was applicable only to land airports serving "scheduled" air carriers operating large aircraft (other than helicopters). Amendment 139-1 (38 FR 9795) published in the FEDERAL REGISTER on April 20, 1973, amended Part 139, effective May 21, 1973, to make it applicable to all airports serving air carriers certificated by the Civil Aeronautics Board. As noted in the preamble to Amendment 139-1 the FAA recognized that the additional airports that are required to comply with Part 139 by virtue of Amendment 139-1 would not be able to comply with all of the requirements of Part 139 before the May 21, 1973 effective date. The FAA had determined that those airports were able to conduct a safe operation, and that provisional airport operating certificates, subject to such terms, conditions and limitations as the Administrator finds are reasonably necessary to assure safety in air transportation, should be issued to those airports pending their compliance with Part 139. Accordingly, a new § 139.12 was added to Part 139 which provisionally certificated for a period of 45 days (until July 5, 1973) airports and heliports which, on May 20, 1973, were serving CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft in order that they might continue to serve such air carriers pending compliance with Part 139. Section 139.12 also provided for the extension of that certification to May 21, 1974, upon the request of the airport operator prior to July 5, 1973, and compliance by the operator with the requirements of that section.

On June 28, 1973, the FAA issued Amendment 139-2 to Part 139 (38 FR 1774; July 3, 1973) amending § 139.12 by extending the July 5, 1973 date to October 5, 1973 (the time within which the operators of airports provisionally certificated under § 139.12(a) might meet the requirements of § 139.12(b) in order to apply for an extension of that certificate to May 21, 1974), and by extending the dates within which airport operators would comply with the reporting requirements of § 139.12(e) (2) and (3) from September 1, 1973 and January 15, 1974, to November 1, 1973, and February 15, 1974, respectively, it then appearing to the FAA that the 45-day provisional certification period originally provided for in § 139.12 of Amendment 139-1 did not allow sufficient time for operators of those airports to determine the extent to which they might not be in full compliance with Part 139 and the consequent need to apply for an extension of their provisional certificate.

On September 10, 1973 the FAA issued a notice of proposed rulemaking (Docket No. 13202, Notice No. 73-25; 38 FR 26389, September 20, 1973) which proposed amendment of Part 139 to clarify the meaning of the word "serving" used in prescribing the applicability of the part and in certain provisions of the part, including § 139.12.

In order to allow time for receipt of views and comments in response to Notice 73-25, and time for consideration of those views and comments, prior to possible rule making, the FAA issued Amendment 139-3 to Part 139 (38 FR 27294; October 2, 1973) extending from October 5, 1973, to December 15, 1973, the time within which the operators of airports provisionally certificated under § 139.12(a) might meet the requirements of § 139.12(b) in order to apply for an extension of that certificate to May 21, 1974, and extending from November 1, 1973, to December 15, 1973, the time within which a certificate holder under § 139.12 would be required to submit a schedule for compliance showing how compliance with each requirement of Part 139 will be achieved and any requests for exemptions from any of those requirements.

On further consideration, the FAA determined that the proposed amendment would not fully implement the intent of the Congress, and that all airports serving CAB-certificated air carriers should be certificated. Accordingly, Notice 73-25 was withdrawn. In view of this withdrawal the FAA believed an extension of time to comply with the requirements of Part 139 was necessary for those operators who may have anticipated exclusion under the proposal contained in Notice 73-25. Therefore, the FAA (Amendment 139-4; 38 FR 34461; December 14, 1973) further extended from December 15, 1973, to April 2, 1974, the time within which the operators of airports provisionally certificated under § 139.12(a) might meet the requirements of § 139.12 (b) in order to apply for an extension of that certificate, and the period of the extension was increased to October 15, 1974. In addition, the time within which a certificate holder under § 139.12 was required to submit a schedule for compliance showing how compliance with each requirement of Part 139 would be achieved and any requests for exemptions from any of those requirements was extended to April 2, 1974; and the last day for filing the supplementary compliance status report was extended to July 1, 1974.

It now appears, with respect to airports to which § 139.12(a) is applicable that compliance with the generally applicable certification and operating requirements of Part 139 is, in many cases, infeasible and impracticable, and that requiring compliance in such cases would be contrary to the public interest.

A substantial group of airports now serve CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft. This group is estimated in size to number 345 airports. Unscheduled and small aircraft operations at many of these airports is irregular, occasional, infrequent, seasonal or temporary. Included in such operations are charter flights, supplemental air carrier flights, and flights of similar character to construction sites or recreation areas and the like.

The FAA considers that uniform application of the requirements of Part 139

is not feasible or practicable in many such cases and that provision should be made for certification of these airports on an individual basis, based on an investigation of operating circumstances and a subsequent finding made by the Administrator that the particular airport is properly and adequately equipped to conduct safe operations for the kind of air carrier operation to be conducted, and that compliance with certain other requirements of Part 139 would be contrary to the public interest.

In the conduct of that preliminary investigation and in making that finding, the Administrator would review and evaluate airport characteristics, facilities, and equipment, including: landing area dimensions, strength, and condition; clearances; marking and lighting; firefighting and rescue capability; wind direction indicators; and airport safety surveillance capability.

Accordingly, the FAA is issuing a notice of proposed rulemaking (Notice No. 74-15; issued and published concurrently with this Amendment) to provide for certification of that group of airports to which § 139.12 is now applicable.

In view of the foregoing and in order to allow time for receipt of views and comments in response to Notice 74-15, and time for consideration of those views and comments, prior to possible rule making, the FAA has determined that there is a need to extend from April 2, 1974, to August 15, 1974, the time within which the operators of airports provisionally certificated under § 139.12(a) may apply for an extension of that certificate to December 15, 1974, and to extend from April 2, 1974, to October 15, 1974, the time within which a certificate holder under § 139.12 would be required to submit a schedule showing how compliance with each requirement of Part 139 will be achieved and any requests for exemptions from any of those requirements. The requirement for submission of a status report under § 139.12(e)(3) is extended from July 1, 1974, to November 15, 1974. Section 139.12 has also been revised for purposes of clarity and to make it clear that at least the level of safety at the airport on May 21, 1973, must be maintained during the extension periods provided for by this Amendment.

Since this amendment is an extension of the effective dates of new requirements and imposes no additional burden on any person, I find that notice and public procedures thereon is unnecessary and that good cause exists for making this amendment effective on less than 30 days' notice.

This amendment is made under the authority of sections 313(a), 609, 610(a), and 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1429, 1430(a), and 1432), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, § 139.12 of Part 139 of the Federal Aviation Regulations is amended, effective April 1, 1974, to read as follows:

§ 139.12 Issue of certificates for airports serving only unscheduled operations, or operations with small aircraft.

(a) Notwithstanding any other provision of this Part, a person who on May 20, 1973, operated an airport or heliport which serves CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft may continue to serve such air carriers and is certificated under this Part until August 15, 1974, provided at least the level of safety at the airport on May 21, 1973, is maintained.

(b) An airport operator may obtain an extension of the certificate to December 15, 1974, subject to such terms, conditions, or limitations as the Administrator may find necessary, if together with a request for such extension it submits to the appropriate Regional Director:

(1) The name and address of the airport, the airport owner, and the airport operator; and

(2) Its assurances that at least the level of safety current at the airport on May 21, 1973, will be maintained during the extension period.

(c) An airport operating certificate issued for the extension period set forth in paragraph (b) of this section shall:

(1) Contain a provision that at least the level of safety at the airport on May 21, 1973, will be maintained and such other terms, conditions or limitations as the Administrator may find necessary; and

(2) Be effective until December 15, 1974, unless sooner surrendered, suspended, revoked, or otherwise terminated for violation of the terms of the certificate.

(d) If a request for an extension of an airport operating certificate as provided for in paragraph (b) of this section is not made before August 15, 1974, the certificate terminates on that date.

(e) The holder of a certificate issued under paragraph (c) of this section shall:

(1) Maintain at least the level of safety at the airport on May 21, 1973;

(2) Submit to the appropriate Regional Director before October 15, 1974, a schedule for compliance showing how compliance with each requirement of this Part will be achieved, and any requests for exemptions from any of those requirements in accordance with Part 11 or § 139.19 of this Part; and

(3) Submit a status report to the appropriate Regional Director before November 15, 1974, showing to what extent compliance has been achieved.

Issued in Washington, D.C., on March 27, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74-7444 Filed 3-29-74;8:45 am]

Title 20—Employees' Benefits

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

[Reg. No. 22, further amended]

PART 422—ORGANIZATION AND PROCEDURES

Subpart B—General Procedure

ISSUANCE OF SOCIAL SECURITY NUMBERS

Correction

In FR Doc. 74-6169 appearing at page 10238 in the issue of Tuesday, March 19, 1974, the effective date statement preceding the signature (page 10240) should read "March 19, 1974" instead of "March 13, 1974".

CHAPTER VI—EMPLOYMENT STANDARDS ADMINISTRATION, DEPARTMENT OF LABOR

SUBCHAPTER B—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, AS AMENDED

PART 725—CLAIMS FOR BLACK LUNG BENEFITS PAYABLE UNDER PART C OF TITLE IV OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT, AS AMENDED

Black Lung Benefits Program

On September 17, 1973, 20 CFR, Chapter VI, Part 725 was revised to reflect certain changes made in the policies and procedures which govern the operation of the Department of Labor's Black Lung Benefits Program. However, paragraph (d) of § 725.516 was not reissued but was reserved in order that further consideration might be given to the contents of that paragraph. To facilitate public participation in the reconsideration of said paragraph (d) there was published in the FEDERAL REGISTER of September 17, 1973, a notice of proposed rulemaking (38 FR 26069) setting forth two alternative procedures for the administration of section 422(g) of Part C of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended.

The first alternative paragraph (d) of § 725.516 generally purported to reduce the amount of benefits to which a Federal Part C black lung beneficiary was entitled by the amount of any State black lung benefits received less the amount of certain State claim-connected expenses incurred by such dual beneficiary. The second alternative paragraph (d) of § 725.516 generally purported to reduce the amount of benefits to which a Federal Part C black lung beneficiary was entitled by the total amount of any State black lung benefits awarded such dual beneficiary notwithstanding such beneficiary's State claim-connected expenses.

A number of comments were received concerning the proposed alternatives, some of which favored Alternative I and others of which favored Alternative II. Upon due consideration of the comments received it has been determined that Alternative I represents the most appropriate interpretation of the language and

intent of the Act and said Alternative I is hereby adopted as the new 20 CFR 725.516(d). All comments received as well as the Department of Labor's analysis of the various issues affecting its decision to adopt Alternative I are available for public inspection in Room 4221 of the United States Department of Labor Building, 14th and Constitution Avenue, NW., Washington, D.C.

Among the most persuasive arguments in support of Alternative I are: (1) That it is inappropriate to require an eligible black lung beneficiary who, for any reason, finds it advantageous to file pneumoconiosis claims under both Part C of Title V of the Act and a State workmen's compensation law, to bear the sometimes very heavy burden of double legal and medical fees incurred in the pursuit of both the Federal and State claims; and (2) that the language of sections 413(b) and 430 of the Act coupled with the intent and purpose Congress sought to achieve in enacting the 1972 amendments indicates that Part C claimants should be treated in similar fashion to Part B claimants with respect to the offset of State claim-connected expenses against Federal benefits. Part B beneficiaries are subject to the provisions of Alternative I.

In consideration of the foregoing, 20 CFR Part 725 is amended by adding to § 725.516 thereof a new paragraph (d) as follows:

§ 725.516 Reduction; receipt of State or Federal benefit.

* * * * *

(d) Amounts paid or incurred or to be incurred by the individual for medical, legal, or related expenses in connection with this claim for State or Federal benefits (defined in paragraph (a) of this section) are excluded in computing the reduction under paragraph (b) of this section, to the extent that they are consonant with State or Federal law. Such medical, legal, or related expenses may be evidenced by the State or Federal benefit awards, compromise agreement, or court order in the State or Federal benefit proceedings, or by such other evidence as the Office may require. Such other evidence may consist of:

(1) A detailed statement by the individual's attorney, physician, or the employer's insurance carrier; or

(2) Bills, receipts, or canceled checks; or

(3) Other clear and convincing evidence indicating the amount of such expenses; or

(4) Any combination of the foregoing evidence from which the amount of such expenses may be determinable.

Such expenses will not be excluded unless established by evidence as required by the Office.

(Title IV, Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 742 (30 U.S.C. 901 et seq.), as amended by Pub. L. 92-303, 86 Stat. 156; (5 U.S.C. 301); Secretary of Labor's Order 13-71; 36 FR 8755.)

Effective date. The new paragraph (d) which is added to 20 CFR 725.516 is effective April 1, 1974 and is applicable to all claims filed under Part C of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, on or after January 1, 1974.

Signed at Washington, D.C. this 22d day of March, 1974.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.74-7388 Filed 3-29-74;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 90—EMERGENCY PERMIT CONTROL

PART 128b—THERMALLY PROCESSED LOW-ACID FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS

Miscellaneous Amendments

In the FEDERAL REGISTER of January 29, 1974 (39 FR 3748) the Commissioner of Food and Drugs amended Chapter I of Title 21 of the Code of Federal Regulations by adding to Part 90 a new Subpart A—Definitions and Procedures and a new Subpart B—Requirements and Conditions for Exemption From or Compliance With an Emergency Permit and by revising the record retention requirements in paragraph (d) of § 128b.8 *Processing and production records.* These amendments were to become effective on February 28, 1974 except that, with respect to Subpart B, the provisions of § 90.20(g) which relate to personnel training were to become effective on September 25, 1974 and the requirements relating to process filing were to become effective on April 1, 1974.

The Commissioner received a request from the National Canners Association (NCA) to extend the effective date of the personnel training provisions of § 90.20 (g) so as to ensure that all affected persons are provided adequate time in which to receive appropriate training.

The NCA also requested that the effective date of the other provisions of Subparts A and B of Part 90 and the revision of § 128b.8 be extended to provide time for representatives of the NCA and the Food and Drug Administration to meet for the purpose of resolving technical problems which the NCA asserted these regulations now presented.

Good reason therefor appearing, the effective date of Subparts A and B of Part 90 and the revision of § 128b.8(d) as published in the FEDERAL REGISTER of January 29, 1974 were extended to April 1, 1974, by a notice published in the FEDERAL REGISTER of February 28, 1974 (39 FR 7782), except that, with respect to Subpart B, the provisions of § 90.20(g) which relate to personnel training shall become effective on March 25, 1975 and the requirements relating to process filing shall become effective on April 30, 1974.

Representatives of the National Canners Association (NCA) and the Food and Drug Administration (FDA) have met to discuss the regulations. Memoranda of the meetings are on public display in the office of the Hearing Clerk, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852. As a result of this discussion and his evaluation of a letter dated March 2, 1974 presenting "Suggested Clarifying Language for Part 90" subsequently submitted by the NCA (also on public display in the office of the Hearing Clerk), the Commissioner has reconsidered this matter and has concluded as follows:

1. Section 90.3(a). NCA commented that the Commissioner in any order pursuant to § 90.3(a) determining that a permit shall be required, should specify those conditions and requirements not in compliance so that specific objections could be filed pursuant to subparagraph (a)(1).

The Commissioner concurs with the reasonableness of the request for such a provision. Accordingly, § 90.3(a) is modified by requiring that the order specify the mandatory conditions and requirements with which there is a lack of compliance.

2. Section 90.3(a)(1). NCA initially suggested that the "unless" clause at the end of § 90.3(a)(1) be deleted and that a processor always be afforded a hearing on the question of need for a permit after the filing of objections on the issues involved.

The Commissioner concluded that this request was unreasonable since it could require a hearing based solely upon a patently frivolous objection or an objection raising only a legal question.

NCA subsequently suggested that this section be revised to reflect clearly the Food and Drug Administration's position that a patently frivolous objection or an objection raising only legal questions would not warrant a hearing, but that any objection raising an issue of fact would require a hearing.

The Commissioner agrees and the regulation has been modified accordingly.

3. Section 90.3(b). NCA requested that the "objector" referred to in this section have a stronger influence upon the location of the hearing.

The Commissioner does not agree that a modification in this respect is either necessary or appropriate and therefore retains for himself the authority to designate the location when agreement cannot be reached.

4. Section 90.4(b). NCA requested a specified period of time in lieu of "as soon as is practicable and whenever possible" in § 90.4(b). NCA stated that because seasonal operations during the time of harvesting or operations involving perishible raw material must continue, and § 90.7 would, as drafted, preclude shipment without advance FDA written approval once need for a permit has been determined, § 90.4(b) should provide that the Commissioner act upon a request for a permit within five working days.

The Commissioner rejected the proposed 5-working-day limitation because it would not provide sufficient time to

reach a decision on applications involving difficult and complex scientific questions, and suggested a period of 20 working days. When NCA requested that this be reduced to 10 working days, the Commissioner concluded that the final regulation should provide for 10 working days plus the option of an additional 10 working days where necessary.

NCA also commented that "any additional requirements or conditions which may be necessary to protect the public health," as stated in § 90.4(b) should be limited to those which may be necessary to protect the public health "by reason of contamination with microorganisms."

The Commissioner concludes that this revision should not be adopted since the language currently contained in § 90.4(b) and to which NCA objects is consistent with the statutory language of section 404 of the act.

5. Section 90.7(a). NCA objected to the requirement of this section that advance written approval of the Food and Drug Administration must be obtained before a manufacturer, processor, or packer may introduce or deliver for introduction into interstate commerce any food manufactured, processed, or packed without a permit after the Commissioner has determined that a permit is required. NCA requested instead that food so packed without a permit be allowed to be shipped in interstate commerce in accordance with the requirements and conditions of 21 CFR 128b.9 which would allow shipment of such food in interstate commerce without approval of the Food and Drug Administration. Alternatively NCA requested that § 90.7(a) be revised to include procedures for promptly securing a decision on a written request for approval for the shipping of such food.

The Commissioner concludes that the conditions and requirements of 21 CFR 128b.9 cannot properly be substituted for the provisions of the emergency permit control regulations (21 CFR Part 90), which are much broader in scope. Once a temporary permit is required under section 404 of the act, the Commissioner cannot delegate outside the Food and Drug Administration his responsibility to determine compliance with the law and regulations. NCA's request is therefore rejected. However, the Commissioner is of the opinion that NCA's request for revision of § 90.7(a) to establish procedures for securing written approval from the Food and Drug Administration, where necessary, for the shipping of foods is reasonable and § 90.7(a) is revised accordingly.

6. Section 90.7(b). After being advised that their initially suggested revision of § 90.7(a) was unacceptable to FDA as described above under paragraph 5, NCA requested that § 90.7(b) be revised to provide for the necessary interstate shipment to a consolidation warehouse under the control of the processor. NCA asserted that such a provision is essential because many food processors have minimum or no warehouse facilities and daily shipment to a consolidation warehouse is practiced.

The Commissioner concludes that this request is reasonable provided that no further introduction or delivery for introduction into interstate commerce is made from such consolidation warehouse or other storage facility without the advance written approval of the Food and Drug Administration as provided in § 90.7(a). Section 90.7(b) has been modified accordingly.

7. Section 90.20(c)(2). NCA requested that this section be clarified to differentiate between changes that are above the scheduled process and those that are below and also to include procedures for requesting an extension of time for submission of information required by this section.

The Commissioner agrees and has revised § 90.20(c)(2) accordingly.

8. Section 90.20(c)(3)(i). NCA requested that § 90.20(c)(3)(i) wherein it refers to "in conformity with the scheduled processes" be revised to read "in conformity with at least the scheduled processes" since any operating modification above the scheduled process consisting solely of a higher initial temperature, a higher retort temperature, or a longer processing time does not pose any health hazard and is not considered a change in the scheduled process under § 90.20(c)(2) unless such modification is to be regularly scheduled.

The Commissioner concludes that this change is reasonable and the regulation is revised accordingly.

9. Section 90.20(c)(3)(ii). NCA expressed the view that this subdivision should be revised to provide that Food and Drug Administration requests for additional process information are to be made in writing since the failure to provide additional process information, to the extent deemed necessary by the Food and Drug Administration to determine the adequacy of a process, can be made the ground for requiring a permit. To facilitate the operation of § 90.3 the identification of what is deemed necessary is essential in the opinion of NCA.

The Commissioner agrees and § 90.20(c)(3)(ii) is modified accordingly. This request may be in handwriting and need not be typewritten or in a letter; for speed in handling, it could be transmitted by telephone and confirmed by a telegram or letter.

10. Section 90.20(f). NCA asserted that this section should be clarified to indicate that where the word "recall" appears it refers to products which may be injurious to health, i.e., those contemplated by paragraphs (d) and (e) of § 90.20.

For purposes of such clarification the Commissioner has revised § 90.20(f) by inserting the word "such" before the word "recall" in the three instances in which the word appears.

11. Section 90.20(h). NCA stated that, with respect to recordkeeping, it would suffice that the records relating to adequacy of processing, e.g., scheduled processes, modifications, retorting, closure inspection, etc., be retained at the cannery only during the processing season and may thereafter within the 3-year period be moved to another reasonably accessible location. This is particularly needed in the case of remote operations, such as in Alaska, where the seasonal plant may be closed or may be inaccessible, and the packer can best utilize the processing records at another location in the event of any disclosed problems in distribution.

The Commissioner agrees that such records should be readily accessible. Accordingly §§ 90.20(h) and 128b.8(d) are modified to permit records to be transferred to some other reasonably accessible location at the end of seasonal packs if the plant is closed for a prolonged period of time between seasonal packs during the first year of the 3-year record retention period. Sections 90.20(h) and 128b.8(d) already provide for such transfer of records during the second and third year of the 3-year record retention period.

NCA also requested that demands for records under this section be made in writing for reasons similar to those set forth under paragraph 9, above.

The Commissioner agrees and the regulation has been modified accordingly. These demands may be handwritten.

12. Amendments to §§ 90.20 and 128b.8 proposed in the FEDERAL REGISTER of January 29, 1974 (39 FR 3754) are not affected by these modifications and in due time an order ruling on the proposed amendments will be published.

Accordingly, having evaluated additional information presented by the National Canners Association, Parts 90 and 128b are amended as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402, 404, 701(a), 52 Stat. 1046–1047 as amended, 1048, 1055; (21 U.S.C. 342, 344, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 90 and 128b are amended as follows:

1. In Part 90:

a. In § 90.3 by revising the introductory text of paragraph (a) and paragraph (a)(1) to read as follows:

§ 90.3 Determination of the need for a permit.

(a) Whenever the Commissioner determines after investigation that a manufacturer, processor, or packer of a food for which a regulation has been promulgated in Subpart B of this part does not meet the mandatory conditions and requirements established in such regulation, he shall issue to such manufacturer, processor, or packer an order determining that a permit shall be required before the food may be introduced or delivered for introduction into interstate commerce by that person. The order shall specify the mandatory conditions and requirements with which there is a lack of compliance.

(1) The manufacturer, processor, or packer shall have 3 working days after receipt of such order within which to file objections. Such objections may be filed by telegram, telex, or any other mode of written communication addressed to the Food and Drug Administration, Bureau

of Foods, 200 C St., SW., Washington, DC 20204. If such objections are filed, the determination is stayed pending a hearing to be held within 5 working days after the filing of objections on the issues involved unless the Commissioner determines that the objections raise no geniune and susbtantial issue of fact to justify a hearing.

* * * * *

b. Revising § 90.4(b) to read as follows:

§ 90.4 Issuance or denial of permit.

* * * * *

(b) Any manufacturer, processor, or packer for whom the Commissioner has made a determination that a permit is necessary may apply to the Commissioner for the issuance of such a permit. The application shall contain such data and information as is necessary to show that all mandatory requirements and conditions for the manufacture, processing or packing of a food for which regulations are established in Subpart B of this part are met and, in particular, shall show that the deviations specified in the Commissioner's determination of the need for a permit have been corrected or suitable interim measures established. Within 10 working days after receipt of such application, (except that the Commissioner may extend such time an additional 10 working days where necessary), the Commissioner shall issue a permit, deny the permit, or offer the applicant a hearing conducted in accordance with § 90.3 (b) and (c) as to whether the permit should be issued. The Commissioner shall issue such a permit to which shall be attached, in addition to the mandatory requirements and conditions of Subpart B of this part, any additional requirements or conditions which may be necessary to protect the public health if he finds that all mandatory requirements and conditions of Subpart B of this part are met or suitable interim measures are established.

* * * * *

c. By revising § 90.7 (a) and (b) to read as follows:

§ 90.7 Manufacturing, processing, or packing without a permit or in violation of a permit.

(a) A manufacturer, processor, or packer may continue at his own risk to manufacture, process, or pack without a permit a food for which the Commissioner has determined that a permit is required. All food so manufactured, processed, or packed during such period without a permit shall be retained by the manufacturer, processor, or packer and may not be introduced or delivered for introduction into interstate commerce without the advance written approval of the Food and Drug Administration. Such approval may be granted only upon an adequate showing that such food is free from microorganisms of public health significance. The manufacturer, processor, or packer may provide to the Commissioner, for his consideration in making any such determination, an evaluation of the potential public health significance of such food by a competent authority in accordance with procedures recognized as being adequate to detect any potential hazard to public health. Within 20 working days after receipt of a written request for such written approval the Food and Drug Administration shall either issue such written approval or deny the request. If the request is denied, the applicant shall, upon request, be afforded a prompt hearing conducted in accordance with § 90.3 (b) and (c).

(b) Except as provided in paragraph (a) of this section, no manufacturer, processor, or packer may introduce or deliver for introduction into interstate commerce without a permit or in violation of a permit a food for which the Commissioner has determined that a permit is required. Where a manufacturer, processor, or packer utilizes a consolidation warehouse or other storage facility under his control, interstate shipment of any such food from the point of production to that warehouse or storage facility shall not violate this paragraph, provided that no further introduction or delivery for introduction into interstate commerce is made from that consolidated warehouse or storage facility except as provided in paragraph (a) of this section.

d. In § 90.20 by revising the heading of paragraph (c)(1), and by revising paragraphs (c)(2), (c)(3), (f), (g), and (h) to read as follows:

§ 90.20 Thermal processing of low-acid foods packaged in hermetically sealed containers.

* * * * *

(c) *Registration and process filing.*—(1) *Registration.* * * *

(2) *Process filing.* A commercial processor engaged in the thermal processing of low-acid foods packaged in hermetically sealed containers shall, not later than 60 days after registration and prior to the packing of a new product, provide the Food and Drug Administration information as to the scheduled processes including but not limited to the processing method, type of retort or other thermal processing equipment employed, minimum initial temperatures, times and temperatures of processing, sterilizing value (F_o), or other equivalent scientific evidence of process adequacy, critical control factors affecting heat penetration, and source and date of the establishment of the process, for each such low-acid food in each container size: *Provided*, That the filing of such information does not constitute approval of the information by the Food and Drug Administration, and that information concerning processes and other data so filed shall be regarded as trade secrets within the meaning of 21 U.S.C. 331(j) and 18 U.S.C. 1905. This information shall be submitted on the following forms as appropriate: Form FD–2541a (food canning establishment and process filing for still retort processes), form FD–2541b (food canning establishment and process filing for agitating processes), or form FD–2541c (food canning establishment and process filing for other than still retort and agitating processes). These forms are available from the Food and Drug Administration, Bureau of Foods, Industry Guidance Branch, HFF–326, 200 C St., SW., Washington, DC 20204, or at any Food and Drug Administration district office. The completed form(s) shall be submitted to the Food and Drug Administration, Bureau of Foods, Division of Food Technology, HFF–419, 200 C St., SW., Washington, DC 20204.

(i) If all the necessary information is not available for existing products, the processor shall, at the time the existing information is provided to the Food and Drug Administration request in writing an extension of time for submission of such information, specifying what additional information is to be supplied and the date by which it is to be submitted. Within 30 working days after receipt of such request the Food and Drug Administration shall either grant or deny such request in writing.

(ii) If a packer intentionally makes a change in a previously filed scheduled process by reducing the initial temperature or retort temperature, reducing the time of processing, or changing the product formulation, the container, or any other condition basic to the adequacy of scheduled process, he shall prior to using such changed process obtain substantiation by qualified scientific authority as to its adequacy. Such substantiation may be obtained by telephone, telegram, or other media, but must be promptly recorded, verified in writing by the authority, and contained in the packer's files for review by the Food and Drug Administration. Within 30 days after first use, the packer shall submit to the Food and Drug Administration, Bureau of Foods, 200 C St., SW., HFF–419, Washington, DC 20204 a complete description of the modifications made and utilized, together with a copy of his file record showing prior substantiation by a qualified scientific authority as to the safety of the changed process. Any intentional change of a previously filed scheduled process or modification thereof in which the change consists solely of a higher initial temperature, a higher retort temperature, or a longer processing time, shall not be considered a change subject to this paragraph, but if thereafter that modification is to be regularly scheduled, the modified process shall be promptly filed as a scheduled process, accompanied by full information on the specified forms as provided in this paragraph.

(iii) Many packers employ an "operating" process in which retort operators are instructed to use retort temperatures and/or processing times slightly in excess of those specified in the scheduled process as a safety factor to compensate for minor fluctuations in temperature or time to assure that the minimum times and temperatures in the scheduled process are always met. This would not constitute a modification of the scheduled process.

(3) *Process adherence and information.* (i) A commercial processor engaged in the thermal processing of low-acid foods packaged in hermetically sealed containers in any registered establishment shall process each low-acid food in each container size in conformity with at least the scheduled processes and modifications filed pursuant to paragraph (c)(2) of this section.

(ii) Process information availability: When requested by the Food and Drug Administration in writing, a commercial processor engaged in thermal processing of low-acid foods packaged in hermetically sealed containers shall provide the Food and Drug Administration with any information concerning processes and procedures which is deemed necessary by the Food and Drug Administration to determine the adequacy of the process: *Provided,* That the furnishing of such information does not constitute approval of the information by the Food and Drug Administration, and that the information concerning processes and other data so furnished shall be regarded as trade secrets within the meaning of 21 U.S.C. 331 (j) and 18 U.S.C. 1905.

* * * * *

(f) A commerical processor engaged in the thermal processing of low-acid foods packaged in hermetically sealed containers shall have prepared and in his files a current procedure which he will use for products under his control and which he will ask his distributor to follow, including plans for effecting recalls of any product that may be injurious to health; for identifying, collecting, warehousing, and controlling the product; for determining the effectiveness of such recall; for notifying the Food and Drug Administration of any such recall; and for implementing such recall program.

(g) All operators of retorts, thermal processing systems, aseptic processing and packaging systems, or other thermal processing systems, and container closure inspectors shall be under the operating supervision of a person who has attended a school approved by the Commissioner for giving instruction in retort operations, aseptic processing and packaging systems operations or other thermal processing systems operations, and container closure inspections, and has satisfactorily completed the prescribed course of instruction: *Provided,* That this requirement shall not apply in the State of California as listed in paragraph (j) of this section and shall not apply until March 25, 1975 in any other State. The Commissioner will not withhold approval of any school qualified to give such instruction.

(h) A commercial processor engaged in the thermal processing of low-acid foods packaged in hermetically sealed containers shall prepare, review, and retain at the processing plant for a period of not less than one year, and at the processing plant or other reasonably accessible location for an additional two years, all records of processing, deviations in processing, container closure inspections, and other records specified in Part 128b of this chapter. If during the first year of the three-year record retention period the processing plant is closed for a prolonged period between seasonal packs, the records may be transferred to some other reasonably accessible location at the end of the seasonal pack. Upon written demand during the course of a factory inspection pursuant to section 704 of the act by a duly authorized employee of the Food and Drug Administration, a commercial processor shall permit the inspection and copying by such employee of these records to verify the adequacy of processing, the integrity of container closures, and the coding of the products.

* * * * *

2. In Part 128b by revising § 128b.8(d) to read as follows:

§ 128b.8 Processing and production records.

* * * * *

(d) Copies of all records provided for in this part except those required under § 128b.4 establishing scheduled processes, shall be retained at the processing plant for a period of not less than one year, and at the processing plant or other reasonably accessible location for an additional two years. If during the first year of the three-year record retention period the processing plant is closed for a prolonged period between seasonal packs, the records may be transferred to some other reasonably accessible location at the end of the seasonal pack.

Effective date. After evaluation of the objections, the actions taken, and the reasons therefor, the Commissioner concludes that no hearing is justified on any aspect of this regulation. Accordingly, the Commissioner confirms that the regulation as revised in this order shall be effective on April 1, 1974, except that the provision of § 90.20(g) which relates to personnel training shall become effective on March 25, 1975 and the requirements relating to process filing shall become effective April 30, 1974.

(Secs. 402, 404, 701(a), 52 Stat. 1046–1047 as amended, 1048, 1055; (21 U.S.C. 342, 344, 371 (a)))

Dated: March 26, 1974.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.74-7385 Filed 3-29-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 637—CONSTRUCTION INSPECTION AND APPROVAL

Subpart A—Inspection and Approval of Construction Projects (Exclusive of Sampling and Testing)

A Federal Highway Administration (FHWA) directive, Policy and Procedure Memorandum 20-6.1, has heretofore set forth the Federal-aid provisions applicable to inspection and approval of construction projects (exclusive of sampling and testing). The directive has been revised for addition to the Federal-Aid Highway Program Manual as Volume VI, Chapter IV, Section 2, Subsection 8. Inasmuch as portions of the Manual addition directly advise Federal-aid recipients of the necessity for FHWA inspections of certain construction projects prior to final approval for Federal-aid eligibility, those portions are hereby published.

The matters affected relate to benefits or contracts within the purview of 5 U.S.C. 553(a)(2), thus general notice of proposed rulemaking is not required, and the regulations will be effective on the date of issuance set forth below.

Issued on March 21, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Sec.
637.101 Purpose.
637.102 Definitions.
637.103 Policy.
637.104 Inspection Objectives.
637.105 Annual Division Construction Inspection Program.
637.106 Final Acceptance Reports.

AUTHORITY: 23 U.S.C. 315; 49 C.F.R. 1.48(b)(35).

§ 637.101 Purpose.

The purpose of the regulations in this part is to prescribe the policies, procedures, and guides relating to inspections and approval of Federal-aid highway construction projects, except those constructed pursuant to 23 U.S.C. 117, and inspections of projects under the direct supervision of the Federal Highway Administration (FHWA).

§ 637.102 Definitions.

(a) The term "division engineer" means the chief FHWA official assigned to conduct FHWA business in a particular State, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) The word "project" means; (1) a specific section of a highway route together with all appurtenances and construction to be performed thereon under one or more contracts; (2) or any work on a highway route performed on a force account basis by a public agency, public utility, railroad company, or other such organization.

§ 637.103 Policy.

(a) Federal-aid highway construction projects. Except for those projects undertaken pursuant to 23 U.S.C. 117, it is the policy of FHWA that FHWA personnel make sufficient inspections of Federal-aid highway construction projects to assure that each project is completed in reasonably close conformity with the approved plans and specifications, including authorized changes and extra work.

(b) Other federally-funded highway construction projects. It is the policy of FHWA that FHWA personnel make sufficient inspections on direct Federal-highway construction projects (under the direct supervision of FHWA), forest highways, forest development roads and trails, park roads and trails, parkways,

Indian reservation roads, public lands highways, public lands development roads and trails, and defense access roads to assure that each project is completed in reasonably close conformity with the approved plans and specifications including authorized changes and extra work. Moreover, it is the policy of FHWA to make appropriate coordination with those agencies funding projects under the direct supervision of FHWA.

§ 637.104 Inspection Objectives.

The objectives of construction inspections are: (a) To determine if the State highway department's control procedures (for Federal-aid construction) or the contracting officer's control procedures (for direct Federal construction) are sufficient, and are being effectively applied to assure FHWA that the construction is performed in reasonably close conformity to the approved plans, specifications, and contract provisions;

(b) To provide opportunity for timely remedial action in situations where FHWA is not assured that construction is performed in reasonably close conformity to the approved plans, specifications, and contract provisions; and

(c) To encourage and promote improved techniques of construction and engineering supervision.

§ 637.105 Annual Division Construction Inspection Program.

(a) Each division engineer shall annually prepare, and submit to his Regional Federal Highway Administrator for approval by April 15 of the calendar year for which the program is prepared, a formal construction inspection program for the projects described in § 637.101. The annual construction inspection program shall provide for initial inspection of a project early in its lifetime, for final inspection of a project promptly after completion of its physical construction, and other inspections of the type and frequency deemed necessary by the division engineer. However, for small projects or those of short duration, the initial inspection may be combined with the final inspection.

(b) Each annual formal construction inspection program shall describe the extent of participation therein by State highway departments and interested Federal agencies.

§ 637.106 Final Acceptance Reports.

The division engineer shall issue a final acceptance report for each Federal-aid project as soon as all project requirements have been met and the project is ready for final acceptance as a completed Federal-aid project.

Effective Date. The regulations in this subpart will take effect on March 21, 1974.

[FR Doc.74-7358 Filed 3-29-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[Income Tax Regulations]

[T.D. 7311]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Bonds and Other Evidences of Indebtedness

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for Tuesday, October 9, 1973 (38 FR 27840), amendments to the Income Tax Regulations (26 CFR Part 1) were proposed in order to require holders of face-amount certificates to include original issue discount in income ratably over the term of the certificates in accordance with section 1232(a)(3) of the Internal Revenue Code of 1954. The ratable inclusion rule applies to holders of such certificates in a manner similar to which such rules are applicable to depositors in financial institutions. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the proposed amendments are adopted by this document, subject to the change that these amendments shall apply only to face-amount certificates issued after December 31, 1974.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Based on the foregoing, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below.

PARAGRAPH 1. Section 1.1232–1 as set forth in paragraph 2 of the notice of proposed rule making is changed by revising paragraph (c)(3).

* * * * *

PAR. 2. Section 1.1232–3A as set forth in paragraph 3 to the notice of proposed rule making is changed by revising paragraph (f)(1).

* * * * *

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: March 28, 1974.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

PARAGRAPH 1. A new paragraph (c)(4) is added to § 1.72–6 to read as follows:

§ 1.72–6 Investment in the contract.

* * * * *

(c) *Special rules.** * *

(4) In the case of "face-amount certificates" described in section 72 (l), the amount of consideration paid for purposes of computing the investment in the contract shall include any amount added to the holder's basis by reason of section 1232(a)(3)(E) (relating to basis adjustment for amount of original issue discount ratably included in gross income as interest under section 1232(a)(3)).

PAR. 2. Paragraph (c) of § 1.1232–1 is amended to read as follows:

§ 1.1232–1 Bonds and other evidences of indebtedness; scope of section.

* * * * *

(c) *Face-amount certificates*—(1) *In general.* For purposes of section 1232, this section and §§ 1.1232–2 through 1.1232–4, the term "other evidence of indebtedness" includes "face amount certificates" as defined in section 2(a)(15) and 4 of the Investment Company Act of 1940 (15 U.S.C. 80a–2 and 80a–4).

(2) *Amounts received in taxable years beginning prior to January 1, 1964.* Amounts received in taxable years beginning prior to January 1, 1964 under face amount certificates which were issued after December 31, 1954, are subject to the limitation on tax under section 72(e)(3). See paragraph (g) of § 1.72–11 (relating to limit on tax attributable to receipt of a lump sum received as an annuity payment). However, section 72(e)(3) does not apply to any such amounts received in taxable years beginning after December 31, 1963.

(3) *Certificates issued after December 31, 1974.* In the case of a face-amount certificate issued after December 31, 1974 (other than such a certificate issued pursuant to a written commitment which was binding on such date and at all times thereafter), the provisions of section 1232(a)(3) (relating to the ratable inclusion of original issue discount in gross income) shall apply. See § 1.1232–3A(f). For treatment of any increase in basis under section 1232(a)(3)(E) as consideration paid for purposes of computing the investment in the contract under section 72, see § 1.72–6(c)(4).

* * * * *

PAR. 3. A new paragraph (f) is added to § 1.1232–3A to read as follows:

§ 1.1232–3A Inclusion as interest of original issue discount on certain obligations issued after May 27, 1969.

* * * * *

(f) *Application of section 1232(a)(3) to face-amount certificates*—(1) *In general.* Under paragraph (c)(3) of § 1.1232–1, the provisions of section 1232(a)(3) and this section apply in the case of a face-amount certificate issued after December 31, 1974 (other than such a certificate issued pursuant to a written commitment which was binding on such date and at all times thereafter).

(2) *Relationship with paragraph (e) of this section.* Determinations with regard to the inclusion as interest of original issue discount on, and certain adjustments with respect to, face-amount certificates to which this section applies shall be made in a manner consistent with the rules of paragraph (e) of this section (relating to the application of section 1232 to certain deposits in financial institutions and similar arrangements). Thus, for example, if a face-amount certificate is redeemed before

maturity, the holder shall be allowed a deduction in computing adjusted gross income computed in a manner consistent with the rules of paragraph (e)(2) of this section. For a further example, if under the terms of a face-amount certificate, the issuer may grant additional credits to be paid at a fixed maturity date, computations with respect to such additional credits shall be made in a manner consistent with the rules of paragraph (e) (6) and (7) of this section (as applicable) relating to contingent interest arrangements.

PAR. 4. Paragraph (a)(1) of § 1.6049–1 is changed by revising subdivision (ii) (*a*)(*3*), (*4*) and (*5*), so much of subdivision (ii)(*b*) as precedes (*1*) thereof, by redesignating existing subdivision (ii) (*d*) as (ii)(*e*), and adding a new subdivision (ii)(*d*), and by revising subdivision (iv). These revised and redesignated provisions read as follows:

§ 1.6049–1 Returns of information as to interest paid in calendar years after 1962 and original issue discount includible in gross income for calendar years after 1970.

(a) *Requirement of reporting*—(1) *In general.* • • •

(ii) • • •

(*a*) • • •

(*3*) The issue price of the obligation (as defined in paragraph (b)(2) of § 1.1232–3).

(*4*) The stated redemption price of the obligation at maturity (as defined in paragraph (b)(1)(iii) of § 1.1232–3).

(*5*) The ratable monthly portion of original issue discount with respect to the obligation as defined in section 1232 (a)(3)(A) (determined without regard to a reduction for a purchase allowance or whether the holder purchased at a premium).

• • • • •

(*b*) With respect to any obligation (other than an obligation to which paragraph (e) or (f) of § 1.1232–3A applies (relating respectively to deposits in banks and similar financial institutions and to face-amount certificates)), the issuing corporation (or an agent acting on its behalf)—• • •.

• • • • •

(*d*) The requirements of (*a*)(*3*), (*a*)(*4*), and (*a*)(*5*) of this subdivision shall not apply to a time deposit open account arrangement to which paragraph (e)(5) of § 1.1232–3A applies, or to a face-amount certificate to which paragraph (f) of § 1.1232–3A applies.

(*e*) • • •

• • • • •

(iv) Except with respect to an obligation to which paragraph (e) or (f) of § 1.1232–3A applies (relating respectively to deposits in banks and similar financial institutions and to face-amount certificates), every person who is a nominee on behalf of the actual owner of an obligation as to which there is original issue discount aggregating $10 or more includible in the gross income of such owner during a calendar year after 1970, regardless of whether he receives a Form 1099–OID with respect to such discount, shall make an information return on Forms 1096 and 1087–OID for such calendar year showing in the manner prescribed on such forms the same information for the actual owner as is required or permitted in subdivision (ii) of this subparagraph for the record holder.

• • • • •

[FR Doc.74–7544 Filed 3–29–74;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Subpart D—Oregon Plan

APPROVAL OF REVISED DEVELOPMENTAL SCHEDULE

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter referred to as the Act) by which the Assistant Secretary for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) under a delegation of authority from the Secretary of Labor (Secretary's Order 12–71, 36 FR 8754) will review and approve changes in a State plan which has been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. Section 1952.108 of Subpart D sets forth the developmental schedule under which the plan will meet the criteria of section 18(c) of the Act and Part 1902 within three years following commencement of operations.

By letter dated November 27, 1973 from M. Keith Wilson, Chairman, Workmen's Compensation Board, to James Lake, Assistant Regional Director for OSHA, incorporated as part of the plan, the State requested clarification as to one date in the developmental schedule and revision of another date as follows: (a) §§ 1952.108 (c) and (g) provide for the development of administrative rules within one year of legislative approval. Since the enabling legislation was effective July 1, 1973, Oregon has requested that those sections in the developmental schedule include the date July 1, 1974 for the development of all regulations; and (b) § 1952.108(e) required the establishment of specific occupational safety and health goals within one year of plan approval; i.e. by December 22, 1973, which is one year from the date the approval decision was signed. Oregon has requested an extension of that date from December 22, 1973 to July 4, 1974.

2. *Location of supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, 1804 Smith Tower Building, 506 Second Avenue, Seattle, Washington 98104; Workmen's Compensation Board. Labor and Industries Building, Room 204, Salem, Oregon 97310; and the Office of the Occupational Health Section, State Health Division, Room 840, State Office Building, 1400 Southwest Fifth Avenue, Portland, Oregon.

3. *Public participation.* Under § 1953.2 (c) of this chapter the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that good cause exists for not publishing the revision to the Oregon developmental schedule as a proposed change and for making it effective immediately upon publication for the following reasons:

1. The revision as to the date for the promulgation of administrative regulations is merely a clarification of the existing developmental schedule and results in no change to the State plan.

2. The change in the date for preparation of specific occupational safety and health goals from December 22, 1973 to July 1, 1974, is minor in nature and the actual goals established by Oregon by July 1, 1974, will be subject to public comment under 29 CFR 1953.11.

In accordance with the above, § 1952.108, Subpart D of Part 1952 is amended to read as follows:

§ 1952.108 Developmental schedule.

The Oregon plan is developmental. The schedule of developmental steps as described in the plan is revised in a letter dated November 27, 1973, from M. Keith Wilson, Chairman, Workman's Compensation Board to James Lake, Assistant Regional Director for OSHA and includes:

(a) Introduction of the legislative amendments in the legislative session following approval of the plan. The legislation was passed and became effective July 1, 1973.

(b) Complete revision of all occupational safety and health codes as proposed within one year after the proposed standards are found to be at least as effective by the Secretary of Labor.

(c) Development of administrative rules and procedures, including rights and responsibilities of employers, employees and the Workmen's Compensation Board including regulations on variances, exposure to hazards and access to information on exposure to hazards by July 1, 1974.

(d) Training of present inspection personnel of the accident prevention division and the occupational health section by July 1, 1973. Selection and training of additional inspectors within one year of the effective date of the 1973–1975 budget.

(e) Establishment of specific occupational safety and health goals by July 1, 1974. These goals will be reviewed and revised biannually.

(f) Development and implementation of an affirmative action program by July 1, 1973.

(g) Development and implementation of administrative rules relative to an on-site voluntary compliance consultation program by July 1, 1974.

(Sec. 18 Pub. L. 91-956, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 27th day of March 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-7408 Filed 3-29-74;8:45 am]

Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY OF THE TREASURY

PART 9—EFFECTS OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

Correction

In FR Doc. 74-6648 appearing at page 10898 of the issue for Friday, March 22, 1974, the following changes should be made:

1. The last line of the authority citation in column two of page 10898 which presently reads "(FR 17175)" should read "(38 FR 17175)".

2. The phrase "by the Director" which begins on the sixth line and ends on the seventh line of § 9.6 should be deleted.

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PUBLIC USE AND RECREATION; VEHICLES AND TRAFFIC SAFETY

Off-Road Use of Vehicles

There was published in the FEDERAL REGISTER of February 14, 1973, a notice of the proposal to amend portions of Parts 2, 4 and 7 of Title 36 of the Code of Federal Regulations; all of which concern off-road and certain other uses of vehicles.

The purpose of these changes is to clarify, reorganize and bring the regulations concerning snowmobiles and those related to motor vehicles operated off-roads into conformity with the requirements of sections 3 and 4 of Executive Order 11644 of February 8, 1972; to amend and reorganize the regulations concerning saddle and pack animals, special events in the parks, travel on trails and bicycles; to amend the special regulations affecting motor vehicles on the beaches at Fire Island and Cape Cod National Seashores; and to revoke the special regulations on snowmobiles at Delaware Water Gap National Recreation Area. It is necessary to amend the special regulations at the latter areas to ensure that they will be consistent with the general regulation amendments concerning snowmobiles and off-road motor vehicles.

The public was given the opportunity to submit comments, suggestions or objections regarding the proposed amendments to the Director, National Park Service, Department of the Interior, Washington, D.C., until March 16, 1973. Responses were accepted beyond that date and until February 18, 1974. During most of this additional period, the final environmental statement pertaining to the off-road use of vehicles on the public lands was being completed. Notice of its availability appeared in the FEDERAL REGISTER of January 17, 1974.

The bulk of the comments received either endorsed the proposed regulations as published or recommended substantial relaxation of controls over off-road vehicle and snowmobile uses. Others were more specific and proposed language revisions. Following our evaluation of the comments, suggestions and objections received in the light of overall park management needs and the requirements of Executive Order 11644, it was concluded that the proposed amendments should be approved as published on February 14, 1973.

Therefore, the proposal is hereby adopted, without amendment, as set forth below. These revisions shall take effect on May 1, 1974.

(5 U.S.C. 553; 16 U.S.C. 3; 42 U.S.C. 4321)

PART 2—PUBLIC USE AND RECREATION

Section 2.23(f) is amended to read as follows:

§ 2.23 Saddle and pack animals.

* * * * *

(f) Pedestrians on trails or routes established for use of horses or other saddle or pack animals shall remain quiet when such animals are passing.

Section 2.27 is amended to read as follows:

§ 2.27 Special events.

(a) Sports events, pageants, reenactments, regattas, entertainments, and the like, characterized as public spectator attractions, are prohibited unless written permission therefor has been given by the Superintendent. Such permits may be issued only after a finding that the issuance of such permit will not be inconsistent with the purposes for which the area is established and maintained, and will cause the minimum possible interference with use of the area by the general public. The permit may contain such reasonable conditions and restrictions as to duration and area occupied as are necessary for protection of the area and public use thereof.

(b) As a condition of permit issuance, the Superintendent may require the filing of a bond with satisfactory surety payable to the Director, to cover costs such as restoration, rehabilitation, and cleanup, of the area used, and other costs resulting from the special event. In lieu of a bond, a permittee may elect to deposit cash equal to the amount of the required bond.

§ 2.30 [Amended]

Section 2.30 is renamed National Scenic Trails and paragraph (b) is deleted.

Section 2.34 (c) and (d)(1) are amended to read as follows:

§ 2.34 Snowmobiles.

* * * * *

(c) *Use in designated areas.* (1) The use of snowmobiles is prohibited, except in areas and on routes designated by the Superintendent by posting of appropriate signs or by marking on a map which shall be available at the office of the Superintendent, or both. In determining whether to designate an area or route for snowmobile use the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877), and shall also consider factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations. Prior to making a final decision to designate an area or route for such use, notice of such intention shall be published in the FEDERAL REGISTER and the public shall be provided a period of 30 days to comment on the proposed designation.

(2) Even though an area or route has been designated as open for snowmobile use in accordance with paragraph (c)(1) of this section the Superintendent may temporarily or permanently close or restrict the use of the areas and routes designated for use of snowmobiles by the posting of appropriate signs or by marking on a map which shall be available at the office of the Superintendent, or both. In determining whether to close or restrict the use of areas and routes under this paragraph, the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877), and shall also consider factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations. Prior to making a final decision on permanent closure of an area or route, notice of such intention shall be published in the Federal Register and the public shall be provided a period of 30 days to comment.

(d) *Vehicle suitability.* (1) Every snowmobile shall be equipped with a muffler in good working order any time the snowmobile is operating. Operating a snowmobile equipped with a muffler cutout, bypass, or similar device is prohibited.

* * * * *

PART 4—VEHICLES AND TRAFFIC SAFETY

Section 4.3 (c) and (d) are amended to read as follows:

§ 4.3 Bicycles.

* * * * *

(c) In natural and historical areas, the use of bicycles is prohibited, except on established public roads and parking areas, and on routes designated for their use by the posting of signs or by marking

on a map which shall be available at the office of the Superintendent, or both.

(d) In recreational areas, the use of bicycles is permitted unless restricted by posted signs or by marking on a map which shall be available at the office of the Superintendent, or both.

Section 4.19 is amended to read as follows:

§ 4.19 Travel on roads and designated routes.

(a) *Natural and historical areas.* In natural and historical areas, the use of motor vehicles outside of established public roads or parking areas is prohibited.

(b) *Recreational areas.* (1) In recreational areas, the use of motor vehicles outside of established public roads or parking areas is prohibited, except in areas and on routes designated by the Superintendent by the posting of appropriate signs or by marking on a map which shall be available at the office of the Superintendent, or both. In determining whether to designate an area or route outside of established public roads or parking areas for general motor vehicle use, or for use of particular types of motor vehicles, the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877) and shall also consider factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, whether, vegetation, resource protection, and other management considerations. Prior to making a final decision to designate an area or route for such use notice of such intention shall be published in the FEDERAL REGISTER, and the public shall be provided a period of 30 days to comment on the proposed designation.

(2) Even though an area or route outside of an established public road or parking area has been established as open for motor vehicle use in accordance with paragraph (b)(1) of this section, the Superintendent may temporarily or permanently close or restrict the use of the areas and routes designated for use of motor vehicles, or close or restrict such areas or routes to the use of particular types of motor vehicles by the posting of appropriate signs or by marking on a map which shall be available at the office of the Superintendent, or both. In determining whether to close or restrict the use of areas and routes under this paragraph, the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877), and shall also consider factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations. Prior to making a final decision on permanent closure of an area or route, notice of such intention shall be published in the FEDERAL REGISTER and the public shall be provided a period of 30 days to comment.

(c) *Vehicle suitability.* (1) Operating a motor vehicle other than a wheeled vehicle equipped with pneumatic tires is prohibited: *Provided,* That operating a track-laying vehicle or a vehicle equipped with a similar traction device is permitted in dry sand or marsh areas on routes designated by the Superintendent for use of such vehicles pursuant to paragraph (b)(1) of this section.

(2) The operation of a motor vehicle that will damage or be likely to damage the surface of the road or route, beyond wear and tear normally caused by the pneumatic tires or track with which it is equipped, is prohibited.

(3) Paragraph (c) (1) and (2) of this section shall not be construed to prohibit the use, on established roads or parking areas, of ordinary detachable tire or skid chains, stud tires, or comparable safety devices under adverse road conditions.

(d) A Superintendent, by the posting of appropriate signs or by marking on a map which shall be available in the office of the Superintendent, may require that a motor vehicle, or a particular class of motor vehicle, operated off established roads and parking areas, shall be equipped with a spark arrestor that meets Standard 5100–1a of the Forest Service, U.S. Department of Agriculture, which standard includes the requirement that such spark arrestor shall have an efficiency to retain or destroy at least 80 percent of carbon particles for all flow rates, and which includes a requirement that such spark arrestor has been warranted by its manufacturer as meeting the above-mentioned efficiency requirement for at least 1,000 hours, subject to normal use, with maintenance and mounting in accordance with the manufacturer's recommendation.

(e) A motor vehicle operated off established roads and parking areas, from a half-hour after sunset to a half-hour before sunrise, shall be equipped with lighted headlights and taillights which comply with the laws and regulations for operation on the roads of the State within whose exterior boundaries the park area or portion thereof is located.

Section 4.21 is added to read as follows:

§ 4.21 Brakes.

A motor vehicle shall be equipped with brakes in good working order in accordance with the laws and regulations for operation on the roads of the State within whose exterior boundaries the park area or portion thereof is located.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Section 7.20 (a)(1)(ii), (2)(4), and, (4)(i), (iv), and (v) are amended to read as follows:

§ 7.20 Fire Island National Seashore.

(a) *Operation of motor vehicles*—(1) *Definitions.* * * *

(ii) Reserve. * * *

(2) Permits. * * *

(iv) No permits shall be issued for any motor vehicle not equipped in accordance with applicable regulations in §§ 4.12, 4.19, and 4.21 of this chapter.

* * * * *

(4) *Rules of travel.* (i) When two motor vehicles approach from opposite directions in the same track both operators shall reduce speed and the operator with the water to his left shall yield the right-of-way by turning out of the track to the right.

* * * * *

(iv) [Revoked]

(v) [Revoked]

Section 7.67(c) is amended to read as follows:

§ 7.67 Cape Cod National Seashore.

* * * * *

(c) *Private oversand vehicle operation.* (1) Operation of privately owned passenger vehicles not for hire, including the various forms of vehicles used for travel over sand, such as, but not limited to "beach buggies," on designated oversand routes or beaches in the park area without a permit, is prohibited. Such permits will be issued provided that each vehicle is equipped in accordance with applicable regulations in §§ 4.12, 4.19, and 4.21 of this chapter: *And provided,* That the vehicle contains the following equipment to be carried in the vehicle at all times while on the beaches or designated oversand routes:

(i) Shovel,

(ii) Jack,

(iii) Tow rope or chain,

(iv) Board or similar support for jack.

(v) Low pressure tire gauge.

In addition, operators must show that all applicable Federal and State regulations having to do with licensing, registering, inspecting, and insuring of such vehicles have been complied with prior to issuance of the permit. Such permits are to be affixed to the vehicles as instructed at the time of issuance.

* * * * *

§ 7.71 [Amended]

In section 7.71 paragraph (b) is deleted.

Dated: March 15, 1974.

RONALD H. WALKER,
Director, National Park Service.

[FR Doc.74-7346 Filed 3-29-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart D—Death Gratuity

CORRECTION AND REVOCATION

On page 2775 of the FEDERAL REGISTER of January 24, 1974, there was published a notice of proposed revocation of the regulations concerning death gratuity. The section numbers were listed as §§ 3.850, 3.851, 3.852 and 3.853 in error. The correct section numbers are §§ 3.-1850, 3.1851, 3.1852 and 3.1853. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed revocations.

No written comments have been received. The section numbers have been corrected as set forth below.

Effective date. These revocations are effective March 26, 1974.

Approved: March 26, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

§ 3.1850, 3.1851, 3.1852 and 3.1853 [Revoked].

Subpart D, "Death Gratuity" is revoked.

[FR Doc.74-7424 Filed 3-29-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 164—RULES OF PRACTICE GOVERNING HEARINGS, UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, ARISING FROM REFUSALS TO REGISTER, CANCELLATIONS OF REGISTRATIONS, CHANGES OF CLASSIFICATIONS, SUSPENSIONS OF REGISTRATIONS AND OTHER HEARINGS CALLED PURSUANT TO SECTION 6 OF THE ACT

Correction

In FR Doc. 73-14967 appearing at page 19371 of the issue of Friday, July 20, 1973, in § 164.50(d)(4), the first sentence, now reading, "At any time before the hearing record is closed, the Administrative Law Judge or a party by motion may request that questions of scientific fact not previously referred be amended or expanded", should read, "At any time before the hearing is closed, the Administrative Law Judge or a party by motion may request that questions of scientific fact not previously referred be referred, or that questions previously referred be amended or expanded."

Title 41—Public Contracts and Property Management

CHAPTER 9—ATOMIC ENERGY COMMISSION

PART 9-5 SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 9-5.50 Use of Excess Materials From GSA Inventories

MISCELLANEOUS AMENDMENTS

The revision of AECPR Subpart 9-5.50, Use of Excess Materials From GSA Inventories, is being made in order to update the requirements concerning the use by Government and prime contractors of excess strategic and critical materials.

1. Subpart 9-5.50, Use of Excess Materials From GSA Inventories, is revised as follows:

§ 9-5.5001 Use of excess materials from General Services Administration inventories.

(a) It is the policy of the AEC to comply with the provisions of the Federal Property Management Regulations Part 101-14, Strategic Critical and Other Material, as supplemented from time to time by FPMR Bulletins.

(b) Section 3.0 of Defense Mobilization Order 8600.1B, dated April 11, 1973, provides that "Under such policies and procedures as the Administrator of General Services may prescribe, Government agencies which directly or indirectly use strategic and critical materials shall fulfill their requirements through the use of materials in Government inventories that are excess to the needs thereof."

(c) AEC offices shall fulfill their requirements for strategic and critical materials through use of the excess strategic and critical materials in the GSA inventories.

(d) Contracting officers shall require their cost-type contractors, which use strategic and critical materials, to fulfill their requirements through the use of the excess strategic and critical materials in the GSA inventories.

(e) General Services Administration (ANSD), Washington, D.C. 20405, should be contacted directly for any detailed information concerning specifications, prices, and method of placing the order.

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

Effective date. This amendment is effective April 1, 1974.

For the U.S. Atomic Energy Commission.

Dated at Germantown, Maryland this 26th day of March, 1974.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[FR Doc.74-7372 Filed 3-29-74; 8:45 am]

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Miscellaneous Amendments

This regulation amends Part 105-61 to include a definition of Federal records centers and updated addresses and to permit directors of research faciliites to admit researchers under the age of 16 unaccompanied by an adult researcher. The regulations governing the reproduction of records by GSA and researchers are clarified. NARS conference rooms are included as public use facilities. The regulations governing document photographing in the National Archives Building and in Presidential libraries are revised to designate areas for photographing, light sources, and the use of facsimiles.

The table of contents for Part 105-61 is amended by deleting §§ 105-61.306-1 through 105-61.306-4 and by adding the following sections:

105-61.001-7 Federal records centers.
105-61.301 Facilities in the National Archives Building.
105-61.302-1 General.
105-61.302-2 Photographing documents in exhibit areas.
105-61.302-3 Artificial lighting.
105-61.304 The National Archives Theater and conference rooms.
105-61.305-5 Photographing documents.
105-61.306 Conference rooms in Federal records centers.
105-61.307 General conditions governing use of all facilities.

Section 105-61.001-7 is added as follows:

§ 105-61.001-7 Federal records centers.

"Federal records centers" includes the Washington National Records Center, National Personnel Records Center, two regional Federal records centers, and 11 Federal archives and records centers listed in § 105-61.4801 (e) through (i).

Subpart 105-61.1—Public Use of Archives and FRC Records

1. Section 105-61.101-1(d) is revised and § 105-61.101-3 is amended as follows:

§ 105-61.101-1 General.

* * * * *

(d) A director will require that researchers under the age of 16 years be accompanied by an adult researcher who agrees in writing to be present when the records are used and to be responsible for compliance with the research room rules set forth in § 105-61.103. The director may make exceptions to the above under certain circumstances.

§ 105-61.101-3 Application procedures.

(a) In advance of applying for the use of records, a prospective researcher is encouraged to determine from the appropriate depository whether the records are available and whether their volume is sufficient to warrant a personal visit in lieu of reproduction.

(b) Applicants shall apply in person at the depository that has custody of the records sought and shall furnish, on a form provided for the purpose, information necessary for registration and for determining which records will be made available. Applicants shall furnish proper identification, and, if applying for access to large quantities of records or to records that are specially fragile or valuable, shall upon request furnish a letter of reference or introduction.

* * * * *

2. Section 105-61.105 is revised as follows:

§ 105-61.105 Copying services.

The copying of records will be done by personnel of the National Archives and Records Service with equipment belonging to the Service. GSA reserves the right to make a duplicate, at GSA expense, of any material copied. Such duplicates may be used by the Service to make additional copies for other researchers.

Directors may permit individual researchers to use their own copying equipment when such use will not harm the records, will not disturb other researchers, and will not require the use of facilities or space other than that provided to all researchers.

Subpart 105–61.3—Public Use of Facilities of the National Archives and Records Service

1. Sections 105–61.301 and 105–61.302 are revised as follows:

§ 105–61.301 Facilities in the National Archives Building.

Facilities in the National Archives Building include the Exhibition Hall, library, theater, and conference rooms as further described in this subpart. Additional conditions for use of these facilities are set out in § 105–61.307.

§ 105–61.302 The National Archives Exhibition Hall.

§ 105–61.302–1 General.

Unless otherwise directed by the Archivist of the United States, visitors are admitted to the Exhibition Hall on Sundays from 1 p.m. to 10 p.m.; and from 9 a.m. to 10 p.m., Monday through Saturday and holidays except during winter months (first Monday in October through the first Sunday in March) when the Exhibition Hall is closed at 6 p.m. The building is closed on Christmas Day and New Year's Day. Visitors are admitted only through the Constitution Avenue entrance. However, the guards are authorized to admit handicapped visitors to the Exhibition Hall through the Pennsylvania Avenue entrance and the Main Floor gates.

§ 105–61.302–2 Photographing documents in exhibit areas.

Photographing documents or exhibits in the Exhibition Hall, the Pennsylvania Avenue lobby, or any other exhibit area in the National Archives Building is permitted without artificial light sources at any time. However, photographs may not be taken on the steps or landing leading to the Declaration of Independence, the Constitution, and the Bill of Rights.

§ 105–61.302–3 Artificial lighting.

Artificial light devices may be used with prior approval of the Director, Education Division (NEE), when filming documents in public areas of the National Archives Building subject to the following restrictions:

(a) Facsimiles shall be used to replace the Declaration of Independence, the Constitution, or the Bill of Rights if artificial lighting is to be used. When high intensity lighting is used, all documents that fall within the boundaries of such illumination must be covered or replaced by facsimiles.

(b) Ladders, scaffolding, and tripods may be used after normal hours, but must be kept at a distance greater than the height of the equipment.

(c) Auxiliary power units may be used. Existing lights will not be replaced by higher wattage or intensity lights. A GSA electrician must be present at all times whenever there is a change to the normal power supply. Organizations who film after regular hours will be billed for the electrician's time.

2. Section 105–61.304 is amended as follows:

§ 105–61.304 The National Archives Theater and conference rooms.

§ 105–61.304–1 Purpose of use.

The theater in the National Archives Building was designed and will be used primarily for furnishing reference services on the motion picture holdings of the National Archives. Conference rooms in the National Archives Building will be used for conferences and official meetings. When not required for such uses, conference rooms may be assigned to other organizations. Application for use of a room will be approved only if the purpose for which it is requested is educational or is related to the programs of the National Archives and Records Service. The theater and conference rooms shall not be used to promote commercial enterpises or commodities, for political, sectarian, or similar purposes, or for meetings sponsored by profitmaking organizations. Use of the theater and conference rooms will not be authorized for any organization or group of individuals that engages in discriminatory practices proscribed in the Civil Rights Act of 1964 (42 U.S.C. 2000a, note).

§ 105–61.304–2 Application for use.

(a) Applications for use of the theater and conference rooms shall be submitted in writing by the head of the requesting organization, or his duly authorized representative, at least 1 week in advance of the requested use. Applications for use shall be addressed to General Services Administration (NA), Washington, DC 20408, and shall include the following information:

(1) The name of the requesting organization;

(2) The date and the hours of contemplated use;

(3) A brief description of the programs;

(4) The number of persons expected to attend the meeting or performance (The capacity of the theater is 216 persons; conference rooms accommodate between 35 and 70 persons.);

(5) A statement regarding the intention to exhibit motion pictures or slides and, if so, the size (35mm or 16mm) of the film or slides, and whether the film to be shown is on nitrate or safety base; and

* * * * *

(e) The serving or consumption of food or beverages within the theater is prohibited. Food or beverages may be served in the conference rooms if approved in advance.

(f) Smoking within the theater is prohibited. Smoking is permitted in the conference rooms.

* * * * *

(i) All persons attending meetings or performances will be required to go directly to the theater, which is on the fifth floor, or to the assigned conference room. No one will be admitted to the parts of the building that are closed to the public.

3. Section 105–61.305–5 is added as follows:

§ 105–61.305–5 Photographing documents.

(a) Visitors are permitted to take photographs in Presidential libraries and adjacent buildings open to the public, subject to restrictions set forth in paragraph (c) of this section.

(b) Photographs for news, advertising, or commercial purpose may be taken only after the Presidential library director approves the request.

(c) Artificial light devices shall not be used anywhere in a Presidential library where such use may cause damage to documents. Persons desiring to use photolighting devices shall request special permission from the director of the Presidential library concerned and shall follow procedures prescribed in § 105–61.302–3(c).

4. Section 105–61.306 is revised and § 105–61.307 is added as follows:

§ 105–61.306 Conference rooms in Federal records centers.

(a) Conference rooms in Federal records centers will be used for official meetings and for conferences sponsored by the Federal records centers. When not required for such use, assignments for other purposes may be made. Application for such use will be approved only if the purpose for which it is requested is educational or is related to the programs of the National Archives and Records Service. Applications for such use shall be made to the Federal records center director.

(b) Use of the conference rooms will not be authorized for any profitmaking, political, sectarian, or similar purpose or for any organization or group that engages in discriminatory practices proscribed in the Civil Rights Act of 1964 (42 U.S.C. 2000a, note).

§ 105–61.307 General conditions governing use of all facilities.

All persons using the facilities in the National Archives Building, Presidential libraries, and Federal records centers are subject to the regulations applicable to conduct on Federal property, as specified in Subpart 101–19.3.

Subpart 105–61.48—Exhibits

Section 105–61.4801 is amended as follows:

§ 105–61.4801 Location of records and hours of use.

(a) The National Archives Building, Eighth and Pennsylvania Avenue, NW., Washington, DC 20408. Hours: For the Central Research Room and Microfilm Research Room, 8:45 a.m. to 10 p.m., Monday through Friday, and 8:45 a.m. to 5:15 p.m. on Saturday. For other research rooms, 8:45 a.m. to 5 p.m., Monday through Friday. Records to be used

on Friday after 5 p.m. or on Saturday must be requested by 3 p.m. Friday. Records to be used after 5 p.m., Monday through Thursday, must be requested by 4 p.m. of the day on which they are to be used.

* * * * *

(h) Federal records centers, as follows:

(1) Naval Supply Depot, Building 308, Mechanicsburg, PA 17055. Hours: 7:30 a.m. to 4:30 p.m., Monday through Friday.

(2) 2400 West Dorothy Lane, Dayton, OH 45439. Hours: 7:30 a.m. to 4 p.m., Monday through Friday.

(i) Federal archives and records centers, as follows:

(1) 380 Trapelo Road, Waltham, MA 02154. Hours: 8:20 a.m. to 4:50 p.m., Monday through Friday.

(2) 641 Washington Street, New York, NY 10014. Hours: 8:30 a.m. to 5 p.m., Monday through Friday.

(3) 5000 Wissahickon Avenue, Philadelphia, PA 19144. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(4) 1557 St. Joseph Avenue, East Point, GA 30044. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(5) 7358 South Pulaski Road, Chicago, IL 60652. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(6) 2306 East Bannister Road, Kansas City, MO 64131. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(7) 4900 Hemphill Street, Fort Worth, TX 76115. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(8) Building 48, Denver Federal Center, Denver, CO 80225. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(9) 1000 Commodore Drive, San Bruno, CA 94066. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(10) 4747 Eastern Avenue, Bell, CA 90201. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(11) 6125 Sand Point Way, Seattle, WA 98115. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective April 1, 1974.

Dated: March 25, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74-7411 Filed 3-29-74;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE)

PART 270—JUVENILE DELINQUENCY AND YOUTH DEVELOPMENT PROGRAMS AND ACTIVITIES

Revocation of Part

CROSS REFERENCE: For a document revoking Part 270 of Title 45, see FR Doc. 74-7427, *infra*.

CHAPTER XIII—OFFICE OF HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1350—JUVENILE DELINQUENCY PREVENTION PROGRAMS AND ACTIVITIES

Final Regulations

These regulations implement the Juvenile Delinquency Prevention Act, Public Law 92-381, approved August 14, 1972, which authorizes programs and activities for the prevention of juvenile delinquency.

These regulations will replace those in Part 270 of this title established for Public Law 90-445, the Juvenile Delinquency Prevention and Control Act of 1968. Title I of Public Law 92-381 provides for grants for the establishment of coordinated youth services, systems for the prevention of delinquency. Titles II, III, and IV (Training, Technical Assistance and Information Services, Administration) are essentially the same as those in Public Law 90-445, with the exception that the entire focus of Public Law 92-381 is on prevention of delinquency rather than on rehabilitation.

On July 20, 1973 there was published in the FEDERAL REGISTER (38 FR 19406), a notice of proposed rule making which set forth the requirements for grants under this Act.

Interested persons were given the opportunity to submit within 30 days comments, suggestions or objections pertaining to the proposed regulations. The few comments received were taken into consideration, with § 1350.15(10) added, regarding standards and licensing of services and facilities.

The regulations as set forth below, therefore, are issued as originally published and without substantive change, save for changes necessitated by the provisions of 45 CFR Part 74, Administration of Grants, establishing uniform administrative requirements and cost principles to bring the regulations into conformity with Office of Management and budget Circular No. A-102, and with Office of Management and Budget Circular No. A-95 relative to project notification and review system requirements to facilitate coordinated planning on an intergovernmental basis.

The provisions of OMB Circular No. A-95, for evaluation, review and coordination of Federal and federally assisted programs and projects shall apply to all grants under this part to State and local governments.

The provisions of 45 CFR Part 74 shall apply to all grants under this part to State and local governments as those terms are defined in subpart A of that Part 74. The relevant provisions of certain designated subparts of Part 74 shall also apply to all other grantee organizations under this part.

Effective date. Since the modifications do not involve any changes of a substantive nature from the provisions which were published in the FEDERAL REGISTER on July 20, 1973, as proposed rule making, these regulations shall become effective on April 1, 1974, except for any portions which have become effective by operation of law.

Upon the promulgation of these regulations, guidelines will be issued by the Commissioner of the Office of Youth Development. These guidelines will be designed to provide the additional guidance necessary to assure implementation of this program in conformity with the Act and the regulations.

Federal financial assistance extended under Part 1350 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 assistance provided under Part 1350 to any education program or activity is subject to the provisions of Title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1683, 1685-1686), and any regulations thereunder.

Code of Federal Regulations Title 45, Chapter 2, § 204.1 will be amended at a later date by the Social and Rehabilitation Service of the Department of Health, Education, and Welfare. It is therefore not contained in these final regulations.

Dated: January 14, 1974.

STANLEY B. THOMAS, Jr.,
Assistant Secretary for Human Development.

Approved: March 26, 1974.

CASPAR W. WEINBERGER,
Secretary.

(Catalog of Federal Domestic Assistance Program No. 13.764, Youth Development and Delinquency Prevention.)

Title 45 of the Code of Federal Regulations is amended as set forth below:

1. Part 270 of Chapter II is revoked.

2. Chapter XIII is amended by changing the heading thereof, as set forth above, and by adding a new Part 1350, as set forth below:

PART 1350—JUVENILE DELINQUENCY PREVENTION PROGRAMS AND ACTIVITIES

Subpart A—Definitions

Subpart B—Preventive Services

Subpart C—Training

Subpart D—Technical Assistance

AUTHORITY: Secs. 101–411, 86 Stat. 532–539 (42 U.S.C. 3811–3891)

Subpart A—Definitions

§ 1350.1 Definitions.

For the purposes of this part, unless the context otherwise requires:

(a) "Act" means the Juvenile Delinquency Prevention Act;

(b) "Assistant Secretary" means the Assistant Secretary for Human Development;

(c) "Construction" means construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for new buildings). For the purpose of this paragraph, the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them;

(d) "Coordinated youth services system" means a comprehensive community-based service delivery system, separate from the system of juvenile justice (which encompasses agencies such as the juvenile courts, law enforcement agencies, and detention facilities) for providing youth services to an individual who is in danger of becoming delinquent and to his family in a manner designed to:

(1) Facilitate accessibility to and utilization of all appropriate youth services provided within the geographic area served by such system by any public or private agency or organization which desires to provide such services through such system;

(2) Identify the need for youth services not currently provided in the geographic area covered by such system, and, where appropriate, provide such services through such system;

(3) Make the most effective use of youth services in meeting the needs of young people who are in danger of becoming delinquent, and their families;

(4) Use available resources efficiently and with a minimum of duplication in order to achieve the purposes of the Act; and

(5) Identify the types and profiles of individual youths who are to be served by such a comprehensive system;

(e) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools;

(f) "Nonprofit private agency" means any accredited institution of higher education, and any other agency, organization, or institution no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, or which is owned and operated by one or more such agencies, but only if such agency, organization, or institution was in existence at least two years before the date of an application under the Act. The term shall not be construed to include the Office of Economic Opportunity. Participation by the Office of Economic Opportunity is expressly prohibited in administering the Act;

(g) "Office" means the Office of Human Development of the Department of Health, Education, and Welfare;

(h) "Public agency" means a duly elected political body or a subdivision thereof and shall not be construed to include the Office of Economic Opportunity. Such term includes an Indian tribal council;

(i) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(j) "Technical assistance" refers to consultation to State, local, or other public or private agencies or organizations in matters relating to prevention of delinquency;

(k) "Youth in danger of becoming delinquent" refers to any youth whose conduct is such as to bring him within the jurisdiction of the juvenile court;

(l) "Youth services" means services which assist in the prevention of juvenile delinquency, including but not limited to: Individual and group counseling; family counseling; diagnostic services; remedial education; tutoring; alternate schools (institutions which provide education to youths outside the regular or traditional school system); vocational testing and training; job development and placement; emergency shelters; halfway houses; health services; drug abuse programs; social, cultural, and recreational activities; the development of paraprofessional or volunteer programs; community awareness programs; foster care and shelter care homes; and community-based treatment facilities or services.

Subpart B—Preventive Services

§ 1350.10 Purpose.

(a) The purpose of this subpart is to assist States, local educational agencies and other public and nonprofit private agencies to establish and carry out community-based programs, including programs in schools, for the prevention of delinquency in youths.

(b) Grants will be made under this subpart for the purpose of establishing or operating coordinated youth services systems.

(c) For contracts, see Subpart G of this part.

§ 1350.11 Eligibility.

Grants under this subpart may be made to public or nonprofit private agencies: *Provided, however,* That agencies which are part of the juvenile justice system such as police, courts, correctional institutions, detention homes, and probation and parole authorities are not eligible applicants. Multiple-function agencies having authority to administer a variety of programs, which may include corrections, are eligible applicants: *Provided,* That the corrections or other juvenile justice component is not responsible for the administration of the grant or the operation of the project and that the coordinated youth services system is developed and operated separately from such component.

§ 1350.12 Duration of Federal assistance for project.

(a) A project grant shall be awarded for a specified period not in excess of 24 months, and only for the period reasonably necessary for the community to assume responsibility for the continuation of the coordinated youth services system.

(b) The project period may be extended, without additional grant support, for a period not in excess of 12 months where required to assure adequate completion of the approved project.

§ 1350.13 Matching requirements.

(a) Federal financial participation for delinquency prevention services projects will not exceed 75 percent of the total cost of the project or program for which the grant is made, except as provided in paragraph (c) of this section. See also § 1350.20 for Federal financial participation in construction costs.

(b) Grantee funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program, except as otherwise specifically allowed by Federal statute.

(c) If an applicant applying for a grant does not have sufficient funds available to meet the non-Federal share of the cost of a project or program, the Assistant Secretary may increase the Federal share of the cost to the extent necessary. An application from an applicant requesting an increased Federal share must be accompanied by a complete financial statement showing that no existing resources of the applicant can reasonably be diverted to support the project and that it is not reasonable to expect that any additional funds can be obtained from other sources for this purpose.

§ 1350.14 Application; scope.

An application for establishing or operating a coordinated youth services system may include planning and construction. No application will be considered which is limited either to planning or to construction, or both.

§ 1350.15 Application; content.

(a) An application for funds under this subpart shall contain the following information:

(1) A budget and budget justification;

(2) A description of the qualifications for the principal staff positions to be responsible for the project;

(3) A statement of the goals of the proposed coordinated youth services system, and how it relates to the purposes of delinquency prevention;

(4) A description of the methods to be employed in implementing the goals of the system;

(5) A description of the services for youths who are in danger of becoming delinquent and which are available in the State or community;

(6) A statement of the method or methods of linking the agencies and organizations, public and private, providing these and other services, including local educational agencies and nonprofit private schools;

(7) The functions and services to be included;

(8) The procedures which will be established for protecting the rights, under Federal, State and local law, of the parents, guardians and youth who are recipients of services, and for insuring appropriate privacy with respect to records relating to such services, provided to any individual under the coordinated youth services system developed by the applicant;

(9) The procedures through which the applicant agency can adequately carry out its continuing responsibility and accountability for services to recipients;

(10) When the application includes funds for construction:

(i) A set of schematic drawings;

(ii) A description of the proposed facility and staffing pattern, and

(iii) A description of the facility's function in the proposed coordinated youth services system;

(11) The procedures which will be established for evaluation;

(12) The strategy for phasing out support under the Act and the continuance of a proven program through other means;

(13) A description of the relationship of the project to other Federal, State or local preventive services within the designated area of concern;

(14) A description of how public and private agencies and organizations concerned with youth, as well as youth themselves, have been involved significantly in determining the appropriateness of the project and in designing the nature and scope of the activities to be conducted;

(15) A statement showing the different sources of funding and the amount each has currently committed and proposed for future commitment;

(16) When the application includes funds for planning, a description of the nature of such planning; and

(17) Such other information as the Assistant Secretary may require.

(b) In addition, an application shall demonstrate that:

(1) Steps have been taken or will be taken toward the provision, within a reasonable period of time, of a program of coordinated youth services in the area served which will make a substantial contribution toward the prevention of delinquency of youths, including diagnosis and treatment of youths in danger of becoming delinquent;

(2) The applicant will make special efforts to assure that the services provided by the coordinated youth services system will be available for youths with the most serious behavioral problems;

(3) The applicant (if it is not a local educational agency) has consulted on its application with the local educational agencies, nonprofit private schools, and other youth services agencies in the area to be served and has adopted procedures to coordinate its project with related efforts being made by these schools and agencies;

(4) The applicant will provide, to the extent feasible, for coordinating on a continuing basis, its operations with the operations of other agencies and nonprofit private organizations furnishing youth services within the geographic area, taking into account the services and expertise of such agencies and organizations, and with a view to adopting such services to the better fulfillment of the purposes of this subpart;

(5) The applicant will make reasonable efforts to secure or provide any services which are necessary for diagnosing and treating youths in danger of becoming delinquent and which are not otherwise being provided in the community, or if being provided are not adequate to meet its needs;

(6) Maximum use will be made under the program of other Federal, State or local resources available for the provision of such services;

(7) In developing coordinated youth services, youth and public or private agencies, and organizations providing youth services within the geographic area to be served by the applicant, will be given the opportunity to present their views to the applicant with respect to such development;

(8) The applicant will be responsible for organizing, maintaining, and facilitating accessibility to all available youth services; and

(9) Participation has been formally committed by those public and private agencies whose services are necessary to the system's success; and

(10) All services or facilities furnished assistance under this part meet the standards established by the State or local agency responsible for licensing or approving such services or facilities.

(c) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the provisions of this part.

(d) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the Assistant Secretary. No such changes shall be put into effect without the approval of the Assistant Secretary.

§ 1350.16 Factors considered in evaluating applications.

(a) In determining whether or not to approve an application under this subpart, the Assistant Secretary shall consider the following factors in the geographic area to be served. Information concerning each factor shall accompany the application:

(1) The relative costs and effectiveness of the project;

(2) The incidence of, and rate of increase in, youth offenses and juvenile delinquency;

(3) School dropout rates;

(4) The adequacy of existing facilities and service for carrying out the purposes of the project;

(5) The extent of comprehensive planning in the community;

(6) Youth unemployment rates;

(7) The extent to which the proposed program incorporates new or innovative techniques within the State or community;

(8) The extent to which the proposed program will make effective use of the facilities and services of the appropriate local educational agencies;

(9) The extent to which the proposed program incorporates participation of the parents of youths who are in danger of becoming delinquent, as well as the participation of other adults or youth who offer guidance or supervision to such youths; and

(10) The extent to which the proposed program will be coordinated with similar programs assisted under other Federal laws related to the purposes of this subpart.

(b) The Assistant Secretary, in making grants under this subpart, shall give priority to applications serving communities which exhibit to the highest degree the factors listed in subparagraphs (2), (3), and (6) of paragraph (a) of this section.

§ 1350.17 Characteristics of a coordinated youth services system.

A project, to be eligible for funding, must provide for a coordinated youth services system, with the following basic procedural and operational characteristics:

(a) *Procedural.* (1) The involvement of Federal, State and local public and private agencies and organizations in the planning and development phases;

(2) The involvement of adults and youth, in the planning and development phases of the system, who are from the area to be served, including those who may be recipients of services;

(3) Structure and procedures of such a nature as to insure flexibility and adaptability on the part of the system to meet the changing needs of youth;

(4) A plan for the continuation of the system following termination of funds under the Act.

(b) *Operational.* (1) Evidence that, in addition to the funds required to meet the non-Federal share of the cost of the project, community funding is available from multiple sources at the Federal, State, or local levels to support the system;

(2) The involvement of adults and youth, in the operational phase, who are from the area to be served, including those who may be recipients of service;

(3) Provision for services which are comprehensive in scope;

(4) An Information and Referral Service to insure that all youth within the geographic area served will receive assistance in the resolution of problems directly or by referral;

(5) The provision of services (which are not otherwise being provided or if being provided are not adequate to meet the community's needs) directly by the applicant agency or by member agencies of the system through contract or written agreements with the applicant agency;

(6) A centralized data collection and maintenance system sufficient in substance to enable the applicant agency to discharge its continuing responsibility and accountability for services to the individual recipient, as well as to carry out an effective evaluation of the system or one of its component parts;

(7) Provision of services to the recipient on a consensual basis without involving in any way the authority of the juvenile justice system;

(8) The applicant is not a juvenile justice agency and the system will be developed and operated separately and apart from the juvenile justice system.

§ 1350.18 Notification to jurisdictions affected.

Applicants must send copies of the application and attachments to State and areawide Clearinghouses designated under OMB Circular No. A-95, who are expected to coordinate applications under this subpart with OMB Circular No. A-95, Revised, 1, 2, and 3.

§ 1350.19 Construction; purpose.

Grants under this subpart are available to pay part of the cost of construction of community-based special purpose or innovative types of facilities, including halfway houses, and small residential facilities, for the diagnosis and treatment of youth who are in danger of becoming delinquent, when needed for the effective operation of a coordinated youth services system.

§ 1350.20 Construction; matching requirements.

(a) Federal financial participation in construction costs may not exceed 50 percent of the total cost of construction.

(b) Grantee funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program, except as otherwise specifically allowed by Federal statute.

§ 1350.21 Construction; use of funds.

(a) Project funds, Federal and matching, may be used for:

(1) Construction of new buildings;

(2) Acquisition of existing buildings;

(3) Expansion, remodeling or alteration of existing buildings;

(4) Initial equipment for such buildings;

(5) Architectural plans and designs, and engineering fees;

(6) Relocation assistance under 45 CFR Part 15; and

(7) Other costs included in the project budget and approved by the Assistant Secretary.

(b) Project funds, Federal and matching, may not be used for:

(1) Purchase of land;

(2) Off-site improvements.

§ 1350.22 Construction; application and assurances.

Application for funds for construction, as part of the total application for support of a coordinated youth services system must be made separately and on such forms as the Assistant Secretary may prescribe.

§ 1350.23 Construction; standards.

Construction shall be in accordance with applicable State and local codes and regulations and must meet and conform to all DHEW construction standards and requirements for the type of facility involved.

Subpart C—Training

§ 1350.30 Purpose.

(a) The purpose of this subpart is to utilize training as a means of increasing the number of qualified individuals to work with youth in danger of becoming delinquent; to increase the capacity and ability of persons now employed in such activities; to improve counseling or instruction of parents in the supervision of youth in danger of becoming delinquent; and to provide special programs with training for career opportunities for youths and adults.

(b) Grants made under this subpart are for the development of courses of study and of interrelated curricula in schools, colleges and universities, the establishment of short-term institutes for training at schools, colleges and universities, in-service training and traineeships, and stipends, including allowances for travel and subsistence expenses.

(c) For contracts, see Subpart G of this part.

§ 1350.31 Eligibility.

Grants under this subpart may be made to any Federal, State or local public agency or any private nonprofit agency or organization: *Provided, however,* That agencies which are part of the juvenile justice system are not eligible applicants. Multiple-function agencies having authority to administer a variety of programs, which may include corrections, are eligible applicants provided that the corrections or other juvenile justice component is not responsible for the administration of the grant or the operation of the project.

§ 1350.32 Matching requirements.

There are no specific matching requirements. The Assistant Secretary shall require the recipient to contribute money, facilities or services, to the extent he deems appropriate.

§ 1350.33 Application.

(a) An application for funds under this subpart shall contain the following:

(1) A budget and budget justification;

(2) A description of the qualifications for the principal staff positions to be responsible for the project;

(3) A statement of the goals of the proposed project, and how they relate to the purposes of delinquency prevention;

(4) A description of the methods to be employed in implementing the goals of the proposed project;

(5) Where appropriate, a description of the types of training materials, publications, films, curriculum materials, training tapes or other products anticipated from the project;

(6) Where appropriate, a description of the role of youth in the project;

(7) A description of the provisions that have been made for a systematic evaluation of the project results;

(8) A description of the criteria to be used in selecting trainees, and the methods to be used in evaluating their progress during training and their suitability for employment;

(9) Such other information as the Assistant Secretary may require.

(b) The application shall be executed by an individual authorized to act for the applicant, and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the provisions of this part.

(c) An award of a grant under this subpart will be forwarded by the Assistant Secretary or other delegate official to the Secretary of Labor or his designee for concurrence.

(d) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the Assistant Secretary. No change shall be put in effect without the approval of the Secretary of Labor or his designee and the Assistant Secretary.

§ 1350.34 Factors considered in evaluating applications.

In evaluating an application, the Assistant Secretary will consider a number of factors, including the following:

(a) The relative need for the project in relation to national, State or local priorities;

(b) The relative extent to which financial support is committed by the

applicant for the operation of the project;

(c) The relative ability of the applicant to employ innovative and effective methods and techniques;

(d) The relative extent to which the project will result in new employment and new career opportunities in the field of delinquency prevention.

Subpart D—Technical Assistance

§ 1350.40 Purpose.

(a) Grants made under this subpart are to aid States, local or other public or private agencies or organizations in matters relating to the prevention of delinquency, through the provision of technical assistance. Particular emphasis will be placed on providing technical assistance in the development of coordinated youth services systems under Subpart B of this part.

(b) For contracts, see Subpart G of this part.

§ 1350.41 Eligibility.

Grants under this subpart may be made to any public agency or nonprofit private agency or organization: *Provided, however,* That agencies which are part of the juvenile justice system are not eligible applicants. Multiple-function agencies having authority to administer a variety of programs, which may include corrections, are eligible applicants provided that the corrections or other juvenile justice component is not responsible for the administration of the grant or the operation of the project.

§ 1350.42 Matching requirements.

There are no specific matching requirements for grants under this subpart. However, to the extent deemed appropriate, the Assistant Secretary may require matching funds, facilities or services for carrying out the project.

§ 1350.43 Application.

(a) An application for funds under this subpart shall contain the following:

(1) A budget and budget justification;

(2) A description of the qualifications for the principal staff positions to be responsible for the project;

(3) A narrative description of the methods to be used by the applicant in rendering technical assistance, and the time schedule for rendering this assistance;

(4) An assurance that reports and recommendations, including the supporting data, will be submitted to the recipient of the technical assistance in writing, with a copy to the Assistant Secretary;

(5) Such other information as the Assistant Secretary may require.

(b) The application shall be executed by an individual authorized to act for the applicant, and to assume on behalf of the applicant, the obligations imposed by the terms and conditions of any award, including the provisions of this part.

(c) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the Assistant Secretary. No such changes shall be put into effect without the approval of the Assistant Secretary.

Subpart E—Grants to States for Technical Assistance to Local Units

§ 1350.50 Purpose.

The purpose of this subpart is to provide for grants to States for the provision of technical assistance to local public agencies and nonprofit private agencies and organizations engaged in, or preparing to engage in, activities for which aid may be provided under Subpart B of this part.

§ 1350.51 Eligibility.

Grants under this subpart may be made to any non-Juvenile Justice State agency which is able and willing to provide such technical assistance.

§ 1350.52 Matching requirements.

(a) Federal financial participation in the cost of providing technical assistance shall not exceed 90 percent of the total cost of the technical assistance for which the grant is made.

(b) Grantee funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program, except as otherwise specifically allowed by Federal statute.

§ 1350.53 Application.

(a) An application for funds under this subpart shall contain the following:

(1) A budget and budget justification;

(2) A description of the qualifications for principal staff positions to be responsible for the project;

(3) A statement of the goals of the proposed technical assistance project, and how they relate to the purposes of the Act;

(4) A narrative description of the methods to be used by the applicant in rendering technical assistance, and the time schedule for rendering this assistance;

(5) Such other information as the Assistant Secretary may require.

§ 1350.54 Factors considered in evaluating proposals.

In evaluating applications, the Assistant Secretary will consider a number of factors, including the following:

(a) The need for the technical assistance project;

(b) The capability of the State agency to provide technical assistance;

(c) The capability of the State agency to continue such technical assistance after support is terminated.

§ 1350.55 Grant conditions.

Grants under this subpart are subject to the following conditions:

(a) That reports and recommendations, including the supporting data, will be submitted to the recipient of the technical assistance, in writing, with a copy to the Assistant Secretary;

(b) Any major proposed amendments to the approved application shall be submitted, in writing, in advance to the Assistant Secretary. No such changes shall be put into effect without the approval of the Assistant Secretary.

Subpart F—Common Provisions

§ 1350.60 Applicability.

(a) The provisions of OMB Circular No. A–95 for evaluation, review and coordination of Federal and federally assisted prorams and projects shall apply to all grants under this part to State and local governments.

(b) The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to all other grantee organizations under this part:

45 CFR Part 74

Subpart
- A General.
- B Cash Depositories.
- C Bonding and Insurance.
- D Retention and Custodial Requirements for Records.
- F Grant-Related Income.
- G Matching and Cost Sharing.
- K Grant Payment Requirements.
- L Budget Revision Procedures.
- M Grant Closeout, Suspension, and Termination.
- N Forms for Applying for Grants.
- O Property.
- Q Cost Principles.

§ 1350.61 Protection of rights of recipient.

(a) No child shall be the subject of any research or experimentation, under this part, other than routine testing and normal program evaluation, unless the parent or guardian is informed and given an opportunity as of right to exempt such child therefrom.

(b) No child shall be subject to medical, psychiatric or psychological treatment, under this part, without the consent of the parent or guardian unless otherwise permitted under State law.

(c) All information obtained by a grantee as to personal facts about individuals served by the coordinated youth services system, including lists of names and records of addresses and evaluation, shall be held to be confidential. The use of such information and records shall be limited to purposes directly connected with the system and may not be disclosed, directly or indirectly, other than in the administration thereof, unless the consent of the agency providing the information and the individual to whom the information applies, or his representative, has been obtained in writing. Descriptive material or evaluation reports of the project shall not reveal any information that may serve to identify any person about whom information has been obtained without his written consent, or the written consent of his representative.

§ 1350.62 Application review.

(a) All applications under this part must be sent to State and areawide Clearinghouses for comments in accordance

with the requirements of OMB Circular No. A–95.

(b) All applications which meet the legal requirements for a grant under the Act will be reviewed by the Office. The applicant may be requested to submit additional information either before or after review of the application. The Office may submit the application to technical consultants. On the basis of the recommendations received, the Assistant Secretary or other delegated official determines the action to be taken with respect to each application and notifies the applicant accordingly.

§ 1350.63 Grant awards.

All grant awards shall be in writing, shall specify the amount of funds and the purposes for which these funds are granted, the budget period for which support is given, and the total project period for which support is contemplated. For continuation support, grantees must make separate applications in the form and detail required by the Assistant Secretary.

§ 1350.64 Reports and records.

The grantee shall make reports to the Assistant Secretary in such form and containing such information as may reasonably be necessary to enable the Assistant Secretary to perform his functions under this part, and shall keep such records and afford such access thereto as the Assistant Secretary may find necessary to assure the correctness and verification of such reports.

§ 1350.65 Publications.

(a) *Publications.* Grantees under this part may publish the results of any project without prior review by the Office, provided that such publications carry an acknowledgment of assistance received under the Act, and a statement that the claimed findings and conclusions do not necessarily reflect the views of the Office; *And provided,* That copies of the publications are furnished to the Office.

Subpart G—Contracts

§ 1350.70 Contracts.

(a) Purpose. The Assistant Secretary is authorized to make contracts for establishing or operating programs; for training; and for technical assistance to carry out the purposes of the Act.

(b) Provisions. Any contract under this part shall be entered into in accordance with, and shall conform to all applicable laws, regulations and Department policy.

(c) Payments. Payments under any contract under this part may be made in advance or by way of reimbursement and in such installments and on such conditions as the Assistant Secretary may determine.

[FR Doc.74–7427 Filed 3–29–74;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM–22; Amdt. Nos. 171–23, 174–20, 175–11, 177–30, 178–31]

MATTER INCORPORATED BY REFERENCE

Correction

In FR Doc. 74–6659, appearing at page 10909 in the issue for Friday, March 22, 1974, in § 178.116–6, the amendatory paragraph should be changed to read as follows:

In § 178.116–6 paragraph (a) Table, footnote 2 reference is added in the columns "Body sheet" and "Head sheet" for "Marked capacity not over 30 gallons," to reads as follows: [2] 19

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte Nos. MC–5, 159]

PART 1003—LIST OF FORMS

Freight Forwarder Liability Forms

Order. At a session of the Interstate Commerce Commission, the Insurance Board, held at its office in Washington, D.C.

By order of the Commission published on page 10254 of the March 19, 1974 issue of the FEDERAL REGISTER; §§ 1043.2 and 1084.3 of Title 49 of the Code of Federal Regulations were amended to increase the minimum automobile bodily injury and property damage liability limits of liability for motor carriers and freight forwarders. The increased limits of bodily injury and property damage liability shall be effective July 1, 1974.

To implement the increased minimum bodily injury and property damage liability limits, Forms BMC 90, prescribed in 49 CFR 1003.1(b), and FF 50, prescribed in 49 CFR 1003.3(b), are amended. Forms BMC 90 and FF 50 are the prescribed endorsements for policies of insurance for automobile bodily injury and property damage liability of motor carriers and freight forwarders respectively. Copies of these forms, as amended, are available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington. D.C. 20423.

To further implement the increase in automobile bodily injury and property damage liability minimum limits, the Freight Forwarder Bodily Injury and Property Damage Liability Surety Bond, designated as FF 52 (Rev. 1957), is revised and redesignated as FF 52 (Rev. 1/1/74). Copies of this form are also available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

It is ordered, That Part 1003 of Chapter X of Title 49 of the Code of Federal Regulations be amended as follows:

The listing of Form FF 52 (Rev. 1957) contained in paragraph (b) of § 1003.3 is revised to read as follows:

§ 1003.3 Freight forwarder forms.

* * * * *

(b) Insurance and surety bond forms.

* * * * *

FF 52 (Rev. 1/1/74) Freight Forwarder Bodily Injury Liability and Property Damage Liability Surety Bond.

* * * * *

It is further ordered, That this order shall be effective July 1, 1974;

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

(Sec. 215, 49 Stat. 557, as amended, Sec. 403, 56 Stat. 285 (49 U.S.C. 315, 1003))

By the Commission, Insurance Board.

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

[FR Doc.74–7441 Filed 3–29–74;8:45 am]

[Service Order No. 1180]

PART 1033—CAR SERVICE

Baltimore and Ohio Railroad Co.

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

It appearing, that The Baltimore and Ohio Railroad Company (B&O) is unable to operate over its line between Lodi, Ohio, and Wooster, Ohio, because of track damage, thus depriving shippers located on this line at Wooster of railroad service; that the Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees (PC) has consented to the use by the B&O of approximately 21.5 miles of PC trackage between Warwick and Wooster; that the B&O, in Finance Docket No. 27563, has requested permanent authority to operate over the aforementioned PC trackage; that immediate operation by the B&O over the aforementioned PC tracks is necessary in the interest of the public and the commerce of the people; 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:

§ 1033.1180 Service Order No. 1180.

(a) *The Baltimore and Ohio Railroad Company authorized to operate over tracks of Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees.* The Baltimore and Ohio Railroad Company (B&O) be, and it is hereby, authorized to operate over tracks of the Penn Central, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees (PC), between Warwick, Ohio and Wooster, Ohio, a distance of approximately 21.5 miles, pending disposition by the Commission of the application of the

B&O in Finance Docket No. 27563, requesting permanent authority to operate over the aforementioned trackage of the PC.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the B&O over tracks of the PC is deemed to be due to carrier's disability, the rates applicable to traffic moved by the B&O over these tracks of the PC shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., March 27, 1974.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 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.74-7440 Filed 3-29-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

ENDANGERED SPECIES

Miscellaneous Amendments; Correction

Regulations entitled "Endangered Species," Parts 217–222 of Chapter II, Title 50 of the Code of Federal Regulations, were adopted by publication in the FEDERAL REGISTER (39 FR 10146) on Monday, March 18, 1974.

The regulations as published on March 18, 1974 contained five errors. The purpose of the following amendments is to correct those errors.

The words "Aquatic Mammals other than Whales" in the heading are deleted. The heading should read as above.

The reference to "§ 217.13 List of migratory Birds" in the table of sections of Part 217, Subpart B is deleted.

The first use of the word "Department" in § 218.22(b) is deleted.

The second use of the word "department" in § 218.22(b) is changed to "National Oceanic and Atmospheric Administration."

The words "Any endangered or threatened species, or product of these" in § 221.1 are changed to "Any fish or wildlife."

Dated: March 26, 1974.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74-7396 Filed 3-29-74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—PHASE IV PRICE REGULATIONS

PART 152—PHASE IV PAY REGULATIONS

Exemption of Musical Instruments

The purpose of these amendments is to exempt prices charged for musical instruments by firms which manufacture those instruments and to add a parallel exemption to the Phase IV pay regulations.

In accordance with the Council's objective to remove controls selectively where conditions permit, the Council has decided to exempt the prices charged by manufacturers for musical instruments listed in the Standard Industrial Classification Manual, 1972 edition, under Group No. 393. Musical instruments of all types are covered, including stringed, brass, woodwind, and percussion instruments.

The musical instrument manufacturing industry is competitive and is composed of many small firms. The largest manufacturer accounts for about 12 percent of domestic shipments. Of the total of approximately 340 firms, an estimated 76 percent were previously exempted under the small business exemption. By extending exempt status to the remaining 24 percent, this exemption places all manufacturers of musical instruments on the same competitive basis. At the same time, the normal competitive character of this industry (including the competition from imported instruments) should result in relatively stable prices subsequent to the removal of price controls.

Under §§ 150.11(e) and 150.161(b), a firm with revenues from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless during its most recent fiscal year it derived both less than $50 million in annual sales or revenues from the sale or lease of nonexempt items and 90 percent or more of its sales and revenues from the sale of exempt items or exempt sales.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the musical instruments industry. The exemption is set forth in new § 152.39k. "Establishment in the musical instruments industry" is defined as an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Group No. 393 and primarily engaged in the manufacture of products classified under such Group Number. The exemption is inapplicable to any employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemption is also inapplicable to any employee whose duties and responsibilities are not of a type exclusively performed in or related to the musical instruments industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within this or another industry exempted under Subpart D of Part 152. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25 percent or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment engaged in activities exempted under Subpart D. In cases of uncertainty of application, inquiries concerning the scope or coverage of the pay exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

As with all exemptions from Phase IV controls, firms subject to these amendments remain subject to review for compliance with appropriate regulations in effect prior to this exemption. A firm affected by these amendments will be held responsible for its pre-exemption compliance under all phases of the Economic Stabilization Program. A firm affected by this exemption alleged to be in violation of stabilization rules in effect prior to this exemption is subject to the same compliance actions as a nonexempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring rollbacks or refunds, and possible penalty of $2,500 for each stabilization violation.

The Council retains the authority to reestablish price and wage controls over the industry exempted by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the authority, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit written comments regarding these

amendments. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345, Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective March 28, 1974.

Issued in Washington, D.C., on March 28, 1974.

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

1. In 6 CFR Part 150, a new paragraph (i) is added to § 150.58 to read as follows:

§ 150.58 Additional price adjustments.

* * * * *

(i) *Musical instruments.* The prices which manufacturers of the following products charge for those products are exempt: the products described in the Standard Industrial Classification Manual, 1972 edition, under Group No. 393 (Musical Instruments).

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.39k to read as follows:

§ 152.39k Musical instruments industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the musical instruments industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the musical instruments industry.* For purposes of this section, "Establishment in the musical instruments industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Group No. 393 (Musical Instruments) and primarily engaged in the manufacture of products classified under such Group Number.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the musical instruments industry or in support of such operation only if such employee is employed at an establishment in the musical instruments industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitations.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of § 152.124, 152.125, or 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the musical instruments industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the musical instruments industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment exempted under this subpart, or in the operation of an establishment in the musical instruments industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit; are not engaged on a regular and continuing basis in the operation of an establishment exempted under this subpart.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after March 28, 1974.

[FR Doc.74-7542 Filed 3-28-74;4:30 pm]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

PART 30—TOBACCO STOCKS AND STANDARDS

Classification of Leaf Tobacco

Correction

In FR Doc. 74-3418, appearing at page 5299 in the issue for Tuesday, February 12, 1974, § 30.9 should be changed to read as follows:

§ 30.9 Nondescript.

Any tobacco of a certain type which cannot be placed in other groups of the type, or any nested tobacco, or any muddy or extremely dirty tobacco, or any tobacco containing an unusual quantity of foreign matter, or any crude tobacco, or any tobacco which is damaged to the extent of 20 percent or more, or any tobacco infested with live tobacco beetles or other injurious insects, or any wet tobacco, or any tobacco that contains fat stems or wet butts. The nondescript group is designated by the letter "N".

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 25]

PART 250—DONATION OF FOODS FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS, AND AREAS UNDER ITS JURISDICTION

Realignment of Regional Boundaries

Correction

In FR Doc. 74-7113 in the issue of Wednesday, March 27, 1974, page 11252, make the following change.

In the first line of the introductory text change "FHS" to read "FNS."

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-231]

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 last 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	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Arkansas	Chicot	Lake Village, city of.				Mar. 27, 1974, Emergency.
Colorado	Garfield	Unincorporated areas.				Do.
Illinois	Madison	Hartford, village of.				Do.
Iowa	Lee	Keokuk, city of				Do.
Kentucky	Daviess	Owensboro, city of.				Do.
Maryland	Talbot	Oxford, city of				Do.
Missouri	Pemiscott	Caruthersville, city of.				Do.
Do	St. Louis	Creve Coeur, city of.				Do.
New Jersey	Atlantic	Linwood, city of				Do.
New York	Nassau	Glen Cove, city of.				Do.
Do	Niagara	Lewiston, town of				Do.
Oregon	Tillamook	Wheeler, city of				Do.
Pennsylvania	Allegheny	Etna, borough of				Do.
South Carolina	Greenville	Greer, city of				Do.
Vermont	Chittenden	Winooski, city of				Do.
Do	Windsor	Woodstock, village of.				Do.
Virginia	Mathews	Unincorporated areas.				Do.
Washington	Grays Harbor	Hoquiam, 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: March 20, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-7196 Filed 3-29-74;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-232]

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	Geneva	Geneva, city of	H 01 061 1340 01 through H 01 061 1340 05	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, Geneva, Ala. 36340.	Mar. 29, 1974.
Arizona	Maricopa	Buckeye, town of	H 04 013 0060 01	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.	Mayor, City Hall, Buckeye, Ariz. 85326.	Do.
Arkansas	Ashley	Parkdale, city of	H 05 003 3060 01 through H 05 003 3060 02	do	Mayor, City of Parkvale, P.O. Box 96, Parkdale, Ark. 71661.	Do.
Do	do	Portland, city of	H 05 003 3220 01	do	Mayor, P.O. Box 14, Portland, Ark. 71663.	Do.
Do	Boone	Harrison, city of	H 05 009 1750 01 through H 05 009 1750 04	do	Engineer, City of Harrison, Harrison, Ark. 72601.	Do.
Do	Desha	McGehee, city of	H 05 041 2420 01 through H 05 041 2420 02	do	Mayor, City Hall, McGehee, Ark. 71654.	Do.
Do	Lafayette	Bradley, city of	H 05 073 0500 01	do	City Council, City Hall, Bradley, Ark. 71826.	Do.
Do	Phillips	Elaine, city of	H 05 107 1200 01	do	Mayor, City Hall, Elaine, Ark. 72333.	Do.
Do	Woodruff	McCrory, city of	H 05 0147 2410 01	do	Mayor, City Hall, McCrory, Ark. 72101.	Do.
California	Colusa	Williams, city of	H 06 011 4200 01	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 74103.	Mayor, City Hall, 810 East St., Williams, Calif. 95987.	Do.
Do	Fresno	Mendota, city of	H 06 019 2130 01	do	Mayor, City Hall, 1683 6th St., Mendota, Calif. 93640.	Do.
Do	Marin	Ross, town of	H 06 041 3120 01 through H 06 041 3120 02	do	Mayor, Civic Center, Ross, Calif. 94957.	Do.
Do	Orange	Fountain Valley, city of.	H 06 059 1345 01 through H 06 059 1345 05	do	Orange County Flood Control District, Engineering Bldg., 400 Civic Center Dr. West, Santa Ana, Calif. 92702.	Do.
Do	Douglas	Castle Rock, town of.	H 08 035 0330 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 104 State Office Bldg., Denver Colo. 80203.	Mayor, City Hall, Castle Rock, Colo. 80104.	Do.
Do	El Paso	Manitou Springs, city of.	H 08 041 1590 01 through H 08 041 1590 02	do	Mayor, City Hall, Manitou Springs, Colo. 80829.	Do.
Georgia	Brooks	Quitman, city of	H 13 027 4530 01 through H 13 027 4530 04	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	City Manager's Office, City Hall, Screven St., Quitman, Ga. 31643.	Do.
Do	Gordon	Calhoun, city of	H 13 129 0860 01 through H 13 129 0860 08	do	City Hall, Calhoun, Ga. 30701	Do.
Do	Lanier	Lakeland, city of	H 13 173 3060 01 through H 13 173 3060 02	do	Lakeland City Hall, Mill St., Lakeland, Ga. 31635.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Lowndes	Valdosta, city of	H 13 185 5680 01 through H 13 185 5680 09	do	Valdosta City Hall, 216 East Central Ave., Valdosta, Ga. 31601.	Do.
Idaho	Kootenai	Coeur d'Alene, city of.	H 16 055 0300 01 through H 16 055 0300 02	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor of Coeur d'Alene, City Hall, Coeur d'Alene, Idaho 83814.	Do.
Illinois	Champaign	Foosland, village of.	H 17 019 3084 01	Governor's Task Force on Flood Control, Natural Resources Services Center, Thornhill Bldg., P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, Fire Station, Foosland, Ill. 61845.	Do.
Do	Clinton	Germantown, village of.	H 17 027 3330 01	do	Mayor, Village Hall, Prairie St., Germantown, Ill. 62245.	Do.
Do	Cook	Calumet Park, village of.	H 17 031 1270 01	do	President, Village Hall, 12409 South Turoop, Calumet Park, Ill. 60643.	Do.
Do	Cook	Golf, village of	H 17 031 3475 01	do	President, 50 Brian Rd., Golf, Ill. 60029.	Do.
Do	do	Hodgkins, village of.	H 17 031 3990 01	do	President, Village Hall, Hodgkins, Ill. 60525.	Do.
Do	do	Lemont, village of.	H 17 031 4750 01	do	President, Village Hall, 418 Main St., Lemont, Ill. 60439.	Do.
Do	do	Niles, village of	H 17 031 6180 01 through H 17 031 6180 03	do	President, 7601 North Milwaukee Ave., Niles, Ill. 60648.	Do.
Do	do	Northfield, village of.	H 17 031 6320 01 through H 17 031 6320 02	do	President, 361 Happ Rd., Northfield, Ill. 60093.	Do.
Do	do	Stickney, village of.	H 17 031 8300 01 through H 17 031 8300 02	do	President, Village Hall, Stickeny, Ill. 60402.	Do.
Do	Du Page	Oakbrook Terrace, city of.	H 17 043 6375 01	do	Mayor, 317 Eisenhower Rd., P.O. Villa Park, Oakbrook Terrace, Ill. 60181.	Do.
Do	Ford	Gibson City, city of	H 17 053 3340 01	do	Mayor, Gibson City, Ill. 60936	Do.
Do	Franklin	Christopher, city of.	H 17 055 1720 01	do	Chairman, City Planning Commission, 106 North Victor St., Christopher, Ill. 62822.	Do.
Do	Hancock	Hamilton, city of	H 17 067 3680 01 through H 17 067 3680 03	do	Mayor, City Hall, Hamilton, Ill. 62341	Do.
Do	Johnson	Vienna, city of	H 17 089 8880 01	do	Mayor, City Hall, Vienna, Ill. 62995	Do.
Do	Kendall	Yorksville, city of	H 17 093 9630 01	do	Mayor, City Hall, Bridge and Van Emmon, Yorksville, Ill. 60560.	Do.
Do	Lake	Lake Zurich, village of.	H 17 097 4650 01 through H 17 097 4650 03	do	Mayor, 61 West St., Lake Zurich, Ill. 60047.	Do.
Do	do	Round Lake, village of.	H 17 097 7550 01 through H 17 097 7550 02	do	Mayor, 322 Railroad, Round Lake, Ill. 60073.	Do.
Do	do	Round Lake, village of.	H 17 097 7566 01	do	Mayor, 1212 Cedar Lake, Round Lake, Ill. 60073.	Do.
Do	do	Vernon Hills, village of.	H 17 098 8857 01 through H 17 097 8857 02	do	President, 110 Greenbrier, Mundelein, Ill. 60060.	Do.
Do	do	Zion, city of	H 17 097 9650 01 through H 17 097 9650 03	do	Mayor, 2828 Sheridan Rd., Zion, Ill. 60099.	Do.
Do	Lawrence	St. Francisville, village of.	H 17 101 7670 01	do	Mayor, Village of St. Francisville, St. Francisville, Ill. 62460.	Do.
Do	McHenry	Huntley, village of.	H 17 111 4090 01	do	President, Huntley, Ill. 60142	Do.
Do	do	McHenry, city of	H 17 111 5060 01 through H 17 111 5060 02	do	McHenry County Regional Plan Commission, 208-210 South Throop St., Woodstock, Ill. 60098.	Do.
Do	Menard	Tallula, village of	H 17 129 8470 01	do	Mayor, Village of Tallula, Tallula, Ill. 62688.	Do.
Do	Monroe	Valmeyer, village of.	H 17 133 8790 01	do	Mayor, Valmeyer, Ill. 62295	Do.
Do	Montgomery	Nokomis, city of	H 17 135 6210 01 through H 17 135 6210 02	do	Mayor, City Hall, Nokomis, Ill. 62075	Do.
Do	Morgan	South Jacksonville, city of.	H 17 137 8130 01	do	President, Board of Trustee, Village Hall, Jacksonville, Ill. 62650.	Do.
Do	St. Clair	Cahokia, village of.	H 17 163 1240 01 through H 17 163 1240 04	do	Village Hall, Village of Cahokia, 103 Main St., Cahokia, Ill. 62206.	Do.
Do	do	Smithton, village of.	H 17 163 8050 01	do	Mayor, Village of Smithton, Smithton, Ill. 62285.	Do.
Do	Sangamon	Loami, village of	H 17 167 4900 01	do	Mayor, Village of Loami, Loami, Ill.	Do.
Do	Union	Anna, city of	H 17 181 0210 01	do	Mayor, City Hall, Anna, Ill. 62906	Do.
Do	Vermillion	Oakwood, village of.	H 17 183 6420 01	do	Mayor, Village of Oakwood, Oakwood, Ill. 61858.	Do.
Do	White	Crossville, village of.	H 17 193 2080 01	do	Mayor, Crossville, Ill. 62827	Do.
Do	Whiteside	Prophetstown, city of.	H 17 195 7160 01	do	City Council, City Hall, Prophetstown, Ill. 61277.	Do.
Do	Will	Channahon, village of.	H 17 197 1565 01 through H 17 197 1565 02	do	President, Village Hall, Channahon, Ill. 60410.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Do	do	Crest Hill, city of.	H 17 197 2035 01 through H 17 197 2035 02	do	Mayor, City Bldg., Oaklane Ave., Crest Hill, Ill. 60435.	Do.
Do	do	Romeoville, village of.	H 17 197 7491 01 through H 17 197 7491 02	do	President, Village Hall, Romeoville, Ill. 60441.	Do.
Do	Williamson	Bush, village of	H 17 199 1210 01	do	Mayor, Village of Bush, Bush, Ill.	Do.
Iowa	Bremer	Waverly, city of	H 19 017 8840 01 through H 19 017 8840 05	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Waverly Building Inspector, Municipal Bldg., Waverly, Iowa 50677.	Do.
Do	Cedar	Tipton, city of	H 19 031 8380 01	do	Mayor, Tipton, Iowa 52772	Do.
Do	Cherokee	Cherokee, city of	H 19 035 1470 01 through H 19 035 1470 04	do	Mayor, City Hall, Cherokee, Iowa 51012.	Do.
Do	Emmet	Estherville, city of.	H 19 063 2790 01 through H 19 063 2790 04	do	Code Enforcement Office, City Hall, 19 South 7th St., Estherville, Iowa. 51334.	Do.
Do	Jackson	Bellevue, city of	H 19 097 0720 01	do	Mayor, City Hall, Bellevue, Iowa 52031.	Do.
Do	Lyon	Rock Rapids, city of.	H 19 119 7280 01 through H 19 119 7280 02	do	Mayor, Rock Rapids, Iowa 51246.	Do.
Do	Woodbury	Sergeant Bluff, town of.	H 19 937 670 01 through H 19 193 7670 03	do	Mayor, City Hall, Sergeant Bluff, Iowa 51054.	Do.
Kansas	Clay	Clay Center, city of.	H 20 027 0980 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 6612. Kansas Insurance Department, 1st floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, Clay Center, Kans. 67432.	Do.
Louisiana	Acadia Parish	Rayne, city of	H 22 001 1980 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, City Hall, Rayne, La. 70578.	Do.
Do	Avoyelles Parish	Marksville, town of.	H 22 009 1480 01	do	Secretary of the Town of Marksville, City Hall, Marksville, La. 71351.	Do.
Do	East Carroll Parish.	Lake Providence, town of.	H 22 035 1260 01 through H 22 035 1260 02	do	Town Hall, Town of Lake Providence, 200 Sparrow St., Lake Providence, La. 71254.	Do.
Do	Franklin Parish	Wisner, town of	H 22 041 2460 01	do	Town Hall, Town of Wisner, Wisner, La. 71378.	Do.
Do	Richland Parish	Delhi, town of	H 22 083 550 01	do	Mayor, City Hall, Delhi, La. 71232	Do.
Maine	Cumberland	Falmouth, town of.	H 23 005 2700 01 through H 23 005 2700 03	Maine Soil and Water Conservation Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Planning Board, Falmouth, Maine 04105.	Do.
Do	Kennebec	Waterville, city of	H 23 011 8900 01 through H 23 011 8900 05	do	Mayor, City Hall, Waterville, Maine 04901.	Do.
Do	Penobscot	Bangor, city of	H 23 019 0250 01 through H 23 019 0250 11	do	City Manager, City Hall, Bangor, Maine 04401.	Do.
Do	do	Brewer, city of	H 23 019 0850 01 through H 23 019 0850 05	do	City Manager, City Hall, Brewer, Maine 04412.	Do.
Do	Sagadahoc	Topsham, town of.	H 23 023 8350 01 through H 23 023 8350 03	do	Chairman Selectman, Clarence H. Johnson, Topsham, Maine 04086.	Do.
Maryland	Frederick	Emmitsburg, town of.	H 24 021 0540 01 through H 24 021 0540 02	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Burgess, 22 East Main St., Emmitsburg, Md. 21727.	Do.
Massachusetts	Berkshire	Lanesborough, town of.	H 25 003 0567 01 through H 25 003 0567 01	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, Board of Selectmen, Town Hall, Lanesborough, Mass. 01237.	Do.
Michigan	Charlevoix	Boyne, city of	H 26 029 0530 01 through H 26 029 0530 02	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	U.S. Soil Conservation, 29 North Park St., Boyne, Mich. 49712.	Do.
Do	Gogbic	Bessemer, city of	H 26 053 0460 01	do	Mayor, Municipal Bldg., Bessemer, Mich. 49911.	Do.
Minnesota	Anoka	Lexington, city of.	H 27 003 4175 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, city of Lexington, Highway 8 and Restwood Rd., New Brigton, Minn. 55112.	Do.
Do	Benton	Foley, city of	H 27 009 2430 01	do	Mayor, Village Hall, Foley, Minn. 56329.	Do.
Do	Clearwater	Bagley, city of	H 27 029 0340 01	do	Mayor, City Hall, Bagley, Minn. 56621.	Do.
Do	Dakota	Burnsville, city of	H 27 037 0956 01 through H 27 037 0956 08	do	Office of City Engineer, 1313 East Highway, No. 13, Burnsville, Minn. 55337.	Do.
Do	Lincoln	Hendericks, city of.	H 27 081 3210 01	do	Mayor, City Hall, Hendricks, Minn. 56136.	Do.
Do	do	Ivanhoe, city of	H 27 081 3570 01	do	Mayor, City Hall, Ivanhoe, Minn. 56142.	Do.
Do	McLeod	Hutchinson, city of.	H 27 085 3460 01 through H 27 085 4360 04	do	Mayor, 37 Washington Avenue West, City Hall, Hutchinson, Minn. 55350.	Do.

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Do.	Rock and Pipestone.	Jasper, city of	H 27 117 3600 01	do	Mayor, Jasper, Minn. 56144	Do.
Do.	Pope	Glenwood, city of	H 27 121 2780 01 through H 27 121 2780 02	do	Mayor, Municipal Bldg., Glenwood, Minn. 56334.	Do.
Do.	Ramsey	North St. Paul, city of.	H 27 123 5320 01 through H 27 123 5320 02	do	Mayor, City Office, 2526 7th Avenue East, North St. Paul, Minn. 55109.	Do.
Do.	Red Lake	Red Lake Falls, city of.	H 27 125 5830 01 through H 27 125 5830 02	do	Mayor, Red Lake Falls, Minn. 56750	Do.
Do.	Renville	Fairfax, city of	H 27 129 2280 01	do	Mayor, Fairfax, Minn. 55332	Do.
Do.	do	Hector, city of	H 27 129 3180 01 through H 27 129 3180 02	do	Mayor, Hector, Minn. 55342	Do.
Do.	Rice	Morristown, city of.	H 27 131 4940 01	do	Mayor, Morristown, Minn. 55062	Do.
Do.	do	Northfield, city of.	H 27 131 5270 01 through H 27 131 5270 03	do	Mayor, City Hall, Northfield, Minn. 55057.	Do.
Do.	St. Louis	Cook, city of	H 27 137 1480 01 through H 27 137 1480 05	do	Mayor, city of Cook, Cook, Minn. 55723.	Do.
Do.	St. Louis	Floodwood, city of.	H 27 137 2410 01	do	Mayor, City Hall, Floodwood, Minn. 55736.	Do.
Do.	Scott	Savage, city of	H 27 139 6450 01 through H 27 139 6450 08	do	Mayor, City Hall, Savage, Minn. 55378.	Do.
Do.	Stearns	Avon, city of	H 27 145 0310 01	do	Mayor, Avon, Minn. 56310	Do.
Do.	do	Richmond, city of.	H 27 145 5920 01	do	Mayor, Richmond, Minn. 56368	Do.
Do.	Washington	St. Paul Park, city of.	H 27 163 6340 01 through H 27 163 6340 02	do	Mayor, City Hall, 123 East Broadway, St. Paul Park, Minn. 55071.	Do.
Missouri	Benton	Warsaw, city of	H 29 015 8130 01 through H 29 015 8130 02	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, Warsaw, Mo. 65355	Do.
Do.	Boone	Sturgeon, town of	H 29 019 7610 01	do	Mayor, City Hall, Sturgeon, Mo. 65284	Do.
Do.	Butler	Fisk, town of	H 29 023 2740 01	do	Mayor, Fisk, Mo. 63940	Do.
Do.	Cass	Drexel, city of	H 29 037 2330 01 through H 29 037 2330 02	do	Mayor, City Hall, Drexel, Mo. 64742	Do.
Do.	do	Garden City, town of.	H 29, 037, 3010 01	do	Mayor, City Hall, Garden City, Mo. 64747.	Do.
Do.	Charlton	Brunswick, town of.	H 29 041 1130 01	do	Mayor, City Bldg., Brunswick, Mo. 65636.	Do.
Do.	Dunklin	Campbell, city of	H 29 069 1360 01 through H 29 069 1360 04	do	Mayor and City Council, Campbell, Mo. 63933.	Do.
Do.	do	Clarkton, city of	H 29 069 1660 01 through H 29 069 1660 02	do	Mayor and City Council, Clarkton, Mo. 63837.	Do.
Do.	do	Holcomb, city of	H 29 069 3720 01 through H 29 069 3720 02	do	Mayor and City Council, Holcomb, Mo. 63852.	Do.
Do.	do	Hornersville, city of.	H 29 069 3800 01	do	Mayor and City Council, Hornersville, Mo. 63855.	Do.
Do.	do	Kennett, city of	H 29 069 4150 01 through H 29 069 4150 03	do	City Hall, City of Kennett, Kennett, Mo. 63857.	Do.
Do.	do	Malden, city of	H 29 069 4870 01 through H 29 069 4870 03	do	Mayor and City Council, Malden, Mo. 63863.	Do.
Do.	Franklin	Sullivan, city of	H 29 071 7630 01 through H 29 071 7630 05	do	Mayor, Board of Aldermen, City Hall, 210 West Washington, Sullivan, Mo. 63080.	Do.
Do.	Linn	Marceline, city of	H 29 115 4920 01 through H 29 115 4920 02	do	Mayor, City Hall, Marceline, Mo. 64658.	Do.
Do.	Marion	Palmyra, city of	H 29 127 6050 01 through H 29 127 6050 02	do	Mayor, City Hall, Palmyra, Mo. 63461.	Do.
Do.	Miller	Eldon, town of	H 29 131 2430 01	do	Mayor, City Hall, Eldon, Mo. 65026	Do.
Do.	Mississippi	Charleston, city of.	H 29 133 1560 01 through H 29 133 1560 02	do	Mayor, 1403 Warde Rd., Charleston, Mo. 63834.	Do.
Do.	do	Wyatt, city of	H 29 133 8850 01	do	Mayor, City Hall, Wyatt, Mo. 63882	Do.
Do.	New Madrid	Gideon, city of	H 29 143 3080 01 through H 29 143 3080 03	do	Mayor, City Hall, Gideon, Mo. 63848	Do.
Do.	do	Parma, town of	H 29 143 6090 01 through H 29 143 6090 02	do	Mayor, City Hall, Parma, Mo. 63870	Do.
Do.	Osage	Chamois, city of	H 29 151 1540 01	do	City Council, Chamois, Mo. 65024	Do.
Do.	Pemiscot	Caruthersville, city of.	H 29 155 1450 01 through H 29 155 1450 03	do	Mayor, P.O. Box 874, Caruthersville, Mo. 63830.	Do.
Do.	do	Steele, city of	H 29 155 7500 01 through H 29 155 7500 03	do	Mayor, 115 South Walnut, Steele, Mo. 63877.	Do.
Do.	Reynolds	Ellington, city of	H 29 179 2450 01 through H 29 179 2450 02	do	Mayor, City Hall, Ellington, Mo. 63638.	Do.

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Do	St. Louis	Bel Ridge, village of.	H 29 189 0590 01 through H 29 189 0590 02	do	Mayor, City Hall, 8765 Natural Bridge, Bel Ridge, Mo. 63121.	Do.
Do	do	Shrewbury, city of.	H 29 189 7300 01	do	Mayor, City Hall, Shrewsbury, Mo. 63119.	Do.
Do	Stoddard	Bernie, city of	H 29 207 0660 01	do	Mayor, City Hall, Bernie, Mo. 63822	Do.
Do	Wayne	Piedmont, city of	H 29 223 6260 01 through H 29 223 6260 02	do	Mayor, Piedmont, Mo. 63957	Do.
Montana	Chouteau	Big Sandy, town of.	H 30 015 0080 01	Montana Department of Natural Resources and Conservation, Water Resources Division, Sam W. Mitchell Bldg., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, City Hall, Big Sandy, Mont. 59520.	Do.
Do	Gallatin	Three Forks, town of.	H 30 031 1150 01	do	Mayor, City Office, Three Forks, Mont. 59752.	Do.
Do	Madison	Twin Bridges, town of.	H 30 057 1180 01	do	Mayor, Fire Hall, Twin Bridges, Mont. 59754.	Do.
Do	Roosevelt	Culbertson, town of.	H 30 085 0290 01	do	Mayor, Culbertson, Mont. 59218	Do.
Do	Yellowstone	Laurel, city of	H 30 111 0700 01	do	Mayor, City Hall, Laurel, Mont. 59044	Do.
Nevada	Lincoln	Caliente, city of	H 32 017 0030 01	Division of Water Resources, Department of Conservation and Natural Resources, Nye Bldg., Carson City, Nev. 89701. Nevada Insurance Division, Department of Commerce, Nye Bldg., Carson City, Nev. 89701.	City Council, Caliente, Nev. 89008	Do.
Do	Washoe	Reno, city of	H 32 031 0170 01 through H 32 031 0170 02	do	Mayor, Reno City Hall, Reno, N.Y. 89501.	Do.
New Hampshire	Hillsborough	Bedford, town of	H 33 011 0018 01 through H 33 011 0018 10	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.	Selectmen, Bedford, N.H. 03102	Do.
Do	Sullivan	Plainfield, town of	H 33 019 0415 01	do	Chairman of Board of Selectmen, Town of Plainfield, Meriden, N.H. 03770.	Do.
New Jersey	Atlantic	Linwood, city of	H 34 001 1720 01 through H 34 001 1720 02	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, 400 Poplar Ave., Linwood, N.J. 08221.	Do.
Do	Bergen	N. Arlington, borough of.	H 34 003 2200 01 through H 34 003 2200 02	do	Mayor, 214 Ridge Rd., North Arlington, N.J. 07032.	Do.
Do	Camden	Audubon, borough of.	H 34 007 0110 01	do	Mayor, Oak St., and Oakland Ave., Audubon, N.J. 08106.	Do.
Do	Gloucester	Wenonah, borough of.	H 34 015 3530 01 through H 34 015 3530 03	do	Borough Office, Borough of Wenonah, Municipal Bldg., 1 Cherry St., Wenonah, N.J. 08090.	Do.
Do	Monmouth	Millstone, township of.	H 34 025 0618 01 through H 34 025 0618 03	do	Mayor, Rural Delivery No. 2, Township of Millstone, Box 143, Englishtown, N.J. 07726.	Do.
Do	Morris	Roxbury, township of.	H 34 027 2914 01 through H 34 027 2914 07	do	Mayor, 230 Route 10, Succasunna, N.J. 07876.	Do.
New Mexico	Luna	Deming, city of	H 35 029 0230 01 through H 35 029 0230 04	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N.Mex. 87501.	Mayor, City Hall, Deming, N. Mex. 88030.	Do.
Do	Roosevelt	Portales, city of	H 35 041 0640 01 through H 35 041 0640 02	do	Mayor, City Council, 100 West 1st St., Portales, N. Mex. 88130.	Do.
New York	Cortland	Cortland, city of	H 36 023 1380 01 through H 36 023 1380 02	New York State Department of Environmental Conservation, Division of Resources Management Services, Albany, N.Y. 12201. New York State Insurance, Department, 123 William St., New York, N.Y. 10038.	Mayor, City Hall, Cortland, N.Y. 13045.	Do.
Do	do	McGraw, village of.	H 36 023 3440 01	do	Mayor, Village Hall, McGraw, N.Y. 13101.	Do.
Do	do	Virgil, town of	H 36 023 6314 01 through H 36 023 6314 03	do	Town Supervisor, Town Hall, Rural Delivery No. 2, Cortland, N.Y. 13045.	Do.
Do	Genesee	Pavilion, town of.	H 36 037 4688 01 through H 36 037 4688 04	do	Town Board, Town Hall, Pavilion, N.Y. 14525.	Do.
Do	Herkimer	Columbia, town of.	H 36 043 1293 01 through H 36 043 1293 03	do	Town Supervisor, Town of Columbia, Rural Delivery No. 1, West Winfield, N.Y. 13491.	Do.
Do	do	Fairfield, town of	H 36 043 1917 01 through H 36 043 1917 03	do	Town Supervisor, Town of Fairfield, Middlevill, N.Y. 13405.	Do.
Do	do	German Flatts, town of.	H 36 043 2264 01 through H 36 043 2264 03	do	Town Supervisor, Town of German Flatts, Mohawk, N.Y. 13407.	Do.
Do	do	Newport, village of.	H 36 043 4110 01	do	Mayor, Village of Newport, N.Y. 13416.	Do.
Do	Jefferson	Glen Park, village of.	H 36 045 2290 01	do	Mayor, Glen Park, N.Y. 13601	Do.
Do	Madison	Canastota, village of.	H 36 053 0850 01	do	Mayor, Village Hall, 126 East Center St., Canastota, N.Y. 13032.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Niagara	Niagara Falls, city of.	H 36 063 4210 01 through H 36 063 4210 06	do	Niagara Falls City Hall, city of Niagara Falls, New York, N.Y. 14302.	Do.
Do	Orange	Cornwall, town of.	H 36 071 1369 01 through H 36 071 1369 08	do	Supervisor, Town Hall, Cornwall, N.Y. 12518.	Do.
Do	do	Warwick, village of.	H 36 071 6410 01 through H 36 071 6410 02	do	Mayor, Village Hall, Main St., Warwick, N.Y. 10990.	Do.
Do	Putnam	Putnam Valley, town of.	H 36 079 5061 01 through H 36 079 5061 11	do	Supervisor, Town Hall, Putnam Valley, N.Y. 10579.	Do.
Do	Rockland	Haverstraw, town of.	H 36 087 2581 01 through H 36 087 2581 02	do	Supervisor, 41 New Main St., Haverstraw, N.Y. 10927.	Do.
Do	Saratoga	Schuylerville, village of.	H 36 091 5580 01	do	Mayor, c/o General Post Office, Schuylerville, N.Y. 12871.	Do.
Do	do	Waterford, village of.	H 36 091 6430 01	do	Mayor, Village Offices, Broad St., Waterford, N.Y. 12188.	Do.
Do	do	Waterford, town of.	H 36 091 6431 01	do	Supervisor, town of Waterford, c/o Board of Supervisors, Municipal Center, Ballston Spa, N.Y. 12020.	Do.
Do	Schnectady	Niskayuna, town of.	H 36 093 4225 01 through H 36 093 4225 06	do	Building Inspector, town of Niskayuna, Town Office Bldg., 1335 Balltown Rd., Schenectady, N.Y. 12309.	Do.
North Dakota	Bowman	Bowman, city of.	H 38 011 0410 01	State Water Commission, State Office Bldg., 900 East Boulevard, Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, Bowman, N. Dak. 58623	Do.
Ohio	Allen	Elida, village of.	H 39 003 2450 01	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 115 East Rich St., Columbus, Ohio 43215.	Mayor, City Hall, Elida, Ohio 45807	Do.
Do	Clermont	Williamsburg, village of.	H 39 025 8990 01	do	Mayor, Williamsburg, Ohio 45176	Do.
Do	Cuyahoga	Cleveland Heights, city of.	H 39 035 1690 01 through H 39 035 1690 05	do	Mayor, City Hall, 2953 Mayfield, Rd., Cleveland Heights, Ohio 44118.	Do.
Do	do	Cuyahoga Heights, village of.	H 39 035 2040 01 through H 39 035 2040 02	do	Mayor, City Hall, Cuyahoga Heights, Ohio.	Do.
Do	do	North Royalton, city of.	H 39 035 6040 01 through H 39 035 6040 06	do	City Hall, city of North Royalton, 13834 Ridge Rd., North Royalton, Ohio 44133.	Do.
Do	Erie	Castalia, village of.	H 39 043 1380 01		Mayor, City Hall, Castalia, Ohio 44824.	Do.
Do	Guernsey	Byesville, village of.	H 39 059 1200 01	do	Mayor, City Hall, Byesville, Ohio 43723.	Do.
Do	Highland	Lynchburg, village of.	H 39 071 4470 01 through H 39 071 4470 02	do	Mayor, Main St., Lynchburg, Ohio 45142.	Do.
Do	Lucas	Whitehouse, village of.	H 39 095 8050 01	do	Mayor, City Hall, Whitehouse, Ohio 43571.	Do.
Do	Morrow	Cardington, village of.	H 39 117 1330 01 through H 39 117 1330 02	do	Mayor, City Hall, Cardington, Ohio 43315.	Do.
Do	Paulding	Antwerp, village of.	H 39 125 0230 01	do	Mayor, Antwerp, Ohio 45813	Do.
Do	Ross	Bainbridge, village of.	H 39 141 0424 01	do	Mayors Office, Post Office, Bainbridge, Ohio 45612.	Do.
Do	Stark	Waynesburg, village of.	H 39 151 8630 01	do	Mayor, City Hall, Waynesburg, Ohio 44688.	Do.
Do	Summit	Fairlawn, city of.	H 39 153 2538 01 through H 39 153 2538 02	do	Mayor, City Hall, Fairlawn, Ohio 44313.	Do.
Do	do	Hudson, village of.	H 39 153 3630 01 through H 39 153 3630 02	do	Mayor, City Hall, Hudson, Ohio 44236.	Do.
Do	Union	Milford Center, village of.	H 39 159 5080 01	do	Mayor, City Hall, Milford Center, Ohio 43045.	Do.
Do	Wayne	Apple Creek, village of.	H 39 169 0240 01	do	Mayor, City Hall, Apple Creek, Ohio 44606.	Do.
Do	do	Shreve, village of.	H 39 169 7540 01	do	Mayor, City Hall, Shreve, Ohio 44676	Do.
Oklahoma	Carter	Ardmore, city of.	H 40 019 0210 01 through H 40 019 0210 04	Oklahoma Water Resources, Board, 2241 NW 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Dept., Rm. 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	City manager City Hall, Ardmore, Okla. 73401.	Do.
Do	Custer	Weatherford, city of.	H 40 039 5080 01 through H 40 039 5080 04	do	Chairman, Planning Commission and Zoning Board, Box 569, Weatherford, Okla. 73096.	Do.
Oregon	Clackamas	Wilsonville, city of.	H 41 005 2253 01 through H 41 005 2253 04	do	Mayor, City Hall, Wilsonville, Oreg. 97070.	Do.
Do	Lane	Lowell, city of.	H 41 039 1255 01 through H 41 039 1255 04	do	Mayor, City Hall, Lowell, Oreg. 97452	Do.
Do	Lincoln	Toledo, city of.	H 41 041 2080 01 through H 41 041 2080 02	do	City of Toledo, City Hall, 206 North Main St., Toledo, Oreg. 97391.	Sept. 14, 1973. Mar. 29, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Pennsylvania	Allegheny	Braddock, borough of.	H 42 003 0820 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor 415 6th St., Braddock, Pa 15104.	Mar. 29, 1974.
Do.	do.	Elizabeth, township of.	H 42 003 2524 01 through H 42 003 2524 04	do.	Secretary, Elizabeth Township Municipal Bldg., 522 Rock Run Rd., Buena Vista, Pa. 15018.	Do.
Do.	do.	East Pittsburgh, borough of.	H 42 003 2290 01	do.	Mayor, 639 Linden Ave., East Pittsburgh, Pa. 15122.	Do.
Do.	Armstrong	Ford City, borough of	H 42 005 2910 01 through H 42 005 2910 02	do.	Borough secretary, 1501 6th Ave., Ford City, Pa. 16226.	Do.
Do.	Beaver	Monaca, borough of.	H 42 007 5380 01 through H 42 007 5380 04	do.	Mayor, Borough Bldg., 958 Pennsylvania Ave., Monaca, Pa. 15061.	Do.
Do.	Berks	Sinking Spring, borough of.	H 42 011 7710 01	do.	Mayor, Borough Hall, 502 Penn. Ave., Sinking Spring, Pa. 19608.	Do.
Do.	Bucks	Morrisville, borough of.	H 42 017 5490 01	do.	Borough Hall, 35 Union St., Morrisville, Pa. 1 037.	Feb. 9, 1973. Mar. 29, 1974.
Do.	Cambria	Barnesboro, borough of.	H 42 021 0430 01	do.	Mayor, Borough Bldg., Barnesboro, Pa. 15714.	Mar. 29, 1974.
Do.	Cameron	Emporium, borough of.	H 42 023 2610 01 through H 42 023 2610 02	do.	Borough Council, Emporium, Pa. 15834.	Do.
Do.	Clearfield	Osceola Mills, borough of.	H 42 033 6291 01	do.	Mayor, 216 Railroad St., Osceola Mills, Pa. 16666.	Do.
Do.	Clinton	Mill Hall, borough of.	H 42 035 5280 01 through H 42 035 5280 03	do.	Borough of Mill Hall, Secretary, 220 Hobson St., Mill Hall, Pa. 17751.	Do.
Do.	Crawford	West Mead, township of.	H 42 039 5000 01 through H 42 039 5000 04	do.	Secretary, West Mead Township, P.O. Box 491, Meadville, Pa.	Aug. 31, 1973. Mar. 29, 1974.
Do.	Cumberland	Upper Allen.	H 42 041 5010 01 through H 42 041 5010 04	do.	Township secretary-manager, township of Upper Allen, Township Municipal Bldg., 52 Gettsburg Pike, Mechanicsburg, Pa. 17055.	Do.
Do.	Forest	Tionesta, borough of.	H 42 053 8460 01	do.	Mayor, Tionesta, Pa. 16353	Do.
Do.	Indiana	Center, township of.	H 42 063 1168 01 through H 42 063 1168 11	do.	Center Township Office, Rural Delivery No. 2, Homer City, Pa. 15748.	Do.
Do.	Luzerne	Plymouth, borough of.	H 42 079 6660 01 through H 42 079 6660 06	do.	Plymouth Borough Bldg., 162 West Shawnee Ave., Plymouth, Pa. 18651.	Mar. 30, 1973. Mar. 29, 1974.
Do.	Luzerne	Rice, township of.	H 42 079 6979 01 through H 42 079 6979 04	do.	Rice Township Fire Hall, Rural Delivery No. 4, Mountaintop, Pa. 18707.	Mar. 29, 1974.
Do.	do.	West Pittston, borough of.	H 42 079 9270 01	do.	West Pittston Borough Bldg., Spring St., West Pittston, Pa. 18643.	Mar. 23, 1973. Mar. 29, 1974.
Do.	Lycoming	Montgomery, borough of.	H 42 081 5440 01	do.	Montgomery Borough Municipal Bldg., 24 Montgomary St., Montgomery, Pa. 17752.	Mar. 23, 1973. Mar. 29, 1974.
Do.	do.	Muncy, borough of.	H 42 081 5630 01	do.	Borough Bldg., 5 Main St., Muncy, Pa. 17756.	Aug. 24, 1973. Mar. 29, 1974.
Do.	Northumberland	Riverside, borough of.	H 42 097 7060 01	do.	Municipal Bldg., Dewart St., Riverside, Pa. 17868.	Mar. 29, 1974.
Do.	York	Hellam, township of.	H 42 133 3584 01 through H 42 133 3584 08	do.	Township meeting room of the Fireship Fire Co., Hellam Township, Hellam, Pa. 17406.	Do.
Rhode Island	Newport	Tiverton, town of.	H 44 005 0212 01 through H 44 005 0212 03	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, R.I. 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, R.I. 02903.	Town Clerk's Office, Town Hall, Highland Rd., Tiverton, R.I. 02878.	Do.
South Dakota	Lawrence	Spearfish, city of	H 46 081 2190 01	South Dakota Planning Agency, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Department, Pierre, S. Dak. 57501.	Mayor, City Hall, Spearfish, S. Dak. 57783.	Do.
Tennessee	Warren	McMinnville, city of.	H 47 177 1530 01 through H 47 177 1530 09	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department on Insurance, and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	McMinnsville City Bldg., McMinnsville, Tenn. 37110.	Do.
Texas	Anderson	Elkhart, town of	H 48 001 2170 01 through H 48 001 2170 02	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, Municipal Bldg., Elkhart, Tex. 75839.	Do.
Do.	Coke	Bronte, town of	H 48 081 0900 01	do.	Mayor, Town of Bronte, Bronte, Tex. 76933.	Do.
Do.	Hidalgo	Weslaco, city of	H 48 215 7330 01 through H 48 215 7330 04	do.	Mayor, City Hall, Weslaco, Tex. 78596.	Do.
Do.	Hockley	Anton, city of	H 48 219 0230 01	do.	Mayor, Box 253, Anton, Tex. 79313.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Jasper	Jasper, city of	H 48 241 3480 01 through H 48 241 3480 04	do	Mayor, Jasper, Tex. 75951	Do.
Do	Johnson	Briar Oaks, city of.	H 48 251 0886 01	do	Mayor, Route 2, Burleson, Tex. 76028	Do.
Do	Robertson	Hearne, city of	H 48 395 3070 01	do	Mayor, 210 Cedar St., Hearne, Tex. 77854.	Do.
Do	San Patricio	Mathis, city of	H 48 409 4400 01	do	Mayor, City Hall, Mathis, Tex. 78368	Do.
Do	do	do	H 48 409 4400 01	do	do	Do.
Do	do	Odem, city of	H 48 409 5020 01	do	Mayor, City Hall, Odem, Tex. 78370	Do.
Do	Wheeler	Wheeler, city of	H 48 483 7420 01	do	Mayor, City Hall, Wheeler, Tex. 79096	Do.
Do	Williamson	Taylor, city of	H 48 491 6780 01 through H 48 491 6780 04	do	Mayor, city of Taylor, P.O. Box 368, Taylor, Tex. 76574.	Do.
Utah	Salt Lake	Murray, city of	H 49 035 1240 01 through H 49 035 1240 05	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, 5461 South State, Murray, Utah 84107.	Do.
West Virginia	Doddridge	West Union, town of.	H 54 017 2810 01	Office of Federal-State Relations, room W. 115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Mayor, Court St., West Union, W. Va. 26456.	Do.
Do	Hancock	New Cumberland, city of.	H 54 029 1900 01 through H 54 029 1900 02	do	Mayor, City Bldg., New Cumberland, W. Va. 26047.	Do.
Do	Marshall	McMechen, city of	H 54 051 1580 01	do	Mayor, McMechen City Bldg., McMechen, W. Va. 26040.	Do.
Do	Putnam	Poca, town of	H 54 079 2145 01	do	Mayor, City Hall, Poca, W. Va. 25259	Do.
Wyoming	Fremont	Riverton, city of	H 56 013 0710 01 through H 56 013 0710 03	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	City engineer, City Hall, Riverton, Wyo. 82501.	Do.
Do	Lincoln	Kemmerer, town of.	H 56 023 0430 01	do	Mayor, Kemmerer, Wyo. 82901	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: March 20, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–7197 Filed 3–29–74;8:45 am]

Proposed Rules

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED FOREIGN WILDLIFE

Proposed Amendment of List

Background. Notice was given, in the form of a Proposed Rulemaking published in the FEDERAL REGISTER dated January 15, 1973 (38 FR 1521), that the U.S. Department of the Interior's Bureau of Sport Fisheries and Wildlife intended to amend Appendices "A" and "D" of Part 17 of Title 50, Code of Federal Regulations. Among other things, that proposal would have added the

Red Kangaroo, *Megaleia rufa,*
Eastern Gray Kangaroo, *Macropus giganteus,* and
Western Gray Kangaroo, *Macropus fuliginosus*

to the said Appendix "A" ("List of Endangered Foreign Fish and Wildlife").

A Rulemaking, published in the FEDERAL REGISTER dated June 4, 1973, (38 FR 14678) amended the Appendix "A" referred to above by adding to that appendix, among other animals, one subspecies—the Tasmanian Forester, *Macropus giganteus tasmaniensis*—of the species named above. That June 4 rulemaking also stated:

> * * * Action is being temporarily deferred on listing the red kangaroo *Megaleia rufa,* the western gray kangaroo *Macropus fuliginosus,* and the eastern gray kangaroo *Macropus giganteus* except for the subspecies *Macropus giganteus tasmaniensis,* pending: (1) Receipt of additional information requested from the Australian Government on current management practices in each of the five mainland Australian States and the Northern Territory; (2) development and implementation of a new kangaroo management plan being prepared by the Australian Government; and (3) obtaining firsthand observation of the effectiveness of current management practices as modified by the new management plan. In the interim, careful surveillance of the Australian kangaroo situation will be maintained to assure that the present level of exploitation is not increased and that no other imminent threat to kangaroo populations is implemented or exists. Should any of the conditions above not be met or should they offer substantial evidence that one or more of the three species of kangaroos concerned are endangered now or are imminently threatened with becoming endangered, the Secretary of the Interior will promptly list as 'endangered' the species concerned by appropriate amendment published in the FEDERAL REGISTER * * *.

The Proposed Rulemaking described above was published pursuant to the authority provided in the Endangered Species Conservation Act of 1969, 83 Stat. 275 (16 U.S.C. 668aa—668cc–6). On December 28, 1973, however, President Nixon signed the Endangered Species Act of 1973 (87 Stat. 884). Among other things, this new law repealed the Endangered Species Conservation Act of 1969, and, we believe, voided the pending Rulemaking as well. The following new proposed rulemaking is intended to reinstate the earlier proposal under current statutory authority.

PROPOSED RULEMAKING

Notice is hereby given, pursuant to the authority contained in the Endangered Species Act of 1973 (87 Stat. 884), that the Secretary of the Interior proposes to amend the Code of Federal Regulations, Title 50, Part 17, § 17.11, the list of "Endangered Foreign Wildlife." This proposed amendment would add the following species of mammals to the list of Endangered Foreign Wildlife presently set forth in the said § 17.11:

Common name	Scientific name	Portion of range over which species shall be determined to be endangered
Red Kangaroo	*Megaleia rufa*	Wherever species occurs.
Eastern Gray Kangaroo.	*Macropus giganteus.*	Do.
Western Gray Kangaroo.	*Macropus fuliginosus.*	Do.

Consistent with the foregoing, and in recognition of the fact that by listing these species the law will apply to their subspecies as well, the list of Endangered Foreign Wildlife is proposed to be further amended by deleting therefrom the following subspecies of the Eastern Gray Kangaroo:

Common name	Scientific name	Where found
Tasmanian Forester.	*Macropus giganteus tasmaniensis.*	Australia.

The Endangered Species Act of 1973—Public Law 93–205, 87 Stat. 884, section 4(a)—includes the following statement:

> The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:
>
> (1) the present or threatened destruction, modification, or curtailment of its habitat or range;
>
> (2) overutilization for commercial, sporting, scientific, or educational purposes;
>
> (3) disease or predation;
>
> (4) the inadequacy of existing regulatory mechanisms; or
>
> (5) other natural or manmade factors affecting its continued existence.

Specifically with regard to all three kangaroo proposed for listing, present evidence suggests that conditions (1), (2), (4), and (5) are pertinent. Major factors include but are not limited to the following:

(1) *Present or threatened destruction, modification, or curtailment of habitat of range.* (a) Reductions in kangaroo habitat and range are evident due to expansions of human activities—e.g., settlement, animal husbandry, agriculture, forestry, and mining.

(b) Replacement of native vegetation by exotic plant species represents serious loss in some areas.

(c) Alteration of habitats due to man's removal of brush and trees by fire and by mechanical means is another loss factor.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.* (a) Heavy commercial exploitation for hides and meat continues, in spite of a temporary ban on the export of kangaroo products.

(b) Graziers and other landowners continue to kill kangaroo because of presumed competition between kangaroo and livestock for food and water, or because of other reasons.

(c) Many persons consider these three kangaroo to be vermin and/or pests; such an attitude results in continual loss of animals through indiscriminate killing.

(d) Total annual mortality of *adult* kangaroo presently numbers in the hundreds of thousands. Actual figures available pertain only to the commercial take of animals reaching the market; that take alone has exceeded 2 million annually in recent years. This exploitation level, in combination with natural losses, together suggest an annual mortality that may exceed the kangaroo's reproductive capacity.

(4) *Inadequacy of existing regulatory mechanisms.* (a) Present regulations appear to suffer from a general lack of the scientific information needed to successfully manage kangaroo populations: specifically, good data on habitat condition and carrying-capacity, total numbers, annual reproduction and mortality, and, most important, annual turnover and population trends. This lack is serious in view of the continued heavy exploitation.

(b) Regulations on kangaroo harvesting are neither uniform nor complementary between States; no coordinated management program exists that seeks to insure the kangaroos' well-being and continued existence.

(c) Control and monitoring of the kangaroo harvest appears to be poor; enforcement of the existing regulations appears inadequate; and poaching activities are common.

(d) No evidence is available which demonstrates that the impact of the harvest upon kangaroo populations is adequately assessed or that such harvest quotas which may exist are designed to insure a sustained yield.

(5) *Other natural or manmade factors.* (a) Lack of funding and staffing in Australian States seriously hampers the implementation of an effective kangaroo management program.

(b) Continued and increasing high-demand worldwide for kangaroo hides and meat encourages heavy commercial exploitation.

(c) Competition (presumed or realized) between livestock and kangaroo for food, space, and water are serious handicaps to effective kangaroo management in some areas.

(d) There is a general lack of preserves in Australia that are large enough to sustain viable, healthy kangaroo populations and/or that are adequately protected from human exploitation. Cause for further concern has resulted from the recent (February 1974) action by the New South Wales government in opening to commercial kangaroo harvest a previously closed area—the large, faunarich Grafton-Casino section of northeast New South Wales. Implicit in such action is the probable increase in that State's kangaroo harvest, as well as the decrease in "preserve" area available to kangaroo.

(e) Periodic droughts and floods are common over much of the kangaroos' range and these constitute a significant mortality factor in long-term kangaroo management programs. Supporting evidence for the above statements is on file with the Bureau of Sport Fisheries and Wildlife, Washington, D.C. During the ensuing 60-day period for comments before the Secretary of the Interior acts upon this proposed amendment, the Bureau will continue to seek additional information concerning the status of these three kangaroo. Interested persons are invited to submit written comments, suggestions, support, data, views, or arguments concerning this proposed amendment to the "Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, Attention: Office of Endangered Species and International Activities." Comments received prior to June 4, 1974, will be considered.

The Secretary of the Interior is not foreclosed, at the conclusion of the 60-day comment period, from publishing a final list which: (1) Omits one or more of the species herein proposed for listing; or (2) omits one or more subspecies of such species; or (3) omits one or more population(s) of such species or subspecies; or (4) retains a subspecies or population thereof herein proposed for delisting; nor is the Secretary of the Interior foreclosed from determining, at that time that one or more such species, subspecies, or population is threatened rather than endangered or that such threatened or endangered condition exists over a smaller portion of the range of such animals than is indicated above.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

MARCH 27, 1974.

[FR Doc.74-7394 Filed 3-29-74;8:45 am]

National Park Service

[36 CFR Part 5]

COMMERCIAL AND PRIVATE OPERATIONS—BUSINESS OPERATIONS

Proposed Definition of Commercial Trips

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3 and 245 DM-1 (34 FR 13879), as amended) it is proposed to amend portions of Part 5 of the general regulations as set forth below.

The amendments are proposed in the regulations on business operations to clarify their terminology and intent. Commercial trips had not been adequately defined under existing regulations and the new regulation seeks to remedy the problem.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendments to the Director, National Park Service, Department of the Interior, Washington, D.C. 20240, on or before May 1, 1974.

PART 5—COMMERCIAL AND PRIVATE OPERATIONS

It is proposed that § 5.3 *Business Operations* of the general regulations for Business Operations be amended to identify the present paragraph as written as (a) and add the following paragraph (b):

(b) (1) A commercial trip is commercial if it is operated as a business activity for the profit of the operator. The collection of any fee, charge or other compensation in excess of the actual costs or expenses incurred, including transportation to and from the site, shall make the trip commercial within the meaning of these regulations. (2) A commercial trip is not a commercial activity where there is a bona fide sharing of expenses or where no fee, charge or other compensation is collected in excess of actual costs or expenses incurred. Nonprofit status of any group or organization under the Internal Revenue laws or regulations does not in itself determine whether a trip or trips arranged by such a group or organization is noncommercial. Any person, group or organization seeking permit qualifying them as a nonprofit operator shall have the burden of establishing to the reasonable satisfaction of the National Park Service that no profit will be derived from the planned trip.

Dated March 21, 1974.

RONALD H. WALKER,
Director, National Park Service.

[FR Doc.74-7345 Filed 3-29-74;8:45 am]

[36 CFR Part 7]

PERSONS AND VESSELS ENGAGED IN COLORADO RIVER SYSTEM WHITE-WATER TRIPS

Proposed Restrictions

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), the Act of September 12, 1964 (78 Stat. 934; 16 U.S.C. 271) the Act of November 12, 1971 (85 Stat. 421; 16 U.S.C. 271, Supp. 1), 245 DM-1 (34 FR 13879), as amended, National Park Service Order No. 77 (38 FR 7478), and the Director, Midwest Region Order No. 5 (37 FR 6324), it is proposed to add § 7.95 to Title 36 of the Code of Federal Regulations, as set forth below.

The purpose of this amendment is to establish restrictions on vessels and persons engaged in Colorado River System trips within the boundaries of Canyonlands National Park.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Canyonlands National Park, 446 South Main, Moab, Utah 84532, on or before May 1, 1974.

It is proposed that a new § 7.95 be added to this part as follows:

§ 7.95 Canyonlands National Park.

(a) *Colorado River System Trips.* The following regulations shall apply to all persons and vessels using the waters or federally owned lands along the Colorado and Green Rivers in Canyonlands National Park.

(1) No person shall operate a vessel engaging in predominantly upstream travel or having a total horsepower in excess of 55 within Cataract Canyon south of Spanish Bottom.

(2) U.S. Coast Guard approved life preservers must be worn by every person while on the Colorado or Green Rivers, or while lining or portaging near white water. One extra preserver must be carried for each ten (10) persons.

(3) No person shall conduct, lead, or guide a river trip without first obtaining a permit issued by the Superintendent, Canyonlands National Park. The National Park Services reserves the right to limit the number of such permits issued, and the number of persons traveling on trips authorized by such permits, or using any campsite or facility, when, in the opinion of the National Park Service,

such limitations are necessary to promote public safety or protection of ecological and environmental values of the area. Other terms and conditions may be included in this permit, as necessary to further these purposes.

(i) Subject to the provisions of paragraph (a)(3) the Superintendent shall issue a permit upon a determination that the person leading, guiding or conducting a river trip is experienced in running rivers having navigation problems of similar difficulty, and possesses appropriate equipment, which is identified in the terms and conditions of the permit.

(ii) No person shall conduct, lead, or guide a commercial river trip without first securing the above permit and possessing an additional permit authorizing the conduct of a commercial or business activity in the park.

(4) All human waste shall be taken out of Canyonlands National Park and deposited in established receptacles, or will be disposed of by such means as is determined by the Superintendent. All other wastes must be disposed of in Park-approved trash containers, or carried out of the park when such containers are not available.

(5) No person shall take a dog, cat or other pet on a river trip.

(6) The kindling of a fire is permitted only on beaches. Any fire must be completely extinguished before abandoning the area. All ashes and residue shall be disposed of either in the river current or by being carried out of the park.

(7) Picnicking is permitted on beach areas along the Colorado and Green Rivers.

(8) Swimming and bathing are permitted except in locations immediately above rapids, eddies and riffles or near white water.

(9) Possession of a permit to conduct, guide, or lead a river trip also authorizes camping along the Colorado and Green Rivers by persons in the river trip party.

(10) Failure by the permittee or any other person in a river trip party to comply with the terms and conditions of any permit issued under this section or issued under these regulations shall be deemed to be a violation of these regulations and may be grounds for cancellation of the permit.

ROBERT I. KERR,
Superintendent,
Canyonlands National Park.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1079]

[Docket No. AO-295-A26]

MILK IN THE DES MOINES, IOWA, MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Des Moines, Iowa, marketing area. The hearing was held, 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 (7 CFR Part 900), at Des Moines, Iowa, pursuant to notice thereof issued on April 26, 1973 (38 FR 10736).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on February 22, 1974 (39 FR 7583) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein subject to the following modifications:

(1) A new paragraph entitled "conforming changes" is added at the end of the findings and conclusions.

The material issues on the record of the hearing relate to:

1. Pool plant qualification.
2. Diversion limits on producer milk.
3. Definition of handler.
4. Classification of shrinkage, butterfat dumped or disposed of for animal feed, milk sold to commercial food processors, and milk destroyed or lost under extraordinary circumstances.
5. Location adjustment credit on bulk milk transferred between pool plants.
6. Miscellaneous administrative provisions.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant qualifications.* The provisions of the order pertaining to pool plant performance standards should be modified as follows:

(a) The shipping requirement for a pool supply plant should be reduced from 35 to 30 percent for each of the months of April through August;

(b) Pool plant qualification percentages should be computed on the basis of a plant's physical receipts of bulk fluid milk products together with milk diverted from such plants under the diversion limits adopted elsewhere in this decision. Qualifying percentages are now based on producer milk physically received at a plant plus, in the case of distributing plants, receipts from supply plants; and

(c) Packaged fluid milk products that are transferred to a distributing plant should be considered as route disposition from the transferor plant for the purpose of qualifying it as a pool distributing plant.

Supply plant shipping requirement. A cooperative association representing the majority of producers on the Des Moines market proposed a reduction of 5 percentage points in the pool supply plant minimum shipping percentage, which presently is 35 percent each month.

In support of the proposal for a lower minimum shipping performance for pool supply plant status, the cooperative's witness stated that a 30 percent shipping percentage is needed in view of the market's declining Class I utilization.

Proponent's witness stated that two supply plants with long standing in the market have experienced difficulty meeting the 35 percent shipping percentage specified in the order. The witness claimed that on occasions both of these supply plants have engaged in shipping milk to a distributing plant where such milk is received and then reloaded on the same tank truck and hauled back to the supply plant or neighboring nonpool manufacturing facility. Such a practice was said to be uneconomic and an indication that a reduction in the shipping percentage is needed.

Three other cooperatives associated with the Des Moines market supported the proposal, including the cooperative association operating one of the supply plants having difficulty in qualifying. This cooperative, in supporting the major cooperative's proposal, abandoned its proposal to provide pooling status during March through August for a supply plant that shipped not less than 40 percent of its milk to pool distributing plants in the immediately preceding September through November.

Relaxation of supply plant shipping requirements was opposed by a cooperative association and a proprietary handler, each of which operates a pool distributing plant located in Des Moines. Such handlers contended in testimony at the hearing and also in their briefs that any reduction in the current shipping requirements for supply plants would enable the pooling of additional supplies of milk for manufacturing use without such milk being made available to pool distributing plants for Class I use.

The proportion of the Des Moines market's supply of milk needed at pool distributing plants for Class I use has declined in recent years. During the period from 1968 to 1972 the Des Moines market's Class I utilization fell from an average of 69 percent to 53 percent, a decline of 16 percentage points. During this 5-year period the quantity of producer milk pooled on the Des Moines market increased 42 percent while the quantity of such milk utilized as Class I increased only 8.6 percent. In 1972 approximately 586.5 million pounds of producer milk were pooled on the Des Moines market, 309.9 million pounds of which were utilized as Class I milk.

The quantity of milk utilized in pool distributing plants has been relatively constant from month to month. Milk production, however, varies seasonally. Average daily deliveries of milk per farm on the Des Moines market are about 30 percent greater in June than in November. In these circumstances, a greater proportion of the market's milk supply is utilized by distributing plants in the short production season than in the months of seasonally high production. Accordingly, a greater proportion of the milk supply that is assembled at supply plants can be expected to be needed at

pool distributing plants during the seasonally short production months than during other months.

Pool supply plants on the Des Moines market during 1972 shipped a greater quantity of milk to pool distributing plants during the period of shortest production than in the period of highest production. Such shipments amounted to 16.98 million pounds during October through December and 14.79 million pounds during April through June. Appropriately, supply plant shipping standards should reflect seasonal needs of the market.

Class I utilization in the Des Moines market averaged 54 percent in 1971 and 53 percent in 1972, but there was a wide seasonal variation in the monthly Class I use percentages each year. In 1971 the proportion of producer milk used as Class I milk ranged from a low of 43.4 percent in June to a high of 61.3 percent in November. An even wider range of Class I use percentages was experienced in 1972, from 42.3 percent in June to 70.4 percent in November. During 1971 and 1972 Class I use exceeded 50 percent during each of the months of September through March.

In view of the aforementioned market conditions it is concluded that there is no apparent need to reduce the present 35 percent minimum pool supply plant shipping standard during September through March, since a majority of the milk on the market is needed at distributing plants for Class I use during such months. Also, the need for supply plant milk to be moved to distributing plants is greatest during these months of seasonally low production.

However, since the Class I utilization percentage has been below 50 percent in each of the months of April through August over the past two years, the 35 percent shipping performance level makes it somewhat more difficult during this period for supply plants to find outlets among distributing plants in the market. Although some distributing plants procure their entire milk supply from supply plants, other distributing plants receive milk both from producers and supply plants.

Because of the seasonal variation in milk production, a distributing plant operator that supplements his direct receipts of producer milk with supply plant milk would need the least volume of supply plant milk in the flush production months. The seasonal variation in the volume of supply plant milk needed would be influenced by the extent that the plant operator relies on milk received directly from producers to fulfill his milk requirements. If only a small proportion of a distributing plant's milk supply consists of producer milk, there will not be as much seasonal variation in the volume of milk purchases from supply plants as in the case of a distributing plant that obtains a majority of its supply directly from producers.

To accommodate such seasonal variation in the quantity of supply plant milk needed at distributing plants, the proposal to reduce the minimum shipping percentage to 30 percent should be adopted for the months of April through August.

Milk included in computation of performance percentage. It was proposed that a supply plant's shipments of milk to pool distributing plants be based on "net" receipts at the pool distributing plant for pooling qualification of such supply plant.

In addition proponent witness stated that milk diverted from a pool plant should be counted along with actual receipts of milk at the plant for the purpose of determining whether such plant meets the performance requirements for pooling.

A plant's performance percentage for pooling should appropriately reflect all milk associated with the plant and not be limited to milk physically received at such plant. As herein adopted, milk diverted from either a pool distributing plant or supply plant within the limits discussed elsewhere in this decision should be considered as a receipt at such plant for the purpose of computing its pool plant qualification percentage.

Diverted milk may now be pooled on the Des Moines order without being considered as part of the supply of the distributing plant from which diverted in determining the plant's qualification to pool. The order does not now provide for diversions from supply plants.

If the operator of a distributing plant diverts a quantity of milk equal to that which was actually received, as now permitted during April through August, the quantity of milk diverted would not enter into the computation of the plant's pool qualification percentage. In such case, the minimum route disposition required for pooling that plant is effectively reduced by 50 percent as compared to the volume required of a plant of equal size that diverted no milk during the month. Similarly, unless diversions are counted as a receipt of the diverting plant a supply plant's pool qualification percentage would be effectively reduced also in circumstances where milk was diverted from such plant, as proposed herein under Issue No. 3.

Since milk diverted from a plant customarily is part of such plant's milk supply, such milk should be included in the computation of the plant's pool qualification percentage to insure that only plants associated with the market in a significant and regular manner are pooled and to provide greater equity among plants in meeting pooling requirements.

In conjunction with its proposal to reduce the supply plant shipping percentage discussed earlier, the proponent cooperative also proposed that qualifying shipments from a supply plant to pool distributing plants reflect "net receipts" at distributing plants from such supply plant.

Upon inquiry as to how the concept would be carried out, no specific plan or method was offered by proponent witness to define the concept of "net receipts" under the order. In this regard, it may be that certain transfers of milk from distributing plants should be allowed for in any computation of qualifying shipments from supply plants, but the record lacks any specific guidance in this area as to what the impact would be. Accordingly, it is concluded that the proposal for computing net receipts in determining shipments for pooling qualification should not be adopted on the basis of this record.

Distributing plant pooling provisions. Distributing plant pooling provisions should be modified to credit to the transferor plant packaged fluid milk product transfers to other distributing plants for the purpose of determining the transferor plant's association with the market. Under current provisions, the route disposition of such packaged products from the transferee plant is credited to the transferee plant. As a result, the transferor plant receives no pooling credit with respect to milk custom packaged for other plants.

A proprietary handler proposed the change as adopted herein. In November 1972, proponent's plant failed to qualify as a pool plant under the provisions of the Des Moines order because it transferred to another plant packaged Class I fluid milk products that normally were credited as route disposition for the account of the transferor plant, but, for the reasons specified below, were credited as route disposition for the account of the transferee plant.

Proponent's distributing plant had been custom packaging milk for a handler who had discontinued processing milk in his own plant. The latter plant became a distribution point for the custom packaged milk and thus the milk was credited as route disposition of the plant doing the custom packaging. During November, however, milk other than the custom packaged milk was received, processed, and packaged in dispenser cans in the plant where processing had been discontinued. Consequently, the custom packaged milk became a transfer of milk to another plant rather than route disposition through a distribution point.

Custom processing and packaging of fluid milk products by distributing plants is quite common in the industry, since it enables realization of economies of large scale milk processing and packaging operations. Milk plants have tended to become fewer in number and larger in size of operations. Also some plant operators have specialized in processing only certain types of products and/or packaging milk in only a limited number of the various types and sizes of containers but by obtaining custom packaged products still offer for sale a complete line of products and containers.

A bottling plant that custom packages for other plants in the market could be primarily engaged in Class I business in the market but have only a small proportion of such business reflected in direct disposition to wholesale or retail accounts other than plants. In such case the plant's disposition under the present route disposition concept would not fully reflect the plant's association with the market. Accordingly, to better identify a distributing plant's association with the market the order should provide that packaged

fluid milk products transferred to other plants be credited to the transferor plant in the determination of the proportion of a plant's milk receipts that are disposed of as Class I packaged fluid milk products in the marketing area.

Continued pool plant qualification. A proprietary handler proposed that the Des Moines order pool plant provisions be modified to provide pool status for a plant that otherwise failed to qualify as a pool plant during the month if such plant qualified as a pool plant on the basis of the applicable performance standards specified in the order during each of the three immediately preceding months.

The operator of a supply plant or distributing plant that operates close to the minimum pooling performance standards may not know until after the end of the current month whether such plant qualified as a pool plant for that month. In the event that a distributing plant loses a wholesale account during the month, it may be difficult for the plant operator, and/or the operator of any supply plant serving such distributing plant, to make the necessary adjustments needed to qualify as a pool plant without making an immediate reduction in milk procurement from producers.

Adoption of the proposal would provide time for the readjustment of milk procurement patterns, and could thereby avoid the disruptive impact of a handler's inability to pool the milk of established producers. Accordingly, it is concluded that the proposal should be adopted for such purpose. However, in the case of a supply plant, such provision should apply only in the circumstance that the pool distributing plant(s) to which milk was transferred during the prior three months qualified as a pool plant on the basis of applicable performance standards. Otherwise, the provision might encourage a supply plant operator to shift his distributing plant outlet in the market.

A plant operated by a cooperative. A proposal to permit pool plant status for any plant operated by a cooperative association if at least 30 percent of the milk of its member producers is physically received at pool distributing plants, either from such plant or directly from farms, should be denied.

Proponent urged that the proposal be adopted to facilitate its plan to establish a pool supply plant for the purpose of supplying standardized milk and skim milk to distributing plants in the market. Proponent witness stated that, although the anticipated volume of such business would not be very great, the cooperative should be given pooling performance credit for such an operation. He stated that the most efficient means of moving whole milk to market is on a direct shipment basis from farms rather than moving it through a supply plant. By permitting a cooperative supply plant to be pooled on the basis of total deliveries of member producer milk to pool distributing plants, milk not needed at distributing plants can be moved directly to such cooperative (pool) supply plant and retain pooling status under the order.

In view of the adoption elsewhere in this decision of a proposal to permit diversion of milk from supply plants, the proposal is not needed. All supply plants on the market operate as receiving stations, where milk is assembled from farms and transshipped either to pool distributing plants or to nonpool manufacturing plants. In most cases, the nonpool manufacturing plant is in the same building as the pool supply plant from which the milk is transferred. Under the diversion provisions adopted herein milk need not be received at the supply plant, but rather can be diverted as producer milk directly from the farm to the nonpool plant for manufacture.

Similarly, in the case of the plant that proponent contemplated pooling under its proposal, only that milk to be standardized or separated for transshipment to pool distributing plants need be received at the plant. When the plant operates in this manner, it may qualify under the regular shipping performance standards, since when skim milk is shipped, about 91 percent of the volume of milk received for separating would be shipped in such form and the cream obtained from separation would represent only 9 percent of the volume of receipts at the supply plant.

Moreover, since production areas for the several Federal milk orders in Iowa overlap, the granting of automatic pool plant status to a plant operated by a cooperative almost certainly would subject the Des Moines pool to carrying the reserve supplies of member producer milk that the cooperative now markets under neighboring orders. It is concluded, therefore, that no exception to the pool supply plant qualification should be provided to implement the pooling of cooperative milk.

2. *Diversion limits.* The present limitations on diversion of producer milk to a nonpool plant should be relaxed and extended to cover supply plants.

Specifically, the present diversion limit of an amount not to exceed 50 percent of physical receipts at a distributing plant in the months of September through March, and 100 percent in the months of April through August should be changed to 50 percent of a handler's total receipts of producer milk in the months of September through March, and 70 percent in the months of April through August.

A cooperative association representing a majority of the producers supplying the Des Moines market proposed that any handler be permitted to divert up to 70 percent of his supply of producer milk each month. In addition, the cooperative and a proprietary handler proposed that the order be amended to enable the diversion of milk as producer milk from a supply plant. The order now provides for the diversion of milk only from distributing plants.

The diversion privilege is primarily intended to promote efficiency in the marketing of that milk not needed at pool plants for fluid use. Instead of being physically received at the pool plant and then transferred to the nonpool plant, excess milk may be hauled directly from the farms to nonpool plants.

In support of the proposal for relaxing milk diversion limits, proponent witness stated that, in addition to increased reserve supplies on the market, the milk receiving patterns among handlers in the market vary and that an increased allowance for pooling diverted milk should be provided to accommodate the operations of individual handlers. For example, one Des Moines handler supplied by the cooperative receives no milk on Wednesdays and Sundays, but takes about 25 percent of its total weekly milk supply on Tuesdays. A minimum of 45 percent of the producer milk assigned to this particular handler has to be diverted during the week for manufacturing use. Moreover, because of the significant seasonal variation in milk production, the association with a plant of sufficient milk supplies to meet its full requirements during the short production months necessarily increases the need for diversions during the flush production months.

The percentage of the market's milk supply moved to nonpool manufacturing plants has increased over the past few years because milk supplies on the market have increased substantially relative to Class I use. Producer receipts in 1972 increased 174 million pounds over 1968, while Class I use increased only 25 million pounds. Class I utilization of producer milk was 53 percent in 1972, compared to 69 percent in 1968.

The proportion of the Des Moines market's milk supplies transferred and diverted to nonpool plants during 1972 ranged from 19.8 percent in November to 49.5 percent in June. In view of such wide seasonal variation in the proportion of the market's supply disposed of to nonpool plants, the present seasonally varied diversion limits should be continued, i.e., increased allowance for diversion during April through August compared to September through March.

During the period from September 1972 to March 1973, the monthly proportion of the market's milk supply moved to nonpool plants ranged from 19.8 percent to 45.3 percent. The present diversion limit during such months of 50 percent of that quantity physically received at pool plants (33.3 percent of total supply) is not an adequate allowance to accommodate the movement of the market's reserve supplies directly from producers' farms to nonpool plants. In only two of the seven months from September 1972 to March 1973 was less than 33.3 percent of the market's milk supply moved to nonpool plants. A diversion allowance of 50 percent of a handler's supply of producer milk should be sufficient to accommodate the efficient marketing of reserve supplies during the months of September through March, since no more than 45.3 percent of the market's milk supply was moved to nonpool plants

in any of the months of September 1972 through March 1973.

During the other months, April through August, the proportion of the Des Moines market's milk supply moved to nonpool plants ranged from 41.1 percent to 49.5 percent in 1972. Increased allowance for diversion of producer milk should be provided during these months to accommodate efficient marketing of the increased supplies of milk during such period and the variation in procurement patterns among handlers. Proponent's witness stated that during the peak month of production nearly 70 percent of the milk supply now associated with one major Des Moines distributing plant is not needed by such handler.

In view of this circumstance and the revised supply plant shipping standard adopted for the months of April through August, it is appropriate that the proposed 70 percent diversion allowance be adopted for such months.

Since the present diversion provisions were adopted in 1969, several supply plants have become associated with the Des Moines market. These plants function as receiving stations where milk is assembled from farms for transshipment to pool distributing plants or to nonpool manufacturing plants. None of the supply plants have facilities for processing milk into manufactured dairy products. In most instances these supply plants are located adjacent to the nonpool manufacturing plants to which excess milk supplies are transferred. It would be more economical to move such excess milk directly from farms to the nonpool manufacturing plants rather than double handle it by first receiving it at the pool supply plants. Accordingly, it is appropriate that the proposal to permit the diversion of producer milk from supply plants be adopted.

3. *Definition of a handler.* (a) *Designation of a cooperative association as a handler on bulk tank milk.* The order should provide that a cooperative association shall be the handler for milk of producers it picks up at the farm, for the account of the association, in a tank truck operated by, or under the control of such association for delivery to a pool plant of another person, unless both the cooperative and the operator of the pool plant agree through notice filed with the market administrator that the plant operator will be responsible for payment for the milk on the basis of weight determined at the farm and butterfat tests based on samples taken at the farm. In addition, a cooperative should be the handler for all milk of producers it diverts for its account from a pool plant to a nonpool plant.

Under the current order provisions, a cooperative association may be a bulk tank handler only with respect to that milk it causes to be diverted from a pool plant to a nonpool plant.

Two handlers, who operate pool distributing plants in Des Moines, proposed that a pool plant operator be allowed to purchase producer milk from a cooperative on some other basis than weights and tests determined at the farm. Also, they proposed that a cooperative that controls a farm bulk tank truck route be accountable for shrinkage that may occur from the farm to a pool plant.

Milk produced for the Des Moines market is handled through farm bulk tanks and moved to plants in tank trucks. Milk of any producer when commingled in a tank truck with that of other producers is indistinguishable from other such milk. The amount of a producer's milk placed in a tank truck, and the butterfat content thereof, can be determined only by measurement at the farm and from milk samples taken at the farm. After the milk has been pumped from the farm tank into the tank truck and commingled with the milk of other producers, there is no further opportunity to measure, sample, or reject the milk of the individual producers.

When milk is picked up at the farm by a truck owned or operated by a cooperative association, or by a person under contract to, or otherwise under the control of, such association for delivery to a pool plant, it is the association that determines the weight and butterfat content of each producer's milk. Frequently, the plant operator will not have a direct basis of knowing the identity of the individual producers whose milk he receives, and will know only the aggregate amount of milk received. In such cases, the association obviously must become the responsible handler for the milk as it leaves the farm.

Since pool plant operators have been accustomed to purchasing all producer milk on the basis of farm weights and tests, it can be expected that arrangements to receive milk marketed by the cooperative on the basis of farm weights and tests will continue to predominate in the market. When milk is received at the pool plant on such basis, it is accounted for as a receipt at such plant directly from producers.

Another situation arises when the pool plant operator receives milk from a cooperative on the basis of its scale weight at the plant rather than on farm weights and tests. In this event, the cooperative's monetary obligation to the pool with respect to the milk for which it is the bulk tank handler is only on any difference in the amounts of milk and butterfat as measured at the farm and those recorded at the receiving plant. This amount usually will be shrinkage in accordance with its value under the shrinkage provisions. The milk delivered to the pool plant would be treated as a transfer by the cooperative association to the pool plant operator.

The order should specify, however, that handlers shall pay a cooperative which is a handler pursuant to § 1079.12(c) at the uniform price for the milk received. It will simplify order accounting if such milk is paid for by the plant operator at the uniform price. This method of payment will facilitate any adjustment required when audit by the market administrator discloses an error such as an error in classification.

Payments into and out of the producer-settlement fund will be made directly between the regulated handler and the market administrator. This will establish directly the responsibility for accounting for milk and for its payment on the part of the handler. When settlement is made through the cooperative association, i.e., when a handler settles with the cooperative at class prices and the cooperative pays into or out of the producer-settlement fund, an unnecessary third party is entered into the transaction. By eliminating the cooperative as an intermediary between the regulated handler and the market administrator with respect to transactions with the producer-settlement fund, problems of financial responsibility, enforcement and subsequent audit adjustments will be greatly reduced.

The order specifies also that the handler operating the pool plant pay the administrative assessment on milk purchased from a cooperative since the Act provides that such costs be borne by regulated handlers who process milk of producers. Accordingly, this would include milk received from a cooperative association pursuant to § 1079.12(c).

A cooperative association may pick up milk of nonmember producers on bulk tank routes under its control. The provisions adopted, which accommodate substantial flexibility in the arrangements under which cooperatives sell to pool plant operators, make it possible for a cooperative to pick up on its trucks or trucks under its control the milk of nonmember producers for delivery to pool plants, and for the pool plant operator to make payment directly to such nonmember producers for their milk. Thus, the degree of responsibility the cooperative will have for such milk will depend on the terms of the arrangements for its delivery to pool plants. At the same time, the provision will enable the cooperative to act as the marketing agent for a nonmember producer who, although he has not become a member of such association, has contracted with the cooperative association to act as the marketing agent for his milk. In this connection, the cooperative association may collect payment from pool plant operators for a nonmember producer provided such nonmember has given the association authorization to make such collection.

The Capper-Volstead Act provides the criteria by which cooperative associations are determined to be qualified cooperatives under the Agricultural Marketing Agreement Act. This amendment to the order is consistent with that provision of the Capper-Volstead Act that recognizes that cooperatives may "deal in the products of nonmembers" and limits such dealings to amounts not greater in value than such as are "handled by it for members."

In the event the milk of a nonmember producer is diverted as producer milk from a pool plant to a nonpool plant by a cooperative association, the cooperative must be held the responsible handler with respect to such milk, unless the operator of the plant from which the milk

is diverted elects by agreement with the cooperative to account for such milk. Here the cooperative performs the complete handling function and in such capacity obviously must be held to be responsible for order obligations applicable to such milk.

The potential of a cooperative to be the handler on nonmember producer milk raises the question whether, in paying a nonmember producer, a cooperative may reblend proceeds due such nonmember producer with those paid to its member producers. If the nonmember producer has signed a contract with the cooperative association whereby he authorizes the cooperative association to market his milk, collect payment therefor, and reimburse him on the same basis as though he were a member of the cooperative association, the cooperative association could pay such nonmember on the same basis as it pays its member producers.

In the absence of a written contract containing the terms set forth above, the cooperative association would be required to pay a nonmember producer, for whose milk it is the handler, not less than the uniform price announced by the market administrator for the month.

(b) For certain reporting or reference purposes, the present terms of the order refer to the operator of an unregulated supply plant, a producer-handler, and the operator of an other order plant. Such persons, however, are not listed in the handler definition. Accordingly, such persons are covered by the amended definition of handler adopted herein.

4. *Classification of shrinkage, butterfat dumped or disposed of for animal feed, milk sold to commercial food processors, and milk destroyed or lost under extraordinary circumstances.* The order should be amended to provide for the division of Class II shrinkage allowance between assembly and processing functions. Class II classification should be provided for: (1) butterfat dumped or disposed of for animal feed, and (2) milk destroyed or lost under extraordinary circumstances.

Shrinkage. The amount of shrinkage of producer milk that may be classified in Class II is limited to 2 percent and presently the full 2 percent applies at the plant of first receipt. No Class II shrinkage allowance applies to milk received from other pool plants.

Three handlers operating pool distributing plants proposed that, with respect to milk transferred between plants, the 2 percent shrinkage allowance in Class II be divided between the transferor and transferee plants, 0.5 percent to the transferor plant and 1.5 percent to the transferee plant. Also, in conjunction with the proposal that a cooperative association be the handler on bulk tank milk picked up in a truck under its control, it was proposed that the cooperative be allowed Class II shrinkage of 0.5 percent.

Shrinkage normally experienced varies with the type of handling involved. More loss is usually experienced in plant processing than in merely receiving milk for delivery to another plant. In recent years, several distributing plants in the Des Moines market have begun obtaining milk from pool supply plants. Appropriately, the order shrinkage provisions should reflect such specialization of milk assembly and processing functions.

With respect to delivery of milk by a cooperative association handler from farms to plants in tank trucks, a Class II shrinkage allowance of 0.5 percent of such milk is provided. Any excess shrinkage over 0.5 percent is classified as Class I. The Class II shrinkage allowance to the processing plant receiving the milk from the cooperative would be 1.5 percent. Thus, a total Class II shrinkage allowance of 2 percent is maintained for such milk from producers in the receiving and processing operations.

In the case of milk diverted from a pool plant to another plant, a shrinkage allowance in Class II of 0.5 percent would be provided the diverting handler if the operator of the plant to which the milk is diverted purchases such milk on the basis of weights and tests determined at the plant. If the milk is purchased at farm weights and tests, no shrinkage allowance would apply for the diverting handler.

When a plant operator disposes of bulk milk or skim milk by transfer to another plant, his shrinkage allowance should be reduced at the rate of 1.5 percent of the quantity transferred, since the processing function would take place at the transferee plant. In the case of cream, however, the major loss in handling is the separation process whereby the bulk cream is removed from the milk. It is appropriate, therefore, to allocate the full 2 percent shrinkage allowance allocable to the cream to the milk at the transferor plant, where the cream is separated.

The present 2 percent shrinkage allowance on milk received from other order plants (exclusive of the quantity for which Class II use was requested) should be reduced to 1.5 percent. This will provide the same shrinkage on transfers of milk between Federal order markets as herein adopted for milk moved between pool plants, since most orders now provide for the division of shrinkage between assembly and processing functions in the manner adopted above. A shrinkage allowance of 1.5 percent, rather than the present 2 percent, should be provided with respect to receipts of milk from unregulated supply plants (exclusive of the quantity for which Class II use was requested). Thus, the same percentage rate will be applied at the transferee plant to such receipts of bulk fluid milk products as is provided on supplies of pool milk and other order milk.

Butterfat dumped or disposed of for animal feed. Class II classification was proposed for butterfat in fluid milk products dumped or disposed of for animal feed. The order presently provides such classification for the skim milk portion of fluid milk products dumped or disposed of for animal feed.

The proposal should be adopted. In normal plant operations, some products, such as route returns of buttermilk, flavored milk, and homogenized milk, are often either dumped or sold for livestock feed. It is not practicable to separate out the butterfat in such products for Class I use. All such dispositions result in loss or in only a low return to the handler. Therefore, Class II classification should be provided for fluid milk products when disposed of in this manner.

Dumping, unlike other dispositions, involves no sales records that could aid in verification of the handler's disposition. Thus, advance notice to the market administrator and opportunity for verification should be required as is now provided with respect to skim milk dumped.

Milk destroyed or lost under extraordinary circumstances. Class II classification should be provided for fluid milk products destroyed or lost in an accident, as long as such quantity of product can be verified from records kept by the handler.

In cases where the accidental loss of milk can be verified, it was proposed that such disposition of milk be Class II. Proponent recenly experienced a loss of milk in a truck accident. Although the loss was included in shrinkage, since the handler had in excess of 2 percent shrinkage for the month, the amount in excess of 2 percent was classified as Class I use.

Under the present terms of the order, any milk accidentally dumped is considered to be shrinkage. In those cases where milk is accidentally dumped, it is not possible for a handler to give the market administrator prior notice. In certain circumstances, such as when milk is destroyed or lost by accident in transit between plants on a truck, the quantity of milk that was on the truck can be verified by the shipping invoice. Also, in the case of a retail or wholesale route truck accident, the amount of product on the truck at the time of the accident can be determined by using the beginning load for the day and the records of the amount delivered before the accident.

The shrinkage limits are adequate to cover the loss of milk experienced in usual milk handling and processing operations. Such limits are not likely, however, to accommodate extraordinary losses of milk. It is possible that the operator of a supply plant, cooperative association bulk tank handler, or the operator of a distributing plant could lose the entire volume of milk handled on a given day in a truck accident. Such a loss conceivably might exceed the normal volume of shrinkage experienced by such a handler during an entire month. Small volume handlers, more than likely, would have most of any such loss of milk covered as Class I shrinkage. Accordingly, Class II classification of milk destroyed or lost under extraordinary circumstances will assure similar classification of such disposition to all handlers in the market.

Milk sold to commercial food processors. It was proposed by two operators of

distributing plants that surplus use classification rather than Class I classification be provided on sales of bulk fluid milk products to commercial food processors for use in food products prepared for consumption off the premises.

Classification of milk so used as Class II (in a three-use class scheme) is provided in a revised recommended decision issued August 27, 1973 (38 FR 25522). Under such recommended decision a slightly higher price (10 cents per hundredweight) would apply than under the proposed Class II use in the present two-class scheme. Since this matter is being handled in another proceeding on which final action is still pending it is concluded that no action thereon should be taken on this record.

5. *Location adjustment credit on bulk milk transferred between pool plants.* The provisions limiting the Class I location adjustment credit on bulk milk transferred between plants should be modified.

Such credit should apply to that quantity of Class I milk receipts from transferor pool plants that does not exceed an amount equivalent to 105 percent of the Class I disposition remaining at the transferee plant after the allocation of receipts of other source milk and beginning inventory less the receipts of milk directly from producers.

At present, location credits on Class I milk transferred between pool plants are limited to the quantity of Class I disposition remaining at the transferee plant after the assignment of receipts of other source milk and beginning inventory, less 95 percent of receipts of producer milk at such plant.

A proprietary operator of a pool distributing plant in Des Moines proposed that, for the purpose of determining the quantity of Class I use of the transferee pool plant that is to be allocated to receipts from transferor plants for location adjustment credit purposes, the Class I use of the transferee plant shall be allocated to producer milk received at the transferee plant and receipts from transferor pool plants, pro rata, according to the respective volumes received from individual transferor plants. This handler's witness stated that all the milk received at the transferee plant, whether directly from producers or from transferor plants, constitutes the supply of milk needed at the plant and such milk is commingled in the processing at the transferee plant. He further stated that the milk used for Class I in a plant cannot be traced back to the lots of milk received at the plant. Accordingly, he contended that the only reasonable and fair method of allocating the Class I use at such plant, for purposes of location adjustments, is by the method he proposed.

A cooperative association that operates a pool distributing plant in Des Moines proposed that a pool supply plant be credited with a location adjustment on all milk shipments to a pool distributing plant if Class I utilization of such distributing plant is at least 60 percent.

In support of its proposal, the cooperative's witness stated that the two largest pool distributing plants in the market cannot pass back full location adjustment credit on Class I milk purchased from pool supply plants, since Class I use at these plants is less than 95 percent. However, these same distributing plants, he said, could purchase milk directly from producers whose farms are in the vicinity of pool supply plants and, since the producers would receive the uniform price applicable at Des Moines (no location adjustment), the producers would be compensated for the added hauling cost of delivering their milk to Des Moines compared to the supply plant, irrespective of the use of the milk at the distributing plant. In view of the latter circumstance, the witness contended that a location adjustment should apply to all transfers to a pool distributing plant from a pool supply plant, unless the transferee plant's Class I utilization was less than 60 percent.

The proposed amendments would allow location credits on additional quantities of supply plant milk moved to distributing plants for use in Class II products.

Except in recognition of unavoidable Class II use at distributing plants there is no basis for accommodating the shipment of supply plant milk to the market's center for Class II use at producers' expense. The Class II price, which is equal to the average of prices paid for manufacturing grade milk in Minnesota and Wisconsin, will assure the disposition of milk in excess of Class I needs. Such excess can be utilized at plants in the production area.

However, it cannot be expected that pool distributing plants have 100 percent Class I use. In normal plant processing and packaging operations, some milk is lost as Class II shrinkage. In addition, distributing plants often have some fluid milk products, such as route returns, that are disposed of as livestock feed or dumped as Class II milk. Also, a plant could have inventory of fluid milk products on hand at the end of the month, a Class II classification. Such Class II milk could amount to around five percent of the Class I disposition during the month.

The order now provides that location adjustment credits on milk transferred between pool plants be based on Class I disposition at the transferee distributing plant that is in excess of 95 percent of direct receipts of producer milk. Such method of determining the amount of transferred milk on which location adjustment credit is assigned affords a margin for the unavoidable Class II use that can be attributed to receipts of milk directly from producers. However, for a distributing plant that depends mostly on supply plant milk for its Class I milk requirements little or no margin would be provided. To afford a margin of supply plant receipts sufficient to cover unavoidable Class II use at a distributing plant that obtains most or all of its milk from other plants, the limit on location adjustment credits for transferor pool plants should be based on 105 percent of Class I disposition from the transferee pool distributing plant.

The proposal to assign the location adjustment to milk received at a distributing plant from different supply plant sources by prorating the volume eligible for the adjustment in proportion to receipts from each such supply plant should not be adopted.

Since the transfer provisions provide that pool handlers may classify transferred milk on an agreed on basis without regard to plant location within the limits of utilization by the transferee plant, there exists the possibility of a conflict between the actual classification of milk and the need to protect producers from absorbing the cost of transporting plant milk to the central market for other than Class I use. The conflict appropriately is avoided in the application of location adjustment credits by limiting the amount of such credit to that which would result if the Class I use at the transferee plant were fulfilled first from those supplies received directly and then from transfer involving the least transportation cost. This is provided in the existing order language and no substantive change therein is necessary. For clarification purposes, however, the order language is revised to reflect greater specificity of the computation of such location adjustment credits.

6. *Miscellaneous administrative provisions.* (a) *Producer-settlement fund reserve.* The order should be amended to authorize reducing the amount of unobligated cash retained in the producer-settlement fund.

A cash reserve is maintained in the producer-settlement fund in order to provide for contingencies such as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve is obtained by subtracting 4 to 5 cents per hundredweight in the uniform price computation each month. Also, one-half of the unobligated cash balance in the producer-settlement fund remaining from the preceding month is included in computing the aggregate value used to determine the uniform price. The remaining one-half of the unobligated cash balance in the producer-settlement fund thus is retained each month as a reserve.

Recent experience has indicated that the reserve retained in the producer-settlement fund each month is a greater amount than is reasonably needed to cover contingencies. During the 12 months ended March 1973, the balance in the fund was at least $42,000 each month. During such period, the amount of money cleared through the fund each month ranged from $20,600 to $123,100. In most months, the reserve in the fund amounted to at least one-half of the total payment to and from the fund. Based on this experience, the order provisions should be modified to authorize the market administrator to reduce the

amount of the reserve maintained in the fund.

This appropriately can be done by specifying that "at least one-half" of the unobligated balance remaining from the preceding month, rather than the present order requirement that only "one-half" of such balance, be included in the aggregate value used to determine the uniform price. Any additional money so included in the computation will accrue to producers through enhancement of the resultant uniform price.

The order provides that, if the balance in the fund is insufficient to cover payments due to all handlers from the fund, payment to such handlers shall be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount. The remaining amounts due such handlers from the fund would be paid as soon as the balance in the fund becomes adequate to meet such payments. Thus, the producer-settlement fund is operative even if the balance in the fund is insufficient to cover contingencies. There is little likelihood of the balance not being sufficient, since 4 to 5 cents per hundredweight of all milk in the pool is set aside as a balance. Moreover, the order also provides that if any handler fails to make the required payment to the producer-settlement fund for the preceding month, the milk received by such handler shall be eliminated from the computation of the uniform price.

(b) *Substitution of "regulatory agency" for "health authority".* "Regulatory agency" should be substituted for "health authority" wherever it appears in those sections of the order defining "producer," "distributing plant," "supply plant," and "pool plant." The regulatory agency approving farms and plants for production and handling of milk for fluid consumption is not always termed a health authority. In Iowa, Grade A milk inspection is under the jurisdiction of the State Secretary of Agriculture, who is required by law to delegate the inspection function to local governments if such governments have qualified personnel to do the work. About 95 percent of the inspection work in Iowa is delegated to local jurisdictions, but, in some instances, agents of the Secretary of Agriculture inspect farms and plants. Accordingly, use of "regulatory agency" provides a more meaningful description of the agencies having jurisdiction in this field.

(c) *Marketing period.* A proposed definition of "marketing period" was included in the notice of hearing. At the hearing, the proposal was abandoned by proponent and no testimony was presented concerning it. Thus, no action is taken on such proposal.

7. *Conforming changes.* The attached order language includes several changes from the recommended decision, none of which are substantive. They are made to coordinate the order language in this decision with that contained in the decision issued February 19, 1974 (39 FR 9012, et al.) on the classification and pricing provisions in 32 orders, including the Des Moines order. The latter decision contains a complete copy of the Des Moines order, as amended by that proceeding. It is contemplated that the order changes contained in the present decision, when approved by producers, will be incorporated in the amended Des Moines order resulting from the February 19 decision.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

On the record of the hearing separate motions were presented to the Administrative Law Judge that (1) no evidence be received with respect to any of the proposed amendments; and (2) that no evidence be received on proposal No. 3. The motions were denied.

In a post-hearing brief it was requested that consideration be given to a reversal of the rulings.

The Administrative Law Judge's rulings have been reviewed in light of the arguments presented. The rulings, for the reasons stated by the Administrative Law Judge on the record, are hereby affirmed.

General Findings

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 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) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) 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 marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be 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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a MARKETING AGREEMENT regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in the Des Moines, Iowa, marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

December 1973 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Des Moines, Iowa, marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on March 27, 1974.

Clayton Yeutter,
Assistant Secretary.

Order[1] Amending the Order, Regulating the Handling of Milk in the Des Moines, Iowa, Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of 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.* 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 Des Moines, Iowa, marketing area. The hearing was held 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 (7 CFR Part 900).

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.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Des Moines, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on February 22, 1974, and published in the FEDERAL REGISTER on February 27, 1974 (39 FR 7583) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein, subject to the following modifications:

1. Sections 1079.7, 1079.10, 1079.12, 1079.16, and 1079.31 are modified to reflect nonsubstantive conforming changes in format.

2. In § 1079.14(c)(5), the letter "(b)" is changed to "(c)" in line 3.

3. In § 1079.52, paragraphs 5, 6, and 7 are replaced by two new paragraphs 5 and 6, and minor changes in language are made in paragraphs (b)(1), (b)(2), (b)(3), and (b)(4).

1. Section 1079.7 is revised to read as follows:

§ 1079.7 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted regulatory agency, and which milk is:

(1) Received at a pool plant;

(2) Diverted as producer milk pursuant to § 1079.14; or

(3) Received by a cooperative association in its capacity as a handler pursuant to § 1079.12(c).

(b) "Producer" shall not include a producer-handler as defined in any order (including this part) issued pursuant to the Act.

2. Section 1079.8 is revised to read as follows:

§ 1079.8 Distributing plant.

"Distributing plant" means a plant which is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

3. Section 1079.9 is revised to read as follows:

§ 1079.9 Supply plant.

"Supply plant" means a plant from which milk, skim milk, or cream, acceptable to a duly constituted regulatory agency for distribution in the marketing area under a Grade A label, is shipped during the month to a pool plant qualified pursuant to § 1079.10.

4. Section 1079.10 is revised to read as follows:

§ 1079.10 Pool plant.

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

(a) A distributing plant:

(1) From which the volume of Class I packaged fluid milk products, except filled milk, disposed of during the month either on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets or moved to other plants, less receipts of packaged fluid milk products, other than filled milk, from other pool distributing plants, is not less than 35 percent of the combined Grade A milk received in bulk form at such plant or diverted therefrom by the plant operator or a cooperative association to a nonpool plant as producer milk; and not less than 15 percent of such receipts or an average of not less than 7000 pounds per day whichever is less, is so disposed of to such outlets in the marketing area; or

(2) That qualified as a pool plant in each of the immediately preceding three months on the basis of performance standards described in paragraph (a)(1) of this section.

(b) A supply plant:

(1) From which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent (30 percent for each of the months of April through August) of the Grade A milk received at such plant from dairy farmers and handlers described in § 1079.12(c), and diverted therefrom by the plant operator or a cooperative association as producer milk pursuant to § 1079.14: *Provided,* That if such shipments are not less than 50 percent during the immediately preceding period of September through November, such plant shall be a pool plant during each of the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March through June to be designated a nonpool plant for such month and for each subsequent month through June of the same year; or

(2) That qualified as a pool plant in each of the immediately preceding three months on the basis of performance standards described in paragraph (b)(1) of this section with respect to shipment to plants qualified pursuant to paragraph (a)(1) of this section.

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

(1) A producer-handler plant;

(2) Plants subject to other Federal orders pursuant to § 1079.61; or

(3) That portion of a plant that is physically apart from the Grade A portion of such plant, is operated separately, and is not approved by any duly constituted regulatory agency for the receiving, processing, or packaging of any fluid milk product for Grade A disposition.

5. Section 1079.12 is revised to read as follows:

§ 1079.12 Handler.

"Handler" means:

(a) Any person as the operator of one or more pool plants;

(b) Any cooperative association with respect to milk of producers it diverts from a pool plant pursuant to § 1079.14;

(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 qualified handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which such milk is delivered;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) Any person defined as a producer-handler;

(f) Any person in his capacity as the operator of an other order plant described in § 1079.61; and

(g) Any person in his capacity as the operator of an unregulated supply plant.

6. Section 1079.14 is revised to read as follows:

§ 1079.14 Producer milk.

"Producer milk" shall be that skim milk and butterfat in milk from producers that is:

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

(b) Received by a cooperative association in its capacity as a handler pursuant to § 1079.12(c); or

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

(1) Such milk shall be accounted for as received by the diverting handler at the location of the nonpool plant;

(2) Milk of a producer shall not be eligible for diversion from a pool plant under this section unless during the month at least one delivery is made to a pool plant;

(3) A cooperative association may divert the milk of any producer (other than producer milk diverted pursuant to paragraph (c)(4) of this section). The total quantity of milk so diverted may not exceed 50 percent in the months of September through March, and 70 percent in other months, of the milk for which the cooperative is the handler pursuant to § 1079.12(c) and producer milk which the association causes to be delivered to pool plants, or diverted therefrom during the month;

(4) The operator of a pool plant (other than a cooperative association) may divert for his account the milk of any producer (other than producer milk diverted pursuant to paragraph (c)(3) of this section). The total quantity so diverted may not exceed 50 percent in the months of September through March, and 70 percent in other months, of the milk received at or diverted from such pool plant from producers and for which the operator of such plant is the handler during the month;

(5) Any milk diverted in excess of the limits prescribed pursuant to paragraph (c)(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 during the month shall be producer milk; and

(6) To the extent that it would result in nonpool plant status for the pool plant from which diverted, milk diverted by a cooperative association from the pool plant of another handler shall not be producer milk.

7. In § 1079.16, paragraph (a) is revised to read as follows:

§ 1079.16 Other source milk.

* * * * *

(a) Receipts of fluid milk products from any source other than producers, handlers described in § 1079.12(c), or pool plants; and

* * * * *

8. Section 1079.30 is revised to read as follows:

§ 1079.30 Reports of receipts and utilization.

On or before the seventh 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 quantity 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 described in § 1079.12(c);

(3) Receipts of fluid milk 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

(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 of fluid milk products in the marketing area.

(c) Each handler described in § 1079.12(b) and (c) shall report:

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

(2) The utilization or disposition of all such receipts; and

(3) With respect to a handler described in § 1079.12(b), the plant from which such milk is diverted.

(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.

9. In § 1079.31, the words "for each of his plants" are deleted from lines 2 and 3 of paragraph (b)(1).

10. Section 1079.41 is revised to read as follows:

§ 1079.41 Classes of utilization.

Subject to the conditions set forth in § 1079.44, the classes of utilization shall be 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:

(i) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) As otherwise provided in paragraph (b) of this section; and

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

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

(1) Used to produce any product other than a fluid milk product;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form;

(3) In fluid milk products that are disposed of by a handler for animal feed;

(4) In fluid milk products 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 destroyed or lost under extraordinary circumstances;

(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 in Class I milk pursuant to paragraph (a)(1)(i) of this section; and

(7) In shrinkage assigned pursuant to § 1079.42(a) to receipts specified in § 1079.42(a)(2) and in shrinkage specified in § 1079.42(b) and (c).

11. Section 1079.42 is revised to read as follows:

§ 1079.42 Shrinkage.

For purposes of classifying all skim milk and butterfat, to be reported by a handler pursuant to § 1079.30, 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 (6) 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 (6) of this section which was received in the form of a bulk fluid milk product;

(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 the skim milk and butterfat, respectively, in milk received from a handler described in § 1079.12(c);

(3) 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;

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

(5) 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 classification is requested by the operators of both plants;

(6) 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 classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk milk (except cream) transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b)(1), (2), (4), (5), and (6) 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 § 1079.12 (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 for the cooperative association shall be zero.

12. In Section 1079.44 the preamble of paragraph (a) is revised as follows:

§ 1079.44 Transfers.

* * * * *

(a) As Class I milk if transferred from a pool plant or by a cooperative association as a handler pursuant to § 1079.12 (c) to a pool plant, unless Class II utilization is requested by the transferee and transferor handlers, subject to the following conditions:

* * * * *

13. Section 1079.45 is revised as follows:

§ 1079.45 Computation of the skim milk and butterfat in each class.

(a) Each month the market administrator shall correct for mathematical and other obvious errors, the reports filed pursuant to § 1079.30 and shall compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, and the total pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1079.12(b) and (c) and was not received at a pool plant.

(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 used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products plus all the water originally associated with such solids.

14. In § 1079.46 the introductory portion and paragraph (a)(9) are revised as follows:

§ 1079.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1079.45, the market administrator each month shall determine the classification of milk received from producers by each cooperative association handler pursuant to § 1079.12(b) and (c) which was not received at a pool plant, and the classification of milk received from producers and from cooperative association handlers pursuant to § 1079.12(c) at each pool plant for each handler as follows:

(a) * * *

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

* * * * *

15. Section 1079.52 is revised as follows:

§ 1079.52 Plant location adjustments for handlers.

(a) For that milk received from producers and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) at a plant located outside the marketing area, and 60 miles or more by the shortest hard-surfaced highway distance, as measured by the market administrator from the main post offices of Des Moines and Ottumwa, Iowa, which is classified as Class I milk without movement in bulk form to a pool distributing plant and for other source milk for which a location adjustment is applicable, the price specified in § 1079.50(b) shall be reduced 10 cents, and shall be reduced an additional 1.5 cents for each 10 miles or fraction thereof in excess of 75 miles from the designated post offices.

(b) For fluid milk products transferred in bulk from a pool plant to a pool distributing plant, a Class I location adjustment credit for the transferor-plant shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) Multiply the pounds of skim milk remaining in Class I at the transferee-plant after the computations pursuant to § 1079.46(a)(8) by 105 percent;

(2) Subtract the pounds of skim milk in receipts of milk at the transferee-plant from producers and handlers described in § 1079.12(c);

(3) Assign any remaining pounds of skim milk in Class I at the transferee-plant to the skim milk in receipts of bulk fluid milk products from other pool plants, first to the transferor-plants at which no location adjustment applies and then in sequence beginning with the plant at which the least location adjustment applies;

(4) Compute the total amount of location adjustment credits to be assigned to transferor-plants by multiplying the pounds of skim milk assigned to each transferor-plant pursuant to paragraph (b)(3) of this section by the applicable location adjustment rate for each such plant, and add the resulting amounts;

(5) Assign the total amount of location adjustment credits computed pursuant to paragraph (b)(4) of this section to those transferor-plants that transferred fluid milk products containing skim milk classified as Class I milk pursuant to § 1079.44(a), in sequence beginning with the plant at which the least location adjustment applies. Subject to the availability of such credits, the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable location adjustment rate for such plant. If the aggregate of this computation for all plants having the same location adjustment rate exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers received from such plants; and

(6) Class I location adjustment credit for butterfat shall be determined in accordance with the procedure outlined for skim milk in paragraph (b) (1) through (5) of this section.

16. In § 1079.70 the preamble and paragraph (a) are revised as follows:

§ 1079.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant, and of each cooperative association handler pursuant to §1079.12 (b) and (c) with respect to milk which was not received at a pool plant, shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of milk received from a cooperative association as a handler pursuant to § 1079.12(c) and allocated pursuant to § 1079.46(a)(9) and the corresponding step of § 1079.46 (b) and the quantity of producer milk in each class, as computed pursuant to § 1079.46(c), by the applicable class prices (adjusted pursuant to §§ 1079.51 and 1079.52);

* * * * *

17. In § 1079.71, paragraph (d) is revised as follows:

§ 1079.71 Computation of aggregate value used to determine uniform price.

* * * * *

(d) Add an amount equal to not less than one-half of the unobligated cash balance in the producer-settlement fund.

18. In § 1079.80 the introductory portions of pargaraphs (a) and (b) are revised and a new pargaraph (d) is added to read as follows:

§ 1079.80 Time and method of payment.

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

(b) Each handler shall make payment to a cooperative association for producer milk it causes to be delivered to such handler, which association the market administrator determines is authorized by such producers to collect payment for their milk and which has so requested the handler in writing, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows: * * *

* * * * *

(d) Each handler in his capactiy as the operator of a pool plant, who receives milk for which a cooperative association is the handler pursuant to § 1079.12(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:

(1) On or before the 26th day of each month for milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 13th day after the end of each month for milk received during such month, an amount computed at not less than the uniform price adjusted by applicable butterfat and location adjustments, and less the payment made pursuant to paragraph (d) (1) of this section.

19. In § 1079.84 paragraph (b)(1) is revised as follows:

§ 1079.84 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1079.12(c) at the applicable uniform price pursuant to § 1079.72 adjusted pursuant to §§ 1079.81 and 1079.82, less in the case of a cooperative association on milk for which it is the handler pursuant to § 1079.12(c), the amount due from other handlers pursuant to § 1079.80(d); and

* * * * *

20. Section 1079.88 is revised as follows:

§ 1079.88 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler (excluding a cooperative association in its capacity as a handler pursuand to § 1079.12(c)) shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk and milk received from a cooperative association pursuant to § 1079.12(c);

(b) Other source milk allocated to Class I pursuant to § 1079.46(a)(3) and (7) and the corresponding steps of § 1079.46(b); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

[FR Doc.74-7387 Filed 3-29-74;8:45 am]

[7 CFR Parts 1007, 1030, 1032, 1050, 1060, 1061, 1063, 1064, 1065, 1068, 1076, 1078, 1079, 1090, 1097, 1098, 1104, 1106, 1108]

[Docket Nos. AO 361-A11, etc.]

MILK IN THE CHICAGO REGIONAL AND CERTAIN OTHER MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

7 CFR Part	Marketing area	Docket No.
1030	Chicago Regional	AO 361-A11.
1007	Georgia	AO 366-A11.
1032	Southern Illinois	AO 313-A25.
1050	Central Illinois	AO 355-A16.
1060	Minnesota-North Dakota	AO 360-A9.
1061	Southeastern Minnesota-Northern Iowa.	AO 367-A8.
1063	Quad Cities-Dubuque	AO 105-A39.
1064	Greater Kansas City	AO 23-A46.
1065	Nebraska-Western Iowa	AO 86-A31.
1068	Minneapolis-St. Paul, Minnesota.	AO 178-A31.
1076	Eastern South Dakota	AO 260-A20.
1078	North Central Iowa	AO 272-A23.
1079	Des Moines, Iowa	AO 295-A28.
1090	Chattanooga, Tenn	AO 266-A18.
1097	Memphis, Tenn	AO 219-A29.
1098	Nashville, Tenn	AO 184-A35.
1104	Red River Valley	AO 298-A23.
1106	Oklahoma Metropolitan	AO 210-A36.
1108	Central Arkansas	AO 243-A27.

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the aforesaid specified marketing areas. The hearing was held, 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 (7 CFR Part 900), at Des Plaines, Illinois, on March 12-13, 1974, pursuant to notice thereof issued on March 6, 1974 (39 FR 8938).

The material issues on the record relate to:

1. Pricing of milk used to make butter and nonfat dry milk.

2. Whether an emergency exists to warrant omission of a recommended decision.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pricing of milk used to make butter and nonfat dry milk.* Under each of the aforementioned 19 orders the price of milk used to produce butter and nonfat dry milk should be limited by adoption of a butter-nonfat dry milk formula price but not in excess of 50 cents per hundredweight less than would otherwise result from the present classification and pricing provisions of the respective orders during the period April through July 1974.

The terms of each of the orders classify and price milk used to produce butter and nonfat dry milk in the lowest use class which is Class II in 17 of the orders and Class III in the Greater Kansas City and Nebraska-Western Iowa orders. The monthly price for such use classes of milk in the orders is based on the average of prices paid for manufacturing grade milk. For 17 orders (all but the Oklahoma Metropolitan and Red River Valley orders) such class price is the average of prices paid for manufacturing grade milk in the states of Minnesota and Wisconsin. The average of prices paid for manufacturing grade milk in the United States is used as the Class II price under the Oklahoma Metropolitan and Red River Valley orders. In addition, under these two orders the Class II price during March through August is reduced 10 cents for milk used to produce American cheese, butter and nonfat dry milk.

The hearing was convened in response to requests by certain interested producer cooperative associations in each of the 19 markets to consider amendment of the pricing provisions as they apply to milk used to produce butter and nonfat dry milk during the seasonally high production months this year. Specifically, the notice included a proposal for adoption of a formula price for such milk based on the market prices of butter and nonfat dry milk. Such butter-nonfat dry milk price formula has been used for some time in several other Federal milk orders as a limit (commonly called a "snubber") on the Minnesota-Wisconsin series price for pricing milk in the lowest valued use class under such other orders. Beginning October 1973 the monthly Minnesota-Wisconsin price has exceeded the "snubber" price by the following amounts: October, $0.47; November, $0.78; December, $1.13; January, $1.18; and February, $1.19.

The proponent cooperative associations state that substantial quantities of milk that they market under the orders will need to be processed into butter and nonfat dry milk during the flush production months this year since there is not enough processing capacity in cheese plants to handle the milk not needed for Class I use. Under current market prices for manufactured dairy products, returns

available from milk processed into butter and nonfat dry milk are significantly below the returns that can be realized from processing milk into cheese. In these circumstances, proponents contend that they face financial loss on milk that must be made into butter and nonfat dry milk at the Minnesota-Wisconsin price. Thus, they urge adoption of the proposal to effect uniform sharing among producers of the lower returns realized on milk made into butter and nonfat dry milk.

A cooperative with member producers in certain of the markets and two cooperatives in the Minnesota-North Dakota market opposed adoption of the proposal principally on the basis that it would result in lowering the level of the uniform prices computed under the orders. Such cooperatives stated that higher returns for dairy farmers are needed since the cost of production has increased.

A proprietary handler in the Chicago market opposed the proposal on the basis that the prices he pays for cream and nonfat dry milk are at a sufficient level to return the Minnesota-Wisconsin price level.

In recent months an unprecedented wide disparity has developed in the market value of cheese compared to the combined market value of butter and nonfat dry milk. From September 1973 to February 1974 the monthly Chicago butter price per pound declined from 85.94 cents to 64.07 cents. The Chicago area nonfat milk solids price per pound increased from 50.07 cents in September to 57.75 cents in February 1974. Based on yield factors of 4.2 pounds of butter and 8.2 pounds of nonfat dry milk per hundredweight of milk, the combined market value of such products per hundredweight of milk declined 29 cents from September 1973 to February 1974. During the same period the average monthly price per pound of cheddar cheese at Wisconsin assembly points increased from 80.75 cents in September to 91.06 cents in February. This represents an increase in value of $1.03 per hundredweight of milk used to make cheese, based on a yield factor of 10 pounds per hundredweight of milk.

A significant disparity has also developed between the pay prices of cheese plants and butter plants. In the United States the average of pay prices at butter plants was less than at American cheese plants by 11 cents in 1972, and 15 cents in 1973. During November and December 1973 and January 1974 the pay prices at butter plants were 28, 33, and 31 cents below cheese plants for such months, respectively. The average of manufacturing grade milk prices in Minnesota and Wisconsin has exceeded the average of pay prices at U.S. butter plants by 32 to 42 cents since October 1973.

Substantial amounts of reserve milk priced under Federal orders are processed into butter, nonfat dry milk, and hard cheese, especially during the seasonally high production months. These products are storable and can be produced during seasonally high milk production months for use during seasonally low milk production months. Traditionally, such uses of milk have been among the lower valued uses of milk and therefore milk priced under the orders has generally been used in such products only after the needs of milk for Class I (or fresh fluid use) and so-called "soft product" uses (cottage cheese, ice cream) have been fulfilled.

Historically, the returns that could be realized from processing milk into butter and nonfat dry milk have tended to be about the same as the returns that could be realized from processing milk into cheese. The production of such products has been sufficient to satisfy domestic commercial demand and excess supplies of these products have been regularly purchased under the dairy price support program.

In recent years the demand for cheese has increased relative to butter and nonfat dry milk. The industry has been responding to this by shifting more milk into the production of cheese and less into the production of butter and nonfat dry milk. Until late in 1973, this shift generally had been taking place at a sufficient rate to keep market values of milk in these respective uses within a reasonable relationship.

Currently cheese production is substantially higher than last year while butter and nonfat dry milk production is much lower. In January 1974 cheese production in the U.S. totaled 153.1 million pounds compared to 123.5 million pounds in January 1973. Butter production dropped from 96.1 million pounds in January 1973 to 80.6 million pounds in January 1974. Production of nonfat dry milk was 85.2 million pounds in January 1973 compared to only 58.4 million pounds in January 1974.

The industry is continuing to increase cheese processing capacity. One witness reported that facilities are being built in Wisconsin, Minnesota, and Iowa to process an additional 400 to 500 million pounds of cheese per year. However, these facilities will not be in operation in time to handle the increased volume of milk that will be produced this flush production season (April–July).

Each of the proponent cooperatives stated that by the end of February 1974 it was disposing of some Federal order reserve milk supplies in butter and nonfat dry milk. Prior to that time many of the cooperatives were able to either manufacture their reserve milk supplies in their own cheese plants or transfer the milk to cheese plants operated by other persons. Certain of the cooperatives, however, particularly those operating in the Minneapolis-St. Paul and Minnesota-North Dakota markets, have had to process a significant portion of their milk supply into butter and nonfat dry milk each month due to the limited cheese processing capacity in such areas. Historically, butter and nonfat dry milk have been the major uses for the reserve milk supplies in the Minnesota-North Dakota, Minneapolis-St. Paul, Southeastern Minnesota-Northern Iowa, Nebraska-Western Iowa, Eastern South Dakota, Des Moines, and Quad Cities-Dubuque markets. Cooperatives operating in these markets have begun to shift from butter-powder production to cheese production at several plants, but they state it takes about one year to do so, primarily due to the length of time it takes to obtain cheese processing equipment.

One of the large cooperatives that markets milk under the Minneapolis-St. Paul, Eastern South Dakota, Minnesota-North Dakota, Des Moines, Quad Cities-Dubuque, Southern Illinois, and Greater Kansas City orders processes about 40 percent of the milk it pools under the orders into butter and nonfat dry milk. This cooperative processed 58 million pounds of pooled milk into butter and nonfat dry milk during each of the months of December 1973 and January 1974. Another regional cooperative in this area processed 288 million pounds of Grade A milk into butter and nonfat dry milk during the period April–July 1973. Such milk was priced under the Minnesota-North Dakota, Minneapolis-St. Paul, Greater Kansas City, and Nebraska-Western Iowa orders.

Under the Chicago Regional order a substantial volume of milk is disposed of in butter and nonfat dry milk, even though a large proportion of the market's reserve supply is processed into cheese. In January 1974, 10.4 million pounds of skim milk priced under the order were used to make nonfat dry milk. Also in such month 4.2 million pounds of butterfat and 6.4 million pounds of skim milk were used in the production of butter. Milk used to produce cheese under the Chicago Regional order totaled 239.6 million pounds in January 1974. Monthly Class II milk volume under the order will increase by at least 100 million pounds in May and June, based on seasonal production patterns in prior years.

A large cooperative based in Iowa, which markets milk under the Quad Cities-Dubuque, Des Moines, and Southern Illinois orders, operates both cheese and butter-nonfat dry milk plants. In late February 1974 this cooperative reached full capacity in its cheese plants, and began making some butter and nonfat dry milk.

Another regional cooperative that supplies milk under the Oklahoma Metropolitan, Red River Valley, Central Arkansas, and Memphis orders has been trucking milk up to 400 miles to cheese plants in this region rather than process the milk in its butter-nonfat dry milk plants. However, this cooperative anticipates that during the spring months such cheese plant outlets will not be able to handle more than 80 percent of the volume of milk shipped to them in February since such plants' own regular supplies of milk will be increasing. The cooperative is installing additional cheese processing equipment in its Tulsa, Oklahoma, plant, but it will not be ready for use until at least May 1974.

This cooperative also markets milk in the North Central region. In such region this cooperative increased its cheese production by 50 percent in the first two

months of 1974 from the first two months of 1973. Even with such efforts to move its milk into cheese the cooperative estimates that it will have to move about 20 percent of its Federal order milk in the region into its butter-nonfat dry milk plants during April–July 1974.

A regional cooperative in the southeastern region processed about 25 percent of its Georgia, Chattanooga, and Nashville order reserve supplies of milk, or 21.5 million pounds, into butter and nonfat dry milk during April–July 1973. The cooperative began making some butter and nonfat dry milk in February this year since it was not able to market all of its reserve milk to the cheese and condensed milk plants in the region.

In light of the abovementioned marketing circumstances it is apparent that a portion of the milk supplies normally associated with each of the 19 orders will be processed into butter and nonfat dry milk durink this flush production season.

Also, it is apparent that a disparity in the returns available on milk processed into butter and nonfat dry milk and that processed into cheese will continue during the flush production months.

In these circumstances regulated handlers of milk used to produce butter and nonfat dry milk are faced with a substantial financial burden, since under the terms of the orders the milk would have to be accounted for at the Minnesota-Wisconsin price (or U.S. average manufacturing price) which are higher than the net returns that can be realized from the sale of butter and nonfat dry milk.

Appropriately, the burden of disposing of the reserve milk supplies in each market should be shared uniformly by all producers on such markets to effect uniform returns among producers. Temporary reduction of the price of milk used to produce butter and nonfat dry milk during this flush production season (April–July) would tend to effect greater uniformity of returns among producers, since certain producer cooperatives are more extensively engaged in operating butter-powder plants than others.

Too large a reduction in the price of milk used to produce butter and nonfat dry milk would have adverse effects, however. In markets where a large proportion of the milk on the market is processed into butter and nonfat dry milk, such as Minnesota-North Dakota—about 70 percent, the resultant uniform price could be depressed to the extent that it is not competitive with prices being paid in the area for manufacturing grade milk. As previously stated average pay prices at U.S. butter and by-product plants have not been more than 42 cents below the Minnesota-Wisconsin price during the past few months.

In addition, if milk used to produce butter and nonfat dry milk were priced below the price of milk used to produce ice cream and cottage cheese by an amount in excess of the cost of processing milk into butter and nonfat dry milk, it would unduly encourage processing milk into such storable products for reuse in ice cream and cottage cheese rather than making such products from fresh skim milk and cream.

In view of the aforementioned considerations it is concluded that the price of milk used in butter and nonfat dry milk under the 19 orders should be set lower than the price that otherwise would be provided during the period April–July 1974, by the lessor of 50 cents per hundredweight, or the amount that the basic formula price exceeds the amount determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption f.o.b. manufacturing plant in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under (1) and (2) subtract 48 cents and round to the nearest cent.

To facilitate the disposal of reserve milk into butter and nonfat dry milk at nonpool plants that process other products, regulated milk moved to such plants should be considered as processed into butter and nonfat dry milk if production of such products in the plant is sufficient to account for the regulated milk received at the plant. In the event that milk from Federal order sources received at such a plant is in excess of the quantity of milk used in butter and powder, any butter and nonfat dry milk production should be assigned pro rata to the receipts from Federal order sources where a similar butter and nonfat dry milk price is applicable.

For administrative convenience the special butter and nonfat dry milk price is to be carried out under the respective orders as a credit in determining each handler's monthly pool obligation.

Five of the orders (Georgia, Chattanooga, Memphis, Nashville, and Central Arkansas) contain a base-excess plan of payment to producers. (The base-excess plan under the Greater Kansas City order has been suspended through July 1974.) Since the excess price under the orders is based on the lowest class price, the credits on milk used to produce butter and nonfat dry milk appropriately should be allocated against the value of excess milk to the extent that the volume of excess milk is sufficient to cover the volume of milk on which the credit is allowed. Under the Georgia order the lowest class price is also used with respect to milk of producers to whom no base milk has been assigned. Under this order the credits on milk used to produce butter and nonfat dry milk appropriately should first be allocated against such milk.

2. *Whether an emergency exists to warrant the omission of a recommended decision.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto. The current marketing conditions in the aforesaid marketing areas are such that it is urgent that remedial action be taken as soon as possible. It is necessary to provide at the earliest opportunity for the orderly marketing of milk that has no other market outlet than in the production of butter and nonfat dry milk.

It is therefore determined that good cause exists for the omission of the recommended decision and the opportunity for filing exceptions thereto.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

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 orders and of the previously issued amendments thereto; and all of 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) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) 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 marketing areas, and the minimum prices specified in the tentative marketing agreements and the orders, as hereby proposed to be 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

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the orders regulating the handling of milk in the aforesaid specified marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

December 1973 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the aforesaid specified marketing areas, is approved or favored by producers, as defined under the terms of each of the orders as amended and as hereby proposed to be amended, who during such representative period were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on March 28, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

Order[1] Amending The Orders, Regulating The Handling of Milk in Certain Specified Marketing Areas

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 each of the aforesaid orders and of the previously issued amendments thereto; and all of 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. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the orders regulating the handling of milk in the aforesaid specified marketing areas. The hearing was held 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 (7 CFR Part 900).

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended, as follows:

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. In § 1030.70 add a new paragraph (g) as follows:

§ 1030.70 Computation of the net pool obligation of each handler.

* * * * *

(g) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1007—MILK IN THE GEORGIA MARKETING AREA

1. In § 1007.60 add a new paragraph (g) as follows:

§ 1007.60 Computation of the net pool obligation of each handler.

* * * * *

(g) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

2. In § 1007.61a, paragraph (c) is revised as follows:

§ 1007.61a Computation of uniform prices for base milk and excess milk.

* * * * *

(c) Determine the total value of excess milk by assigning such milk in series beginning with Class II to the hundredweight of milk in each class as determined pursuant to paragraph (a) of this section, multiplying the quantities so assigned by the respective class prices and adding together the resulting amounts: *Provided*, That for each month from the effective date hereof through July 1974, there shall be deducted from the value of such excess milk an amount determined pursuant to § 1007.60(g) that is not in excess of an amount determined by multiplying the quantity of excess milk by the rate computed pursuant to § 1007.60(g);

* * * * *

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

1. In § 1032.70 add a new paragraph (g) as follows:

§ 1032.70 Computation of the net pool obligation of each pool handler.

* * * * *

(g) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of

this paragraph subtract 48 cents, and round to the nearest cent.

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

1. In § 1050.70 add a new paragraph (g) as follows:

§ 1050.70 Computation of the net pool obligation of each pool handler.

* * * * *

(g) Subtract for each month from the effective date hereof through July 1974 an amount computed by mutiplying the quantity of producer milk classified as Class II milk used to producer butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1060—MILK IN THE MINNESOTA-NORTH DAKOTA MARKETING AREA

1. In § 1060.70 add a new paragraph (g) as follows:

§ 1060.70 Computation of the net pool obligation of each pool handler.

* * * * *

(g) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1061—MILK IN THE SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

1. In § 1061.70 add a new paragraph (g) as follows:

§ 1061.70 Computation of the net pool obligation of each handler.

* * * * *

(g) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1063—MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

1. In § 1063.70 add a new paragraph (f) as follows:

§ 1063.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1064—MILK IN THE GREATER KANSAS CITY MARKETING AREA

1. In § 1064.70 add a new paragraph (f) as follows:

§ 1064.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

1. In § 1065.70 add a new paragraph (f) as follows:

§ 1065.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

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

1. In § 1068.70 add a new paragraph (e) as follows:

§ 1068.70 Computation of the net pool obligation of each pool handler.

* * * * *

(e) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray

process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

1. In § 1076.70 add a new paragraph (f) as follows:

§ 1076.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1078—MILK IN THE NORTH CENTRAL IOWA MARKETING AREA

1. In § 1078.70 add a new paragraph (f) as follows:

§ 1078.70 Net obligation of handlers.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1079—MILK IN THE DES MOINES MARKETING AREA

1. In 1079.70 add a new paragraph (f) as follows:

§ 1079.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1090—MILK IN THE CHATTANOOGA, TENN., MARKETING AREA

1. In § 1090.70 add a new paragraph (f) as follows:

§ 1090.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

2. In § 1090.72 paragraph (a)(3) is revised as follows:

§ 1090.72 Computation of uniform prices for base milk and excess milk.

* * * * *

(a) * * *

(3) Add together the resulting amounts: *Provided,* That for each month from the effective date hereof through July 1974, there shall be deducted from the value of such excess milk an amount determined pursuant to § 1090.70(f) that is not in excess of an amount determined by multiplying the quantity of excess milk by the rate computed pursuant to § 1090.70(f);

* * * * *

PART 1097—MILK IN THE MEMPHIS, TENN., MARKETING AREA

1. In § 1097.70 add a new paragraph (e–1) as follows:

§ 1097.70 Net obligations of handlers.

* * * * *

(e–1) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

2. In § 1097.72 paragraph (b) is revised as follows:

§ 1097.72 Computation of the uniform prices for base and excess milk for handlers.

* * * * *

(b) Compute the value of excess milk received by such handler as producer milk and bulk milk from a cooperative association in its capacity as a handler pursuant to § 1097.10(c), by multiplying the quantity of such milk not in excess of the total quantity of Class II milk for such handler pursuant to § 1097.70(a) by the Class II price less 5 cents; multiply the remaining excess milk by the Class I price less 5 cents, and add together the resulting amounts: *Provided,* That for each month from the effective date hereof through July 1974, there shall be deducted from the value of such excess milk an amount determined pursuant to § 1097.70(e–1) that is not in excess of an amount determined by multiplying the quantity of excess milk by the rate computed pursuant to § 1097.70(e–1);

* * * * *

PART 1098—MILK IN THE NASHVILLE, TENNESSEE, MARKETING AREA

1. In § 1098.70 add a new paragraph (f) as follows:

§ 1098.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

2. In § 1098.72 paragraph (a) (3) is revised as follows:

§ 1098.72 Computation of uniform prices for base milk and excess milk.

* * * * *

(a) * * *

(3) Add together the resulting amounts: *Provided,* That for each month from the effective date hereof through July 1974, there shall be deducted from the value of such excess milk an amount determined pursuant to § 1098.70(f) that is not in excess of an amount determined by multiplying the quantity of excess milk by the rate computed pursuant to § 1098.70(f);

* * * * *

PART 1104—MILK IN THE RED RIVER VALLEY MARKETING AREA

1. In § 1104.70 a new paragraph (g) is added as follows:

§ 1104.70 Computation of the net pool obligation of each pool handler.

* * * * *

(g) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price (pursuant to Part 1106) exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1106—MILK IN THE OKLAHOMA METROPOLITAN MARKETING AREA

1. In § 1106.70 a new paragraph (g) is added as follows:

§ 1106.70 Computation of the net pool obligation of each pool handler.

* * * * *

(g) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1108—MILK IN THE CENTRAL ARKANSAS MARKETING AREA

1. In § 1108.70 add a new paragraph (f) as follows:

§ 1108.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current monthy by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

2. In § 1108.72 paragraph (b) (3) is revised as follows:

§ 1108.72 Computation of uniform prices for base milk and excess milk.

* * * * *

(b) * * *

(3) Add together the resulting amounts: *Provided,* That for each month from the effective date hereof through July 1974, there shall be deducted from the value of such excess milk an amount determined pursuant to § 1108.70(f) that is not in excess of an amount determined by multiplying the quantity of excess milk by the rate computed pursuant to § 1108.70(f);

* * * * *

[FR Doc.74-7568 Filed 3-29-74;9:04 am]

Animal and Plant Health Inspection Service

[9 CFR Part 2]

ANIMAL WELFARE

Amendment of Regulations Regarding License Fees and Denials of Applications for Licenses

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Act of August 24, 1966 (Public Law 89-544), as amended by the Animal Welfare Act of 1970 (Public Law 91-579), the Department of Agriculture is considering amending Part 2, Subchapter A, Chapter 1, Title 9, Code of Federal Regulations, with respect to the calculation of the dollar amount upon which the license fee is based for dealers and exhibitors and to deny the issuance of a license to any person if the Secretary has reason to believe that the applicant is unfit to engage in the activity for which he has made application, with opportunity for notice and hearing, in accordance with the rules of practice.

Statement of considerations. Many persons and organizations have expressed objections concerning the license fees established by the Department under the authority in the Laboratory Animal Welfare Act of 1966, as amended by the Animal Welfare Act of 1970, and set forth in § 2.6 of the regulations issued thereunder (9 CFR 2.6). Primarily, objections have been raised in regard to the method of establishing these fees, the amount of fees, and the failure to differentiate between a breeder who raises animals for sale and a dealer who purchases animals for wholesale or retail sale purposes. In the light of such comments it is proposed that: (a) The annual licensee fee of a Class "A" dealer will be based on 50 percent of the total gross amount, expressed in dollars, derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale, by the dealer or applicant during his preceding business year (calendar or fiscal).

(b) The annual license fee of the Class "B" dealer will be established by calculating the total amount received from the sale of animals by the dealer or applicant during his preceding business year (calendar or fiscal) less the amount paid for such animals. The net difference, exclusive of other costs, would be the figure used to determine the annual license fee.

In considering the proposed methods of calculating license fees for the Class "A" dealer and the Class "B" dealer, the Department has taken into consideration the provisions in the statute requiring that license fees be reasonable and such fees shall be adjusted on an equitable basis taking into consideration the type

and nature of the operation to be licensed. Consideration has been given to the overhead in the production of animals for sale and the overhead involved for the buying and reselling of animals at wholesale or as pets.

The method of establishing the annual fee for the Class "A" or the Class "B" dealer is based on a proposed method. Any comments received from the public will be considered in the final rulemaking on the method to be used in calculating the annual fee for the two classes of dealers.

Since the inception of the Animal Welfare program in 1967, the Department has been placed in the position of having to issue a license to any applicant when the requirements of §§ 2.1, 2.2, and 2.3 of the regulations have been met and the applicant's premises, facilities, and equipment comply with the standards.

The Department is proposing that a new section (§ 2.11) be added to include regulations authorizing the Administrator to deny a license to an applicant when the Secretary finds after notice and opportunity for hearing, that such applicant is unfit to engage in that activity for which he has made application, by reason of his having, at any time within two years prior to his application, engaged in any activity prohibited by the Laboratory Animal Welfare Act of 1966, as amended by the Animal Welfare Act of 1970, or any regulation or standard issued thereunder, and that § 2.4 be amended to reflect such change.

The Department believes that under the Animal Welfare Act it is responsible for the humane care and handling of animals, including the responsibility to deny an applicant a license when the Secretary finds after opportunity for hearing that the applicant is unfit to be licensed. Therefore, it is proposed that the regulations be amended as follows:

§ 2.4 [Amended]

1. § 2.4 would be amended by deleting the word "and" before "2.10" and inserting a comma in lieu thereof and by adding "and 2.11," after "2.10."

2. In § 2.6 paragraph (b)(2) would be amended by deleting "(3) and (4)" therein and inserting "(4) and (5)" in lieu thereof and redesignating the paragraph as (b)(3); present paragraphs (b)(3), (b)(4), and (b)(5) would be redesignated as paragraphs (b)(4), (b)(5), and (b)(6) respectively; and paragraphs (b)(1) and (b)(4) (redesignated as (b)(5) in this proposal) would be amended and a new paragraph (b)(2) would be added to read as follows:

§ 2.6 Annual fees; and termination of licenses.

(b)(1) Except as provided in paragraph (b)(4) and (5), the annual fee for a Class "A" dealer shall be based on 50 percent of the total gross amount, expressed in dollars, derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale, by the dealer or applicant during his preceding business year (calendar or fiscal) in the case of a person who operated during such a year.

(2) Except as provided in paragraph (b)(4) and (5), the annual fee for a Class "B" dealer or an applicant for a Class "B" license shall be established by calculating the total amount received from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale, during his preceding business year (calendar or fiscal) less the amount paid for such animals, by the dealer or applicant. This net difference, exclusive of other costs, shall be the figure used to determine the license fee of such Class "B" dealer or applicant for a Class "B" license.

* * * * *

(5) In the case of an applicant for a license as a dealer or operator of an auction sale who did not operate for at least six months during his preceding business year, the annual fee will be based on the anticipated yearly dollar amount of business, as provided in subparagraphs (b)(1), (2) or (3) of this paragraph, derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale.

3. Table 1 of § 2.6(c) would be amended to read as follows:

TABLE 1.—*Dealers and operators of an auction sale*

Over	But not over	Fee
$0	$500	$5
500	2,000	15
2,000	10,000	25
10,000	25,000	100
25,000	50,000	200
50,000	100,000	300
100,000		500

4. § 2.6(e) would be amended to read as follows:

(e) In any situation in which a licensed dealer or operator of an auction sale shall have demonstrated in writing to the satisfaction of the Secretary that he has good reason to believe that his dollar amount of business, upon which the license fee is based, for the forthcoming business year will be less than the previous business year, then his estimated dollar amount of business shall be used for computing the license fee for the forthcoming business year: *Provided, however,* That if such dollar amount, upon which the license fee is based, for that year does in fact exceed the amount estimated, the difference in amount of the fee paid and that which was due based upon such actual dollar business upon which the license fee is based, shall be payable in addition to the required annual fee for the next subsequent year, on the anniversary date of his license as prescribed in this section.

5. § 2.7(b) would be amended to read:

§ 2.7 Annual report by licensees.

* * * * *

(b) A person licensed as a dealer shall set forth in his annual report the dollar amount of business, upon which the license fee is based, from the sale of animals by the licensee to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale, by the licensee during the preceding business year (calendar or fiscal) and such other information as may be required thereon.

6. A new § 2.11 would be added to read:

§ 2.11 Denial of license.

A license will be issued to any applicant when the requirements of §§ 2.1, 2.2, and 2.3 have been met; however, if the Secretary has reason to believe that the applicant is unfit to engage in the activity for which application has been made by reason of the fact that the applicant has within 2 years prior to filing the application engaged in any activity in violation of any provision of the Act, the regulations, or standards, which previously has not been the subject of an administrative proceeding under the Act resulting in the imposition of a sanction against the applicant, an administrative proceeding shall be promptly instituted in which the applicant will be afforded an opportunity for a hearing in accordance with the rules of practice under the Act, for the purpose of the applicant showing cause why the application for license should not be denied. In the event it is determined that the application should be denied, the applicant shall not be precluded from again applying for a license after one year from the date of the final order denying the application.

Any person who wishes to submit written data, views, arguments, or information concerning this notice may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Building, Hyattsville, Maryland 20782, before May 17, 1974.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of March 1974.

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-7418 Filed 3-29-74;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 260]

INSPECTION AND CERTIFICATION OF FISHERY PRODUCTS

Fees and Charges

On pages 27405-27406 of the FEDERAL REGISTER of Wednesday, October 3, 1973,

a Notice of Proposed Rulemaking was published by the National Marine Fisheries Service to amend certain sections of Part 260—Inspection and Certification of Fishery Products, pertaining to Fees and Charges. The intent of the proposal was to adjust hourly inspection rates to provide for reimbursement to the Department for Government costs attributable to the program for inspection and certification of fishery products. The proposed new rates were to become effective January 1, 1974, and did not include automatic increases as provided for in § 260.81. Interested persons were allowed 45 days in which to submit written comments regarding the proposed amendments to the regulations and a meeting was convened in Washington, D.C. on October 30, 1973.

A slight increase in program income resulting from new program subscriptions coupled with a decrease in program costs resulting from the redeployment of personnel negates the need for a rate increase in FY 1974.

The proposed rate increase published in the October 3, 1973, issue of the FEDERAL REGISTER is hereby cancelled.

ROBERT M. WHITE,
Administrator.

MARCH 22, 1974.

[FR Doc.74-7377 Filed 3-29-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 121, 128, 133]

ASBESTOS PARTICLES IN FOOD AND DRUGS

Notice of Proposed Rulemaking

Correction

In FR Doc. 74-3310 appearing on page 5197 of the issue of Monday, February 11, 1974, the quoted material in paragraph 3, now reading $\frac{\text{“}n+n'}{2}$ from to "$(n\alpha+n\beta)/2.$'", should read, "from $\frac{\text{“}n+n'}{2}$ to "$(n\alpha+n\beta)/2.$'"

Center for Disease Control

[42 CFR Part 83]

PERSONAL PROTECTIVE DEVICES

Notice of Proposed Rulemaking

Section 22(c) of the Occupational Safety and Health Act (29 U.S.C. 671(c)) authorizes the National Institute for Occupational Safety and Health (NIOSH) to develop and establish recommended occupational safety and health standards. As a part of any such standard, the Institute intends to recommend, in appropriate instances, that certain devices be used for the personal protection of workers against various industrial hazards.

Notice is hereby given that the Secretary of Health, Education, and Welfare proposes to amend Title 42, Code of Federal Regulations, by adding a new Part 83 which sets forth the requirements for certification of (a) industrial head protective devices, (b) industrial eye and face protective devices, (c) industrial shoes, and (d) rubber insulating gloves. The proposed rules would provide for the testing of such devices, when new, to ensure protection to the users of such devices. The criteria proposed to be used for testing purposes are basically those contained in existing standards published by the American National Standards Institute. The testing of such devices by NIOSH would be conducted at the Institute's Testing and Certification Laboratory in Morgantown, West Virginia. Applicants for certification would also be required to test their devices prior to the filing of any application for certification and to include the results of such tests in the application (§ 83.11(d)).

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed and data, views, and arguments relating to the proposed regulations may be submitted in writing, in triplicate, to the Regulations Officer, National Institute for Occupational Safety and Health, Room 3-32, 5600 Fishers Lane, Rockville, MD. 20852. All material received on or before May 1, 1974, will be considered before further action is taken on the proposal. All comments received in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is therefore proposed to establish a new Part 83 and adopt the following regulations to be effective on the date of their republication in the FEDERAL REGISTER.

Dated: January 25, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: March 26, 1974.

CASPAR W. WEINBERGER,
Secretary.

PART 83—CERTIFICATION OF PERSONAL PROTECTIVE DEVICES

Subpart A—General Provisions

Subpart B—Application for Certification

Subpart C—Fees

Subpart D—Certificates

Subpart E—Quality Control

Subpart F—Classification of Certified Personal Protective Devices

Subpart G—General Construction and Performance Requirements

Subpart H—General and Detailed Certification Requirements and Tests for Personal Protective Devices

AUTHORITY: The provisions of this Part 83 issued under sec. 8(g), 84 Stat. 1600 (29 U.S.C. 657(g)).

Subpart A—General Provisions

§ 83.1 Purpose.

The regulations in this part set forth the requirements and fees for the certification of personal protective devices by the National Institute for Occupational Safety and Health.

§ 83.2 Lists of certified personal protective devices.

The Institute will publish and otherwise make available lists of personal protective devices that have been tested and certified as meeting the minimum requirements of this Part 83.

§ 83.3 Definitions.

As used in this part—

(a) "Applicant" means an individual, partnership, company, corporation, association, or other organization that manufactures, assembles, or controls the assembly of a personal protective device and who seeks to obtain certification from the Institute for such device.

(b) "Certification" means a certificate or formal document issued by the Institute stating that an individual personal protective device has met the minimum requirements of this Part 83, and that the applicant is authorized to attach a label or marking to any device manufactured or assembled in conformance with the plans and specifications upon which the certification was based, as evidence of such certification.

(c) "Final Inspection" means that activity carried out on a product after all manufacturing and assembly operations are completed to insure completeness and adherence to performance or other specifications, including satisfactory appearance.

(d) "Incoming Inspection" means the activity of receiving, examining, and accepting only those materials and parts whose quality conforms to specification requirements.

(e) "Personal Protective Device" is a device designed to protect parts of the user's body against specific hazards.

(f) "In Process Inspection" means the control of products at the source of production and at each step of the manufacturing process, so that departures from specifications can be corrected before defective components or materials are assembled into the finished product.

(g) "Institute" means the National Institute for Occupational Safety and Health, Department of Health, Education, and Welfare.

(h) "Model" means a personal protective device which is basically different in some manner from other devices within the same classification given in Subpart F.

(i) "Testing and Certification Laboratory" means the Testing and Certification Laboratory of the National Institute for Occupational Safety and Health, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

(j) "Variants" are devices which differ slightly from each other but not enough to be considered separate models.

§ 83.4 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the technical publications to which reference is made in this Part 83 are hereby incorporated by reference and made a part hereof. The incorporated technical publications are available for examination at the Testing and Certification Laboratory.

Subpart B—Application for Certification

§ 83.10 Application procedures.

(a) From time to time, the Institute will publish a notice in the FEDERAL REGISTER specifying the dates during which applications will be accepted for the testing and possible certification of specific classes of personal protective devices classified in Subpart F.

(b) Inspection, examination, and testing leading to certification of types of complete personal protective devices classified in Subpart F of this part shall be undertaken by the Institute only pursuant to a written application filed in accordance with the requirements of this Subpart. Such applications shall be in the English language except as provided in § 83.11(b) below.

(c) The application and all related materials and correspondence concerning it shall be sent to the Testing and Certification Laboratory and shall be accompanied by a check, bank draft, or money order in the amount specified in Subpart C of this part made payable to the National Institute for Occupational Safety and Health.

(d) Except as provided in § 83.64, the examination, inspection, and testing of all personal protective devices shall be conducted by the Testing and Certification Laboratory.

(e) Applicants, manufacturers, or their representatives may visit or communicate with the Testing and Certification Laboratory in order to discuss the requirements for certification of any personal protective device or proposed designs thereof. No charge shall be made for such consultation and no written report shall be issued to applicants, manufacturers, or their representatives by the Institute as a result of such consultation.

§ 83.11 Contents of application.

(a) Each application for certification shall contain a written description of the personal protective device for which certification is requested together with drawings, specifications, and an index of the drawings and specifications showing full details of construction of the device and of the materials used. Drawings and specifications (and indices thereof) shall be submitted in triplicate.

(b) Drawings shall be titled, numbered, and dated; any revision shall be shown on the drawings, and the purpose of each revision shall be shown on the drawing or described on an attachment to the drawing to which it applies. Drawings may be dimensioned either in metric or English scales, however:

(1) Foreign language call-outs on drawings must be translated either directly on the prints or on overlays.

(2) Drafting symbols not specified by MIL–STD–8 or ANSI Standard must be interpreted in English language.

(c) Each application for certification shall contain a proposed plan for quality control which meets the minimum requirements set forth in Subpart E of this part.

(d) Each application shall (1) contain a statement that the device has been pretested by the applicant as prescribed in § 83.64, (2) describe the test methods employed and (3) include the results of such tests together with a statement that based on the test results, the device meets the applicable requirements of this part.

(e) Each application shall contain a statement that the personal protective device and component parts submitted for certification are (1) either prototypes, or (2) made on regular production processing.

§ 83.12 Delivery of devices by applicant; requirements.

(a) Each applicant shall, when an application is filed pursuant to § 83.10, be advised by the Institute of the total number of complete personal protective devices and component parts required for testing, and the time allowed for delivery for those devices and component parts to the Testing and Certification Laboratory.

(b) The applicant shall deliver, at his own expense, the number of completely assembled devices and components required for testing, to the Testing and Certification Laboratory.

(c) Personal protective devices and component parts submitted for certification must be made from materials specified in the application.

(d) Six completely assembled personal protective devices certified under the provisions of this part may be retained by the Institute as a laboratory exhibit and record; the remaining devices may be returned to the applicant at his own expense, upon written request within 30 days after notice of certification. If no such request is made, the devices will be disposed of by the Institute in such manner as it deems appropriate.

(e) Where a personal protective device fails to meet the requirements for certification set forth in this part, the applicant shall be notified in writing and all devices and components delivered in accordance with this section may be returned to the applicant at his own expense, upon written request to the Testing and Certification Laboratory within 30 days after such notice. If no such request is made, the devices will be disposed of by the Institute in such manner as it deems appropriate.

§ 83.13 Withdrawal of applications; refund of fees.

(a) Any applicant may, upon a written request submitted to the Institute, withdraw any application for certification of any personal protective device.

(b) Upon receipt of a written request for the withdrawal of an application, the Institute shall determine the total man-days expended and the amount due for services already performed during the course of any examinations, inspections, or tests conducted pursuant to such application. The total amount due shall be determined in accordance with the provisions of § 83.22 and assessed against the fees submitted by the applicant. If the total amount assessed is less than the fees submitted, the Institute shall refund the balance together with a statement of charges made for services rendered.

Subpart C—Fees

§ 83.20 Examination, inspection, and testing of complete devices; fees.

Except as provided in § 83.22, the following fees shall be charged by the Institute for the examination, inspection, and testing of complete personal protective devices:

(a) Industrial head protective devices

(1) Class A, limited voltage protection	$550
(2) Class B, high voltage protection	600
(3) Class C, no voltage protection	450
(4) Class D, limited voltage protection, firefighters' service	550

(b) Industrial eye and face protective devices

(1) Welding helmet, rigid	$500
(2) Welding helmet, nonrigid	500
(3) Welding handshield	500
(4) Welding and cutting eyecup goggles	500
(5) Welding and cutting eyecup cover goggles	500
(6) Faceshield	400
(7) Chipping eyecup goggles	400
(8) Chipping eyecup cover goggles	400
(9) Dust and splash eyecup goggles	400
(10) Dust and splash eyecup cover goggles	400
(11) Safety spectacles without side-shields	900
(12) Safety spectacles with side-shields	950
(13) Welding and cutting flexible or cushion fitting goggles	500
(14) Chipping flexible or cushion fitting goggles	400
(15) Dust and splash flexible or cushion fitting goggles	400
(16) Foundrymen's goggles	500

(c) Foot protective devices

(1) Class 75	$350
(2) Class 50	350
(3) Class 30	350

(d) Rubber insulating gloves

(1) Class 0	$600
(2) Class 1	600
(3) Class 2	600
(4) Class 3	600
(5) Class 4	600

§ 83.21 Examination, inspection, and testing of components; fees.

Except as provided in § 83.22, the following fees shall be charged by the Institute for the examination, inspection, and testing of the individual components of variant or modified devices:

(a) Industrial head protective devices

(1) Shell	$300
(2) Suspension	100

(b) Industrial eye and face protective devices

(1) Welding lens	$300
(2) Welding shield or helmet (no lens)	100
(3) Snood	200
(4) Apron	100
(5) Goggles lens	200
(6) Goggles frame	200
(7) Face shield without support	200
(8) Face shield support	150
(9) Safety spectacles lens	200
(10) Safety spectacles frame	200

(c) Foot protective devices

(1) Safety-toe box	$200
(2) Upper	100
(3) Insole	100
(4) Outsole	100

(d) Rubber Insulating gloves

(1) Rubber specimen	$250
(2) Complete glove for individual tests specified by applicant	300

§ 83.22 Unlisted fees, additional fees, payment by applicant prior to certification.

(a) Applications for the examination, inspection, and testing of complete personal protective devices which are not listed in § 83.20, or for the examination, inspection, and testing of components which are not listed in § 83.21, shall be accompanied by the following deposits:

(1) Personal protective device	$600
(2) Each component	300

(a) The Institute reserves the right to conduct any examination, inspection, or test it deems necessary to determine the quality and effectiveness of any unlisted device or component, or variant of such device or component, and to assess the cost of such examination, inspection, or test against the applicant prior to conducting the examination, inspection, or test and issuance of any certificate for the device.

(c) Fees charged for the examination, inspection, and testing of unlisted devices or components, or variants thereof, and for additional examination, inspection, and testing of listed devices or components, or variants thereof, shall be at the rate of $50.00 per day for each man-day required to be expended by the Institute.

(d) Upon completion of all examinations, inspections, and tests of unlisted devices or components, or following completion of any additional examinations, inspections, or tests of listed devices or components, including retesting subsequent to denial of certification, the Institute shall advise the applicant in writing of the total cost assessed and the additional amount, if any, which shall be paid to the Institute, before the issuance of any certificate.

(e) In the event the amount assessed by the Institute for unlisted devices or components, is less than the amount of the deposit submitted in accordance with paragraph (a) of this section, the Institute shall refund the overpayment upon the issuance of any certificate or notice that the device or component fails to comply with the applicable requirements of this part.

Subpart D—Certificates

§ 83.30 Issuance of certificates; scope.

(a) The Institute will issue certificates pursuant to the provisions of this subpart for individual, completely assembled personal protective devices which have been examined, inspected, and tested and which meet the minimum requirements set forth in this part.

(b) A separate certificate will be issued for each model. Several variants may be included in one certificate. The Institute reserves the right to determine what constitutes a model and what constitutes a variant.

(c) The Institute will not issue certificates for any components or subassembly.

(d) The Institute will not issue an informal notification of certification. However, if the application for certification, submitted in accordance with § 83.11, states that the submitted device and component parts are prototypes, the Institute will examine, inspect, and test such device and component parts in accordance with the provisions of this part 83. If, upon completion of such examinations, inspections, and tests it is found that the prototype meets the minimum requirements set forth in this part, the Institute will inform the applicant, in writing, of the results of the examinations, inspections, and tests, and may require him to resubmit devices and component parts made on regular production tooling, with no operations included which will not be incorporated in regular production processing, for further examination, inspection, and testing, prior to issuance of a certificate.

(e) Applicants required to resubmit devices and component parts made on regular production tooling, with no operation included which will not be incorporated in regular production processing, shall be charged additional fees in accordance with Subpart C of this part.

§ 83.31 Contents of certificates.

(a) The certificate will contain a classification and a description of the device for which it is issued.

(b) The certificate will specifically set forth any restrictions or limitations on the device's use in work places.

(c) Each certificate will be accompanied by an index of, or a reference to the index of, the drawings and specifications submitted by the applicant in accordance with § 83.11. The listed drawings and specifications shall be incorporated by reference in the certificate, and shall be maintained by the applicant. The drawings and specifications listed in each certificate shall set forth in detail the design and construction requirements which shall be met by the applicant during commercial production of the device.

(d) Each certificate will be accompanied by a reproduction of the certification seal to be employed by the applicant with each certified device, as provided in § 83.33.

(e) Each certificate will also reference the approved quality control plan as specified in § 83.42.

§ 83.32 Notice of denial of certification.

(a) If, upon completion of examinations, inspections, and tests required to be conducted in accordance with the provisions of this part, it is found that the personal protective device does not meet the minimum requirements set forth in this part, the Institute shall issue a written notice so advising the applicant.

(b) Each such notice will be accompanied by all pertinent data or findings with respect to why the device fails to meet the applicable requirements with a view to possible alteration of the device so that it complies with applicable requirements.

§ 83.33 Certification markings.

(a) Each certified personal protective device shall be marked with the manufacturer's name, the classification (as indicated in § 83.51), and a number consisting of the letters TC, the appropriate designation numeral, as follows, and a certificate serial number:

Device	Designation numeral
Head protective device	50
Eye and face protective device	52
Foot protective device	53
Rubber insulating glove	54

(b) The markings required in paragraph (a) of this section shall be applied in a permanent manner such that they cannot be readily defaced or removed without leaving evidence of their presence. The markings shall not in any interfere with the protection afforded the user of the device.

(c) The Institute shall, where necessary, notify the applicant when additional labels, markings, caution statements, or instructions are required.

(d) Certification markings shall only be used by the applicant to whom they were issued.

(e) Use of the Institute's certification markings obligates the applicant to whom they are issued to maintain or cause to be maintained the approved quality control sampling schedule and the acceptable quality level for each characteristic tested, and to assure that the certified personal protective device is manufactured according to the drawings and specifications upon which the certificate is based.

(f) Each certified personal protective device, and, where necessary, components thereof, shall also be labeled to show the name, letters, or numbers or combination thereof, by which the device or component is designated for trade purposes and the lot number, serial number, or approximate date of manufacture of the device or component.

§ 83.34 Withdrawal of certificates.

(a) The Institute may, after affording the certificate holder reasonable notice in writing and an opportunity to present his views or evidence, withdraw for cause, any certificate issued pursuant to the provisions of this part and to notify industrial users of such devices of such withdrawal through normal certification listing procedures. Such causes for withdrawal include, but are not limited to, misuse of certification markings, misleading advertising and failure to maintain or cause to be maintained the quality control requirements of the certificate.

(1) The views and evidence of the holder of the certificate shall be presented in writing unless the Director of the Institute determines that an oral presentation is desirable.

(2) Such views and evidence shall be confined to matters relevant to whether cause exists for the withdrawal of the certificate.

(b) Effective upon receipt by the applicant of the Institute's written notice of intent to withdraw certification, the certificate holder shall cease to manufacture, market, and distribute for sale personal protective devices bearing the certification seal or markings for those devices for which notice of intent to withdraw certification has been given.

§ 83.35 Changes after certification.

Prior to changing any feature of a certified personal protective device the applicant shall obtain approval of the Institute pursuant to the following procedures:

(a) Application may be made at any time as for an original certificate as specified by Subpart B. The application shall request that the existing certification be extended to encompass the proposed change.

(b) The application and accompanying material will be examined by the Institute to determine whether testing of the modified personal protective device will be required. The Institute will inform the applicant whether such testing is required and, if so, when the modified devices may be submitted for testing.

(c) The Institute will inform the applicant of the fee required for any additional testing and the applicant will be charged for the actual cost of any examination, inspection, or test required, and such fees shall be submitted in accordance with the provisions of Subpart C of this part.

(d) If the proposed modification meets with the requirements of this part, an extended certificate will be issued and accompanied, where necessary, by a list of new and revised drawings and specifications covering the change(s) and any revised certification markings.

§ 83.36 Delivery of certified devices.

One of each device for which a certificate or extended certificate has been issued shall be delivered, if and when specified by the certificate, with proper markings, to the Testing and Certification Laboratory.

Subpart E—Quality Control

§ 83.40 Quality control plans; filing requirements.

A quality control plan shall be filed by the applicant in the English language as a part of each application submitted pursuant to § 83.10. The plan shall be designed to assure the quality of protection provided by the personal protective device for which certification is sought.

§ 83.41 Contents of quality control plans.

(a) Each quality control plan shall contain provisions for the management of quality, including: (1) Requirements for the production of quality data and use of quality control records; (2) control of engineering drawings, documentations, and changes; (3) control and calibration of measuring and testing equipment; (4) control of purchased material to include incoming inspection; (5) lot identification, control of processes, manufacturing, fabrication, and assembly work conducted in the applicant's plant; (6) audit of final inspection of the completed product; and, (7) the organizational structure necessary to carry out these provisions.

(b) Each provision for incoming and final inspection in the quality control plan shall include a procedure for the selection of a sample of personal protective devices and the components thereof for inspection, or testing, or both, in accordance with procedures set forth in Military Standard MIL–STD–105D, "Sampling Procedures and Tables for Inspection by Attributes", or Military Standard MIL–STD–414, "Sampling Procedures and Tables for Inspection by Variables for Percent Defective", or an approved equivalent sampling procedure, or an approved combination of sampling procedures. Incoming bulk raw material inspection or verification of specification, and in process inspection shall be sufficient to ensure control of product quality through the manufacturing cycle.

(c) The sampling procedure shall include a list of the characteristics to be inspected, or tested, or both, by the applicant or his agent.

(d) The characteristics listed in accordance with paragraph (c) of this section shall be classified according to the potential effect of such defect and grouped into the following classes:

(1) Critical. A defect that judgment and experience indicate is likely to result in a condition immediately hazardous to life, health, or safety for individuals using or depending upon the device;

(2) Major A. A defect, other than Critical, that is likely to result in failure to the degree that the device does not provide any protection or a defect that reduces protection and is not detectable by the user;

(3) Major B. A defect, other than Major A or Critical, that is likely to result in reduced protection, and is detectable by the user; and

(4) Minor. A defect that is not likely to materially reduce the usability of the device for its intended purpose, or a defect that is a departure from established standards and has little bearing on the effective use of the device.

(e) The quality control inspection test method to be used by the applicant or his agent for each characteristic required to be tested shall be described in detail.

(f) Each item manufactured shall be 100 percent inspected for defects in all critical characteristics and all defective items shall be rejected.

(g) The Acceptable Quality Level (AQL) for each major or minor defect so classified by the applicant shall be:

(1) Major A. 1.0 percent;

(2) Major B. 2.5 percent; and

(3) Minor. 4.0 percent.

(h) Except as provided in paragraph (i) of this section, inspection level II described in MIL–STD–105D, or inspection level IV as described in MIL–STD–414, shall be used for major and minor characteristics and 100 percent inspection for critical characteristics. Inspection levels higher than those specified will be acceptable.

(i) Subject to the approval of the Institute, where the quality control plan provisions for raw material, incoming, processing, manufacturing, and fabrication inspection are adequate to insure control of finished article quality, destructive testing of finished articles may be conducted at a lower level of inspection than that specified in paragraph (h) of this section.

§ 83.42 Quality control plans; approval by the Institute.

(a) Each quality control plan submitted in accordance with this subpart shall be reviewed by the Institute to determine its effectiveness in insuring the quality of protection provided by the device for which a certificate is sought.

(b) If the Institute determines that the quality control plan submitted by the applicant will not insure adequate quality control, the Institute shall require the applicant to modify the procedures and testing requirements of the plan prior to approval of the plan and issuance of any certificate.

(c) Approved quality control plans shall constitute a part of and be considered incorporated into any certificate issued by the Institute, and compliance with such plans by the applicant shall be a condition of certification.

§ 83.43 Quality control records; review by the Institute.

(a) The applicant shall maintain quality control inspection records sufficient to carry out procedures required in MIL–STD–105D or MIL–STD–414, or an approved equivalent sampling procedure, for each batch or lot, for not less than 4 years following acceptance or rejection of the batch or lot.

(b) The Institute reserves the right, at reasonable times, to have its representatives enter the applicant's facilities to inspect their quality control system inspection and test methods, equipment, and records. The representative may interview any of the applicant's employee(s) or agent(s) in regard to the quality control test methods, equipment, and records.

Subpart F—Classification of Certified Personal Protective Devices

§ 83.50 Types of devices to be certified; scope of certification.

Certificates shall be issued for the types of devices which have been classified pursuant to this Subpart F, have been inspected, examined, and tested by the Institute in accordance with the provisioins of Subparts G and H of this part and have been found to provide the protection specified in this part.

§ 83.51 Classification.

Personal protective devices tested as described in Subpart H of this part shall be classified for use as follows:

(a) Industrial head protective devices.

(1) Class A: For protection against impact, penetration, and limited voltage.

(2) Class B: For protection against impact, penetration, and high voltage.

(3) Class C: For protection against impact and penetration, but no voltage protection.

(4) Class D: Limited voltage protection, fire fighter's service.

(b) Industrial eye and face protective devices.

(1) Welding helmet: For protection against intense radiant energy and spatter from welding.

(2) Welding handshield: For protection against intense radiant energy and spatter from welding.

(3) Welding and cutting eyecup goggles: For protection against glare, injurious radiation, and impact from welding and cutting; a device worn by individuals who do not wear corrective spectacles.

(4) Welding and cutting eyecup cover goggles: For protection against glare, injurious radiation, and impact from welding and cutting; a device worn by individuals over corrective spectacles.

(5) Face Shield: For protection against flying particles and sprays of hazardous liquids, and anti-glare protection, where specified by the applicant.

(6) Chipping eyecup goggles: For protection against flying objects and impact; a device worn by individuals who do not wear corrective spectacles.

(7) Chipping eyecup cover goggles: For protection against flying objects and impact; a device worn by individuals over corrective spectacles.

(8) Dust and splash eyecup goggles: For protection against dust particles or liquid splashes and impact; a device worn by individuals who do not wear corrective spectacles.

(9) Dust and splash eyecup cover goggles: For protection against dust particles or liquid splashes and impact; a device worn by individuals over corrective spectacles.

(10) Safety spectacles without side-shields: For frontal protection from flying objects and impact and, where specified by the applicant, from glare and injurious radiation.

(11) Safety spectacles with side-shields: For frontal and sideward protection from flying objects and impact and, where specified by the applicant, from glare and injurious radiation.

(12) Welding and cutting flexible or cushion fitting goggles: For protection against glare, injurious radiation, and impact.

(13) Chipping flexible or cushion fitting goggles: For protection against impact.

(14) Dust and splash flexible or cushion fitting goggles: For protection from dusts, liquids, splashes, mists, and sprays, alone or with reflected light or glare, wind, and impact.

(15) Foundrymen's goggles: For protection against impact and hot metal splash hazards encountered in foundry operations and, where specified by the applicant, protection against dust.

(c) Foot protective devices.

(1) Class 75: For toe protection against impact of at least 75 foot-pounds and compression of at least 2500 pounds.

(2) Class 50: For toe protection against impact of at least 50 foot-pounds and compression of at least 1750 pounds.

(3) Class 30: For toe protection against impact of at least 30 foot-pounds and compression of at least 1000 pounds.

(d) Rubber insulating gloves: For protection from electrical shock; classes 0 through 4, with class requirements as specified in Subpart H.

Subpart G—General Construction and Performance Requirements

§ 83.60 General.

(a) In addition to the types of devices specified in § 83.51, the Institute may issue certificates for other personal protective devices not specifically described in § 83.51 subject to such requirements as may be imposed in accordance with § 83.63.

§ 83.61 General construction requirements.

(a) Personal protective devices will not be accepted by the Institute for examination, inspection, and testing unless they are designed on sound engineering and scientic principles, constructed of suitable materials, and evidence good workmanship.

(b) The applicant shall state, based on clinical tests, that components which come in contact with the wearer's skin are made of non-irritating materials.

(c) Components replaced during or after use shall be constructed of materials which will not be damaged by normal handling.

(d) Where applicable, components shall be constructed of materials which will withstand repeated disinfection as recommended by the applicant in his instructions for use of the device.

(e) The components of any personal protective device which is certified by the Institute for use in mines where "permissibility" is required shall meet the requirements for electric permissibility and intrinsic safety set forth in Part 18, of Title 30 CFR (Bureau of Mines Schedule 2G)—as tested and approved by the Bureau of Mines.

§ 83.62 Component parts; minimum requirements.

(a) The component parts of each device shall be:

(1) Designed, constructed, and fitted to insure against creation of any hazard to the wearer;

(2) Assembled to permit easy access for inspection and repair of functional parts, and to parts which require periodic cleaning and disinfecting.

(b) Replacement parts shall be designed and constructed to permit easy installation and to maintain the effectiveness of the device.

§ 83.63 Test requirements; general.

(a) Each device and component shall, when tested by the applicant and by the Institute, meet the applicable requirements set forth in this subpart and in Subpart H of this part.

(b) In addition to the minimum requirements set forth in this subpart and in Subpart H of this part, the Institute may require as further condition of certification of any unlisted personal protective device, additional requirements deemed necessary to establish the quality, effectiveness, and safety of such device.

(c) Where it is determined after receipt of an application that additional requirements will be required for certification, the Institute will notify the applicant in writing of these additional requirements, and necessary examinations, inspections, or tests, stating generally the reasons for such requirements, examinations, inspections, or tests.

§ 83.64 Pretesting by applicant; approval of test methods by the Institute.

(a) Prior to the filing of any application for certification, the applicant shall conduct, or cause to be conducted, examinations, inspections, and tests of performance which, in the judgment of the Director, Testing and Certification Laboratory, are equal to or exceed the severity of those prescribed in this part. Requests for approval to substitute test methods for those specified in Subpart H will be considered provided that satisfactory data correlation (including correlation coefficient calculations) can be shown comparing results of a required test method with those of a proposed substitute test method.

(b) Complete examination, inspection, and test data shall be retained on file by the applicant and be submitted upon request to the Institute.

(c) The Institute may, upon written request by the applicant, provide drawings and descriptions of its test equipment and otherwise render technical assistance to the applicant in establishing a test laboratory.

(d) The Institute will not issue a certificate to the applicant until it has validated the applicant's test results.

§ 83.65 Conduct of examinations, inspections, and tests by the Institute.

(a) All examinations, inspections, and tests conducted pursuant to Subpart H of this part will be under the sole direction and control of the Institute.

(b) The Institute may, as a condition of certification, require the assistance, in the form of labor or material or both, of the applicant or agents of the applicant during the assembly, disassembly, or preparation of any device or component prior to testing or in the operation of such device during testing.

(c) Only Institute personnel, persons assisting the Institute pursuant to paragraph (b) of this section and such other persons as are requested by the Institute or the applicant to be observers, shall be present during any examination, inspection, or test conducted prior to the issuance of a certificate by the Institute for the equipment under consideration.

(d) The Institute will not disclose confidential commercial or financial information submitted by the applicant, nor will it disclose trade secret information or patentable features of such equipment.

(e) As a condition of each certificate issued for any device, the Institute reserves the right following the issuance of such certificate, to conduct such public tests and demonstrations of the certified device as is deemed appropriate.

Subpart H—General and Detailed Requirements and Tests for Personal Protective Devices

§ 83.70 Industrial head protective devices (Classes A, C, and D only); detailed requirements and tests.

The requirements and tests pertinent to classes A, C, and D industrial head protective devices shall be in accordance with the indicated sections of the American National Standard Safety Requirements for Industrial Head Protection, Z89.1—1969 (available from ANSI, 1430 Broadway, New York, NY 10018, for $3.25).

(a) General requirements shall be as specified in Section 5, General Requirements, of Z89.1—1969.

(b) Detailed requirements shall be as specified in Section 6, Detailed Requirements, of Z89.1—1969.

(c) Test requirements shall be as specified in Section 7, Physical Requirements, of Z89.1—1969.

(d) Test procedures and test equipment shall be as specified in Section 8, Methods of Test, of Z89.1—1969.

§ 83.71 Industrial head protective devices for protection against impact, penetration, and high voltage; class B; detailed requirements and tests.

The requirements and tests pertinent to class B industrial head protective devices shall be in accordance with the indicated sections of American National Standard Safety Requirements for Industrial Protective Helmets for Electrical Workers, Class B, Z89.2—1971 (available from ANSI, 1430 Broadway, New York, NY 10018, for $3.25).

(a) General requirements shall be as specified in Section 5, General Requirements, of Z89.2—1971.

(b) Detailed requirements shall be as specified in Section 6, Detailed Requirements, of Z89.2—1971.

(c) Test requirements shall be as specified in Section 7, Physical Requirements, of Z89.2—1971.

(d) Test procedures and test equipment shall be as specified in Section 8, Methods of Test, of Z89.2—1971.

§ 83.72 Industrial eye and face protective devices; detailed requirements and tests.

The requirements and tests pertinent to the classes of devices listed in § 83.51 (b) of this part shall be in accordance with the following indicated sections of American National Standard Practice for Occupational and Educational Eye and Face Protection, Z87.1—1968 (available from ANSI, 1430 Broadway, New York, NY 10018 for $3.00).

(a) Requirements for welding helmet, welding handshield, face shield; applicable parts of Sections 5, 6.3.4.6, and 6.4.3, of Z87.1—1968.

(b) Requirements for all classes of goggles and spectacles: all lenses shall meet the requirements and tests in Section 6.3 of Z87.1—1968. Specific lens requirements and tests and all other requirements and tests as follows:

(1) All classes of eyecup goggles: Sections 6.1.1, 6.2, and 6.4.3 of Z87.1—1968.

(2) All classes of spectacles: Sections 6.1.2, 6.2, and 6.4.3 of Z87.1—1968.

(3) All classes of flexible cushion fitting goggles: Sections 6.1.3, 6.2, and 6.4.3 of Z87.1—1968: also Sections 5.1.4.1.6 and 6.1.1.4.6, where applicable, of Z87.1—1968.

(4) Foundrymen's goggles: Sections 6.1.4, 6.2, and 6.4.3 of Z87.1—1968; also Section 6.1.1.4.6, where applicable, of of Z87.1—1968.

§ 83.73 Foot protective devices for toe protection against impact and compression.

The following requirements and tests pertinent to foot protective devices shall be in accordance with the indicated sections of American National Standard for Men's Safety-Toe Footwear, Z41.1—1967 (available from ANSI, 1430 Broadway, New York, NY 10018, for $2.75).

(a) The devices shall conform to the description as specified in Section 4.1, Description, of Z41.1—1967.

(b) Material and workmanship shall be as specified in Section 4.2, Material and Workmanship, of Z41.1—1967.

(c) Performance requirements shall be as specified in Section 4.3, Performance Requirements, of Z41.1—1967.

(d) Test procedures and test equipment shall be as specified in Section 4.4, Compression Tests, and Section 4.5, Impact Tests, of Z41.1—1967.

§ 83.74 Rubber insulating gloves.

The requirements and tests pertinent to rubber insulating gloves shall be in accordance with the indicated sections of the American National Standard Specifications for Rubber Insulating Gloves, J6.6—1971 (available from ANSI, 1430 Broadway, New York, NY 10018, for ments, of J6.6—1971.

(a) The classifications shall be made according to Section 3, Classification, of J6.6—1971.

(b) The manufacture and marking of the gloves shall conform to Section 5, Manufacture and Marking, of J6.6—1971.

(c) The physical and chemical requirements shall be as specified in Section 6, Physical and Chemical Requirements, of J6.6—1971.

(d) The electrical requirements shall be as specified in Section 7, Electrical Requirements, of J6.6—1971.

(e) The dimensions of the gloves shall conform to the requirements of section 8, Dimensions and Permissible Variations, of J6.6—1971.

(f) The gloves shall meet the requirements of section 9, Workmanship and Finish, of J6.6—1971.

(g) The gloves shall be packaged as specified by section 11, Packaging, of J6.6—1971. In addition to the requirements of section 11, each package shall

display an advisory statement, as defined herein. The advisory statement, taken in part from section 2, ANSI J6.6—1971, shall be printed on one end of the container prescribed by section 11 and shall be worded as follows:

CAUTION

The maximum voltage on which these gloves can be used safely depends on many factors including the care exercised in their use; the care followed in handling, storing, and field inspection; establishment of periodic laboratory inspections and tests for dielectric capacity; the quality and thickness of the elastomer; and other factors such as age, usage, and weather conditions.

The user of these gloves is hereby advised that each of the above factors should be monitored.

In particular, the gloves should be periodically re-tested for dielectric capacity in accordance with paragraphs 7.1 and 7.2 of ANSI J6.6—1971.

In as much as gloves are used for personal protection and a serious personal injury may result if they fail while in use, an adequate factor of safety should be allowed between the maximum voltage on which they are used and the voltage at which they are tested.

(h) The number of gloves to be tested shall be as called for in 83.12(a) and not as specified in Section 12 of J6.6—1971. The following criteria for the rejection of gloves shall be applied to all gloves of a given model tested and also to all gloves of each variant tested within that model:

(1) If any of the gloves tested fail the requirements of Section 7.1 of J6.6—1971.

(2) If any of the gloves tested fail the requirements of Section 7.2 of J6.6—1971.

(3) The physical tests of Section 6 of J6.6—1971 shall be performed exactly three times on each glove. If the median of all the test values (i.e. number of gloves × 3) for any one of the physical criteria fails to meet the requirements of Section 6 of J6.6—1971, the gloves shall be rejected.

(4) If the material from any specimen tested does not meet the chemical requirements of Section 6.5 of J6.6—1971.

(5) If any of the gloves tested fail any one requirement of Sections 5, 8, 9, and 11 of J6.6—1971.

(i) The test methods shall be as specified in Sections 14, Sequence of Testing, 15, Thickness Measurements Procedure, 16, Electrical Tests and 17, Physical and Chemical Tests, of J6.6—1971.

[FR Doc.74-7428 Filed 3-29-74;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-EA-12]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Williamsport, Pa., Control Zone (39 FR 437) and Transition Area (39 FR 614).

A review of the airspace requirements for the Williamsport, Pa. terminal area will require alteration of the control zone and transition area to provide controlled airspace for IFR departures and IFR arrivals in consonance with Terminal Instrument Procedures (TERPs).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before May 1, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Williamsport, Pennsylvania, proposes the airspace action hereinafter set forth:

1. Amend Section 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Williamsport, Pa. control zone and by substituting the following in lieu thereof:

Within a 6-mile radius of the center, 41° 14'32" N., 76°55'12" W. of Williamsport-Lycoming County Airport, extending clockwise from a 099° bearing to a 145° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 145° bearing to a 172° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 172° bearing to a 203° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 203° bearing to a 241° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 241° bearing to a 270° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 270° bearing to a 312° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 312° bearing to a 350° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 350° bearing to a 358° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 358° bearing to a 004° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 004° bearing to a 099° bearing from the airport; and within 4 miles each side of the Williamsport-Lycoming County Airport ILS localizer east course, extending from the MM to 8.5 miles east of the MM.

2. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Williamsport, Pa. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 20.5-mile radius of the center, 41°14'32" N., 76°55'12" W. of Williamsport-Lycoming County Airport, extending clockwise from a 025° bearing to a 067° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 067° bearing to a 145° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 145° bearing to a 203° bearing from the airport; within a 20.5-mile radius of the center of the airport, extending clockwise from a 203° bearing to a 316° bearing from the airport; within a 22.5-mile radius of the center of the airport, extending clockwise from a 316° bearing to a 025° bearing from the airport; within 4.5 miles north and 9.5 miles south of the Williamsport-Lycoming County Airport ILS localizer east course, extending from the Picture Rocks, Pa. RBN to 18.5 miles east of the RBN; within 5 miles each side of the Williamsport-Lycoming County Airport ILS localizer east course, extending from the Picture Rocks, Pa. RBN to 13 miles east of the RBN.

(Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transporation Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on March 14, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

[FR Doc.74-7354 Filed 3-29-74;8:45 am]

[14 CFR Part 139]

[Docket No. 13591; Notice No. 74-15]

CERTIFICATION OF AIRPORTS SERVING CAB-CERTIFICATED AIR CARRIERS CONDUCTING UNSCHEDULED OPERATIONS OR OPERATIONS WITH SMALL AIRCRAFT

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering amending Part 139 of the Federal Aviation Regulations to provide for certification of airports and heliports that serve CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft, without requiring compliance with all certification and operating requirements of Part 139.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C., 20591. All communications received on or before May 1, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for

comments, in the Rules Docket for examination by interested persons.

Amendment 139–1 was published in the FEDERAL REGISTER on April 20, 1973, and became effective May 21, 1973. The purpose of the amendment was to: (1) Broaden the scope of the regulation to make it applicable to all airports serving air carriers certificated by the Civil Aeronautics Board; (2) provide for the issuance of airport operating certificates to airport operators that would be required by that amendment to comply with Part 139; and (3) provide separately certain certification and operation rules for heliports that are required by the nature of those airports.

On July 4, 1973, Amendment 139–2 became effective and amended § 139.12 of the regulation by extending from July 5, 1973 to October 5, 1973, the time within which persons, who on May 20, 1973, were operating an airport or heliport serving CAB-certificated air carrier conducting only unscheduled operations or operations with small aircraft, might apply for an extension of their airport operating certificate, and to extend the time for filing the reports required of holders of these certificates.

Amendment 139–3, effective October 2, 1973, further extended the October 5, 1973, date to December 15, 1973.

Amendment 139–4, effective December 15, 1973, extended the December 15, 1973 date to April 2, 1974, in order to allow more time for an airport operator to apply for an extension of his provisional certificate and the deadline date for obtaining an airport operating certificate was extended from May 21, 1974 to October 15, 1974.

Section 139.12 of Part 139 provides for certification of airports and heliports which on May 20, 1973 served CAB-certificated air carriers conducting only unscheduled operations or operations with small airplanes. Airport operators who operate such airports and made application in accordance with § 139.12 have been issued Provisional Airport Operating Certificates. These certificates are effective until October 15, 1974, after which date it was contemplated that certification of this group of airports would be accomplished in accordance with the certification and operating requirements generally applicable to air carrier airports serving scheduled operations under Part 139.

It now appears that compliance with the generally applicable certification and operating requirements is, in many cases, infeasible and impracticable, and that requiring full compliance with Part 139 in such cases would be contrary to the public interest.

A substantial group of airports now serve CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft. This group is estimated in size to number 345 airports. Unscheduled and small aircraft operation at many of these airports is irregular, occasional, infrequent, seasonal or temporary. Included in such operations are charter flights, supplemental air carrier flights, and flights of similar character to construction sites or recreation areas and the like.

The FAA considers that uniform application of the requirements of Part 139 is not feasible or practicable in many such cases and that provision should be made for certification of these airports on an individual basis, based on an investigation of operating circumstances and a subsequent finding made by the Administrator that the particular airport is properly and adequately equipped to conduct safe operations for the kind of air carrier operation to be conducted, and that compliance with certain other requirements of Part 139 would be contrary to the public interest.

In the conduct of that preliminary investigation and in making that finding, the Administrator would review and evaluate airport characteristics, facilities, and equipment, including: Landing area dimensions, strength, condition; clearances; marking and lighting; firefighting and rescue capability; wind direction indicators; and airport safety surveillance capability.

It is anticipated that in some cases it may be appropriate to issue the airport operating certificate to the air carrier. In those cases where the airport or landing area is unattended and the air carrier operates at that site under a lease or other permissive arrangement, and is effectively in control of the airport operations, issuance of the certificate to the air carrier will be considered.

In order to allow time for receipt and consideration of comments in response to the proposal contained in this notice, § 139.12 of Part 139 has been amended (Amendment 139–5 issued and published concurrently with this notice) to extend from April 2, 1974 to August 15, 1974 the time within which provisional airport operating certificates may be extended, and by extending the time for submitting a schedule of compliance showing how compliance with the requirements of Part 139 will be achieved.

It is recognized that certain provisions of § 139.12, as amended, may have continuing application to holders of provisional airport operating certificates in the event of, and after, the adoption of the proposals contained in this notice. It is proposed that § 139.12 be amended as appropriate in point of time and as may be consistent with any amendment made as a result of this notice.

In addition, it is proposed that procedures for amendment of airport operating certificates and operations specifications issued under § 139.12, similar to the procedures now applicable to certificates and airport operations manuals under §§ 139.7 and 139.9, be provided for.

The proposals contained in this notice are made under the authority of sections 313(a), 609, 610(a), and 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1429, 1430(a), and 1432) and section 6(c) of the Department of Transing § 139.12 to read as follows:

In consideration of the foregoing, it is proposed to amend Part 139 of the Federal Aviation Regulations by amending § 139.12 to erad as follows:

§ 139.12 Issue of certificates for airports serving only unscheduled operations or operations with small aircraft.

(a) Notwithstanding any other provision of this Part, a person who operates or expects to operate an airport or heliport which serves CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft is entitled to an airport operating certificate if:

(1) It makes application to the appropriate Regional Director for an airport operating certificate, together with proposed airport operations specifications containing a description of air carrier operations to be served, a statement of the extent to which the airport is in compliance with the requirements of this Part and the reasons why compliance with the other requirements is not feasible; and

(2) The Administrator, after investigation, finds that it would be contrary to the public interest to require compliance with all the applicable requirements of this Part and that the airport is otherwise properly and adequately equipped to conduct a safe operation for the kind of air carrier operation proposed.

(b) An airport operating certificate issued under this section shall:

(1) Contain a provision that at least the level of safety current at the airport at the time of certification will be maintained, and such other terms, conditions or limitations as the Administrator may find necessary; and

(2) Be effective until surrendered, suspended, revoked or otherwise terminated for violation of the terms of the certificate.

(c) The holder of a certificate issued under this section shall:

(1) Maintain at least the level of safety current at the airport at the time of certification; and

(2) Operate the airport in accordance with the terms, conditions and limitations contained in its airport operating certificate, and in accordance with airport operations specifications issued under this section.

Issued in Washington, D.C., on March 27, 1974.

CLYDE W. PACE, Jr.,
Director Airport Services.

[FR Doc.74–7445 Filed 3–29–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 423]

STEAM ELECTRIC POWER GENERATING POINT SOURCE CATEGORY

Effluent Limitations Guidelines and Standards; Correction

In F.R. Doc. 74–4814 appearing at page 8294 in the issue of March 4, 1974, make the following changes:

1. At page 8295, the fifth and sixth paragraphs in the first column are deleted and the following is substituted in lieu thereof:

"While there are no formal subcategories, differences in age, size, process employed, etc., were considered in development of limitations and are reflected in the limitations and in the dates by which the limitations must be achieved. Because technology for the control and treatment of heat is specific to that parameter and higher in cost than technology required to control other parameters, the guidelines for heat were developed separately. Guidelines for other parameters apply (generally) to all generating units because factors such as age, size, etc., are not correlated with waste load or practicability of employing control technology.

The characteristics of waste water heat discharges and the degree of prac-"

(2) At page 8302, in the middle column, the reference to "Section 502(b) of the Act," in the third line of paragraph (1) is amended to read "Section 502(6) of the Act,"

(3) In § 423.12(k)(4), at page 8306, the word "system" appearing in the fourth line is amended to read "systems"

(4) In § 423.13(b), at page 8306, the word "shall" appearing at the eighth line is deleted and the word "and" is substituted in lieu thereof.

(5) In § 423.13(d), at page 8306, is deleted and the following is substituted in lieu thereof: "(d) There shall be no discharge of pollutants other than from those waste sources controlled by paragraphs (a), (b), and (c) of this section."

(6) In § 423.15(b), at page 8306, the second line is amended to read as follows:

"in § 423.12(b) through (k) shall apply to"

Dated: March 26, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-7414 Filed 3-29-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19982; RM-2297]

TV STATION IN MOUNTAIN VIEW, ARK.

Table of Assignments

1. Notice of proposed rulemaking is hereby given with respect to the petition of the Arkansas Educational Television Commission (AETC), filed December 14, 1973, requesting the amendment of § 73.606(b) of the Commission's rules, the Television Table of Assignments, to assign and reserve Channel 6 at Mountain View, Arkansas.

2. AETC, licensee of educational television Station KETC, Channel 2, Little Rock, Arkansas, is a State Commission charged with supplying the benefits of educational television to the people of Arkansas. AETC has determined that there is a need for a reserved television assignment in north central Arkansas and has found that Channel 6 will "drop-in" in the vicinity of Mountain View which is located approximately 80 miles north of Little Rock and which is nearly equidistant from the eastern and western boundaries of Arkansas placing it in the heart of north central Arkansas.

3. Mountain View is the site of the multi-million dollar Ozark Folk Center which is devoted to the perpetuation of folk customs and pure folk music of the region. The AETC contemplates that if can use the wealth of cultural resources provided by the Folk Center in preparing programming material for the entire State of Arkansas since the station at Mountain View would operate as an integral part of the AETC statewide network.

4. A tentative transmitter site approximately 15 miles west of Mountain View has been selected by AETC which will meet the Commission's minimum geographic mileage separation requirements to co-channel (Channel 6) stations KTAL, Texarkana, Texas; WABG-TV, Greenwood, Mississippi; WPSP-TV, Paducah, Kentucky; KMOS-TV, Sedalia, Missouri; and KOTV, Tulsa, Oklahoma. Stations operating on the adjacent Channel 5 do not need to be considered. Although all mileage separation requirements are met from the proposed site (North Latitude 35°52'30", West Longitude 92°22'00"), the appropriate carrier offset of minus 10 kHz for operation on Channel 6 at this site would require the following co-channel stations to change their carrier offsets as follows:

Call letters	Station location	Assignment and offset designation	
		Existing	Modified
KMOS-TV	Sedalia, Mo.	6-	6
KTVC	Ensign, Kans.	6+	6-
KOTV	Tulsa, Okla.	6	6+
WDSU-TV	New Orleans, La.	6+	6
KTAL	Texarkana, Tex.	6+	6
WABG-TV	Greenwood, Miss.	6	6+
KRIS-TV	Corpus Christi, Tex.	6+	6
KCEN-TV	Temple, Tex.	6	6+
BPCT-3783	San Angelo, Tex.	6+	6
XET-TV	Monterrey, N.L., Mexico.	6	6- or 6+

AETC estimates that the expense of supplying equipment and retuning to implement these offset changes could amount to five to ten thousand dollars per station. This prohibitive cost factor along with the question of whether the nine domestic stations and one Mexican station would consent to the changes required AETC to find an alternative solution.

5. A 17 dB improvement in the desired-to-undesired signal ratio for co-channel operation is provided by conventional (plus or minus 10 kilohertz) carrier offset. This same 17 dB improvement can be accomplished by using precisely controlled frequency techniques. Since nominal offset carrier operation cannot be employed without making the extensive changes described above, AETC proposes to provide the same protection by using precisely controlled (synchronous) carrier operation with Station KMOS-TV, Channel 6-, Sedalia, Missouri. In addition AETC states that it would be willing, at its own expense, to install *very* precise frequency control equipment at both its planned station at Mountain View and Station KMOS-TV in order to provide "equivalent protection," to use a directional antenna suppressing radiation in the direction of Station KMOS-TV, or to use a combination of both of these techniques to provide additional protection beyond that which it proposes in its alternative solution which would amend § 73.606(b) of the Commission's rules by assigning Channel *6- to Mountain View, Arkansas, with the following condition:

City/State	Channel No.	
	Present	Proposed
Mountain View, Ark.		*6- (Synchronous with Sedalia, Mo.).

6. In view of the foregoing, and pursuant to authority found in Sections 4(i), 303 (g) and (r), and 307(b) 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 § 73.606(b) of the Commission's rules and regulations, the Television Table of Assignments, as concerns Mountain View, Arkansas, as follows:

City	Channel No.	
	Present	Proposed
Mountain View, Ark.		*6-

* The station using this assignment will maintain precisely controlled (synchronous) carrier operation with Station KMOS-TV, Channel 6-, Sedalia, Mo.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before May 6, 1974, and reply comments on or before May 16, 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.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, reply comments, briefs, and other documents shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

Adopted: March 22, 1974.

Released: March 27, 1974.

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

[FR Doc.74-7419 Filed 3-29-74;8:45 am]

[47 CFR Part 73]

[Docket No. 19983; RM-2109]

FM BROADCAST STATIONS IN GILROY, CALIF.

Table of Assignments

1. Notice of proposed rulemaking is given with respect to the petition of Entertainment Radio Incorporated (Entertainment) requesting amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) to assign Channel 233 in lieu of 232A at Gilroy, California. Entertainment is the licensee of Station KSND(FM) on Channel 232A. Also providing aural broadcast service at Gilroy is daytime-only AM Station KAZA, licensed to Radio Fiesta Corporation.[1]

2. Gilroy, population 12,665, is located in Santa Clara County, population 1,064,714, which is the San Jose Standard Metropolitan Statistical Area (SMSA).[2] Entertainment alleges that from its transmitter site 7½ miles west of Gilroy only marginal service is provided to Gilroy and Morgan Hill, population 6,485, 10 miles northwest of Gilroy, also in Santa Clara County. Morgan Hill has no broadcast service of its own. In apparent recognition that a community the size of Gilroy is entitled to only a Class A channel under the priorities set out in the Third Report, Memorandum Opinion and Order, 40 F.C.C. 747, 758 (1963), petitioner relies on the fact that there is interference in the area between Gilroy and Morgan Hill and parts of Morgan Hill from Station KPFA, Channel 231, Berkeley, California, a super-power FM station (see § 73.206(b)(3)). In a supplement filed in response to the Commission's request for further information to determine possible compliance with the criteria of the *Roanoke Rapids*, 9 F.C.C. 2d 672, 673 (1967), decision, Entertainment adduced additional data and information stating that Station KSND, in its last renewal application, expressed the intent to serve primarily Gilroy, Morgan Hill and the surrounding rural areas of Santa Clara County, known as the "South County", and secondarily to serve the cities of Watsonville, 14,569, and Hollister, population 7,663.[3] The South County, we are told, is regarded as a single planning entity where the future population expansion of Santa Clara County is expected to occur. A South County Planning Program Policy Committee has been established to work with and advise the County, Gilroy, and Morgan Hill planning commissions in order to provide for an orderly and coordinated planning policy for the South County. Toward this end, Gilroy, Morgan Hill, and San Martin (population 1,392) have agreed to operate a sewage system to service the area south of Morgan Hill, and a new freeway bypass around the three communities has been completed. The South County consists of approximately one-third of the land area of Santa Clara County and only about two percent of its population. It is anticipated that with the influx of population and industry from the San Jose area the population of Gilroy will increase to 25,000 or 30,000 population by 1975, that of Watsonville will increase by 80 percent within three years, and that of the South County by 400 percent within the next decade. Since there are only three newspapers (two weekly and one bi-weekly), Station KSND expects to become the primary source of local news, information and entertainment to the South County area.

3. Under the population criteria for the assignment of FM channels, a community the size of Gilroy merits only a Class A assignment. There are exceptions, for example, when a higher class FM channel assignment would provide service to unserved and underserved areas. In this respect, Entertainment claims that a Class B station from its present transmitter site would serve 585,996 persons in an area of 2,840 square miles (as compared to present coverage to 151,699 persons and a 570 square mile area). However, as petitioner's own study shows, there are a minimum of three and a maximum of 13 broadcast services provided in the proposed area of service. Thus, the *Roanoke Rapids* doctrine does not apply. On the other hand, the fact that the operation of Station KPFA, Channel 231, Berkeley, at greater than normally authorized maximum Class B facilities (59 kW at 1330 ft. antenna a.a.t.) limits Station KSND's 1 mV/m service contour in a northwesterly direction from the normal 15 miles to 10 miles and causes a substantial interference problem in the principal area of service is of sufficient concern to consider a channel change.

4. It would appear that petitioner has made an adequate showing that the assignment of Channel 233 to Gilroy might serve the public interest, convenience and necessity, at least to the extent of our putting the matter out for proposed rulemaking.[4] However, we should like further information. The preclusion study shows that the proposed substitution of Channel 233 to Gilroy would foreclose future assignments on Channels 233 and 234. There are a number of communities located in the preclusion area, but most either are not large enough to warrant the assignment of a Class B channel, or, if of requisite size, already have an FM assignment and do not warrant an additional channel assignment. However, one community, Atascadero, California, population 10,290, which does not have an FM assignment or any broadcast facility, is within the preclusion area, and petitioner should conduct an appropriate study to determine whether there is a channel available for assignment to that community. To the extent that Entertainment relies on population increase of Gilroy and the South County, we should like current data about the population of Gilroy and the principal communities to be served. In this respect, we should like official Census data if available, or in the absence of that similar type information from state, county, or city sources, or information gathered and published by the chamber of commerce. While assignments are made to a community, we recognize that there is a need to provide service to the entire service area particularly that near to the community of assignment. We, therefore, should also like current information about the population in the South County area.

5. In view of the foregoing, pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) 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 § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, as concerns Gilroy, California as follows:

City	Channel No.	
	Present	Proposed
Gilroy, Calif.	232A	233

6. *Showings required.* Comments are invited on the proposal discussed above. Petitioner is expected to answer whatever issues are raised in this Notice. Failure to do so may result in denial of the petition.

7. *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 proposal 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.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before May 6, 1974, and reply comments on or before May 16, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in

[1] The call sign of KSND(FM) was formerly KPER(FM). At the time of the petition, both stations were licensed to South Valley Broadcasters. The AM station was assigned to Radio Fiesta in early 1973; and later the licensee of KSND changed name coincident with the change from the partnership to a corporation.

[2] All population information is from the 1970 Census unless otherwise indicated.

[3] At Watsonville, located in Santa Cruz County, population 123,790, Class IV AM Station KOMY is in operation. At Hollister in San Benito County, population 18,226, daytime AM Station KMPG is in operation, and Channel 228A is assigned to that community.

[4] This channel became available for assignment at Gilroy when deleted at Fresno because of interference problems; see 35 F.C.C. 2d 603 (1972).

written comments, reply comments, or other appropriate pleadings.

9. 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.

10. All filings made in this proceeding will be available for examination by interested parties during business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, N.W., Washington, D.C.

Adopted: March 22, 1974.

Released: March 27, 1974.

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

[FR Doc.74-7420 Filed 3-29-74;8:45 am]

[47 CFR Part 73]

[Docket No. 19981; RM-2155]

FM STATIONS IN ST. GEORGE, SOUTH CAROLINA

Table of Assignments

1. The Commission has before it for consideration the above-captioned petition for rule making filed on February 12, 1973, by WQIZ, Inc., licensee of Station WQIZ-AM and WPWR(FM), which seeks substitution of Channel 298 for Channel 240A at St. George, South Carolina. St. George has a daytime-only AM station (WQIZ) and an FM station (WPWR, Channel 240A), both licensed to petitioner. Channel 298 could be assigned to St. George without affecting any of the presently assigned channels in the Table of Assignments.

2. St. George, population 1,806,[1] is the seat of Dorchester County, population 32,276. Petitioner states it desires to switch from a Class A to a Class C assignment so that it may be able to provide a nighttime service to areas not now provided by its stations (AM and FM). It contends that in a recent emergency situation, a station with greater coverage would have been helpful in providing emergency information. It asserts that a station, assumed to operate with 100 kW and antenna height of 300 feet above average terrain, would provide a first aural broadcast service to 3,780 persons in an area of 80 square miles and a second service to 15,819 persons in an area of 322 square miles at night. (*See Roanoke Rapids-Goldsboro, N.C.*, 9 F.C.C. 2d 672 (1967).)

3. The preclusion study presented by the petitioner shows that assignments of Channel 298 to St. George would foreclose future assignments on Channels 296A, 297, 298, 299, and 300, with the precluded areas varying in size. It points out that there are 21 communities with populations greater than 2,500 persons in the precluded areas, that 12 communities are located in close proximity of larger communities which already have FM assignments, and that 8 communities already have FM assignments. It contends that Channel 252A is available for assignment to Andrew (population 2,879), a community somewhat removed from large communities with assignments, and Channel 240A, if removed from St. George, would be available for assignment to Charleston or to any of the eight communities located adjacent to Charleston. In light of these considerations, we conclude that petitioner has made a sufficient public interest showing to warrant the issuance of a notice of proposed rulemaking.

4. *Showings Required.* Comments are invited on the proposal discussed above. Proponent will be expected to answer whatever questions, if any, are raised in the Notice and other questions that may be presented by the initial comments. The proponent is expected to file comments even if nothing more than to incorporate by reference its petition. Failure to file may lead to denial of the request.

5. *Cut-off procedure.* The following procedure will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in inital 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 proposal in this Notice, they will be considered as comments in this proceeding, and Public Notice to that effect will be given, as long as filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

6. Accordingly, pursuant to authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, and section 0.281 (b)(6) of the Commission's rules, it is proposed to amend the Table of Assignments in § 73.202(b) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
St. George, S.C.	240A	298

7. WQIZ, Inc., has requested modification of its license to specify operation on Channel 298. We view the request as consent to modification, and therefore find it unnecessary to issue an order to show cause why its license should not be modified to specify operation on Channel 298 if that channel is substituted for Channel 240A at St. George, South Carolina.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before May 6, 1974, and reply comments on or before May 16, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties, shall be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. 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, 1919 M Street, N.W., Washington, D.C.

Adopted: March 22, 1974.

Released: March 27, 1974.

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

[FR Doc.74-7421 Filed 3-29-74;8:45 am]

[1] All population figures are from the 1970 U.S. Census unless otherwise indicated.

FEDERAL ENERGY OFFICE

[10 CFR Part 211]

CLARIFICATION AND REVISIONS TO PART 211

Notice of Proposed Rulemaking

Correction

In FR Doc. 74-7448 in the issue of Friday, March 29, 1974, on page 11779 the definition for agricultural production in § 211.51 should be amended by adding to the list in paragraph (b)(2) after "2084 Wines, Brandy and Brandy Spirits":

2085 Distilled, Rectified and Blended Liquors

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

DIRECTORS, REGIONAL HOUSING AND DEVELOPMENT OFFICES

Redelegation of Authority

Pursuant to the authority redelegated to me by a Redelegation of Authority dated November 5, 1970 (35 FR 17675), as amended on June 21, 1973 (38 FR 33317) from the Assistant Administrator for Program and Management Services, I hereby redelegate to the Directors of the Regional Housing and Urban Development Offices for:

1. Central America
2. South America
3. East and Southern Africa and the Middle East

the authority to carry out in each of their respective regions the following implementation actions under and in accordance with administration, implementation and related agreements theretofore executed by A.I.D. with respect to Housing Investment Guaranty Projects:

1. Authorize the disposition of reserve fund fees;
2. Approve plans, specifications, and any other documentation of a technical, architectural or engineering nature related to specific housing projects; and
3. Approve sales prices and sales price ceilings, and any changes therein, due solely to labor, land and material cost increases related to dwelling units in specific housing projects.

The authorities specified above may not be redelegated, provided that they may be exercised by persons who are performing the functions of the officers designated above in an acting capacity.

This redelegation of authority shall be effective immediately.

Dated: March 18, 1974.

DONALD A. GARDNER,
Deputy Director, Office of Housing.

[FR Doc.74-7376 Filed 3-29-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CENTRAL OFFICE OFFICIALS

Delegation of Authority

MARCH 20, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).

This delegation is issued under the authority delegated to the Commissioner by the Secretary in section 25 of Secretarial Order 2508 (10 BIAM 2.1).

Section 5.3 of Part 10 of the Bureau of Indian Affairs Manual (10 BIAM 5.3) was published on page 637 of the January 16, 1969, FEDERAL REGISTER (34 FR 637).

Section 5.3 is being revised to reflect organizational changes.

Section 5.3 is revised to read as follows:

5.3 *Investment of Tribal Funds.* The Chief, Branch of Investments, Administrative Services Center, Albuquerque, or anyone acting in his stead, is authorized to exercise the authority vested in the Secretary of the Interior under the Act of June 24, 1938 (52 Stat. 1037, 25 U.S.C. 162a), which relates to the investment of tribal and individual trust funds in banks, in public-debt obligations of the United States, and in bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States.

LAFOLLETTE BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74-7361 Filed 3-29-74;8:45 am]

Bureau of Land Management

[New Mexico 21048 (943a)]

NEW MEXICO

Notice of Application

MARCH 22, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Amoco Production Company has applied for a natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 17 S., R. 27 E.,
Sec. 27, W½SE¼, SE¼SW¼
Sec. 34, E½NW¼

The pipeline will convey natural gas crossing Federal lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analysis necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1449, Santa Fe, NM 87501.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-7357 Filed 3-29-74;8:45 am]

Bonneville Power Administration

DRAFT SUPPLEMENTS TO THE FISCAL YEAR 1975 PROGRAM STATEMENT

Notice of Public Meeting

Notice of public information meetings is hereby given by the Bonneville Power Administration to solicit public comments on Draft Facility Location Supplements to BPA's Fiscal Year 1975 Program Statement. The meetings will discuss Draft Facility Location Supplements on the proposed Richland Area Electrical Service, Ashe-Hanford 500-kV Transmission Line, and Maple Valley 500-kV Transmission Line.

The Ashe-Hanford Supplement describes the environmental impact of constructing a 17.8-mile 500-kV single-circuit line running from BPA's Ashe Substation Site near the Hanford No. 2 nuclear powerplant site to the existing Hanford Switching Station. This facility would be located entirely within the Atomic Energy Commission's Hanford Reservation, north of the City of Richland in Benton County, Washington.

The Richland Area Electrical Service Supplement describes the environmental impact of constructing 35.2 miles of 230-kV and 3.6 miles of 115-kV transmission line as well as the associated construction of three new substation facilities in Benton and Franklin Counties, Washington.

The Maple Valley Supplement describes the environmental impact of constructing approximately 16 miles of double-circuit 500-kV transmission line. Of this total length 2.5 miles will require new right-of-way easement, 8.25 miles would parallel existing transmission lines, and 7.25 would occur on existing right-of-way. In addition, a new substation will also be required southwest of Snoqualmie, Washington.

The purpose of these public information meetings is to present to the public alternative facility or site locations relative to the above proposals and to solicit comments from the public with respect to the environmental impact of the proposals.

The meeting on the proposals for Richland Area Electrical Service and Ashe-Hanford 500-kV Transmission Line will be held on April 30, 1974, at 7:30 p.m., in the Richland City Library, Richland, Washington. The meeting on the proposed Maple Valley 500-kV Transmission Line will be held on May 20, 1974, at 7:30 p.m., in Cedar Valley Grange #534, Maple Valley, Washington.

Oral and written statements will be accepted at this meeting. Members of the public who wish to be given preference

in the order of appearance should contact the Walla Walla Area Manager, West 101 Poplar, Walla Walla, Washington 99362, Area Code (509) 525–5500 regarding the Richland Area Electrical Service and Ashe-Hanford proposals or the Seattle Area Manager, 415 1st Avenue North, Room 250, Seattle, Washington 98109, Area Code (206) 284–6820 regarding the Maple Valley proposal. However, all those present wishing to comment will be allowed to do so in the time remaining. Those wishing to comment orally are encouraged but not required to submit a written copy of their statement. All comments, whether oral or written, will be given consideration. Because of the technical nature of the subject matter, members of the public and other reviewers are also encouraged to familiarize themselves with the Draft Facility Location Supplements on the proposed Richland Area Electrical Service, Ashe-Hanford 500-kV Transmission Line, and Maple Valley 500-kV Transmission Line before commenting.

Requests for copies of the draft supplements on the above proposals or any questions regarding these meetings should be forwarded to the Walla Walla Area Manager, West 101 Poplar, Walla Walla, Washington 99362 or the Seattle Area Manager, 415 1st Avenue North, Room 250, Seattle, Washington 98109.

Copies of the draft supplements are also available for inspection at the above Area Offices or at the Headquarters Building, Bonneville Power Administration, 1002 NE. Holladay Street, Portland, Oregon 97232.

Additional or clarifying information may be obtained by writing or calling the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208; Area Code (503) 234–3361, extension 5136.

Dated: March 27, 1974.

WILLIAM H. CLAGETT, IV,
Assistant Administrator.

[FR Doc.74-7382 Filed 3-29-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-88]

A.K.P. COAL CO. ET AL.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 4861(c) (1970), A.K.P. Coal Company, *et al.* have filed a petition to modify the application of 30 CFR 75.501 to the following 29 mines located in Kentucky, Tennessee, Virginia, Ohio, and Pennsylvania:

Mine #31, A.K.P. Coal Company, Hindman, KY
Mine #1, Allied Coal Company, Cody, KY
Mine #9, Asher Coal Company, Big Creek, KY
Mine #10, Asher Coal Company, Lotts Creek, KY
Mine #21–002, B. & S. Coal Company, Kodak, KY
Mine #1, Breeding Brothers Coal Company, Isom, KY
Mine #5, Buck Creek Coal Co., Inc., Colson, KY
Mine #20–B, Day Coal Company, Isom, KY
Mine #5, Donna K Coal Company, Dalton, KY
Mine #1, J. P. Coal Company, Colson, KY
Mine #1, Mitchell Branch Coal Co., Colson, KY
Mine #1, Nelly Coal Company, Kite, KY
Mine #1, Pine Coal Corporation, Daisy, KY
Mine #1, Pratt Brothers, Colson, KY
Sapphire Mine #1, Pratt Brothers, Colson, KY
Sapphire Mine #2, Pratt Brothers, Colson, KY
Sapphire Mine #3, Pratt Brothers, Colson, KY
Sugar Run Mine #1, Pratt Brothers, Colson, KY
Mine #1, Selective Coal Company, Whitesburg, KY
Mine #1, Sharon Holbrook Coal, Inc., Colson, KY
Mine #1, Spartan Coal Company, Isom, KY
Mine #1, Volunteering Mining Company, Devonia, TENN
Mine #7, Wellmore Coal Company, Big Rock, VA
Mine #8, Wellmore Coal Company, Big Rock, VA
Mines 9 and 10, Wellmore Coal Company, Big Rock, VA
R. & R. Mine, R. & R. Coal Company, Jackson, OH
Mine #2, Benn Hill Coal Corp., Clymer, PA
Mine #1, Chestnut Ridge Coal Mining Co., Clymer, PA
Mine #1, M. Y. Coal Company, Indiana, PA

30 CFR 75.501 reads as follows:

On and after March 30, 1974, all electric face equipment, other than equipment referred to in paragraph (b) of § 75.500, which is taken into and used in by the last open crosscut of any coal mine which is operated entirely in coal seams located above the water table and which has not been classified under any provision of law as a gassy mine prior to March 30, 1970, and in which one or more openings were made prior to December 30, 1969, shall be permissible.

In support of its petition Petitioner proposes the following alternate method:

A. The alternate method for which approval is sought in each of the subject mines would apply only so long as:

1. All parts of any subject mine continue to operate in "Coal seams above the watertable" as that term is defined in 30 CFR 75.501–1; and

2. No verified methane ignition has occurred, or no methane has been detected in an amount of 0.25 percent or more;

B. The alternate method would consist of the following:

1. Use of an automatic methane detection device which is itself permissible and approved by the Secretary, and which will emit a clear and distinct visual and audible signal and automatically de-energize the electrical machines at or near the working face when methane is detected in the amount of 0.25 percent.

2. Continuous use of such device at each working face [1] whenever any item of nonpermissible electrical face equipment is trammed into, or out-of or being energized or operated in such working face.

3. The continuous methane sampling by such device will be accomplished at a point in the air-return side of the working face not less than 12 inches from the roof, rib and face of such face but not more than 24 inches from the roof, rib and face. In situations where such continuous methane sampling point is located beyond roof support mandated by the Act and Interior Department regulations, it will be positioned by means of an extensible arm so that its positioning will not require anyone to proceed beyond properly supported roof.

4. It will be a mandatory rule at each of the subject mines that if such automatic methane detection device is activated the following procedure will be followed:

a. The machine operator of the deenergized machine will immediately disconnect at the power source any electrical cables leading to his machine and report to the supervisor in charge. The operator of any other electrical equipment in the work place (such as shuttle car or scoop) which is away from the face and has not automatically been deenergized will immediately deenergize his machine at the controls, and then disconnect at the power source of such machine any cables leading to such machine and notify the supervisor in charge.

b. The supervisor will immediately assure that all electric power to the working place has been cut off. He will then proceed to determine, with a dial methanometer whether methane is being liberated, and the amount thereof. Such examination will be repeated every five minutes and recording made of the results of such examinations.

c. The supervisor will then report the incident and the results of his examination to mine management and if methane liberation continues, take appropriate steps to determine its origin and to increase the quantity of air reaching the working face by an amount sufficient to dilute and carry off any methane being liberated. Upon expiration of 30 minutes with no recurrence of methane liberation, and upon careful determination that ventilation requirements are adequate to dilute the methane if it should re-occur he shall then have authority to reenergize the equipment in the working place.

d. Mine management shall immediately notify the nearest MESA office or inspector of the incident, indicate the full details of the incident and detailed results of the supervisor's investigation and subsequent checks for methane, and request an immediate inspection.

e. If MESA upon investigation and following a hearing finds that methane liberation in the amount of 0.25 percent has occurred and is likely to recur, it shall advise the operator in writing of such determination and issue a notice requiring the operator within a reasonable time to comply with section 75.501 of the Act. Such notice shall be subject to review under the regular procedures for review set forth in the Act for review of 104(b) notices.

f. All employees at each of the subject mines shall be trained and instructed in the purpose and functioning of the alternate system within five work days following the date of its approval and shall be re-instructed every six months thereafter. Employees absent from work during these periods will be provided the training within the first five work days after they return to work. Mine management will maintain a record of the names and dates when each mine employee received this instruction and re-instruction.

g. Observance of all details of the alternate method will be a mandatory safety rule at each of the subject mines and a notice to this effect shall be posted on the regular bulletin boards at each mine.

D. The alternate system proposed above will afford the miners at the subject mines a greater measure of protec-

[1] "Working face" is defined in the Act as "any place in a coal mine in which the work of extracting coal from its natural deposit in the earth is being performed in the mining cycle."

tion from the danger of a methane ignition by electrical sparking than the permissibility requirements of § 75.501 and the related requirement of methane monitors mounted on certain face equipment.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 1, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 25, 1974.

[FR Doc.74-7380 Filed 3-29-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

FISHWAYS IN ROADLESS AREAS

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 Fishways in Roadless Areas, USDA-FS-FES(Adm) R10-74-04.

The environmental statement concerns a proposed action to construct fishways to bypass obstructions in streams prohibiting the migration of anadromous fish. The fishways are intended to make available those presently inaccessible spawning areas to further utilize stream capabilities and to increase salmon production.

This final environmental statement was transmitted to the CEQ on March 25, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
P.O. Box 1628
Juneau, Alaska 99801

And also at Forest Service offices in Alaska at the following locations: Juneau, Sitka, Petersburg, Ketchikan, Yakutat, Anchorage, Cordova, and Kenai.

A limited number of single copies are available upon request to Regional Forester, U.S. Forest Service, Box 1628, Juneau, Alaska 99801.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

C. A. YATES,
Regional Forester, Alaska Region.

MARCH 25, 1974.

[FR Doc.74-7397 Filed 3-29-74;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

CAPTURE, KILLING, INJURY, OR OTHER TAKING OF MARINE MAMMALS

Notice of Intent To Prescribe Regulations; Correction

A notice of intent to prescribe regulations governing the capture, killing, injury, or other taking of marine mammals was published in the FEDERAL REGISTER, Vol. 39, No. 50, Wednesday, March 13, 1974 (39 FR 9684).

A typographic error in the list of marine mammals on page 9685 indicated that the estimated population of spotted dolphin (No. 10) was "unknown—rare". The correct statement should have been "unknown". The word "rare" should be disregarded.

Dated: March 26, 1974.

JACK W. GEHRINGER,
Acting Director.

[FR Doc.74-7395 Filed 3-29-74;8:45 am]

Issuance of Permit for Marine Mammals

DENVER ZOOLOGICAL FOUNDATION, INC.

On December 17, 1973, notice was published in the FEDERAL REGISTER (38 FR 3468) that an application had been filed with the National Marine Fisheries Service by the Denver Zoological Foundation, Inc., Denver Zoological Gardens, City Park, Denver, Colorado 80205, for a permit to take one male and two female California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that, on March 26, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for three such sea lions to the Denver Zoological Foundation, subject to certain conditions set forth therein. The Permit is available for review by interested persons as follows: Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235; the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington 98109.

Dated: March 26, 1974.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.74-7399 Filed 3-29-74;8:45 am]

MR. AND MRS. WILLIAM J. KUKASKA

Issuance of Permit for Marine Mammals

On December 17, 1973, notice was published in the FEDERAL REGISTER (38 FR 34681) that an application had been filed with the National Marine Fisheries Service by Mr. and Mrs. William J. Kukaska, P.O. Box 104, Depoe Bay, Oregon 97341, for a permit to take certain marine mammals for the purpose of public display.

Notice is hereby given that on March 26, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to Mr. and Mrs. William J. Kukaska to take an unlimited number of beached and stranded harbor seal pups (*Phoca vitulina*) for purposes of nursing them back to health and putting them on public display subject to the condition that the Holder does not have more than ten (10) harbor seals for public display purposes in his possession at any one time.

The activities authorized by this Permit are subject to certain conditions set forth therein. The Permit is available for review by interested parties in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235 and the Office of the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington 98108.

Dated: March 26, 1974.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.74-7400 Filed 3-29-74;8:45 am]

Domestic and International Business Administration

[Case 456]

S. M. LEE AND N. MINGS' CO. LTD.

Denial of Export Privileges

In the matter of Mr. S. M. Lee (also known as Li-Jiu-Kang) N. Mings' Company (Aeronautical), Ltd., 1120 Star House, Kowloon, Hong Kong, Respondents.

By charging letter dated August 10, 1973, the Director, Compliance Division, Office of Export Administration, charged the above respondents with violations of the Export Administration Act of 1969 as amended, and regulations issued thereunder. The charging letter was duly served on respondents. Having failed to answer said letter, the respondents have been held in default pursuant to Section 388.4 of the regulations.

In accordance with the usual practice an informal hearing was held before the Acting Hearing Commissioner, on February 21, 1974, at which evidence bearing on the charges was presented by the Compliance Division.

There are two charges against respondents, growing out of one transac-

tion. One charge is that respondents made misrepresentations to Commerce to induce the issuance of a validated license in February 1972, authorizing a U.S. company to export two video tape recorders and related equipment to respondents for use only in Hong Kong. The second charge is that, on receipt, respondents immediately reexported the equipment to the People's Republic of China, for sale to that country.

The Acting Hearing Commissioner, having considered the evidence in the case, reported his findings of fact and concluded that the violations occurred. He also recommended that sanctions hereafter set forth be imposed.

After considering the evidence in the case, I adopt the Acting Hearing Commissioner's findings of fact, as follows:

Finding of fact. 1. Respondent N. Mings' Company (Aeronautical) Ltd., is a Hong Kong importer and exporter of electronic and other equipment. Respondent Lee is the owner and general manager of Mings'.

2. In January 1972, respondents ordered two video tape recorders and related equipment, worth $15,000 from a U.S. manufacturer. As these items required a validated license for export from the U.S., because of their potential strategic uses, respondents were required to submit and did submit to Commerce, a Single Transaction Statement by Consignee and Purchaser, dated January 25, 1972. Therein respondents represented to Commerce that the equipment would not be sold for use outside Hong Kong, and that the end use would be "by us as distributor for demonstration purposes."

3. The validated license was issued to the U.S. firm, on February 4, 1972, in reliance of respondents' representations. About February 12, the equipment arrived in Hong Kong, via air freight, and was turned over to respondents.

4. Shortly thereafter respondent Lee accompanied an air shipment of the equipment from Hong Kong to the PRC, where it was purchased.

5. The reexport was without the knowledge or authorization of Commerce.

Based on the foregoing findings, I have concluded that respondents (a) violated § 387.5 of the regulations by making false representations to induce issuance of a validated export license; and (b) violated §§ 387.4 and 387.6 of the regulations by knowingly reexporting U.S. origin goods from Hong Kong to the PRC without prior Commerce authorization, as required by Section 374.1 of the regulations.

Now, after considering the record in this case and the Acting Hearing Commissioner's recommendation, and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the Act, *it is hereby Ordered*, That

I. All outstanding validated export licenses in which either respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of East-West Trade for cancellation.

II. For one year from the effective date of this order the respondents are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction either in the United States or abroad, shall include participation: (a) as a party or as a representative of a party to any validated export license application (b) in the preparation of filing any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents, employees, representatives, and partners, and to any person, firm, corporation, institution or other organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. No person, firm, corporation, partnership, institution, or other organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondents or other party denied export privileges within the scope of this order, or whereby said respondents or such other party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for said respondents or other party denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. At the end of the year in which respondents are hereby denied U.S. export privileges, as aforesaid, respondents shall be on probation for a period of two years. The conditions of probation are that respondents shall fully comply with the requirements of the Act and all regulations, licenses and orders issued thereunder.

VI. Upon a finding by the Director, Office of Export Administration, or such other official as may be exercising the duties now exercised by him, that respondents have knowingly failed to comply with the requirements and conditions of this order, including the conditions of this probation, said official, without notice, when national security or foreign policy considerations are involved, or with notice if such considerations are not involved, by supplemental order may revoke this probation of the respondents, revoke all outstanding validated licenses to which they may be parties, and deny to said respondents all export privileges for the period of the order. Such supplemental order shall not preclude the Office of Export Administration from taking such further action for any violation as it shall deem warranted. On the entry of a supplemental order revoking respondents' probation without notice, it may file objections and request an oral hearing as provided in § 388.16 of the export regulations, but pending such further proceedings the order of revocation shall remain in effect.

This order shall become effective April 1, 1974.

Dated: April 1, 1974.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.74-7552 Filed 3-29-74;4:49 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

HEALTH PROFESSION STUDENT LOANS

List of Areas Designated for Practice as a Physician (M.D. or D.O.), Dentist, Optometrist, Pharmacist, Podiatrist, or Veterinarian

Correction

In FR Doc. 74-6027 appearing on page 10311 of the issue of Tuesday, March 19, 1974, the 14th entry in the list under Alaska, now reading "*Muskokwim", should read "*Kuskokwim" and be moved up to appear alphabetically as the 12th entry.

Office of Education

COOPERATIVE EDUCATION

Funding Criteria for Fiscal Year 1974

On January 3, 1974, there was published in the FEDERAL REGISTER at 39 FR 843, a Notice of Proposed Rule Making which set forth criteria for funding of applications for Fiscal Year 1974 for financial assistance under Part D of Title IV of the Higher Education Act of 1965, as amended (Cooperative Education). A notice of closing date for filing such applications was published in the FEDERAL REGISTER on January 10, 1974, 39 FR 1523.

Interested persons were given until January 18, 1974, in which to submit written comments, suggestions, or make objections regarding the proposed criteria. No comments were received.

The criteria are therefore adopted without change, as set forth below.

Effective date. Since no substantial changes have been made in the proposed criteria, they shall become effective on April 1, 1974.

Dated: March 13, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: March 27, 1974.

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

(Catalog of Federal Domestic Assistance Program Number 13.510 Cooperative Education Program)

COOPERATIVE EDUCATION PROGRAMS

Notice of Funding Criteria for Fiscal Year 1974

CRITERIA FOR SELECTION OF APPLICATIONS

(a) *Funding criteria for grants for the conduct of programs of cooperative education.* In addition to the review criteria found in 45 CFR 100a.26(b) (published in the FEDERAL REGISTER November 6, 1973 (38 FR 30654)), the Commissioner shall evalaute applications requesting Federal support for the planning, establishment, expansion, or carrying out of cooperative education programs in accordance with the following criteria:

(1) The extent to which the project proposes to:

(i) Supplement the career educational opportunities that already exists at the applicant institution.

(ii) Modify existing undergraduate teaching practices, the student calendar, and curricula, to meet the particular needs of students participating in the cooperative education project.

(2) The extent to which the project proposes to concentrate on the needs of low-income and minority students, veterans, women, and handicapped students.

(3) The extent to which the proposed project provides for clearly defined procedures that give evidence of:

(i) Comprehensive and in-depth planning.

(ii) Coordination between the student's work experience and his academic and career goals.

(iii) Effective use of human and material resources.

(4) The extent to which the proposal reflects institutional commitment to cooperative education, as evidenced by:

(i) The involvement of administrators, trustees, faculty, students, employers, and cooperative education specialists.

(ii) The establishment of procedures making curriculum and calendar changes needed to reflect the particular needs of students participating in the cooperative education program.

(iii) The formulation of a cooperative education philosophy appropriate to the needs and characteristics of the particular institution.

(20 U.S.C. 1087b)

(b) *Funding criteria for programs for training personnel in the field of cooperative education.* In addition to the review criteria found in 45 CFR 100a.26(b), the Commissioner shall evaluate applications requesting Federal support for the training of persons in the planning establishment, administration, or coordination of programs of cooperative education in accordance with the following criteria:

(1) The extent to which the project proposes to sensitize trainees to the need for the modification of existing undergraduate teaching practices, the student calendar, and curricula, to meet the particular needs of students participating in a cooperative education project.

(2) The extent to which the project proposes to sensitize trainees to the particular needs of low-income and minority students, veterans, women, and handicapped students.

(3) The extent to which the proposed project provides for clearly defined procedures that give evidence of:

(i) Comprehensive and in-depth planning.

(ii) Effective use of human and material resources.

(4) The extent to which the applicant demonstrates its commitment to a cooperative education training program by its proposal to utilize resources other than those which may be made available by the Federal government.

(5) The extent to which the proposed training program shows promise of developing trainees who may apply their expertise in more than one cooperative education program.

(20 U.S.C. 1087c)

(c) *Funding criteria for cooperative education research programs.* In addition to the review criteria found in 45 CFR 100a.26(b), the Commissioner shall evaluate applications requesting Federal support for research into methods of improving, developing, or promoting the use of cooperative education programs in institutions of higher education according to the following criteria:

(1) The extent to which the research project proposes to focus on the need to modify existing undergraduate teaching practices, the student calendar, and curricula, to meet the particular needs of students participating in a cooperative education program.

(2) The extent to which the research proposal reflects an emphasis on the particular needs of low-income and minority students, veterans, women, and handicapped students.

(3) The extent to which the proposed project provides for clearly defined procedures with:

(i) Well delineated methodologies.

(ii) Realistically designed work schedules.

(iii) A logical relationship between stated objectives and research design.

(4) The extent to which the proposed project reflects innovative approaches to the operation of cooperative education programs.

(5) The extent to which the proposed project provides for hypothesis and methodology that will develop, improve, and promote the uses of cooperative education nationally through:

(i) Experimental as well as other kinds of models.

(ii) Various methods of information dissemination.

(20 U.S.C. 1087c)

(d) *General provisions regulations.* Assistance under this program will be subject to the regulations contained in Part 100a of Title 45 of the Code of Federal Regulations.

(20 U.S.C. 1221c(b)(1))

[FR Doc.74-7426 Filed 3-29-74;8:45 am]

Office of the Secretary

COMMISSIONER OF SOCIAL SECURITY

Delegation of Authority

The Secretary of Health, Education, and Welfare has been delegated authority to procure, operate and manage the Social Security Administration Data Acquisition and Response System (SSA DARS), a subsystem of the Federal Telecommunications System. This delegation of authority implements an interagency agreement between the General Services Administration and the Department of Health, Education, and Welfare. The delegation of authority to the Secretary may be redelegated, as provided in Temporary Federal Property Management Regulation F-175 (38 FR 9536-37 dated April 17, 1973). Accordingly, notice is hereby given that such authority with respect to SSADARS has been redelegated to the Commissioner of Social Security, for exercise in accordance with the policies, procedures and controls prescribed by the General Services Administration and the Department of Health, Education, and Welfare in cooperation with the responsible offices, officials and employees of the General Services Administration and of the Department of Health, Education, and Welfare. This authority may be further redelegated by the Commissioner of Social Security.

Dated: March 27, 1974.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-7425 Filed 3-29-74;8:45 am]

OFFICE OF REGIONAL LIAISON

Statement of Organization, Functions, and Delegations of Authority

Part I of the Statement of Organization, Functions, and Delegations of Authority, for the Department of Health, Education, and Welfare, Office of the Secretary is amended to delete Chapter 1B40, Deputy Under Secretary for Regional Affairs (38 FR 13496), dated May

15, 1973, and to replace it with a Chapter 1B30, Office of Regional Liaison. The new Chapter is as follows:

1B30.00 Mission. The Office of Regional Liaison serves to ensure effective Departmental operations through improving headquarters-regions interactions and increasing the capability for good regional management. In addition the Office provides headquarters liaison for regional offices on matters affecting all programs of the Department.

1B30.10 Organization. The Office of Regional Liaison is headed by a Director who reports directly to the Under Secretary.

1B30.20 Functions. The Office of Regional Liaison: Works with Regional Directors to facilitate their efforts to identify and resolve headquarters issues affecting regions. Represents regional interests with headquarters agencies and the Office of the Secretary in those instances where time or geographic limitations prevent Regional Directors from representing themselves. Assists regions in identifying issues and resolving problems on intergovernmental, interdepartmental, capacity-building, and related matters. Provides staff support for the Under Secretary on matters affecting the regions by handling special initiatives and keeping the Under Secretary informed of regional issues and problems. Facilitates communications between headquarters and regions.

Dated: March 26, 1974.

FRANK CARLUCCI,
Under Secretary.

[FR Doc.74-7429 Filed 3-29-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FLIGHT STANDARDS DISTRICT OFFICE 61, INDIANAPOLIS, IND.

Change in Function

Notice is hereby given that on or about March 31, 1974 the air carrier functions of the Indianapolis Flight Standards District Office (FSDO) will be transferred to the Chicago Air Carrier District Office. The Indianapolis FSDO will be redesignated as a General Aviation District Office (GADO 10). This information will be reflected in the next issuance of the FAA Organization Statement.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Des Plaines, Illinois on March 21, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.74-7353 Filed 3-29-74;8:45 am]

CIVIL AERONAUTICS BOARD

NATIONAL AIR CARRIER ASSOCIATION, INC.

Notice of Meeting

Notice is hereby given that a presentation will be made by the above Association on April 8, 1974, at 3:30 p.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., to review the current status of the Supplemental Air Carrier industry.

Dated at Washington, D.C., March 27, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-7402 Filed 3-29-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

INDIANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana State Advisory Committee (SAC) to this Commission will convene at 9:00 a.m. on March 30, 1974, at the Quality Inn, 1530 North Meridian Street, Indianapolis, Indiana 46202.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purposes of this meeting shall be (1) to review the process of reconstituting State Advisory Committees, (2) to finalize plans for holding a SAC factfinding meeting on Migrant Studies, and (3) to review and finalize plans for a factfinding meeting on penal institutions in Indiana.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 25, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-7347 Filed 3-29-74;8:41 am]

MARYLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Maryland State Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. on April 2, 1974, in Room G30-A, Federal Building, 31 Hopkins Plaza, Baltimore, Maryland 21201.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20425.

The purpose of this meeting shall be to discuss plans for the release of a Maryland SAC report entitled "Discrimination in the Construction Industry in Baltimore."

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 25, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-7349 Filed 3-29-74;8:45 am]

MISSOURI STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Missouri State Advisory Committee (SAC) to this Commission will convene at 10:30 a.m. on April 5, 1974, at the Chase Park Plaza Hotel, 212 North Kingshighway, St. Louis, Missouri 63108.

Persons wishing to attend this meeting should contact the Committee Chairman or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting shall be to discuss plans concerning a proposed Missouri SAC project on Revenue Sharing.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 25, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-7351 Filed 3-29-74;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 6:00 p.m. on April 2, 1974, at the Ibero American Action League, 938 Clifford Avenue, Rochester, New York 14605.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss the New York SAC's public employment project and details of a proposed factfinding meeting on this subject.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 25, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-7348 Filed 3-29-74;8:45 am]

WEST VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the West Virginia State Advisory Committee (SAC) to this Commission will convene at 12 Noon on April 4, 1974, in Parlor D, Daniel Boone Hotel, Washington and Capitol Streets, Charleston, West Virginia 25328.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20425.

The purpose of this meeting shall be to plan background field studies to support the proposed SAC factfinding meeting to be held at the Federal Womens Reformatory at Alderson, West Virginia.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 25, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-7350 Filed 3-29-74;8:45 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

REVISED NOTICE OF HEARING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under the authority of section PL 91-452, Part D, section 804-808 of the Organized Crime Control Act of 1970, will conduct a hearing on April 3, 1974, at 10 a.m. in Room 2255, Rayburn Building, Washington, D.C. The reason for this revised notice is the change of room number from the previously mentioned Room 2172 to the presently mentioned Room 2255.

The hearing will primarily consider the operation of state lotteries, with emphasis on their administration, financing and social impact. A variety of viewpoints will be presented.

The meeting of the Commission will be open to the public, and interested persons are invited to attend. Rules of procedure will be the same as those published in the Notice of Meeting of April 2, 1974.

JAMES E. RITCHIE,
Executive Director.

[FR Doc.74-7405 Filed 3-29-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

STATE OF GEORGIA

Request for Program Approval for Control of Discharges of Pollutants to Navigable Waters

A public hearing to consider the request of the State of Georgia for State Program Approval to participate in the National Pollutant Discharge Elimination System (NPDES) permit program for the control and abatement of discharges into waters of the State in compliance with the 1972 Amendments to the Federal Water Pollution Control Act, 33 U.S.C.A. §§ 1251-1376 (Supp. 1973) (hereinafter, the "Act"), will be held on April 30, 1974, at 10 a.m., Atlanta Memorial Arts Center, 1280 Peachtree Street NE., Atlanta, Georgia 30309.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the NPDES permit program to control discharges into waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency (EPA) a full and complete description of the program the State intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of section 402(b) and EPA's guidelines. Among other authorities, the State must have: (1) Adequate authority to issue permits which comply with all pertinent requirements of the Act, (2) adequate authority, including civil and criminal penalties, to abate violations of permits or the permit program, and (3) authority to insure that the Administrator, the public, or any other affected States, and other affected agencies, are given notice of each application and are given the opportunity for a public hearing before acting on each permit application. Also, the State must have and commit itself to use manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. EPA's guidelines establishing State Program Elements Necessary for Participation in the NP DES were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR 124), beginning at page 28390.

The State of Georgia proposed that the Environmental Protection Division of the Georgia Department of Natural Resources, 47 Trinity Avenue, SW., Atlanta, Georgia 30334, operate the NPDES program.

Governor Jimmy Carter's request and the program description may be inspected at the offices of the Georgia Environmental Protection Division at the above address, or at the Regional Office of the United States Environmental Protection Agency, 1421 Peachtree Street, NE., Atlanta, Georgia 30309 (404) 526-5727.

The public hearing panel will consist of the Administrator, or his representative, who will serve as the presiding officer; the Director of the Environmental Protection Division, or his representative; and the Regional Administrator, Region IV, or his representative.

All interested persons wishing to attend, to comment upon, or to support or to object to this State request are invited to attend the public hearing. Written comments may be presented at the hearing or submitted by May 7, 1974, either in person or by mail to the Regional Office of the United States Environmental Protection Agency at the above address.

Oral statements will be received and considered; but for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to bring additional copies for the use of the hearing panel and other interested persons. The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program as submitted.

The hearing record will be left open for a period of five days following the hearing to allow any person to submit additional written statements or to present views or evidence tending to rebut testimony presented during the hearing.

All comments or objections received by May 7, 1974, or presented at the public hearing will be considered by EPA before taking final action on the Georgia Request for State Program Approval.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

MARCH 26, 1974.

[FR Doc.74-7417 Filed 3-29-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19801, 19802; FCC 74R-108]

AIRSIGNAL INTERNATIONAL, INC., AND MAHAFFEY MESSAGE RELAY, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Airsignal International, Inc., Docket No. 19801, File No. 1970-C2-P-72, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Memphis, Tennessee; Mahaffey Message Relay, Inc., Docket No. 19802 (File No. 3443-C2-P-72, for a construction permit to establish additional facilities for Station KRS 656 in the Domestic Public Land Mobile Radio Service at Memphis, Tennessee.

1. This proceeding involves the mutually exclusive applications of Airsignal International, Inc. (Airsignal), and Mahaffey Message Relay, Inc. (Mahaffey), for construction permits for facilities in the Domestic Public Land Mobile Radio Service at Memphis, Tennessee. Now before the Review Board are a motion to enlarge and revise issues, filed September 7, 1973, by Mahaffey,[1] and a motion to

[1] Also before the Board are the following related pleadings: (a) opposition, filed October 4, 1973, by Airsignal; (b) reply, filed October 17, 1973, by Mahaffey.

enlarge issues, filed on the same date by Airsignal.[2] [3]

A. BACKGROUND OF THE PROCEEDING

2. Airsignal and Mahaffey are currently licensed to provide one-way paging service to the Memphis area. Airsignal operates Station KIF 653 on 35.22 MHz, a "low band" frequency, while Mahaffey operates Station KRS 656 on 152.24 MHz, a "guard band" frequency. Both of these stations offer paging exclusively.[4] In addition, Mahaffey operates Station KDT 223 in Memphis, and has construction permits for Stations KUC 870 in Collierville, and KUO 621 in Munford, Tennessee. These are high-band VHF stations which are licensed primarily for two-way general and dispatch communications but which may also provide one-way signaling service "on a secondary basis." Both Airsignal and Mahaffey have requested assignment of the frequency 158.70 MHz, which is the sole remaining guard band frequency available to non-wireline carriers in Memphis. In its application, Mahaffey claims that it needs additional facilities for Station KRS 656 because of the congestion, both existing and anticipated, on its currently assigned frequency, and because it has not proved "satisfactory" to provide both tone-only and tone-plus-voice paging modes[5] on the same channel. As a solution to the latter problem, it proposes to "deintermix" the two modes by placing each on a separate frequency. Mahaffey, pursuant to § 21.516 of the Commission's Rules,[6] submits a traffic load study for Station KRS 656 but provides no data on its two-way stations in Memphis, Collierville, and Munford. Airsignal, in its application proposes to construct "a new one-way paging station," and makes no mention at all of its existing low band facility except to declare that "its experience in operating Station KIF 653 has reinforced [its] belief that additional one-way paging services are needed in the Memphis area." In this connection, in an amendment to its application, Airsignal contends that "a projected 681 subscribers" will use its proposed service.

3. The Commission's Memorandum Opinion and Order, FCC 73-858, 38 FR 22674, published August 23, 1973, which designated these applications for comparative hearing, captions Airsignal's application as one "to establish new facilities" and Mahaffey's as one "to establish additional facilities." It further declares that "since the Commission has found that tone-only paging is compatible with tone-plus-voice paging . . . there is a question of whether the traffic load study and other data submitted by Mahaffey, sans any consideration of mode incompatibility, will support its request for an additional channel." The actual issues specified in the Order, however, are the usual standard comparative issues, and do not reflect this "question," nor do they distinguish in any other way between the two applicants.[7]

B. ISSUES REQUESTED BY MAHAFFEY

4. Among the issues requested by Mahaffey are the following:

To determine the present and prospective channel loading by each applicant of its currently assigned one-way paging frequency, and the adequacy of Airsignal's showing in this regard in light of § 21.516 of the Commission's Rules.

To determine the past performance of each applicant in developing the respective existing one-way paging facilities which each is now authorized to operate in the Domestic Public Land Mobile Radio Service in Memphis, Tennessee.

To determine which of the applicants propose the more efficient use of the requested frequency.

In support of its first request[8] Mahaffey contends that it is clear that both parties herein are applicants "for an additional channel . . . at an existing Domestic Public Land Mobile radio station" and are therefore required to submit traffic loading data as to their currently assigned one-way paging channels according to the provisions of § 21.516 of the Commission's Rules.[9] Mahaffey al-

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[2] The Board also has before it these related pleadings: (a) opposition, filed October 4, 1973, by Mahaffey; (b) reply, filed October 17, 1973, by Airsignal; (c) supplement to motion, filed November 26, 1973, by Airsignal; (d) opposition to (c), filed December 4, 1973, by Mahaffey; and (e) reply to (d), filed December 14, 1973, by Airsignal. Airsignal's supplement contains new information relevant to the issues requested in its original motion, and is therefore acceptable for consideration.

[3] The Common Carrier Bureau, although a party to this proceeding, filed no response to either of these motions.

[4] Until recently, the only frequencies allocated "for use exclusively in providing a one-way signalling service" were 35.22, 35.58, 43.22 and 43.58 MHz, all on low band. In 1968, four more frequencies, 152.24, 152.84, 158.10 and 158.70 MHz (previously deemed unassignable because of interference problems—thus the name "guard band"), were made available for such use. Wireline and non-wireline common carriers were each permitted access to two of these frequencies.

[5] Tone-only paging activates a small portable receiver which produces an audible tone (or, alternatively, a sub-audible vibration) which alerts a subscriber to respond in a pre-arranged manner. Tone-plus-voice paging allows the subscriber to receive a voice message in addition to the alerting signal.

[6] This section provides that "[a]n application requesting the assignment of an additional channel or channels at an existing Domestic Public Land Mobile radio station" shall include a showing of certain specified traffic loading data.

[7] The issues, as designated, read as follows:

1. To determine the nature and extent of services proposed by each applicant, including the rates, charges, personnel, practices, classifications, regulations, and facilities pertaining thereto.

2. To determine the total area and population to be served by Airsignal International, Inc. within the 43 dbu contour of its proposed station, based upon the standards set forth in § 21.504 of the FCC Rules and Regulations and to determine the need for its proposed service in that area.

3. To determine the total area and population to be served by Mahaffey Message Relay, Inc. within the 43 dbu contour of its proposed station, based upon the standards set forth in § 21.504 of the FCC Rules and Regulations; and to determine the need for the proposed service in that area.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the above-captioned applicants would better serve the public interest, convenience and necessity.

[8] At the same time it filed its motion to enlarge and revise issues. Mahaffey also filed a "petition to certify question to the Commission" with the Administrative Law Judge. Mahaffey made three requests of the Board in connection with this petition: (1) that we defer action on the motion before us until after the Judge's ruling on the matter before him; (2) that we grant Mahaffey fifteen days subsequent to that ruling in which to submit any necessary amendments to its motion; and (3) that, in considering the issues requested in the motion, we incorporate by reference the argument contained in the petition to certify. In an Order, released September 14, 1973 (FCC 73M-1047) the Judge denied that petition to certify; since then Mahaffey has made no attempt to supplement its motion to enlarge and revise issues./Its first and second requests have thus been rendered moot. Its third request, however, is still ripe, is unopposed, and will be granted. Accordingly, the argument summarized in paragraph 4 and notes 10 and 11 herein is actually that contained in Mahaffey's petition to certify.

[9] Section 21.516 of the Commission's Rules provides:

An application requesting the assignment of an additional channel or channels at an existing Domestic Public Land Mobile radio station (other than control, dispatch or repeater), in addition to the information required by other sections of the rules, shall include a showing of the following:

(a) The number of mobile units for which orders for service are being held.

(b) Data showing the actual traffic loading on each channel assignment of the present radio systems during the busiest 12-hour periods on 3 days (within a 7-day period) having normal message traffic not more than 60 days prior to the date of filing. This information should be reported separately for each of the 3 days selected, which should be identified by dates, and should disclose the following:

(1) The number of mobile units using the service during each of the days specified.

(2) The number of calls completed each hour.

(3) For systems that provide message relay service, (i) the number of calls held, (ii) the total holding time, and (iii) the maximum holding time for a call, due to busy radio circuit conditions during each hour; or, for systems that do not provide message relay service, the total number of minutes that the channel (base and mobile) was utilized for transmissions between the base station and land mobile units during each hour.

(b) For stations that provide one-way signaling as a primary service, (i) the number of mobile receivers in operation during the study period, (ii) the number of calls held, (iii) the total holding time; or for systems that do not provide a message relay service, (iv) the total number of minutes the channel is utilized for transmission between the base station and the mobile receiver during each hour.

(5) Such other additional information which may more accurately reflect channel loading, and any further information which may be applicable and pertinent to the application.

leges that while it has fully met the requirements of this provision, Airsignal has not even attempted to comply; moreover, it complains, the Commission's designation Order, *supra*, ignores this "patent defect", and thereby "appears to impose different standards of proof of need on the two parties." According to Mahaffey, Airsignal would provide the same service if it received a grant that it does now (*i.e.*, one-way paging), and would do so from the same control point to the same customers in the same area—but would use two channels rather than one. Thus, Mahaffey declares § 21.516 applies to Airsignal as well as itself "according to any commonsense understanding of words." Mahaffey also claims that the policy of spectrum management underlying § 21.516 is "obviously relevant" here; the Commission should know, it urges, whether Airsignal is underutilizing its present frequency.[10] Mahaffey also alleges that, in its dealings with the Tennessee Public Service Commission, Airsignal treats its application as one for additional facilities in order to avoid a hearing at the state level which might otherwise be necessary pursuant to § 21.15(c)(4) of the Commission's Rules and to the laws of Tennessee. Mahaffey declares that it would be "incongruous" to permit Airsignal to escape the requirements of one section of the Rules by claiming to apply for a new station, and at the same time to avoid the strictures of another section, and those of state law, by claiming to request additional facilities.

5. With regard to the second request, Mahaffey asserts that both it and Airsignal have provided one-way paging service in Memphis for two or more years, and that this affords a basis upon which the past performance of each can be evaluated. "It is of course axiomatic," it adds, that where there are competing applicants for radio facilities, "the past performance of each applicant in serving the public is a highly significant factor." In support of the comparative efficiency issue, Mahaffey simply refers the Board to the respective applications of Airsignal and itself, and submits an affidavit stating that its plan to place tone-only and tone-plus-voice operations on separate channels will "specifically enhance" the message carrying capacity of both frequencies.[11]

6. In its opposition, Airsignal contends that the Commission's designation Order does, quite properly, impose a greater burden upon Mahaffey, and accuses its rival of attempting under a "guise of equity" to lure the Board into placing these burdens on Airsignal as well. Airsignal maintains that guard band paging is a "technologically superior",[12] and, hence, a "unique and separate" class of DPLMRS service. Accordingly, it states, an applicant for an initial guard band frequency, such as itself, is always treated as "new" by the Commission and is not required to submit any information on low band services which it may already provide. By contrast, Airsignal declares, since Mahaffey is requesting a second guard band frequency, its channel loading and past performance are relevant to its application and are indeed "already at issue." Airsignal also asserts that, when it entered the Memphis market, it took over an operation that, even for low band, had few subscribers and antiquated facilities, and further claims that its every effort to obtain Commission authorization to modernize this operation was opposed by Mahaffey, so that no improvements could be made until June 1973. In these circumstances, it declares, Mahaffey's request for comparative issues is unfair as well as contrary to Commission policy. Airsignal also contends, this time quoting directly from the designation Order, that Mahaffey's proposed deintermixture of modes is already at issue, and adds that, since Airsignal has no choice but to intermix, the efficiency issue requested by Mahaffey is "nonsensical." Airsignal promises, however, to demonstrate at the comparative hearing that its proposal will result in an efficient use of the requested frequency.

7. In reply, Mahaffey, pointing out the identical wording of the issues in the designation Order, derides the notion that the issues it now requests already lie against it but should not apply to Airsignal. It further contends that Airsignal would have the Commission "blind itself" to the merits of the two proposals and decide the case in a purely "mechanistic" fashion. A comparison of past performance would not be unfair, Mahaffey declares, since both applicants have been operating paging services in Memphis for about the same length of time. Moreover, according to Mahaffey, since Airsignal could deintermix, if it wished, by using low band for tone-only and guard band for tone-plus-voice, the efficiency question is still alive as to both parties and still "significant to the public interest." But most important, Mahaffey argues, there is nothing in the Rules or the case law to support Airsignal's claim that low and guard band paging are separate services; rather, the Commission, at most, "distinguishes" between the propagation effects of the two bands—and even these differences have been minimized by recent improvements in low band equipment. Mahaffey contends that many low band paging systems, including some offering tone-plus-voice, operate successfully throughout the country, and further states that Airsignal's effort to improve its existing Memphis operations is itself a testament to the future of low band paging. In further support of its position, Mahaffey cites: a Notice of Proposed Rulemaking (FCC 71-1016, 38 FR 19916, published October 13, 1971), in which the Commission declared that radio common carriers "can and have provided valuable service to the public in the range 30-50 MHz which we feel should be continued and expanded;" *Radio Relay Corp.* v. *FCC*, 409 F. 2d 322, 15 RR 2d 2052 (1969), in which, it asserts, the 2nd Circuit found sufficient equivalence between the low and guard bands to conclude that low band operators did not need the protection of the "headstart doctrine"[13] and *FWS Radio, Inc.*, 40 FCC 2d 680, 27 RR 2d 485 (1973), in which, it claims, the Commission placed guard band frequencies on "parity" with other paging frequencies. Finally, Mahaffey asserts that in no other area of mobile radio service does the Commission treat low and high band operations as separate services merely because of frequency differences. For all these reasons, it urges, the Board should find that Airsignal is required to comply with the requirements of § 21.516.

8. Mahaffey also requests an issue:

To determine whether Airsignal is financially qualified to render the service it proposes.

Mahaffey objects to paragraph 3 of the instant designation Order, which states that Airsignal, "as a subsidiary of (Western Union International), is more than capable of meeting the $38,850 cost that would be incurred in carrying out its proposed constructions." Mahaffey asserts that there is in fact no assurance that Airsignal will have the resources of Western Union International at its disposal and charges that, in a similar proceeding in Dallas-Fort Worth, Texas, the Commission refused to accept the assets of Western Union International as those of Airsignal, and instead requested that Airsignal fully comply with § 21.15(d) of the Rules. Noting that the balance sheet submitted by Airsignal in this proceeding shows its current liabilities to be about five times as large as its current assets, Mahaffey queries "how far Western Union International will go in backing up and bailing out Airsignal's various enterprises."

9. In opposition, Airsignal contends that Mahaffey's account of the Texas

[10] Elsewhere in its petition Mahaffey charges, in effect, that this is indeed the case.

[11] In its petition to certify, Mahaffey protests that its desire to separate the modes is not the sole "basis" for its request for an additional channel, as the Commission's designation Order, in its view, implies. Mahaffey asserts that it filed its application because of the congestion on its existing paging channel and that it proposes deintermixture "simply [as] a method of achieving the most efficient use of the two channels."

[12] Airsignal alleges that low band frequencies are inadequate for tone-plus-voice paging and have unsatisfactory propagation characteristics. In support of this, it cites the Commission's Memorandum Opinion and Notice of Proposed Rulemaking in re *Allocation of Frequencies in the 150.8-162 Mc/s Band*, 9 FCC 2d 659 (1967); *Mobile Radio Communications*, 29 FCC 2d 62, 21 RR 2d 921 (1971); and *Patersonville Telephone Co.*, 34 FCC 2d 258, 23 RR 2d 1208 (1972), appeal docketed, No. 72-1715, D.C. Cir., July 28, 1973.

[13] "Headstart doctrine" was the name given to the Commission's policy of refusing to grant any guard band application in a given service area until all such applications could be disposed of. The purpose of this policy was to prevent unopposed applicants (usually wireline carriers) from receiving a competitive advantage because of hearing delays involving mutually exclusive applicants (usually non-wireline carriers).

proceeding misrepresents the facts, and that the Commission there merely requested "boiler plate data relating to quested "boiler plate data relating to credit arrangements financial agreements, and personal commitments of funds." Airsignal also claims that its financial strength and that of its parent are "well recognized" by the Commission, citing *Northern Mobile Telephone Company*, FCC 73–171, released February 16, 1973. In addition, Airsignal submits a letter from an executive vice president of Western Union International, guaranteeing full backing for the Memphis proposal, including additional capital as needed. Finally, Airsignal states that its own financial resources presently include over $200,000 in cash and over $1,000,000 in current assets, and that its operating revenues for the period of January–July, 1973, were in excess of $1,800,000.

10. Finally, Mahaffey requests an issue:

To determine whether Airsignal's failure to timely file its annual report of operations in the Domestic Public Land Mobile Radio Service, FCC Form L, constitutes a comparative demerit.

Mahaffey first notes that DPLMRS licensees are required to file annual reports not later than 90 days after the close of the calendar year, unless this deadline is extended by the Commission. It then alleges that Airsignal, "for no apparent reason", has not yet filed its report for 1972, and that this failure has not only hindered the evaluation of Airsignal's present application, but is "symptomatic" of its "lackadaisical approach" to DPLMRS requirements.

11. Airsignal, in response, asserts that Mahaffey's contentions are without justification and reflect inadequate research. Airsignal states that additional time for filing Form L reports is routinely requested and granted, and avers that it asked for such an extension in late March, 1973. "Shortly thereafter", according to Airsignal, its attorney was informed by a Commission staff member that a 90-day deadline had been waived and that Airsignal could take such additional time as was necessary to file its report. Airsignal submits the affidavit of one of its attorneys in support of this account, and further states that the Form L report on its Memphis operation was ultimately filed on September 12, 1973.

C. Issues Requested by Airsignal

12. Airsignal, in motion,[14] requests the following issues:

To determine the nature and extent of service now rendered by Mahaffey Message Relay, Inc., the capacity of its existing facilities, both in terms of its existing terminal equipment and modifications of its existing terminal equipment which could be made without Commission approval to expand such capacity, and in light of § 21.516(b) of the Commission's Rules, or other pertinent regulations or Commission policy, whether the grant of Mahaffey's application for an additional guard band paging channel is justified in the public interest.

To determine whether grant of Mahaffey's application for the sole remaining guard band channel and the allocation to it of both paging frequencies at Memphis is justified in the public interest in light of the Commission's clear policy and precedent favoring competitive guard band service.

Airsignal calls the Board's attention to the Commission's designation Order in *Empire Communications Co.*, 31 FCC 2d 477 (1971), which contains an issue similar to its first requested issue. In that case, according to Airsignal, it was specifically found that Empire, an applicant for a second guard band channel, had failed to show sufficient traffic loading on its existing channel to warrant the assignment of another, and had also failed to prove that tone-only and tone-plus-voice paging are incompatible on the same frequency. In the instant designation Order, Airsignal maintains, the Commission made identical findings, and even cited the *Empire* precedent, but did not specify a separate issue. Airsignal suggests that this discontinuity is merely the result of an inadvertent error in framing the instant Order, and requests the Board to remedy this oversight. It also claims that the Commission overlooked still another similarity between Empire and Mahaffey, namely that both operate two-way stations having further "excess capacity" which could be used to provide paging on a secondary basis. Finally, Airsignal states that, in deciding whether to award an additional paging channel, the Commission should examine not only an applicant's present capacity for service, as was the case in *Empire*, but also its potential or "ultimate" capacity based on modifications to terminal equipment which could be made without Commission approval. Thus, the issue Airsignal proposes here is even broader than that ordered in *Empire*. In support of its second requested issue, Airsignal claims that the Commission has clearly held that public policy favors competitive guard band service. As a result, it continues, the Commission has on several past occasions allocated one guard band channel to each of two qualified applicants in an area on the theory that this will enable both to compete effectively and will provide the public with a proper choice of services.[15] Airsignal urges that Mahaffey should be required to show why, in the light of such public policy and Commission precedent, it should be allocated both guard band channels in Memphis while Airsignal is relegated to the technically inferior low band frequency.

13. In opposition to Airsignal's first request, Mahaffey strenuously denies that its situation is identical to that of Empire Communications Co. According to Mahaffey, the Commission found Empire's showing under § 21.516 "neither responsive nor adequate" and its existing channel capacity "sufficient to meet traffic needs for the reasonably foreseeable future"; by contrast, it claims, the instant designation Order contains no findings at all, but merely states that there is a factual issue as to Mahaffey's traffic loading. Mahaffey also contends that there is nothing in the earlier case to indicate that the Commission took into account the capacity of Empire's two-way stations. On the contrary, it asserts, the Commission recognizes that it is not feasible to operate a reliable one-way service over frequencies on which two-way communications must always take priority, and thus does not require an applicant for one-way facilities to show, pursuant to § 21.516, the traffic loading on its two-way channels. But in any event, Mahaffey declares, there is no excess capacity on its two-way stations, and Airsignal has submitted nothing to prove that such excess does exist, or, contingently, how any excess might be used.[16] Also, Airsignal's request for an inquiry as to "ultimate capacity" is unsupported by allegations of material fact as required by § 1.229(c) of the Rules, according to Mahaffey. Moreover, it argues, such an inquiry would place upon it the "impossible burden" of "canvass[ing] the whole field of technology," and would contravene the Commission's "well established policy" against the consideration of hypothetical alternatives. With regard to the second of Airsignal's requested issues, Mahaffey merely argues that it is redundant with the conclusory issue already specified in the Commission's Order. If there are policy or legal considerations which favor one or the other applicant, Mahaffey maintains, the Commission obviously intends that they be introduced pursuant to this issue.

14. Airsignal, in reply, asserts that Mahaffey's opposition to both its requested issues is grounded in a "refus[al] to recognize" that, as an applicant for a second guard band channel, it has the burden of proving sufficient need for both channels to overcome the recognized public policy favoring competition. Airsignal further states that it is Mahaffey that has misread the *Empire* case, and that the Commission there did require Empire to demonstrate the capacity for paging on its two-way stations in addition to the traffic loading on its guard band channel. Moreover, according to Airsignal, two-way stations can and do provide reliable paging service, often in direct competition with carriers licensed solely for one-way operations. Finally, Airsignal contends that an inquiry as to Mahaffey's "ultimate capacity" would be neither impossible nor hypothetical, since the equipment and technology needed to

[14] The arguments of the various supplementary pleadings are incorporated without special reference in the following discussion.

[15] In support of this, Airsignal cites *Mobile Radio Communications, supra*, and *Pattersonville Telephone Co., supra*; also, *ATS Mobile Telephone, Inc.*, 35 FCC 2d 443, 24 RR 2d 515 (1972).

[16] Two-way traffic on Station KDT 223 has been steadily increasing for several years, Mahaffey avers, and the Collierville and Munford stations are too far away from Memphis to provide it with any service whatsoever.

expand guard band capacity is "well known and readily discernible."

D. DISPOSITION

15. The Board believes that Airsignal, like Mahaffey, is required by § 21.516 of the Rules to submit a traffic load study for its existing paging station, KIF 653.[17] This determination is based upon a close reading of § 21.516 itself, which governs any applicant "for an additional channel at an existing Domestic Public Land Mobile radio station."[18] § 21.1 of the Rules, in turn, defines "radio station" as "a separate transmitter or group of transmitters under simultaneous common control, including the accessory equipment required for carrying on a radio communication service." Airsignal's application indicates that its proposed facility will have the same transmitter location and control point as its existing facility, and that it will be operated, serviced and maintained by the same personnel. There can be little doubt, therefore, that the two will be "under simultaneous common control." Airsignal argues, however, that § 21.516 does not apply to it because low and guard band paging are separate and distinct radio services. But there is nothing in the rules to indicate any such dichotomy (by contrast, § 21.504 does distinguish for some purposes between UHF and VHF two-way communications), nor does the case law support Airsignal's contention. It is true that the Commission, in its Memorandum Opinion and Notice of Proposed Rulemaking, *supra*, regarding the allocation of the guard band frequencies, discusses the "technical inferiority" of low band in terms of building penetration and long range skip interference. 9 FCC 2d at 663 (1967). But the Commission also notes therein the superiority of the low band in terms of area coverage. More important, that opinion, like the subsequent Report and Order on the same subject, 12 FCC 2d 841, 13 RR 2d 1508 (1968), consistently refers to "one-way signaling service" as a single entity. We hold, therefore, that responsibility for complying with the requirements of § 21.516 of the Rules lies with both Airsignal and Mahaffey.

16. We also believe that Mahaffey should submit a traffic load study for its two-way station in Memphis, KDT 223.[19] Such a showing, in our view, is indicated by § 21.501(d)(2) of the Rules, which states that an applicant for one-way facilities who already provides two-way service must give "full information" to show why paging could not be provided in connection with the base station facilities used for two-way communications. This subsection technically relates only to applicants for 135 MHz facilities. However, the showing which it requires is the kind which, in our view, should also be made in support of the use of 152 MHz facilities, especially in light of § 21.516(b)(5), which requires applicants for additional facilities in any DPLMRS service to supply "such other additional information which may more accurately reflect channel loading, and any further information which may be applicable and pertinent to the application." Mahaffey overstates the case when it claims that the Commission has recognized the infeasibility of integrating one and two-way communications on the same frequency. In fact, the Commission's view is that such integration is "technologically possible," although it is impractical "where heavy requirements for both types of service must be satisfied." 9 FCC 2d at 661. Thus, it is the burden of the applicant to demonstrate that such integration is *not* feasible; we may not assume, or force the applicant's competitor to prove, that it is feasible.[20]

17. The Review Board will, however, deny Mahaffey's request for an issue concerning the past performance of each applicant. In *Arlington Telephone Co.*, 27 FCC 2d 1, ____ RR 2d ____ (1971), the Commission extended its policy regarding broadcasters' past performance to the DPLMRS field and required a threshold showing of unusual past performance by an applicant as a basis of inquiry. "A past record within the bounds of average performance will be disregarded," the Commission stated, "since average future performance is expected. We are interested in records which, because either unusually good or unusually poor, give some indication of unusual performance in the future." So far in this proceeding, there has been no threshold showing like that contemplated in *Arlington Telephone*. However, should circumstances change in this regard, the Administrative Law Judge is authorized to permit the adduction of relevant evidence. The Board will also deny Mahaffey's request for an issue to determine which applicant proposes the more efficient use of the requested frequency[21] and Airsignal's request for an inquiry into the capacity of Mahaffey's existing facilities, since the respective allegations are inadequately supported and lack the requisite specificity called for by § 1.229(c) of the Commission's Rules. In our view, these are requests for comparative engineering issues; hence should there be an appropriate threshold showing at some future time (*e.g.*, that either applicant has failed to develop the potential of its existing facilities or that an applicant's proposal reflects superior efficiency characteristics), the Presiding Judge is authorized to permit the adduction of relevant evidence. The Board will also deny Airsignal's request for an issue requiring Mahaffey to justify its application in light of the Commission's alleged preference for competitive guard band service. Such an issue would undermine the long established principle that each DPLMRS applicant must demonstrate the need for its proposed service (not just its basic qualifications, as Airsignal contends) before competition becomes a relevant factor for consideration. See *Whitney Telephone Answering Service*, 1 FCC 2d 283, 6 RR 2d 47 (1965), reconsideration denied, 1 FCC 2d 1346, 6 RR 2d 496, review denied FCC 66-143, released February 16, 1966. Moreover, insofar as it contemplates a determination of policy, Airsignal's request is inappropriate. *Cf. Black Hills Video Corp.*, FCC 63-18, 24 RR 813 (1963); *North Shore Broadcasting Corp. (WESX)*, 10 FCC 2d 163, 11 RR 2d 250 (1967).

18. The Board will also deny Mahaffey's request for a financial issue, since its objections have been fully met in Airsignal's opposition. The letter from the executive vice president of Western Union International dispels any doubt at to the intention of that company to support its subsidiary's Memphis proposal. Since the financial capacity of Western Union International itself is not in question, Airsignal's ability to readily acquire the $38,850 needed to carry out its proposal seems assured. Similarly, Airsignal has adequately explained the circumstances which led to its failure to timely file its 1972 Form L Report, and this explanation has been corroborated by a sworn statement. Moreover, the report itself has now been filed and is available to all parties. The Board therefore sees no reason to order a further inquiry in this regard.

19. *According, it is ordered*, That the motion to enlarge and revise issues, filed September 7, 1973, by Mahaffey Message Relay, Inc., is granted to the extent indicated herein, and is denied in all other respects; and

20. *It is further ordered*, That the motion to enlarge issues, filed September 7, 1973, by Airsignal International, Inc. is granted to the extent indicated herein and is denied in all other respects; and

21. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issue:

To determine, in accordance with § 21.516 of the Commission's Rules, the nature and extent of DPLMRS services now rendered in Memphis, Tennessee by each applicant.

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[17] The fact that Airsignal's application was captioned as "new" in the designation *Order* is not dispositive. The caption employed, which was apparently adopted from Airsignal's self-description without reference to the question of need, cannot be regarded as an adequate substitute for the type of consideration the Commission views as essential. See *Fidelity Radio, Inc.*, 1 FCC 2d 661, 6 RR 2d 140 (1965).

[18] See note 9, *supra*.

[19] We will not require such data on Mahaffey's stations in Collierville and Munford, since there has been no indication that Memphis lies within the service area contour of either facility.

[20] It is apparent that the Commission was neither fully nor accurately apprised of all information relevant to the question of need, *e.g.*, the Order stated that Mahaffey "is the licensee of one station in Memphis, operating in the DPLMRS. . . . Station KRS 656." In fact, as noted above (see paragraph 2, *supra*), Mahaffey is also the licensee of Station KDT 223 in Memphis. Thus, although some discussion was devoted to Mahaffey's traffic load study, this discussion cannot be regarded as sufficiently thorough.

[21] The designation Order in this proceeding makes it clear that the Commission has specifically considered and rejected the theory of mode incompatibility. The Board is therefore precluded from substituting its judgment in this matter for that of the Commission. See *Atlantic Broadcasting Co.*, 5 FCC 2d 717, 8 RR 2d 991 (1966). However, this is a significantly more narrow question than that of comparative efficiency.

22. *It is further ordered,* That each applicant shall have the burden of proceeding with the introduction of evidence, and the burden of proof, with respect to its own application.

Adopted: March 22, 1974.

Released: March 26, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.74-7422 Filed 3-29-74;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN WEST AFRICAN FREIGHT CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to Section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C., 20573, on or before April 21, 1974. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system 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 petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of a Petition to Extend the Termination Date of a Dual Rate Contract System Filed by:

John K. Cunningham, Chairman
American West African Freight Conference
67 Broad Street
New York, New York 10004

Notice is hereby given that the member lines of the American West African Freight Conference, Agreement No. 7680, as amended, have filed with the Commission, pursuant to section 14b of the Shipping Act, 1916, a petition to extend the dual rate contract system of the parties covering the transportation of coffee, cocoa and bulk vegetable oils in less than full shipload lots, in the westbound trade of the conference. The petition requests an extension of the dual rate contract system, now scheduled to terminate on May 8, 1974, for three years, i.e., until May 7, 1977.

The westbound trade covers the movement of cargoes from West African ports (south of the southerly border of Rio de Oro, Spanish Sahara and north of the northerly border of Southwest Africa), including the Atlantic Islands of the Azores, Madeira, Canary, and Cape Verdes, also the Islands of Fernando Po, Principe and Sao Tome in the Gulf of Guinea to Canadian Atlantic and St. Lawrence River ports not west of Montreal and United States Atlantic and Gulf ports.

Dated: March 26, 1974.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING, *Assistant Secretary.*

[FR Doc.74-7434 Filed 3-29-74;8:45 am]

CALIFORNIA/JAPAN COTTON POOL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 11, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

D. D. Day, Jr., Chairman
California/Japan Cotton Pool
635 Sacramento Street
San Francisco, California 94111

Agreement No. 8882-10 is an application on behalf of the parties to the California/Japan Cotton Pool (Agreement No. 8882, as amended) to suspend the requirement under Article 10 of the Agreement to effect a financial settlement between the parties resulting from the carriage of cotton during the 1972/1973 cotton pool season.

Dated: March 27, 1974.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING, *Assistant Secretary.*

[FR Doc.74-7431 Filed 3-29-74;8:45 am]

MOORE McCORMACK LINES, INC., AND STATES STEAMSHIP CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and 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 April 21, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Hubert F. Carr
Vice President and Secretary
Moore-McCormack Lines, Inc.
2 Broadway
New York, New York 10004

Agreement No. 10121, covers an arrangement whereby States Steamship Company appoints Moore-McCormack Lines, Inc. as its agent to solicit and book cargo and passengers and perform related activities in Canada, east of Manitoba, and in the United States eastward from the western boundaries of the States of New York, Pennsylvania, West Virginia, Virginia, North and South Carolina, under terms and conditions set forth in the agreement. Washington, D.C. is exempt except for special assignments. The agency arrangement created by the agreement shall be in connection with the trans-Pacific services of States

Steamship Company between ports on the Pacific Coast of North America, including British Columbia, Washington, Oregon, California, and ports in the Far East of Japan, Korea, Taiwan, Hong Kong, Viet Nam, Thailand, and the Philippines.

Dated: March 27, 1974.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-7432 Filed 3-29-74;8:45 am]

U.S. FLAG-U.S. PACIFIC COAST/FAR EAST/SOUTHEAST ASIA DISCUSSION AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and 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 April 21, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. E. T. Sommer
Vice President
American President Lines, Ltd.
1625 Eye Street, N.W.
Washington, D.C. 20006

Agreement No. 10096-1, entered into by:

American President Lines, Ltd.,
Pacific Far East Line, Inc.,
Sea-Land Service, Inc., and
States Steamship Company,

all U.S. flag common carriers by water, amends approved Agreement No. 10096, of American President Lines, Ltd., Pacific Far East Line, Inc. and States Steamship Company, covering an arrangement for discussions and exchange of information relating to their common carrier services in the trades between Pacific Coast ports of the United States and ports in South East Asia. The purpose of the amendment is to provide for the admission of Sea-Land Service, Inc., to participation in Agreement No. 10096, pursuant to its agreement to abide and be bound by all the terms and conditions of said agreement.

Dated: March 26, 1974.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-7433 Filed 3-29-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI74-178, et al.]

CONTINENTAL OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 22, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets No.
RI74-178	Continental Oil Co.	198	13	El Paso Natural Gas Co. (Northeast Haynes Field, Rio Arriba County, N. Mex.) (Rocky Mountain Area).	$2,107	2-25-74		8-28-74	[1] [3] [5] 26.1797	[1] [3] [5] 26.7251	
	do		14	do	(6)	2-25-74		8-28-74	[2] [4] 28.0	[2] [4] 28.5	RI72-248.
	do	199	11	do	445	2-25-74		8-28-74	[1] [3] [5] 26.1797	[1] [3] [5] 26.7251	
	do	208	[7] 15	El Paso Natural Gas Co. (Lindreth Area, Rio Arriba County, N. Mex.) (Rocky Mountain Area).	3,407	2-25-74		8-28-74	[1] [3] [5] 26.1797	[1] [3] [5] 26.7251	
	do	221	11	El Paso Natural Gas Co. (Ballard Pictured Cliffs Area, Rio Arriba and Sandoval Counties, N. Mex.) (Rocky Mountain Area).	463	2-25-74		8-28-74	[1] [3] [5] 26.1797	[1] [3] [5] 26.7251	
	do		12	do	(6)	2-25-74		8-28-74	[2] [4] 28.0	[2] [4] 28.5	RI72-248.
	do	[7] 241	10	El Paso Natural Gas Co. (Northeast Farmington Field, San Juan County, N. Mex.) (Rocky Mountain Area).	25	2-25-74		4-28-74	[1] [3] [5] 26.1797	[1] [3] [5] 26.7251	

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets No.
----do----			11	----do----	(6)	2-25-74		4-28-74	[2][4] 28.0	[2][4] 28.5	RI72-248.
----do----		242	11	El Paso Natural Gas Co. (Allison Unit, San Juan County, N. Mex., and La Plata and Archuleta Counties, Colo.) (Rocky Mountain Area).	34	2-25-74		8-28-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			12	----do----	(6)	2-25-74		8-28-74	[2][4] 28.0	[2][4] 28.5	RI72-248.
----do----		259	[8] 13	El Paso Natural Gas Co. (Blanco Pictured Cliffs Area, San Juan County, N. Mex.) (Rocky Mountain Area). Pictured Cliffs Area, San Juan County, N. Mex.) (Rocky Mountain Area).	1,001	2-25-74		8-28-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			[8] 14	----do----	(6)	2-25-74		8-28-74	[2][4] 28.0	[2][4] 28.5	RI72-248.
----do----		266	7	El Paso Natural Gas Co. (Rincon Unit and Rio Arriba County, N. Mex.) (Rocky Mountain Area).	18	2-27-74		8-30-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			8	----do----	(6)	2-27-74		8-30-74	[2][4] 28.0	[2][4] 28.5	RI72-248.
----do----		296	15	El Paso Natural Gas Co. (San Juan and Rio Arriba Counties, N. Mex. and La Plata County, Colo. (Rocky Mountain Area).	8,294	2-27-74		8-30-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			[11] 16	----do----	10,190	2-27-74		8-30-74	[2][4] 28.0	[2][4] 28.5	RI72-245.
----do----		332	6	El Paso Natural Gas Co. (San Juan County, N. Mex.) (Rocky Mountain Area).	311	2-27-74		8-30-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			7	----do----	(6)	2-27-74		8-30-74	[2][4] 28.0	[2][4] 28.5	RI72-248.
----do----		336	7	----do----	5,640	2-27-74		8-30-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			[10] 8	----do----	(12)	2-27-74		8-30-74	[2][4] 28.0	[2][4] 28.5	RI72-248.
----do----		340	6	----do----	197	2-27-74		8-30-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			7	----do----	149	2-27-74		8-30-74	[2][4] 28.0	[2][4] 28.5	
----do----		[13] 345	4	----do----	2,152	2-27-74		4-30-74	[1][4] 22.0	[1][4] 24.5	
----do----			5	----do----	(12)	2-27-74		4-30-74	[2][4] 28.0	[2][4] 28.5	RI72-248.
----do----		389	4	----do----	217	2-27-74		8-30-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----		[13] 393	1	Kansas-Nebraska Natural Gas Co., Inc. (Fremont County, Wyo.) (Rocky Mountain Area).	5,789	2-27-74		4-30-74	[4] 22.75	[4] 26.5	
----do----		[13] 394	1	Montana-Dakota Utilities Co. (Fremont County, Wyo.) (Rocky Mountain Area).	5,789	2-27-74		4-30-74	[4] 22.75	[4] 26.5	
----do----		[13] 406	1	El Paso Natural Gas Co. (San Juan County, N. Mex.) (Rocky Mountain Area).	990	2-27-74		4-30-74	[4] 24.0	[4] 28.5	
----do----		267	7	El Paso Natural Gas Co. (San Juan Basin Area, San Juan County, N. Mex.) (Rocky Mountain Area).	214	2-25-74		8-28-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			8	----do----	(6)	2-25-74		8-28-74	[2][4] 28.0	[2][4] 28.5	RI72-248.
----do----		274	10	----do----	(15)	[2]2-25-74		4-28-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			11	----do----	(6)	2-25-74		4-28-74	[2][4] 28.0	[2][4] 28.5	RI72-245.
----do----		287	7	----do----	498	2-25-74		8-28-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			8	----do----	(6)	2-25-74		8-28-74	[2][4] 28.0	[2][4] 28.5	RI72-245.
----do----		295	6	----do----	203	2-25-74		8-28-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			7	----do----	(6)	2-25-74		8-28-74	[2][4] 28.0	[2][4] 28.5	RI72-245.
----do----		309	5	El Paso Natural Gas Co. (San Juan Basin Area, Rio Arriba County, N. Mex.) (Rocky Mountain Area).	2,719	2-25-74		8-28-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			6	----do----	(6)	2-25-74		8-28-74	[2][4] 28.0	[2][4] 28.5	RI72-245.
----do----		334	6	El Paso Natural Gas Co. (San Juan Basin Area, San Juan County, N. Mex.) (Rocky Mountain Area).	167	2-25-74		8-28-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			7	----do----	(6)	2-25-74		8-28-74	[2][4] 28.0	[2][4] 28.5	RI72-248.
----do----		339	7	----do----	1,020	2-25-74		8-28-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			8	----do----	(6)	2-25-74		8-28-74	[2][4] 28.0	[2][4] 28.5	RI72-248.
----do----		273	7	----do----	(5)	2-27-74		4-30-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			8	----do----	(6)	2-27-74		4-30-74	[2][4] 28.0	[2][4] 28.5	RI72-248.
----do----		277	11	----do----	26	2-27-74		8-30-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			12	----do----	(6)	2-27-74		8-30-74	[2][4] 28.0	[2][4] 28.5	RI72-245.
----do----		278	8	----do----	(6)	2-27-74		4-30-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			9	----do----	(6)	[17] 2-27-74		4-30-74	[2][4] 28.0	[2][4] 28.5	RI72-245.
----do----		279	7	----do----	5	2-27-74		8-30-74	[1][3][5] 26.1797	[1][3][5] 26.7251	
----do----			8	----do----	(6)	2-27-74		8-30-74	[2][4] 28.0	[2][4] 28.5	RI72-245.
----do----		280	7	El Paso Natural Gas Co. (Ignacio Field, La Plata County, Colo.) (Rocky Mountain Area).	100	2-27-74		8-30-74	[1][3][5] 24.5052	[1][3][5] 25.0157	
----do----			8	----do----	(6)	2-27-74		8-30-74	[2][4] 28.0	[2][4] 28.5	RI72-245.
RI74-179	Mobil Oil Corp	313	[1] 17	El Paso Natural Gas Co. (Ignacio Field, La Plata County, Colo., San Juan Basin) (Rocky Mountain Area).	2,957	3-1-74		9-1-74	[3] 24.4807	[3] 26.1721	
RI74-116	Belco Petroleum Corp.	5	[18] 1 to 10	El Paso Natural Gas Co. (Sublette and Lincoln Counties, Wyo. Uinta-Green River Basin Subarea) (Rocky Mountain Area).	2,015	2-22-74		6-10-74	[19] 27.2025	[19] 28.21	RI73-171.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets No.
RI74-116	do	6	[18] 1 to 20	do	68,510	2-22-74		6-10-74	[19] 27.2025	28.21	RI73-171.
	do	12	7	do	3,240	2-28-74		8-31-74	[3] 25.80	[19] 26.34	
RI74-180	Amerada Hess Corp.	95	11	Montana-Dakota Utilities Co. (Nesson Anticline Area, Williams County, N. Dak.) (Rocky Mountain Area).	115,376	[17] 2-27-74		8-30-74	[16 21] 27.3452	[16 21] 29.0680	RI74-38.
RI74-181	Atlantic Richfield Co.	502	[1 9]	El Paso Natural Gas Co. (San Juan Basin Area, La Plata and Archuleta Counties, Colo. and San Juan County, N. Mex.) (Rocky Mountain Area).	15	2-27-74	3-30-74	[23] Accepted	[19] 22.0	[3 22] 25.796	
	do		[2 10]	do	(6)	2-27-74		8-30-74	[19] 28.0	[19] 28.5	RI72-203.

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Applies to gas produced from wells completed prior to June 1, 1970.
[2] Applies to gas produced from wells completed subsequent to June 1, 1970.
[3] Subject to Btu adjustment down from 1,000 Btu and up from 1,050 Btu.
[4] Subject to Btu adjustment up and down from 1,000 Btu.
[5] Inclusive of tax.
[6] No current production.
[7] Excludes acreage added by Supplement Nos. 8, 10, and 13 which are dated after Oct. 1, 1968.
[8] Eqcludes acreage added by Supplement Nos. 6 and 8 which are dated after Oct. 1, 1968.
[9] Considered new gas pursuant to Opinion No. 639.
[10] Excludes sales from acreage added by Supplement Nos. 4 (dated Oct. 31, 1972) and 6 (dated May 15, 1973).
[11] Excludes sales from acreage added by Supplement No. 13 (dated Dec. 1, 1972).
[12] Not available.
[13] Contract dated after Oct. 1, 1968.
[14] The pressure base is 14.73 lb/in²a.
[15] Less than $1.00.
[16] Not applicable to Supplement No. 2.
[17] Corrected by subsequent filing.
[18] Correction for rate increase filed on Dec. 10, 1973 and suspended in Docket No. RI74-116.
[19] Subject to Btu adjustment from a base of 1,000 Btu per cubic foot.
[20] Not used.
[21] Subject to downward Btu adjustment from a base of 988 Btu/cubic foot.
[22] Filing to area rate inclusive of tax reimbursement.
[23] Accepted for filing as of the date set forth in the "Effective Date Unless Suspended" column.

The proposed rate increases which exceed the applicable ceiling rate established by Opinion No. 658 are suspended for five months and the proposed rate increases which exceed the applicable area ceiling rate in Order No. 435 are suspended for one day.

Belco proposes to substitute new rate increases for earlier increases which were suspended until June 10, 1974, in Docket No. RI74-116. The only difference between the filings is that, unlike the earlier filings, the rates proposed in the current filings are subject to Btu adjustment.

[FR Doc.74-7310 Filed 3-29-74;8:45 am]

[Docket No. E-8445]

CAMBRIDGE ELECTRIC LIGHT CO.

Notice Postponing Prehearing Conference

MARCH 25, 1974.

On March 19, 1974, the Municipal Light Department of the Town of Belmont, Massachusetts, filed a motion to reschedule the date for the prehearing conference fixed for April 1, 1974, by notice issued February 25, 1974. The motion states that neither Staff nor Cambridge Electric Light Company have any objection to the motion.

Upon consideration, notice is hereby given that the prehearing conference is rescheduled for April 3, 1974, at 10 a.m. (e.d.t.) in a Hearing Room of the Federal Power Commission at 825 North Capitol Street, NE., Washington, D.C. The other procedural dates are unchanged.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7457 Filed 3-29-74;8:45 am]

[Docket No. RP74-71-1]

SOUTHERN NATURAL GAS CO. AND AMAX NICKEL REFINING CO., INC.

Motion for Extraordinary Relief and Consolidation

MARCH 26, 1974.

On March 20, 1974, Amax Nickel Refining Company, Inc. (Amax) filed a petition in Docket No. RP74-71-1 seeking temporary and permanent relief from the currently operational proposed curtailment plan of Southern Natural Gas Company (Southern) filed in Docket No. RP72-74 and consolidation with the proceedings in RP74-6, *et al.* and a previous filing in Docket No. RP74-71-1 that were consolidated in a Commission order of March 11, 1974 and for which the hearing date was set in a Commission order of December 21, 1973.

The assertions of Amax remain the same as those made in the above-mentioned filing in Docket No. RP74-71-1 in which Amax sought extraordinary relief from the proposed curtailment plan of Southern filed in Docket No. RP74-6, *et al.* except that Amax here requests temporary relief pending final determination from Southern's currently operational curtailment plan to the extent that Amax "will be curtailed no less than 2,642 Mcf per day" which we construe to mean that Amax requests a Commission order guaranteeing that it will be served with no less than 2,642 Mcf per day.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said motion, 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 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 1, 1974. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules, although those already granted intervention specially in these consolidated extraordinary relief proceedings will be deemed parties without a further filing. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7456 Filed 3-29-74;8:45 am]

[Docket No. E-8700]

BOSTON EDISON CO.

Filing of Petition for Declaratory Order

MARCH 28, 1974.

On March 5, 1974, Boston Edison Company (Edison) filed a petition pursuant to § 1.7(c) of the Commission's rules of practice and procedure, 18 CFR 1.7(c), in which Edison seeks a declaratory order for the purposes of terminating controversies and removing uncertainties between Edison and the Norwood Municipal Light Department (Norwood), a municipally-owned electric distribution system which is a firm power, all requirements wholesale customer under Edison's filed electric rate tariff, FPC Rate Schedule 48.

At page 14 of the petition Edison states that the requested declaratory relief is essential to avoid fragmentation of issues between Edison and Norwood which

are now pending in several other proceedings, including Dockets Nos. E–8187 and E–7690.

Any person desiring to be heard or to make any protest with reference to this petition should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene. 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.

The petition for declaratory relief referred to herein is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–7479 Filed 3–29–74;8:45 am]

[Docket No. E–8666]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Notice of Termination of Contract

MARCH 27, 1974.

Take notice that on March 15, 1974, Connecticut Light and Power Company (CL&P), Hartford Electric Light Company (HELCO), and Western Massachusetts Electric Company (WMECO) tendered for filing a Notice of Termination of a contract between CL&P, HELCO, WMECO and the Consolidated Edison Company of New York.

CL&P, HELCO and WMECO assert that the filing is pursuant to Part 35 of the Commission's Regulations. They further assert that the contract, dated March 25, 1969, terminated according to its terms on October 24, 1970.

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 April 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–7478 Filed 3–29–74;8:45 am]

[Docket No. RP72–134]

EASTERN SHORE NATURAL GAS CO.

Notice of Proposed Rate Changes

MARCH 28, 1974.

Take notice that Eastern Shore Natural Gas Company (Eastern) on February 26, 1974 tendered for filing Eighth Revised Sheet No. 3A and Eighth Revised PGA–1 to its FPC Gas Tariff, Original Volume No. 1. Eastern states the Revised Sheets will increase its commodity or delivery charges of Eastern's rate schedules CD–1, CD–E, G–1, PS–1, E–1, and I by 0.6¢ per Mcf. Eastern further states these adjustments reflect an increase in its purchased gas costs.

Eastern requests an effective date of April 1, 1974 for said Revised Sheets. Eastern states copies of this filing have been mailed to each of the company's jurisdictional customers and appropriate state commissions.

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 April 1, 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.74–7480 Filed 3–29–74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

BGS SHOE CORP.

Revised Certification of Eligibility of Workers to Apply for Adjustment Assistance

Following a Tariff Commission report under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884), the President's decision under section 330 (d)(1) of the Tariff Act of 1930, as amended, in respect thereto, and subsequent investigation as authorized under 29 CFR Part 90 and notice in 34 FR 18342; 37 FR 2472; 38 FR 26031, a certification under section 302(c) of the Trade Expansion Act was made on October 18, 1973 certifying that :

All hourly and salaried employees of the BGS Shoe Corporation, Bee Bee Shoe Co. Division, Manchester, New Hampshire, engaged in the production of women's dress and casual shoes, who became unemployed or underemployed after January 4, 1973, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

All hourly and salaried employees of the BGS Shoe Corporation, Trend 'Tec Division, Manchester, New Hampshire (except those employed in Department 34—zippers), engaged in the production of components for women's dress and casual shoes who became unemployed or underemployed after December 21, 1972, are eligible to apply for adjustment assistance under Title III, Chapter 3 of the Trade Expansion Act of 1962. (38 FR 29847)

On the basis of a further showing and further investigation by the Director of the Office of Foreign Economic Policy, and pursuant to the provisions of section 302(d) of such Act, the certification issued by the Department on October 18, 1973 is hereby revised to change the impact date shown therein for the Bee Bee Shoe Co. Division and accordingly to include within the coverage of the certification additional workers who became unemployed or underemployed.

Such revised certification is hereby made as follows:

All hourly and salaried employees of the BGS Shoe Corporation, Bee Bee Shoe Co. Division, Manchester, New Hampshire, engaged in the production of women's dress and casual shoes, who became unemployed or underemployed after December 28, 1972, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 27th day of MARCH 1974.

JOEL SEGALL,
Deputy Under Secretary for International Affairs.

[FR Doc.74–7407 Filed 3–29–74;8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Authorization for Domestic Open Market Operations

In accordance with § 271.3(a)(4) and (5) of the Rules Regarding Availability of Information of the Federal Open Market Committee, there are set forth below paragraphs 1(b) and 1(c) of the Committee's Authorization for Domestic Open Market Operations, as amended by action of the Committee effective April 1, 1974:

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, to the extent necessary to carry out the most recent domestic policy directive adopted at a meeting of the Committee:

* * * * *

(b) To buy or sell in the open market, from or to acceptance dealers and foreign accounts maintained at the Federal Reserve Bank of New York, on a cash, regular, or deferred delivery basis, for the account of the Federal Reserve Bank of New York at market discount rates, prime bankers' acceptances with maturities of up to nine months at the time of acceptance that (1) arise out of the current shipment of goods between countries or within the United States, or (2) arise out of the storage within the United States of goods under contract of sale or expected to move into the channels of trade within a reasonable time and that are secured throughout their life by a warehouse receipt or similar document conveying title to the underlying goods; provided that the aggregate amount of bankers' acceptances held at any one time shall not exceed $125 million.

(c) To buy U.S. Government securities, obligations that are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States, and prime bankers' acceptances of the types authorized for purchase under 1(b) above, from nonbank dealers for the account of the Federal Reserve Bank of New York under agreements for repurchase of such securities, obligations, or acceptances in 15 calendar days or less, at rates that, unless otherwise expressly authorized by the Committee, shall be determined by competitive bidding, after applying reasonable limitations on the volume of agreements with individual dealers; provided that in the event Government securities or agency issues covered by any such agreement are not repurchased by the dealer pursuant to the agreement of a renewal thereof, they shall be sold in the market or transferred to the System Open Market Account; and provided further that in the event bankers' acceptances covered by any such agreement are not repurchased by the seller, they shall continue to be held by the Federal Reserve Bank or shall be sold in the open market."

By order of the Federal Open Market Committee, effective April 1, 1974.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.74-7369 Filed 3-29-74;8:45 am]

FIRST MIDWEST BANCORP., INC.

Acquisition of Bank

First Midwest Bancorp, Inc., St. Joseph, Missouri, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The Home Bank, Savannah, Missouri. The factors that are considered in acting on the application are set forth in § 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 Kansas City. 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 April 19, 1974.

Board of Governors of the Federal Reserve System, March 22, 1974.

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

[FR Doc.74-7363 Filed 3-29-74;8:45 am]

FIRST TENNESSEE NATIONAL CORPORATION

Order Approving Acquisition of Bank

First Tennessee National Corporation, Memphis, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire the successor by merger to Bank of Mt. Juliet, Mount Juliet, Tennessee ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls twelve banks with aggregate deposits of $1.3 billion, representing about 12 percent of the total deposits in commercial banks in Tennessee and ranks as the largest banking organization in the State.[1] Acquisition of Bank (deposits of $8.4 million) would not result in a significant increase in the concentration of banking resources in Tennessee.

Bank is the smallest of four banks in Wilson County (the relevant banking market) where it holds approximately 11 percent of the areas total commercial deposits. Two of Applicant's banking subsidiaries are located in adjoining counties within 25 miles from Bank. No meaningful competition exists between these or any of Applicant's other banking subsidiaries and Bank, nor is there a reasonable probability of substantial future competition developing between them due to the distances involved and Tennessee's restrictive branching laws. The Board concludes that the proposed acquisition would not have an adverse effect on competition in any relevant area.

Considerations relating to the financial and managerial resources and future prospects of Applicant, Applicant's subsidiary banks, and Bank are generally satisfactory, particularly in view of Applicant's commitment to add capital to certain of its subsidiary banks. Moreover, consummation of this transaction will result n additional capital for Bank, and this factor lends weight in support of approval of the application. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application since Applicant proposes to expand Bank's installment and mortgage lending and offer new services at Bank, including trust services, personal property leasing, and accounts receivable financing. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

Applicant controls two nonbanking subsidiaries, Norlen Life Insurance Company, Phoenix, Arizona, and Investors Mortgage Service, Inc., Memphis, Tennessee, which were acquired on October 21, 1969, and on January 17, 1969, respectively. Norlen Life Insurance Company reinsures underwriters of credit life insurance, and Investors Mortgage Service, Inc., is a mortgage broker which manages real estate for others and develops real estate. Investors Mortgage Service, Inc., owns two subsidiaries, Griffen Mortgage Company, a mortgage broker acquired on December 4, 1969, and Investors Service, Inc., a real estate developer acquired on January 8, 1970.

In approving this application, the Board finds that the combination of an additional subsidiary bank with Applicant's existing nonbanking subsidiaries is unlikely to have an adverse effect upon the public interest at the present time. However, Applicant's banking and nonbanking activities remain subject to Board review and the Board retains the authority to require Applicant to modify or terminate its nonbanking activities or holdings if the Board at any time determines that the combination of Applicant's banking and nonbanking activities is likely to have adverse effects on the public interest.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be executed (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[2] effective March 25, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-7367 Filed 3-29-74;8:45 am]

LANDMARK BANKING CORPORATION OF FLORIDA

Acquisition of Bank

Landmark Banking Corporation of Florida, Fort Lauderdale, Florida, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Northwood Bank of West Palm Beach, West Palm Beach, Florida and Central Bank of Palm Beach County, West Palm Beach, Florida. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 22, 1974.

Board of Governors of the Federal Reserve System, March 26, 1974.

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

[FR Doc.74-7366 Filed 3-29-74;8:45 am]

[1] All banking data are as of June 30, 1973, and represent bank holding company acquisitions and formations approved by the Board through February 28, 1974.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, Holland, and Wallich.

MILFORD BANCORPORATION

Formation of Bank Holding Company

Milford Bancorporation, Milford, Iowa, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 97.5 percent or more of the voting shares of Dickinson County Savings Bank, Milford, Iowa. The factors that are considered in acting on the application are set forth in § 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 Reserve Bank, to be received not later than April 16, 1974.

Board of Governors of the Federal Reserve System, March 22, 1974.

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

[FR Doc.74-7362 Filed 3-29-74;8:45 am]

MULTIBANK FINANCIAL CORPORATION

Acquisition of Bank

Multibank Financial Corporation, Boston, Massachusetts, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares (less directors' qualifying shares) of Security National Bank of Springfield, Springfield, Massachusetts. The factors that are considered in acting on the application are set forth in § 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 Boston. 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 April 19, 1974.

Board of Governors of the Federal Reserve System, March 22, 1974.

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

[FR Doc.74-7365 Filed 3-29-74;8:45 am]

SOUTHEAST BANKING CORPORATION

Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Edgewood Bank, Jacksonville, Florida. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 19, 1974.

Board of Governors of the Federal Reserve System, March 22, 1974.

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

[FR Doc.74-7364 Filed 3-29-74;8:45 am]

REPUBLIC NEW YORK CORPORATION

Formation of Bank Holding Companies and Merger of BHCs

Republic New York Corporation, New York, New York, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of Republic Bank, National Association, New York, New York, the proposed resulting bank of the proposed merger between Republic National Bank of New York and Kings Lafayette Bank, both located in New York, New York.

In order to consummate the proposed merger of the two banks Applicant has also applied for the Board's approval under § 3(a)(5) to merge with Kings Lafayette Corporation, New York, New York, the present parent holding company of Kings Lafayette Bank.

At the same time, Safra bank S.A., Panama City, Panama and its subsidiaries Trade Development Bank Holding S.A., Luxembourg, Luxembourg and Trade Development Bank, Geneva, Surtyerland which are presently bank holding companies, directly and indirectly, with respect to Republic National Bank of New York have each applied for the Board's approval under § 3(a)(1) of the Act to become bank holding companies through the acquisition, directly and indirectly, by each of them of approximately 40 percent of the voting shares of Republic New York Corporation. The factors that are considered in acting on the application are set forth in § 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 New York. 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 April 23, 1974.

Board of Governors of the Federal Reserve System, March 26, 1974.

THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-7373 Filed 3-29-74;8:45 am]

VALLEY OF VIRGINIA BANKSHARES, INC.

Order Approving Acquisition of Bank

Valley of Virginia Bankshares, Inc., Harrisonburg, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to Western Frederick Bank, Gore, Virginia ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls two banks with aggregate deposits of $108.7 million, representing approximately 1 percent of the total commercial bank deposits in Virginia, and is the thirteenth largest banking organization in the State. (All banking data are as of June 30, 1973, and reflect holding company formations and acquisitions approved through February 28, 1974.) The acquisition of Bank (deposits of $3.8 million) would not significantly increase the concentration of banking resources in Virginia.

Bank, which maintains its only office in the town of Gore (population of 200), is the smallest of five banking organizations in the Winchester banking market [1] and holds about 2 percent of the commercial bank deposits in that market. Bank is located on the extreme western edge of the market and, as a result, a major portion of its service area lies outside the market.[2] Applicant's smaller subsidiary bank (deposits of $37 million) is located in the city of Winchester, 14 miles southeast of Gore, and is the third largest banking organization in the Winchester banking market with about 22 percent of the total market deposits. Upon consummation of the proposal, Applicant's rank in the market would remain unchanged, but its market share would increase to 24 percent, the largest banking organization in the market holds about 42 percent of the deposits in the market. While it appears that there is some slight overlap in the service areas of Bank and Applicant's subsidiary bank in Winchester, the relatively small dollar volume of deposits which each obtains from the service area of the other indicates that there is no significant existing competition between them. Furthermore, on the basis of its geographic location in the market as well as its conservative 55-year financial history, it appears that Bank has not been and is not now an aggressive competitor to the other banking organizations in the market. Approval

[1] The Winchester banking market is in the northwestern part of Virginia and consists of the city of Winchester, Frederick County, and Clarke County.

[2] Applicant estimates that approximately 45 percent of Bank's total deposits is derived from residents of West Virginia.

herein will immediately reduce the number of banking alternatives from five to four, but it will not raise significant barriers to entry by other organizations not now in the market, and it appears likely that additional competitors can be expected to enter the market in the near future. Accordingly, from the above facts and others of record, the Board concludes that consummation of the proposed acquisition would not eliminate significant existing competition nor foreclose the development of significant potential competition in any revelant area.

The financial condition and managerial resources of Applicant and its banking subsidiaries are regarded as satisfactory, particularly in view of Applicant's commitment to inject additional equity capital into its two banking subsidiaries. Bank's financial condition is satisfactory. As noted above, Bank has not been an active competitor in the relevant market—for example, its current loan-to-deposit ratio is 32 percent and 60 percent of its total assets are comprised of U.S. Treasury securities. Affiliation with Applicant should strengthen Bank's management and should result in Bank becoming a more viable competitor in the market through the introduction of an expanded lending program, thereby benefiting the local residents. Moreover, Applicant will be in a position to assist Bank in establishing and expanding trust, auditing, and computer services. Also, Applicant intends to have Bank establish branches in areas of Frederick County not now served by its Winchester subsidiary and this should be of benefit to the residents of those areas of the County where there are presently no banking offices. Accordingly, considerations relating to the banking factors and the convenience and needs of the communities to be served lend weight for approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[3] effective March 25, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-7368 Filed 3-29-74;8:45 am]

UST CORP.

Acquisition of Bank

UST Corporation, Boston, Massachusetts, 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 not less than 95 percent of the voting shares of Milton Bank and Trust Company, Milton, Massachusetts. 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)).

UST Corporation is also engaged in the following nonbank activities: Making commercial loans collateralized by inventory, accounts receivable, and real estate. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal 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 application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. 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 April 12, 1974.

Board of Governors of the Federal Reserve System, March 27, 1974.

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

[FR Doc.74-7504 Filed 3-29-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

ADVISORY COMMITTEES

Notice of Termination

Regional activities of the National Archives and Records Service have been consolidated into five regions. Accordingly, the Regional Archives Advisory Councils in GSA regions 1, 5, 6, 8, and 10 are terminated.

ARTHUR F. SAMPSON,
Administrator of General Services.

MARCH 22, 1974.

[FR Doc.74-7409 Filed 3-29-74;8:45 am]

[Federal Property Management Regs.; Temp. Reg. F-213]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the San Antonio City Council in a proceeding involving electricity supplied by the City Public Service Board, San Antonio, Texas.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

MARCH 22, 1974.

[FR Doc.74-7410 Filed 3-29-74;8:45 am]

PROCUREMENT PROCEDURES FOR HAND TOOLS

Notice of Meeting

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold a Government/industry meeting regarding the hand tool procurement program with the purpose of increasing bid response to the Government's requirements under present market conditions. A major item on the agenda will be use of nationally published price indices in price adjustment provisions.

The meeting will be held April 9, 1974, from 8:30 a.m. to 4:00 p.m. at the Hospitality House Motor Inn, 2000 Jefferson Davis Highway, Arlington, Virginia 22202.

This meeting is open, within the limitations of conference room facilities, to hand tool manufacturers and suppliers interested in competing to supply Federald Government requirements. Anyone who wishes to attend or desires further information should contact Mr. H. A. Higdon, Director, Tools Division, Attention: FPW, Federal Supply Service, General Services Administration, Washington, DC 20406; Telephone (703) 557-8100, by April 5, 1974.

Issued in Washington, D.C., on March 29, 1974.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.74-7575 Filed 3-29-74;11:20 am]

OFFICE OF MANAGEMENT AND BUDGET

REQUEST FOR CLEARANCE OF REPORTS

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 March 27, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of in-

[3] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, Holland and Wallich.

formation; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Economic Research Service: Survey of Rural Solid Waste Management Systems in the Southeast, Form, Single Time, Foster/Lowry, Solid Waste Management Operations in Southeast.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education:
- Assessment of Available Resources for Services to Severely Handicapped Children, Form OE–314–1 to –3, Single Time, Ellett, Administrative Staff.
- Right to Read Forms for Community Based Evaluation, Form OE–325–4, 5, Single Time, HRD/Lowry, R²R Staff and Students.
- Fiscal Operations Report. Vets' Cost-of-Instruction Payments to Institutions of HE (Sec. 420, Title IV–A, P.L. 89–329, as amended), Form OE–269–1, Annual, Caywood/Lowry, Postsecondary Institutions.
- Longitudinal Impact Study, Sixth Cycle Teacher Corps Program, Form OE–352, Single Time, Planchon, Teacher Corps graduates, teachers, pupils.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education: Institutional Fiscal Operation Report for NDSL, SEOG, & CWS Programs for Fiscal Year 1974, Form OE–1125–1, to –4, Annual, HRD/Lowry, Participating Institution of Postsecondary Education.

Health Resources Administration: Questionnaire on the Revision of the Standard Certificate of Marriage, Form HRANCHS 0201, Single Time, Collins, Selected persons involved in the collection, tabulation and use of vital statistics.

Social and Rehabilitation Service: Case Service Report: Federal-State Program of Vocational Rehabilitation, Form SRS–RSA–300, Quarterly, Sunderhauf, State VR Agencies.

ATOMIC ENERGY COMMISSION

National Survey of Compensation Paid S&E's Engaged in Research and Development, Form, Annual, Raynsford/Weiner, R&D Establishments.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–7503 Filed 3–29–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70–5481]

COLUMBIA GAS SYSTEM, INC.

Proposed Issue and Sale of Short-Term Notes to Banks and to Dealers in Commercial Paper and Exception From the Competitive Bidding Requirements of Rule 50

MARCH 26, 1974.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) thereof and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Columbia requests that the exemption from the provisions of Section 6(a) of the Act afforded to it by the first sentence of Section 6(b) thereof, relating to the issue and sale of short-term notes, be increased through May 31, 1975, from 5 percent to approximately 15 percent of the principal amount and par value of the other securities of Columbia then outstanding in order to permit Columbia to have outstanding up to $220,000,000 principal amount of proposed short-term notes, consisting of bank notes and commercial paper. Generally, Columbia will make the proceeds from the sale of these notes available to its subsidiary companies for construction, for the purchase of underground storage gas during the summer months, for other miscellaneous inventories, and for other short-term requirements, in accordance with the terms of another filing with this Commission (File No. 70–5482).

Columbia proposes to issue and sell, from time to time through May 31, 1975, short-term notes in the form of commercial paper and notes to banks, in an aggregate amount not exceeding $220,000,000 at any one time outstanding.

It is Columbia's intention to issue and sell commercial paper to one or more dealers, and it will continue to do so as long as the effective interest rate is less than the effective interest cost which Columbia would have to pay to banks for an equivalent amount of funds as of the date of borrowing, except that, in order to obtain maximum flexibility, commercial paper may be issued with a maturity of not more than 60 days from the date of issue with an effective interest cost in excess of such effective interest cost on bank borrowings.

The commercial paper will be in the form of promissory notes with maturities not to exceed 270 days and will not be prepayable prior to maturity. The actual maturities will be determined by market conditions, effective interest cost to Columbia, and Columbia's anticipated cash requirements at the time of issue. The commercial paper notes will be issued in denominations of not less than $50,000 and not more than $5,000,000 and will be sold at a discount which will be not in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of the particular maturity and rating.

It is stated that no commission or fee will be payable in connection with the issue and the sale of the commercial paper notes. Each dealer, as principal, will reoffer such notes at a discount rate of ⅛ of 1 percent per annum less than the discount rate to Columbia. The reoffering will be made to not more than an aggregate of 200 customers of the dealers, such customers to be identified and designated in lists (non-public) prepared in advance. No additions will be made to the customer lists which will consist of institutional investors. It is expected that Columbia's commercial paper notes will be held by customers to maturity, but, if they wish to resell prior thereto, the applicable dealer, pursuant to a repurchase agreement, will repurchase the notes and reoffer the same to others in its specified group of customers.

Columbia requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper. In support of this request, Columbia states that the proposed commercial paper notes will have a maturity of nine months or less, that it is not practical to invite competitive bids for commercial paper, and that current rates for commercial paper for such prime borrowers as Columbia are published daily in financial publications. Columbia has also requested that authority be granted to file certificates under Rule 24 with respect to the proposed transactions on a quarterly basis.

Columbia proposes that up to $115,000,000 of the aforesaid commercial paper will be converted into short-term bank loans on or before November 1, 1974, and Columbia intends to secure credit lines from a group of banks in a maximum aggregate amount of $115,000,000, borrowings thereunder to be repaid at or before the maturity date thereof, May 31, 1975, with cash generated from operations. The bank loans will bear interest at the minimum commercial lending rate in effect from time to time at Morgan Guaranty Trust Company of New York and will be prepayable, in whole or in part, at any time without penalty.

It is stated that although banks have not required that Columbia maintain minimum compensating balances, it has been a policy of Columbia to maintain bank balances which on an annual basis

are somewhat in excess of 20 percent of its average annual loans. On this basis, the effective cost of the bank borrowings (based on a prime rate of 8¾ percent) would be 10.94 percent per annum.

Columbia states that it plans to sell $40,000,000 principal amount of debentures in May 1974 and $50,000,000 of preferred stock in June 1974 and that it is estimated that additional long-term financing in the amount of $105,000,000 will be required during 1974. Such additional financing will be the subject of future filings with this Commission.

Notice Is Further Given, that any interested person may, not later than April 22, 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 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 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, as filed or as it may be amended, may be granted 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 notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7442 Filed 3-29-74;8:45 am]

[70-5377]

DELMARVA POWER AND LIGHT CO.

Post-Effective Amendment Regarding Issue and Sale of Short-Term Notes to Banks and/or Commercial Paper to a Dealer in Commercial Paper or Private Investors; and Exception From Competitive Bidding

Notice Is Hereby Given that Delmarva Power & Light Company ("Delmarva"), 800 King Street, Wilmington, Del. 19899, a registered holding company and a public-utility company, has filed with this Commission a post-effective amendment to the declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a) and 7 of the Act and Rule 50(a)(2) and 50(a)(5)(C) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

By Order dated September 11, 1973 (Holding Company Act Release No. 18087), the Commission authorized Delmarva until December 31, 1974, to issue and sell short-term notes to banks and to issue and sell commercial paper to a dealer in commercial paper and to investors in commercial paper, such as banks and insurance companies, in an aggregate amount of up to $75,000,000 outstanding at any one time. Delmarva now proposes to increase the amount of said short-term borrowings to a maximum of up to $124,000,000 outstanding at any one time.

Issues of short-term notes to banks will be limited to an aggregate of $60,000,000 outstanding at any one time, and issues of commercial paper will be limited only to the extent that, when added to short-term notes to banks actually outstanding on the date of issuance, the total will not exceed $124,000,000. Delmarva has established additional bank lines of credit aggregating $15,000,000 with certain major banks in New York, Philadelphia, and Chicago. The names of the banks and the terms of the borrowing are as previously noted.

It is stated that, primarily as a result of recent increased acceleration in the cost of fuel, Delmarva's unsecured short-term borrowings for the first two months of 1974 have exceeded expectations by 76 percent and also that, because of uncertainties as to the extent of the company's compliance with environmental regulations in the areas in which its generating facilities are located, a proposed sale of additional first mortgage and collateral trust bonds has been delayed and that such delays may occur in the future.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 18, 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 post-effective amendment to the 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 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 declaration, as now amended or as it may be further amended, may be 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 notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7443 Filed 3-29-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 42]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 21, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which must protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 667 (Sub-No. 3 TA), filed March 13, 1974. Applicant: KAHAN DELIVERY SERVICE, INC., 3974 Page Avenue, St. Louis, Mo. 63113. Applicant's representative: Meyer Kahan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material* moving therewith (including motion picture film used primarily for commercial theatre and television exhibition), between St. Louis, Mo. and Fairview Heights, Ill., for 180

days. SUPPORTING SHIPPER: Bloomer Amusement Co., 100 St. Charles Street, Belleville, Ill. 62222. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 989 (Sub-No. 22 TA), filed March 6, 1974. Applicant: IDEAL TRUCK LINES, INC., 912 North State Street, Norton, Kans. 67654. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission commodities in bulk, and those requiring special equipment), (1) Between Denver, Colo. and Alliance, Nebr.: From Denver, Colo., via Interstate Highway 80 to Ft. Morgan, Colo., thence north via Colorado Highway 52 to its intersection with Colorado Highway 14, thence east via Colorado Highway 14 to its junction with Colorado Highway 71, thence north via Colorado-Nebraska Highway 71 to Scottsbluff, Nebr., thence via U.S. Highway 26 to its intersection with U.S. Highway 385, thence via U.S. Highway 385 to Alliance, Nebr., and return over the same route, serving the intermediate points of Gering, Scottsbluff and Bridgeport, Nebr., and the junction of U.S. Highway 26 and unnumbered Nebraska State Highway (4 miles north of Bayard, Nebr.); and (2) Between the junction of U.S. Highway 26 and unnumbered Nebraska State Highway and Alliance, Nebr.: From the junction of U.S. Highway 26 and unnumbered Nebraska State Highway (4 miles north of Bayard, Nebr.) via unnumbered State Highway to its junction with U.S. Highway 385, thence via U.S. Highway 385 to Alliance, Nebr., and return over the same route serving no intermediate points, for 180 days. INTERLINE: Applicant seeks authority at Denver, Colo. SUPPORT: The application is supported by applicant's affidavit based on economies of operations through the savings of fuel and manhours by elimination of a circuitous gateway. SEND PROTESTS TO: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 1380 (Sub-No. 16 TA), filed March 12, 1974. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., P.O. Box 5468, High Point, N.C. 27262. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Snythetic fiber yarn, synthetic staple fiber, and acetate tow, filtration*, from Kingsport, Tenn. to Richmond and Petersburg, Va., Greensboro, Lincolnton and Winston-Salem, N.C.; (B) *synthetic fiber yarn*, from Bermuda Hundred, Va. to Johnson City, Tenn.; (C) *iron and steel articles*, from Sparrows Point, Md. to Greeneville, Tenn.; and (D) *furniture*, from High Point and Siler City, N.C. to points in Tennessee within 150 miles of Charlotte, N.C., for 180 days. SUPPORTING SHIPPERS: Tennessee Eastman Company, P.O. Box 511, Kingsport, Tenn. 37662; Southern Screw Company, P.O. Box 1360, Statesville, N.C. 28677; Chatham County of High Point, 1100 Ward Street, High Point, N.C. 27260; Fibers Division, Allied Chemical Corporation, P.O. Box 31, Petersburg, Va. 23803; Chatham Novelties Co., Siler City, N.C. 27344; and Blacksmith Shop, Shore Street, High Point, N.C. 27263. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 13095 (Sub-No. 9 TA), filed March 15, 1974. Applicant: WUNNICKE TRANSFER LINES, INC., 101 S. Buchanan Street, Boscobel, Wis. 53805. Applicant's representative: Glen L. Gissing, 8 South Madison Street, Evansville, Wis. 53536. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Whey, whey by-product, lactose, feeds and feed ingredients*, and (2) *materials, supplies*, and equipment used or useful in the manufacture and distribution thereof, from Boscobel, Wis., and Dundee, Ill., to points in the United States (except Alaska and Hawaii), to Boscobel, Wis., and Dundee, Ill., for 180 days. SUPPORTING SHIPPER: Milk Specialties Co., Div. of Cudahy Company, P.O. Box 278, Dundee, Ill. 60118. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 29886 (Sub-No. 306 TA), filed March 13, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks and truck chassis*, in initial movements, in driveaway service, from the plant site of the White Motor Corporation in Weber County, Utah, to points in Texas, for 180 days. SUPPORTING SHIPPER: The White Motor Corporation, 100 Erieview Plaza, Cleveland, Ohio 44114. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 84428 (Sub-No. 19 TA) filed March 13, 1974. Applicant: CHESTER JACKSON CO., 470 Schuyler Avenue, P.O. Box 82, Kearny, N.J. 07032. Applicant's representative: John L. Murray, 235 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in tank vehicles, from the plant site of Hercules Powder Co. in Sayreville Township, N.J., to Washington, D.C., for 180 days. SUPPORTING SHIPPER: Olin Corporation, 120 Long Ridge Road, Stamford, Conn. 06904. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 103191 (Sub-No. 41 TA) filed March 12, 1974. Applicant: THE GEO. A. RHEMAN CO., INC., P.O. Box 2095, Station A, Charleston, S.C. 29403. Applicant's representative: Harris G. Andrews, P.O. Box 4255, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, between Norfolk and Portsmouth, Va., on the one hand, and, on the other, Louisville, Frankfort and Forks of Elkhorn, Ky. and Cincinnati, Ohio, for 180 days. SUPPORTING SHIPPER: National Distillers Products Company, Div. of National Distillers and Chem. Corp., P.O. Box 46423, Cincinnati, Ohio 45246. SEND PROTESTS TO: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 107496 (Sub-No. 943 TA) filed March 12, 1974. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way and Third Street, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from Kansas City, Mo., to Des Moines, Iowa, for 150 days. SUPPORTING SHIPPER: International Multifoods Corp., 1300 Multifoods Building, Minneapolis, Minn. 55402. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 944 TA) filed March 14, 1974. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way and Third Street, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids (sulphuric and phosphoric)*, in bulk, in tank vehicles, from Depue, Ill., to points in Indiana, Iowa and Wisconsin, for 150 days. SUPPORTING SHIPPER: Mobil Oil Corporation, 150 Lexington Avenue, New York, N.Y. 10017. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 945 TA) filed March 14, 1974. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way and Third Street, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Weed killing compounds* (liquid), in bulk, in tank vehicles, from the plantsite and storage facilities of Monsanto Company, near Muscatine, Iowa, to points in Illinois and Indiana, for 150 days. SUPPORTING SHIPPER: Monsanto Company, 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 109689 (Sub-No. 266 TA) filed March 12, 1974. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid and fertilizer solutions*, from points in Pima, Gila and Maricopa Counties, Ariz., to points in California, for 180 days. SUPPORTING SHIPPER: Chemical Distributors, doing business as Arizona Agrochemical Company, 2602 South 24th Street, Phoenix, Ariz. 85034 (F. G. Stork, Traffic Manager). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 110144 (Sub-No. 12 TA) filed March 5, 1974. Applicant: JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, 3600 Paper Mill Road, Knoxville, Tenn. 37921. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate and foreign commerce, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, Classes A and B explosives, and articles which, because of size or weight, require special equipment) (a) Between points on, east, and south of a line beginning at the intersection of U.S. Highway 27 and the Tennessee-Georgia State line, thence north over U.S. Highway 27 to its intersection with Interstate Highway 40, thence east along Interstate Highway 40 to Knoxville, Tenn., thence east along U.S. Highway 441 to the Tennessee-North Carolina State line, thence south along the Tennessee-North Carolina State line to the Georgia State line, thence west along the Tennessee-Georgia State line to the point of beginning and Harriman, Tenn.; (b) Between points in (a) above, on the one hand, and, on the other, Memphis, Tenn.; and (c) Between points in Tennessee on and east of U.S. Highway 27, on the one hand, and, on the other, Jackson, Miss., for 180 days. INTERLINE: Applicant seeks authority at Memphis, Chattanooga, Bristol, and Knoxville, Tenn., and Jackson, Miss. SUPPORTING SHIPPERS: There are approximately 176 supporting shippers located in Eastern Tennessee, Memphis, Tenn., Columbia and West Point, Miss. attached to this application, which may be examined here at the Interstate Commerce Commission in Washington, D.C. or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 110525 (Sub-No. 1090 TA) filed March 11, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid flame retarding compounds*, in bulk, in tank vehicles, from El Dorado, Ark., to ports of entry at or near Niagara Falls, N.Y. to Toronto, Ontario, Canada, for 180 days. SUPPORTING SHIPPER: Michigan Chemical Corporation, 351 E. Ohio Street, Chicago, Ill. 60611. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 112963 (Sub-No. 50 TA) filed March 12, 1974. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from East Providence, R.I., to points in Rhode Island, Connecticut and Massachusetts, for 180 days. SUPPORTING SHIPPER: Essex Chemical Corp., N.E. Division, 39 Newman Avenue, Rumford, R.I. 02916. SEND PROTESTS TO: Darrell W. Hammons, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, 5th Floor, Boston, Mass. 02114.

No. MC 113843 (Sub-No. 200 TA) filed March 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Butter*, in vehicles equipped with refrigeration, from Sebewaing, Mich., to Doylestown, Pa. and New York, N.Y., for 180 days. SUPPORTING SHIPPER: Michigan Producers Dairy 1336 E. Maumee Street, Adrian, Mich. 49221. SEND PROTESTS TO: John B. Thomas, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, Mass. 02114.

No. MC 114273 (Sub-No. 166 TA) filed March 15, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facility of Monsanto Company near Muscatine, Iowa, to the port of entry into Canada at Detroit, Mich., for 180 days. SUPPORTING SHIPPER: Monsanto Company, 800 North Lindbergh, St. Louis, Mo. 63166. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 114457 (Sub-No. 187 TA) filed March 13, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Buffalo, N.Y. to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at the plantsite and storage facilities of Rich Products at Buffalo, N.Y., for 180 days. SUPPORTING SHIPPER: Rich Products Corporation, 1145 Niagara Street, Buffalo, N.Y. 14240. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Courthouse, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 123872 (Sub-No. 20 TA) filed March 8, 1974. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: J. Raymond Clark, 1250 Connecticut Avenue, NW, Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Western Potato Service, Inc., at or near Grand Forks, N. Dak., to points in Alabama, District of Columbia, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Western Potato Service, Inc., P.O. Box 518, Highway 2 West, Grand Forks, N. Dak. 58201. SEND PROTESTS TO: District Supervisor Terrell Price, Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Road—CC516, Charlotte, N.C. 28205.

No. MC 125114 (Sub-No. 5 TA) filed March 15, 1974. Applicant: COMMERCIAL TRANSPORT, INC., 2413 Lakeside Drive, Lynchburg, Va. 24501. Applicant's representative: B. J. Knight (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, articles of unusual value, commodities in bulk, Classes A and B explosives and motor vehicles), having a prior or subse-

quent movement via rail, between Lynchburg, Va., and the plant site of Virginia Fibre at Riverville, Amherst County, Va., for 180 days. SUPPORTING SHIPPER: Virginia Fibre Corporation, P.O. Box 339, Amherst, Va. 24521. SEND PROTESTS TO: D. R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue, S.W., Roanoke, Va. 24011.

No. MC 126276 (Sub-No. 91 TA) filed March 11, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from the plantsite of American Can Company at Hillside, N.J., to Twinsburg, Ohio, for 180 days. SUPPORTING SHIPPER: Mr. Richard Edwards, Assistant Traffic Manager, Operations, American Can Company, American Lane, Greenwich, Conn. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 126346 (Sub-No. 15 TA), filed March 13, 1974. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, Wis. 54401. Applicant's representative: Charles W. Singer, Suite 1000, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, knocked down or in sections, *parts and attachments*, thereof, and *materials, equipment and supplies* for the manufacture, sale, distribution and installation of buildings (except commodities in bulk), between points in Marathon County, Wis., on the one hand, and, on the other, Newnan, Ga., and points in Arizona, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia; and (2) *materials, equipment and supplies* for the manufacture, sale, distribution and installation of buildings (except commodities in bulk), from points in California, Georgia, Idaho, Montana, Oklahoma, Oregon, Tennessee, and Washington to points in Marathon County, Wis., for 180 days. RESTRICTION: The transportation services authorized above are limited to be performed under contract with Weston Homes, Inc. SUPPORTING SHIPPER: Weston Homes, Inc., P.O. Box 126, Rothschild, Wis. 54474. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 127651 (Sub-No. 24 TA), filed March 15, 1974. Applicant: EVERETT G. ROEHL, INC., 201 W. Upham Street, Marshfield, Wis. 54449. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising equipment, premiums, materials, and supplies* when shipped therewith, from Columbus, Ohio to Marshfield, Wis. and return of *rejected shipments and empty malt beverage containers*, from Marshfield, Wis. to Columbus, Ohio, for 180 days. SUPPORTING SHIPPER: Bilek Dist. Co., Inc., P.O. Box 98, Marshfield, Wis. 54449. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 128030 (Sub-No. 60 TA), filed March 12, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *China ware*, from Evansville, Ind., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, for 180 days. SUPPORTING SHIPPER: Mr. Donald R. Jenkins, President, China-Rama, Inc., 214 N.W. 4th Street, Evansville, Ind. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 135420 (Sub-No. 5 TA), filed March 12, 1974. Applicant: L & H REFRIGERATED EXPRESS, INC., 2313 Fairview Drive, P.O. Box 61, Norfolk, Nebr. 68701. Applicant's representative: R. D. Huseth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen onion rings and frozen chopped onions*, from the facilities of Delicious Foods Co., Grand Island, York, and Omaha, Nebr. and Kansas City, Mo. to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, the District of Columbia, West Virginia, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Delicious Foods Co., R. E. Martin, Vice President-Marketing, Grand Island, Nebr. SEND PROTESTS TO: District Supervisor Carroll Russell, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 136408 (Sub-No. 16 TA), filed March 12, 1974. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Dakota City, Nebr. to points in Bergen, Passaic, Essex, Hudson, Union, and Middlesex Counties, N.J., Nassau, Suffolk, and Westchester Counties, N.Y., and Fairfield and Hartford Counties, Conn., for 180 days. RESTRICTION: The operations are limited to a transportation service to be performed under a continuing contract with Iowa Beef Processors, Inc. SUPPORTING SHIPPER: Iowa Beef Processors, Inc., Starr Lloyd, Traffic Manager, Dakota City, Nebr. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 138018 (Sub-No. 7 TA) filed March 14, 1974. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, Denver, Colo. 80205. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denver, Commerce City, Sterling, Brush, Fort Morgan, and Greeley, Colo., to points in California; Portland, Forest Grove, and Hillsboro, Oreg.; Seattle and Ellensburg, Wash.; Phoenix and Tucson, Ariz.; Salt Lake City, Utah; Reno and Carson City, Nev.; Albuquerque and Gallup, N. Mex.; and El Paso, Houston, Pasadena, Beaumont, and Laredo, Tex., for 180 days. SUPPORTING SHIPPERS: There are approximately 9 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C. or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 138157 (Sub-No. 12 TA) filed March 12, 1974. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 15006 Nelson Avenue, P.O. Box 3561, City of Industry, Calif. 91744. Applicant's representative: Patrick E.

Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper and aluminum wire, cable and rod and steel wire*, from Carrollton, Ga. to points in New Mexico, Arizona, Colorado (except Denver), Wyoming, Montana, Idaho, Utah, Nevada, Washington, Oregon (except Portland), and California (except Los Angeles and San Francisco), for 180 days. SUPPORTING SHIPPER: Southwire Company, Fertilla Street, Carrollton, Ga. 30117. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 138882 (Sub-No. 3 TA) filed March 12, 1974. Applicant: WILEY SANDERS, INC., 212 Oak Street, Troy, Ala. 36081. Applicant's representative: John W. Cooper, 1314 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Material and supplies used and consumed in the processing of lead scrap*, from points in the United States east of Montana, Wyoming, Colorado and New Mexico, to the plant site of Sanders Lead Company, Inc., at or near Troy, Ala.; and (2) *processed lead scrap, lead and lead alloys, in pigs, hogs, and ingots*, from the plant site of Sanders Lead Company, Inc., Troy, Ala., to points in the United States lying east of Montana, Wyoming, Colorado, and New Mexico, for 180 days. INTERLINE: Applicant seeks authority at Dallas, Fort Worth, Oklahoma City, Kansas City, Memphis, Tenn. and St. Louis, Mo. for traffic to the states west of the territory applied for. SUPPORTING SHIPPER: Sanders Lead Co., Inc., P.O. Box 161, Troy, Ala. 36081. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 139193 (Sub-No. 5 TA), filed March 12, 1974. Applicant: ROBERTS & OAKE, INC., 208 South La Salle St., Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission 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 liquid commodities in bulk), from East St. Louis, Ill. and St. Louis, Mo. to Sioux Falls, S. Dak., for 180 days. SUPPORTING SHIPPER: Dwight L. Helm, Distribution Coordinator, John Morrell & Co., 208 South La Salle Street, Chicago, Ill. 60604. SEND PROTESTS TO: William J. Gray, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 139453 (Sub-No. 2 TA), filed March 11, 1974. Applicant: JOHN MILLIGAN, doing business as APACHE TRUCK LINE, Apache Creek Store, Apache Creek, N. Mex. 87830. Applicant's representative: James E. Snead, P.O. Box 2228, Santa Fe, N. Mex. 87501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the sawmill of Fort Apache Timber Company at or near Whiteriver, Ariz., to Albuquerque, N. Mex., for 180 days. SUPPORTING SHIPPER: Forest Products, Inc., 1423 Aspen, N.W., Albuquerque, N. Mex. 87104. SEND PROTESTS TO: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Building, 517 Gold Avenue, S.W., Albuquerque, N. Mex. 87101.

No. MC 139544 (Sub-No. 1 TA), filed March 13, 1974. Applicant: J & J TRANSPORTATION, INC., P.O. Box 125, Ellington, Mo. 63638. Applicant's representative: Kenneth R. Masterson, 301 N. New Madrid Street, Sikeston, Mo. 63801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Woodchips*, from Ellington, Mo. to Alton, Mo. and *wooden industrial blocking, wooden cross-ties and timbers*, from Ellington, Mo. to St. Louis, Mo.; Granite City, Ill.; Kankakee, Ill.; Chicago, Ill.; and East Chicago, Ind., for 180 days. SUPPORTING SHIPPER: Duncan Lumber Co., Ellington, Mo. 63638. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, 210 N. 12th Street, Room 1465, St. Louis, Mo. 63101.

No. MC 139553 TA filed February 28, 1974. Applicant: GILSTER-MARY LEE CORPORATION, 520 St. Marys Road, Perryville, Mo. 63775. Applicant's representative: Herbert A. Holzum (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene beads*, expandable, in containers other than in bulk, and *epoxy* in drums, from Jamesburg, Toms River and Freehold, N.J. and Monaca, Pa., to McBride, Mo. for 180 days. SUPPORTING SHIPPER: Pennington & Sons, Inc., P.O. Box 192, Perryville, Mo. 63775. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63026.

No. MC 139584 TA, filed March 8, 1974. Applicant: JOHN BUSCH, Box 211, Conyngham, Pa. 18219. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laminated flooring*, from Nescopeck, Pa., to Detroit and Novi, Mich.; Bangor, Maine; Bradenton, Fla.; Oneonta and Long Island City, N.Y.; Greenmount and Baltimore, Md.; Newark, North Bergen and Elizabeth, N.J.; Norfolk, Va.; and Memphis, Tenn.; (2) *rough lumber*, from Cleveland, Ohio; Elkins, W. Va.; and Memphis, Tenn., to Nescopeck, Pa.; (3) *lumber and wooden furniture parts*, finished or unfinished, from Sugarloaf, Pa., to Wilkesboro, Thomasville, Lincolnton, Whitnel, Sanford, Chocwinity, Hudson, and Lexington, N.C.; Newport, Tenn.; Hancock, N.Y.; Piqua, Ohio; Lock Mills and Newport, Maine; and Bayonne, N.J.; and (4) *rough cut boards and wood turnings*, from Hancock, N.Y., to Sugarloaf, Pa., for 150 days. SUPPORTING SHIPPERS: Rad Woodwork Co., Inc., P.O. Box 288, Nescopeck, Pa. 18635; and Valley Wood Products, Inc., R. D. Sugarloaf, Pa. 18249. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 139589 (Sub-No. 1 TA) filed March 11, 1974. Applicant: SOUTHWEST LIVESTOCK HAULING CO., P.O. Box 429, Brownwood, Tex. 76801. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal feedstuffs*, in bags or bulk, and *feed preservatives*, from Brownwood and Sweetwater, Tex. to points in Oklahoma and Des Moines, Iowa, and from Des Moines, Iowa to Brownwood and Sweetwater, Tex., restricted to services to or from the plant sites, facilities or warehouses of Triple "F" Feeds of Texas, Inc., for 180 days. SUPPORTING SHIPPER: Triple "F" Feeds of Texas, Inc., P.O. Box 429, Brownwood, Tex. 76801. SEND PROTESTS TO: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 139602 TA filed March 13, 1974. Applicant: WIERSEMA CHARTER SERVICE INC., RR. #2, Morrison, Ill. 61270. Applicant's representative: John H. Bickley, Jr., 77 W. Washington Street, Suite 2110, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, from points in White Side County, Ill. to points in Michigan, Indiana, Kentucky, Tennessee, Mississippi, Louisiana, Missouri, Iowa, Wisconsin, and Illinois, and return to transport passengers and their baggage in special or charter service restricted to traffic in the territory indicated, for 180 days. SUPPORTING SHIPPERS: Nancy R. Mead, Executive Director, Y.W.C.A., 412 1st Avenue, Sterling, Ill.; Fred A. Tincher, Whiteside County Farm Bureau, Senior Extension Advisor, 100 E. Knox, Morrison, Ill.; Richard C. Davis, Rock Falls Marching Rockets, Band Director, 1105 Leroy Avenue, Rock Falls, Ill.; and Diane R. Bush, Cadette Girl Scout Troup No. 6, Cadette Girl Scout Leader, R. R. No. 2, Morrison, Ill. SEND PROTESTS TO: District Supervisor Richard O. Chandler, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen

Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 139604 TA filed March 12, 1974. Applicant: CHERRY HILL TRANSIT, 109 Brick Road, Cherry Hill, N.J. 08003. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Philadelphia, Pa., on the one hand, and, on the other, Fort Monmouth, N.J., for 150 days. SUPPORTING SHIPPER: ECOM! Green Acres Transportation, Inc., 1307 One East Penn Square Building, Philadelphia, Pa. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.74-7438 Filed 3-29-74;8:45 am]

[Notice No. 476]

ASSIGNMENT OF HEARINGS

MARCH 27, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 109172 Sub 10, National Transfer, Inc., continued to April 16, 1974, in the WUTC Hearing Room, 1231 Andover Park East, Seattle, Washington.

MC 104656 Sub-12, Mandrell Motor Coach, Inc., now assigned May 14, 1974, at *Denton, MD*, is cancelled and reassigned May 14, 1974, at *Easton, MD* in Room B-9, Post Office Building, 116 E. Dover Street.

No. 35717, Southern Railway Company—Petition for Declaratory Order & No. 35717 Sub 1, Louisville and Nashville Railroad Company—Petition for Declaratory Order—Refund Rule—Electrical Appliances, is continued to May 29, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35906, Hilton Head Island Chamber of Commerce v. Overnite Transportation Company et al., now assigned May 6, 1974, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St. NW.

MC 103926 Sub 30, W. T. Mayfield Sons Trucking Co., now assigned May 8, 1974, at Atlanta, Ga., will be held in Seminar Rooms A and B, Sheraton-Biltmore Hotel, 817 West Peachtree St. NE.

MC 138271 Sub 2, Lowder's Horse Transport, Inc., now assigned May 13, 1974, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street NW.

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

[FR Doc.74-7436 Filed 3-29-74;8:48 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 27, 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 April 16, 1974.

FSA No. 42821—*Resin Plasticizers or Solvents to St. Louis, Missouri.* Filed by Southwestern Freight Bureau, Agent (No. B-466), for interested rail carriers. Rates on resin plasticizers or solvents, in tank-car loads, as described in the application, from Bayport, East Baytown, and Houston, Texas, to St. Louis, Missouri.

Grounds for relief—Rate relationship.

Tariff—Supplement 54 to Southwestern Freight Bureau, Agent, tariff 354-C, I.C.C. No. 5084. Rates are published to become effective on April 20, 1974.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.74-7439 Filed 3-29-74;8:45 am]

[Notice No. 52]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 22, 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-74818. By order of March 26, 1974, the Motor Carrier Board approved the transfer to Gary Ramsey, doing business as Sneedville Freight Line, Sneedville, Tenn., of Certificate of Registration No. MC-96930 (Sub-No. 1), issued November 23, 1971, in the name of Dean Jones and Kenny Winstead, a partnership, doing business as Sneedville Freight Line, Sneedville, Tenn., acquired by Gary Ramsey and Dennis Jones, a partnership, doing business as Sneedville Freight Line, Sneedville, Tenn., pursuant to approval and consummation of the transfer proceeding in No. MC-FC-73859, said Certificate of Registration evidencing a right to engage in transportation as a motor carrier in interstate or foreign commerce corresponding in scope to the grant of authority in Certificates Nos. 965 and 965-A, dated August 10, 1951, and October 23, respectively, transferred in order of November 2, 1973, issued by the Tennessee Public Service Commission. Mr. Howard W. Rhea, Main Street, Sneedville, Tenn. 37869.

No. MC-FC-74995. By order of March 26, 1974, the Motor Carrier Board approved the transfer to Great Northern Express, Inc., Anchorage, Alaska, of the operating rights in Certificate No. MC-136062, issued September 25, 1972, to Atwood Enterprises, Inc., Anchorage, Alaska, authorizing the transportation of passengers and their baggage in regular route and in special or charter operations between specified points and areas in Alaska. J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501, attorney for applicants.

No. MC-FC-75037. By order of March 26, 1974, the Motor Carrier Board approved the transfer to Gene L. Wiebelhaus and Dean A. Wiebelhaus, a partnership, doing business as Wiebelhaus Trucking, Fordyce, Nebr. 68736, of Certificate No. MC-41957, issued April 18, 1967, to Jerry L. Stephens and Gene L. Wiebelhaus, a partnership, doing business as S. & W. Trucking, Fordyce, Nebr., authorizing the transportation of livestock, farm products, and household goods from Huntington, Nebr., to Yankton, S. Dak.; livestock, farm machinery, and household goods from Yankton, S. Dak., to Huntington, Nebr.; livestock, farm products, and household goods from Huntington, Nebr., to Sioux City, Iowa; and livestock, feed, coal, farm machinery, twine, hardware, and household goods from Sioux City, Iowa, to Huntington, Nebr.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.74-7435 Filed 3-29-74;8:45 am]

[Notice No. 43]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 25, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that

there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 5470 (Sub-No. 83 TA), filed March 18, 1974. Applicant: TAJON, INC., R.D. #5, Mercer, Pa. 16137. Applicant's representative: William A. Eshenbaugh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anthracite coal*, in dump vehicles, from points in Schuylkill County, Pa. to the plantsite of Allied Chemical Corporation at or near Tonawanda, N.Y., for 180 days. SUPPORTING SHIPPER: Allied Chemical Corporation—Semet—Solvay Div., P.O. Box 1013-R, Morristown, N.J. 07960. SEND PROTESTS TO: District Supervisor John J. England, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 11207 (Sub-No. 344 TA), filed March 14, 1974. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Claude N. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials*, from the facilities of Bird & Sons, Inc., Shreveport, La., to points in Alabama, Florida (on and west of U.S. Highway 319), Mississippi, and Tennessee, for 180 days. SUPPORTING SHIPPER: Bird & Sons, Inc., P.O. Box 72, Shreveport, La. 71161. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 11207 (Sub-No. 345 TA) filed March 14, 1974. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Claude N. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings, and accessories*, from Thomasville, Ga., to points in Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. SUPPORTING SHIPPER: Davis Water and Waste Industries, Inc., 1827 Metcalf Avenue, Thomasville, Ga. 31792. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 22254 (Sub-No. 73 TA) filed March 15, 1974. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 12301 West Freeway, P.O. Box 12608, Fort Worth, Tex. 76116. Applicant's representative: Theodore A. Coulter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated hydrotherapeutic pools and uncrated hydrotherapeutic pool parts and accessories* thereto, from the plant site and facilities of Scandia Enterprises, Inc., Westminster, Calif. to points in the United States (excluding Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Scandia Enterprises, Inc., 6348 Industry Way, Westminster, Calif. 92683. SEND PROTESTS TO: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27, Federal Building, 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 43475 (Sub-No. 59 TA), filed March 15, 1974. Applicant: GLENDENNING MOTORWAYS, INC., P.O. Box 3947, St. Paul, Minn. 55165. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Lake Nebagamon, Wis. as an off-route point in connection with applicant's regular route operations over U.S. Highway 2 between Duluth, Minn. and Hurley, Wis., for 180 days.

NOTE.—Applicant states that he does intend to tack with his authority and interline over such gateways as Chicago, Milwaukee, and Minneapolis-St. Paul.

SUPPORTING SHIPPERS: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C. or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 48423 (Sub-No. 3 TA) (AMENDMENT), filed December 4, 1973, published in the FR issue as No. MC-139310 TA on December 21, 1973, and republished as amended this issue. Applicant: G. E. BELMORE, doing business as MOTOR TRANSIT COMPANY, 4631 SE. 97th Avenue, Portland, Oreg. 97266. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insecticides, fungacides, herbicides, soap and manufactured fertilizers*, from Portland, Oreg., to Spokane, Wash.; and (2) *water heaters and parts, porcelain steel sinks and tubs, stainless steel sinks, fiberglass tubs, fiberglass and acrylic sinks and lavatories, porcelain tanks and bowls and parts, plastic fittings, plastic pipe, galvanized pipe, galvanized fittings, black iron pipe and fittings, garbage disposals, refrigerators, faucets, brass fittings, copper fittings, and copper tubing*, between Portland, Oreg., and points in Washington, for 180 days.

NOTE.—The purpose of this republication is to indicate applicant seeks common carrier authority.

SUPPORTING SHIPPERS: Chipman Division, Rhodia, Inc., 6200 NW. St. Helens Road, Portland, Oreg. 97210; and Son Sales, Ltd., 1020 NW. Front Avenue, Portland, Oreg. 97209. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 SW. Pine, Portland, Oreg. 97204.

No. MC 50069 (Sub-No. 480 TA), filed March 5, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (1) from Reno, Rouseville, Karns City, and Pittsburgh, Pa., to points in West Virginia; and (2) from Charleston and Falling Rock, W. Va., to points in Pennsylvania, for 180 days. SUPPORTING SHIPPER: Pennzoil Company, Box 808, Oil City, Pa. 16301. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 72442 (Sub-No. 42 TA), filed March 8, 1974. Applicant: AKERS MOTOR LINES, INCORPORATED, P.O. Box 10303, Charlotte, N.C. 28201. Applicant's representative: Lennox O. Boyles (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soldier's rations*, from Mullins, S.C., to Moultrie, Ga., for 180 days. SUPPORTING SHIPPER: Southern Packaging & Storage Co., Cypress Street, Mullins, S.C. SEND PROTESTS TO: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road CC516, Charlotte, N.C. 28205.

No. MC 100666 (Sub-No. 275 TA), filed March 14, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from New Orleans, La., to points in Alabama, Arkansas, Mississippi, Missouri, and Tennessee, for 150 days. SUPPORTING SHIPPER: Plywood Panels, Inc., P.O. Box 15434, New Orleans, La. 70175. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 103993 (Sub-No. 801 TA) (CORRECTION), filed February 12, 1974, published in the FR issue on March 5, 1974, as No. MC-103993 (Sub-No. 796 TA), and republished as corrected this issue. Applicant: MORGAN DRIVE-AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in secondary movements, in truckaway service, from points in Elkhart County to points in the United States on and east of the western boundaries of North Dakota, Nebraska, Kansas, Oklahoma, and Texas, for 180 days.

NOTE.—The purpose of this republication is to indicate the correct Docket Number assigned to this proceeding.

SUPPORTING SHIPPER: Utilimaster Division of Holiday Rambler Corporation, Wakarusa, Ind. 46573. SEND PROTESTS TO: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 111401 (Sub-No. 410 TA), filed March 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soap* (Retzloff 1840) and *coconut oil* (a natural product of plants) in bulk, in tank vehicles, from the International Boundary line between the United States and Mexico located at Brownsville, Tex., to Houston, Tex., in foreign commerce only, for 180 days. SUPPORTING SHIPPER: Ing Arturo Ledezma, Product Manager, Quimica Retzloff Interamericana, S.A., P.O. Box 2027, Brownsville, Tex. 78520. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 111785 (Sub-No. 57 TA), filed March 14, 1974. Applicant: BURNS MOTOR FREIGHT, INC., P.O. Box 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction equipment, materials and supplies* (except liquid chemicals), (1) between points in Greenbrier and Pocahontas Counties, W. Va., on the one hand, and, on the other, points in Bath and Highland Counties, Va.; and (2) between points in Greenbrier and Pocahontas Counties, W. Va.; for 180 days. SUPPORTING SHIPPER: Virginia Electric and Power Company, P.O. Box 26666, Richmond, Va. 23261 (W. L. Proffitt, Vice President-Power Station Engineering and Construction). SEND PROTESTS TO: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 112223 (Sub-No. 95 TA), filed March 15, 1974. Applicant: QUICKIE TRANSPORT COMPANY, 501 11th Avenue South, Minneapolis, Minn. 55415. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor*, in bulk, in tank or hoppertype vehicles, from Rothschild, Wis., to St. Paul, Minn., for 180 days. SUPPORTING SHIPPER: Industrial Molasses Corp., 6800 France Avenue South, Minneapolis, Minn. 55435. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 114632 (Sub-No. 71 TA), filed March 15, 1974. Applicant: APPLE LINES, INC., 212 Southwest Second Street, Madison, S. Dak. 57042. Applicant's representative: Robert A. Appelwick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Western Potato Service, Inc., at or near Grand Forks, N. Dak., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Western Potato Service, Inc., P.O. Box 518, Highway 2 West, Grand Forks, N. Dak. 58201 (Donald E. Morris, Traffic Manager). SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 119099 (Sub-No. 13 TA), filed March 15, 1974. Applicant: BJORKLUND TRUCKING, INC., 1st Avenue N.E. & 8th Street, Buffalo, Minn. 55313. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel wire and steel rod* (except commodities which because of size or weight require the use of special equipment or special handling), from the plant site of Wire Sales Co. at Chicago, Ill. to Minneapolis, St. Paul, St. Cloud, Winona, Parkers Prairie, Alexandria, Grand Rapids, Osseo, Little Falls, Scandia, Shakopee, and Savage, Minn., for 180 days. SUPPORTING SHIPPER: Fraser Steel, Inc., 7204 Winnetka Avenue North, Minneapolis, Minn. 55428. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 123048 (Sub-No. 297 TA) filed March 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Tractors*, with or without attachments; (2) *self-propelled loaders;* (3) *attachments* for (1) and (2) above; and (4) *parts* for (1), (2), and (3) above, from points in Davison County, S. Dak., to points in the United States (except Alaska and Hawaii); and (B) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (A) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to points in Davison County, S. Dak., for 180 days. SUPPORTING SHIPPER: Owatonna Manufacturing Company, Inc., Box 547, Owatonna, Minn. 55060 (Richard Johnson, Traffic Manager). SEND PROTESTS TO: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124154 (Sub-No. 60 TA) filed March 11, 1974. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, Ga. 31702. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals and agricultural chemical materials* in containers, from Middleport, N.Y. to Opelousas, La., for 180 days. SUPPORTING SHIPPER: FMC Corporation, Agricultural Chemicals Div., Suite 737, 6065 Roswell Road, Atlanta, Ga. 30328. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 124796 (Sub-No. 111 TA) filed March 14, 1974. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91747. Applicant's representative: William J. Monheim (same address as applicant).

Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, wood chips, vermiculite, lighter fluid, and fireplace logs* (sawdust and wax impregnated), except commodities in bulk, for the account of The Clorox Company from Springfield, Oreg. to points in Arizona and California, for 180 days. RESTRICTION: The operations to be authorized are to be restricted to a transportation service to be performed under a continuing contract or contracts with The Clorox Company. SUPPORTING SHIPPER: The Clorox Company, P.O. Box 1033, Louisville, Ky. 40201. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 125023 (Sub-No. 23 TA), filed March 15, 1974. Applicant: SIGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, Pa. 16508. Applicant's representative: Richard G. McCurdy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, from Baltimore, Md., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, for 180 days. SUPPORTING SHIPPER: The National Brewing Co., 225 N. Calvert Street, Baltimore, Md. 21202. SEND PROTESTS TO: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 125960 (Sub-No. 1 TA), filed March 15, 1974. Applicant: ROLAND A. MONDLOCH, doing business as MONDLOCH TRANSFER, 440 North 1st Street, New Richmond, Wis. 54017. Applicant's representative: Edward R. Kaiser, 144 West Second Street, New Richmond, Wis. 54017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between New Richmond, Wis., on the one hand, and, on the other, points in St. Croix, Polk, Pierce, Dunn, Eau Claire, Pepin, Buffalo, Clark, Rusk, Barron, Taylor, and Chippewa Counties, Wis. restricted to the transportation of shipments having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments, for 180 days. SUPPORTING SHIPPER: Department of Defense, Regulatory Law Office, Office of The Judge Advocate General, Department of the Army, Washington, D.C. 20310. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 126930 (Sub-No. 10 TA), filed March 14, 1974. Applicant: BRAZOS TRANSPORT CO. P.O. Box 2746, Lubbock, Tex. 79408. Applicant's representative: John C. Sims, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap or waste paper*, from points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Nebraska, Tennessee, and Texas to Pryor, Okla., for 180 days. SUPPORTING SHIPPER: Charles L. Pickhardt, General Distribution Manager, Southern Region, Gold Bond Building Products, Division of National Gypsum Company, 325 Delaware Avenue, Buffalo, N.Y. 14202. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 128831 (Sub-No. 4 TA), filed March 6, 1974. Applicant: DIXON RAPID TRANSFERS, INC., P.O. Box 35, Dixon, Ill. 61021. Applicant's representative: Robert R. Canfield, 1100 Rockford Trust Building, Rockford, Ill. 61101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating, cooling and ventilating equipment*, from Rockford, Ill., to points in Arkansas, Colorado, Indiana, Idaho, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming and from Westerville, Ohio, to points in Illinois, for 180 days. SUPPORTING SHIPPER: Ralph Forland, Manager, United Sheet Metal Division, United McGill Corp., 1122 Milford Avenue, Rockford, Ill. 61109. SEND PROTESTS TC: Richard O. Chandler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133095 (Sub-No. 55 TA), filed March 11, 1974. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages* (except in bulk), from the plant site of Schenley Distillers at Schenley, Pa., to Houston, Tex., for 180 days. SUPPORTING SHIPPER: Key Distributors, Inc., P.O. Box 303, Houston, Tex. 77001. SEND PROTESTS TO: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 133119 (Sub-No. 48TA), filed March 15, 1974. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Akron, Iowa 51001. Applicant's representative: Roger Heyl (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pizza* from the Mineapolis, Minn., commercial zone, to points in Texas and Albuquerque, N. Mex., and Shreveport, Monroe, and Alexandria, La., for 180 days. SUPPORTING SHIPPER: Totino's Finer Foods, Inc., Emmett Keenan, Distribution Manager, 7350 Commerce Lane, Fridley (Minneapolis), Minn. 55432. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 133219 (Sub-No. 10 TA) filed March 15, 1974. Applicant: PARKS TRANSPORTS, INC., R.F.D. #2, Ashland, Nebr. 68003. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the Mapco Pipeline terminal at or near Clay Center, Kans. to points in Iowa, Nebraska, and Missouri, for 180 days. SUPPORTING SHIPPERS: Charles D. Rosas, Supervisor of Transportation, Farmland Industries, Inc., P.O. Box 7305, Kansas City, Mo. 64116; and R. W. Elmborg, Traffic Supervisor, Cominco American, Incorporated, Route 3, Beatrice, Nebr. 68310. SEND PROTESTS TO: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Court House, Lincoln, Nebr. 68508.

No. MC 134400 (Sub-No. 9 TA) filed March 6, 1974. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 2760 Muscatine Street, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising material*, from Milwaukee, Wis., to Dubuque, Iowa, and *empty containers* returned (cooperage) from Dubuque, Iowa, to Milwaukee, Wis., for 180 days. SUPPORTING SHIPPER: Hunt Beverage Company, 960 West Locust Street, Dubuque, Iowa 52001. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 134765 (Sub-No. 12 TA) filed March 14, 1974. Applicant: SPECIALTY TRANSPORT, INC., Holland Road, Wales, Mass. 01081. Applicant's representative: David M. Marshall, 135 State Street, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bags and materials and supplies* used in the manufacture, sale and distribution of bags, between Walden and Poughkeepsie, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, New Jersey, New York, Pennsylvania, Maryland, Delaware, Virginia,

and North Carolina, for 180 days. SUPPORTING SHIPPER: Interstate Bag Company, Inc., P.O. Box 271, Walden, N.Y. 12586. SEND PROTESTS TO: District Supervisor Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, 436 Dwight Street, Springfield, Mass. 01103.

No. MC 135874 (Sub-No. 28 TA) (CORRECTION) filed December 12, 1973, published in the FR issues of January 4 and 24, 1974, and February 27, 1974, and in fourth publication this issue. Applicant: LTL PERISHABLES, INC., 132nd & Q Streets, Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Omaha, Nebr., to points in North Dakota and South Dakota, for 180 days. INTERLINE: Applicant states that the requested authority will be interlined at Omaha, Nebr. SUPPORTING SHIPPERS: Frozen Foods Express, Inc., P.O. Box 5888, Dallas, Tex. 75222; Schwartz Meat Company, P.O. Box 971, Norman, Okla. 73069; Standard Meat Company, 3709 E. First Street, Ft. Worth, Tex.; Field's, Inc., P.O. Box 7, Pauls Valley, Okla. 73075; American Packing Company, P.O. Box 429, Booneville, Miss. 38829; and Odom Sausage Co., Inc., Neely's Bend Road, Madison, Tenn. 37115.

NOTE.—The purposes of this republication are: (a) to indicate the correct Docket Number assigned to this proceeding in MC-135874 (Sub-No. 28 TA); and (b) to substitute applicant's interline indication for the tacking indication which was previously published in error.

SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 136343 (Sub-No. 24 TA) filed March 14, 1974. Applicant: MILTON TRANSPORTATION, INC., Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk and milk products*, from the facilities of the Great Atlantic & Pacific Tea Co., National Dairy Division, Milton, Pa., to East Hartford, Conn., for 180 days. SUPPORTING SHIPPER: The Great A & P Tea Co., Inc., National Dairy Division, Box 301, Milton, Pa. 17847. SEND PROTESTS TO: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 136371 (Sub-No. 14 TA), filed March 13, 1974. Applicant: CONCORD TRUCKING CO., INC., 30 Pulaski Street, Bayonne, N.J. 07002. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount or department stores, for the account of Whitney Stores, Inc., between points in the New York, N.Y. Commercial Zone as defined by the Commission, on the one hand, and, on the other, Pueblo, Colo.; Bloomfield, Manchester, Wethersfield, and Newington, Conn.; Chicago, Harvey, Roseland, and Oakpark, Ill.; New Orleans and Shreveport, La.; Detroit, Mich.; Grand Island and Lincoln, Nebr.; Santa Fe, and Las Cruces, N. Mex.; Fayetteville, N.C.; Cleveland, Ohio; Altus, Okla.; Scranton, Pa.; Florence, S.C.; Memphis, Tenn.; Arlington, Beaumont, Dallas, Fort Worth, Garland, Haltom City, Houston, Irving, Laredo, Longview, San Antonio, Waco, and Wichita Falls, Tex.; Milwaukee, Wisc.; and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Whitney Stores, Inc., 370 West 35th Street, New York, N.Y. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 136803 (Sub-No. 1 TA), filed March 15, 1974. Applicant: SIOUX CITY BULK FEED SERVICE, INC., 2815 Outer Drive South, Sioux City, Iowa 51105. Applicant's representative: Bradford E. Kistler, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds and dry animal and poultry feed ingredients* (except in bulk, in tank vehicles), from the plantsite of Ralston Purina Company at or near Iowa Falls, Iowa to the facilities of the Ralston Purina Company at Lena, Ill., for 180 days. SUPPORTING SHIPPER: Ralston Purina, Richard T. Gauck, Traffic Manager, P.O. Box 1020, Iowa Falls, Iowa 50126. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 138018 (Sub-No. 6 TA), filed March 12, 1974. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, Denver, Colo. 80205. Applicant's representative: Arlyn L. Westergren, 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Wheatland, Wyo., to points in the United States (except Alaska and Hawaii); and (2) *meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) and *materials, supplies, and equipment* used by meat packers in the conduct of their business, from points in the United States (except Alaska and Hawaii) to Wheatland, Wyo., for 180 days. SUPPORTING SHIPPER: Y-O Ranches, Ltd., P.O. Box 149, Wheatland, Wyo. 82201. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 138465 (Sub-No. 2 TA), filed March 13, 1974. Applicant: PHIL TOWNSEND, JR., Route 1, Box 19, Live Oak, Fla. 32069. Applicant's representative: Ronald D. Peterson, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone* (high calcium and dolomite), from points in Citrus, Dixie, Gilchrist, LaFayette, Levy, Marion, Suwannee, and Taylor Counties, Fla., to points in Georgia on and south of U.S. Highway 280, for 180 days. SUPPORTING SHIPPERS: There are approximately 8 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 139030 (Sub-No. 2 TA) filed March 15, 1974. Applicant: J & D, INC., doing business as J & D TRANSPORT, 415 Highway V, Sturdevant, Wis. 53177. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fermented malt beverages*, in containers, from Ft. Wayne, Ind., to Kenosha, Wis., and *return of empty fermented malt beverage containers*, for 180 days. SUPPORTING SHIPPER: C. J. Wavro & Sons, Inc., 3637 30th Avenue, Kenosha, Wis. 53140 (Robert W. Wavro, Vice President). SEND PROTESTS TO: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 139460 (Sub-No. 1 TA) filed March 14, 1974. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline*, in bulk, in tank vehicles, from Newington, N.H. to Rome and Watertown, N.Y. for 180 days. SUPPORTING SHIPPER: Curtis L. Wagner, Jr., Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Washington, D.C. 20310. SEND PROTESTS TO: Robert A. Radler, Officer-in-Charge, Bureau

of Operations, Interstate Commerce Commission, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 139583 TA, filed March 5, 1974. Applicant: DEDICATED FREIGHT SYSTEMS, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories, and related publications, advertising material, and packaging and shipping supplies*, between the Ford Marketing Corporation Parts Distribution Center, located in Cuyahoga Heights, Ohio, on the one hand, and, on the other, points in Ohio, New York, and Pennsylvania Counties as follows: Allegany, Cattaraugus, Cayuga, Chautaugua, Erie, Genesee, Jefferson, Livington, Monroe, Niagara, Ontario, Orleans, Oswego, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates Counties, N.Y.; Ashland, Ashtabula, Auglaize, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Delaware, Erie, Fairfield, Franklin, Geauga, Guernsey, Hancock, Harding, Holmes, Huron, Knox, Lake, Licking, Logan, Lorain, Mahoning, Marion, Medina, Mercer, Morgan, Morrow, Muskingum, Noble, Ottawa, Perry, Portage, Richland, Sandusky, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Union, Wayne, and Wyandot Counties, Ohio; and Crawford, Erie, Mercer, Venango, and Warren Counties, Pa., under continuing contract or contracts with Ford Marketing Corporation, for 180 days. SUPPORTING SHIPPER: Ford Motor Company, The American Road, Dearborn, Mich. 48121. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 139597 (Sub-No. 1 TA) filed March 18, 1974. Applicant: RAYMOND BOYCE HONEYCUTT, Route 3, Mooresville, N.C. 28115. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk in dump vehicles, from Jericho, S.C. to Davidson, N.C., for 180 days. SUPPORTING SHIPPER: Kerr-McGee Chemical Corp., Box 98, Davidson, N.C. SEND PROTESTS TO: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Room CC516, Charlotte, N.C. 28205.

No. MC 139608 filed March 15, 1974. Applicant: R. H. TRUCKING, INC., Route 2, Nichols, S.C. 29581. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, wood shavings, and wood sawdust*, from Whiteville, N.C. to Georgetown, Florence, and North Charleston, S.C., for 180 days. SUPPORTING SHIPPER: Georgia-Pacific Corporation, P.O. Box 1808, Augusta, Ga. 30903. SEND PROTESTS TO: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

MOTOR CARRIER PASSENGER APPLICATIONS

No. MC 115116 (Sub-No. 28 TA), filed March 5, 1974. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. 08901. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers. Between points in Monroe Township (Middlesex County), N.J.: From Clearbrook in Monroe Township (Middlesex County), N.J., over Applegarth Road to junction Forsgate Drive, thence over Forsgate Drive to access roads to the New Jersey Turnpike at Interchange 8A, thence over New Jersey Turnpike Interchange 8A access roads to the New Jersey Turnpike in Monroe Township (Middlesex County), N.J., and return over the same route, serving all intermediate points, with right of joinder with presently authorized routes, for 180 days.

NOTE.—Applicant states that he does intend to tack with his authority in MC-115116 (Sub-No. 15) with joinder in Monroe Township (Middlesex County), Interchange 8A New Jersey Turnpike.

SUPPORTING SHIPPERS: Aaron Cross Construction Co., Inc., P.O. Box 148, Cranbury, N.J. 08512; and Guardian Development Corporation, R.D. No. 2, Box 95, Cranbury, N.J. 08512. ADDITIONAL SUPPORT: Fifty certified names of individuals, which may be examined at the offices of the Interstate Commerce Commission in Washington, D.C., or at the field office named below. SEND PROTESTS TO: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 138873 (Sub-No. 1 TA) filed March 18, 1974. Applicant: COASTAL PLAIN CHARTER SERVICE, INC., 2913 S. Church Street, Rocky Mount, N.C. 27801. Applicant's representative: J. P. Daughtridge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending in Nash or Edgecombe County, N.C., to points in South Carolina, Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPERS: Rocky Mount "Phillies" Baseball Club, Box 4405, Rocky Mount, N.C. 27801; and New Hope Baptist Church, Route 1, Battleboro, N.C. 27809. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-7437 Filed 3-29-74;8:45 am]

LIST OF FEDERAL REGISTER PAGES AND DATES—APRIL:

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