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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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EXECUTIVE ORDER 11788
Providing for the Orderly Termination of
Economic Stabilization Activities

The authority contained in the Economic Stabilization Act of 1970, as amended, to impose a system of mandatory wage and price controls expired at midnight on April 30, 1974. Executive Order No. 11781 of May 1, 1974, provided for an orderly transition from mandatory controls, for the continuation of enforcement procedures under the Economic Stabilization Act of 1970, as amended, with respect to acts committed prior to May 1, 1974, for the continuation of the Cost of Living Council, and the continuation of monitoring and other functions of the Council for the period May 1, 1974, through June 30, 1974. However, the orderly termination of the Economic Stabilization Program will require several more months of follow-up activities. The Economic Stabilization Act of 1970, as amended, permits the maintenance of authority to take appropriate action with respect to any action or pending proceedings, civil or criminal, not finally determined on April 30, 1974, or with respect to matters before the Council that relate to wages paid for work performed prior to May 1, 1974, and prices charged prior to May 1, 1974. In order to meet these requirements and to assure the proper disposition of the files, records, data, and other financial and administrative matters relating to the Economic Stabilization Act, I am, by this Order, delegating to the Secretary of the Treasury such Presidential authority as may remain under the Economic Stabilization Act of 1970, as amended, and assigning to him the responsibility for taking such action as may be necessary and appropriate to achieve the limited objectives described above.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and Statutes of the United States, including the Economic Stabilization Act of 1970 (P.L. 91-379, 84 Stat. 799) as amended, and as President of the United States of America, it is hereby ordered as follows:

Sec. 2. All the powers and duties conferred upon the President by the Economic Stabilization Act of 1970, as amended, are hereby delegated to the Secretary of the Treasury who shall exercise them so as to provide for the orderly termination of the Economic Stabilization Program. That authority shall be exercised only to the extent necessary to provide for the orderly termination of the Economic Stabilization Program, including the taking of appropriate action with respect to any action or pending proceedings, civil or criminal, not finally determined on April 30, 1974, or with respect to any act committed prior to May 1, 1974, and as hereinafter provided. The Secretary of the Treasury is authorized to delegate such powers and duties to other officials or agencies of the United States, as may be appropriate.

Sec. 3. The Secretary of the Treasury or his designee shall provide for the continuation of any action or pending proceedings, civil or criminal, not finally determined prior to May 1, 1974, as appropriate. He shall continue to receive reports and review pay adjustments with respect to work performed prior to May 1, 1974, and price adjustments with respect to prices charged prior to May 1, 1974, and take appropriate remedial action whenever he finds such adjustments were in violation of applicable Economic Stabilization Regulations.

Sec. 4. Nothing in this Order shall be construed as authorizing the imposition or reimposition of any mandatory economic controls with respect to prices, rents, wages, salaries, corporate dividends, interest rates, or any similar transfer, other than on the basis of the authority provided in Sections 2 and 3 of this Order with respect to enforcement activity related to the period prior to May 1, 1974.

Sec. 5(a). The Secretary of the Treasury or his designee is authorized:

(1) To employ such personnel as he deems necessary to perform the functions conferred upon him by this Order, including personnel previously employed by the Cost of Living Council.

(2) To appoint, pursuant to Section 212(b) of the Economic Stabilization Act of 1970, as amended, not more than one officer who shall be compensated at the rate prescribed for level V of the Executive Schedule (5 U.S.C. 5316) for the purposes of carrying out functions under this Order through December 31, 1974.

(3) To place no more than 3 positions in GS-16, 17, and 18, pursuant to Section 212(d) of the Economic Stabilization Act of 1970, as amended, for purposes of carrying out this Order through December 31, 1974.

(4) To receive from the Cost of Living Council and be the custodian of all the records and data not otherwise properly disposed of by June 30, 1974, including the records and data of all Advisory Committees to the Council.

(5) To receive from the Cost of Living Council custody of and accountability for property (real and personal) and equipment not otherwise properly disposed of by June 30, 1974.

(b) The Secretary of the Treasury shall—
(1) Provide for the compilation of a history of the Economic Stabilization Program by December 31, 1974; and

(2) Provide for the appropriate disposition of all property (real and personal), records, data, and personnel transferred hereunder or relating to the activities conferred upon him by this Order.

Sec. 6. Any officer or employee who was serving in the Economic Stabilization Program, on or before June 30, 1974, and who while so serving was guaranteed reemployment rights to his former agency by virtue of such service, shall retain such rights through December 31, 1974, if employed by the Secretary of the Treasury or his designee to perform functions under this Order, without a break in service of one day or more.

Sec. 7. The following committees and boards are abolished:

(1) The Cost of Living Council Committee on Health established by Section 6 of Executive Order No. 11695 of January 11, 1973, and continued through June 30, 1974, by Executive Order No. 11781 of May 1, 1974.

(2) The Cost of Living Council Committee on Food established by Section 7 of Executive Order No. 11695 of January 11, 1973, and continued through June 30, 1974, by Executive Order No. 11781 of May 1, 1974.

(3) The Labor-Management Advisory Committee established by Section 8 of Executive Order No. 11695 of January 11, 1973, and continued through June 30, 1974, by Executive Order No. 11781 of May 1, 1974.


Sec. 8. The Secretary of the Treasury, or his designee, may, for the purposes of carrying out this Order, continue any advisory committees previously established by the Cost of Living Council and not abolished by the Council prior to the effective date of this Order. He shall make appropriate provisions for abolishing, on or before December 31, 1974, all Council Advisory committees so continued.

Sec. 9. This Order shall not be deemed to affect any authority (1) exercised by the Federal Energy Office with respect to pricing and allocation of crude oil, residual fuel oil, and refined petroleum products (as defined in the Emergency Petroleum Allocation Act of 1973), pursuant to the Economic Stabilization Act of 1970, as amended, the Emergency Petroleum Allocation Act of 1973, Executive Order No. 11748 of December 4, 1973, or Cost of Living Council Order No. 47, as amended, or (2) any comparable authority vested in, or delegated to, the Administrator of the Federal Energy Administration.

of July 18, 1973, and Executive Order No. 11781 of May 1, 1974, are revoked.

SEC. 11. Sections 1 through 10 of this Order shall be effective as of July 1, 1974.

SEC. 12(a). There is hereby established the President’s Committee on Food, which shall be composed of the Counsellor to the President for Economic Policy, who shall be its Chairman, the Secretary of State, the Secretary of the Treasury, the Secretary of Agriculture, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Executive Director of the Council on International Economic Policy, and such other members as the President may, from time to time, designate.

(b) The President’s Committee on Food shall review Government activities significantly affecting food costs and prices and provide coordination for the Nation’s policy relating to domestic and international food supplies and relating to food costs and prices.

(c) The President’s Committee on Food shall terminate on December 31, 1974.

THE WHITE HOUSE,
June 18, 1974.
[FR Doc.74-14310 Filed 6-18-74;4:54 pm]
**Rules and Regulations**

This section of the Federal Register contains regulatory documents having general applicability and legal effect; most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first Federal Register issue of each month.

Title 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-2951]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

<table>
<thead>
<tr>
<th>State</th>
<th>County</th>
<th>Location</th>
<th>Effective date of authorization of sale of flood insurance for area</th>
<th>Initial area identified</th>
<th>State map repository</th>
<th>Local map repository</th>
</tr>
</thead>
<tbody>
<tr>
<td>Del.</td>
<td>Kent</td>
<td>Beebe, town of...</td>
<td>June 6, 1974</td>
<td>May 10, 1974</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Del.</td>
<td>New Castle</td>
<td>Middletown, town of...</td>
<td>June 6, 1974, Emergency.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fla.</td>
<td>Palm Beach</td>
<td>Muninepas, town of...</td>
<td>July 17, 1970, Emergency.</td>
<td>October 15, 1970</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>March 1, 1972, Regular.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>June 7, 1974, Suspended.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>July 7, 1974</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>June 7, 1974, Reinstated.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Id.</td>
<td>Benevah</td>
<td>St. Marlo, city of...</td>
<td>June 7, 1974, Emergency.</td>
<td>Feb. 18, 1974</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wi.</td>
<td>Columbia</td>
<td>Lodi, city of...</td>
<td>June 7, 1974, Emergency.</td>
<td>Apr. 12, 1974</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Issued: June 6, 1974.

George K. Bernstein, Federal Insurance Administrator.

[FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974]
### RULES AND REGULATIONS

[Docket No. FZ-294]

**PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE**

**Status of Participating Communities**

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

#### § 1914.4 Status of participating communities.

<table>
<thead>
<tr>
<th>State</th>
<th>County</th>
<th>Location</th>
<th>Effective date of authorization of sale of flood insurance for area</th>
<th>Hazard area identified</th>
<th>State map repository</th>
<th>Local map repository</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Palm Beach</td>
<td>Lantana, town of</td>
<td>Mar. 15, 1971</td>
<td>Regular</td>
<td>Suspended</td>
<td>June 10, 1974</td>
</tr>
<tr>
<td>Ohio</td>
<td>Cuyahoga</td>
<td>Bay Village, city of</td>
<td>Apr. 12, 1974</td>
<td>Regular</td>
<td>Suspended</td>
<td>June 10, 1974</td>
</tr>
</tbody>
</table>


Issued: June 6, 1974.

George K. Bernstein, Federal Insurance Administrator.

[Docket No. FZ-293]

**PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE**

**Status of Participating Communities**

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

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<th>Hazard area identified</th>
<th>State map repository</th>
<th>Local map repository</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iowa</td>
<td>Grundy</td>
<td>Eldora, city of</td>
<td>Jan. 4, 1974</td>
<td>Regular</td>
<td>Suspended</td>
<td>June 10, 1974</td>
</tr>
<tr>
<td>Oregon</td>
<td>Wilson</td>
<td>Redway, city of</td>
<td>May 7, 1974</td>
<td>Regular</td>
<td>Suspended</td>
<td>June 10, 1974</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Columbia</td>
<td>Greensburg, borough of</td>
<td>Mar. 21, 1974</td>
<td>Regular</td>
<td>Suspended</td>
<td>June 10, 1974</td>
</tr>
<tr>
<td>Texas</td>
<td>Wharton</td>
<td>Wharton, city of</td>
<td>May 4, 1974</td>
<td>Regular</td>
<td>Suspended</td>
<td>June 10, 1974</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Columbia</td>
<td>Portage, city of</td>
<td>May 13, 1974</td>
<td>Regular</td>
<td>Suspended</td>
<td>June 10, 1974</td>
</tr>
</tbody>
</table>


Issued: June 6, 1974.

George K. Bernstein, Federal Insurance Administrator.
Federal Insurance Administrator, 34 FR Nov.

Iowa.

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.

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<th>State</th>
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RULES AND REGULATIONS

[Docket No. FE-296]

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 23 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.

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<tr>
<th>State</th>
<th>County</th>
<th>Location</th>
<th>Map No.</th>
<th>State map repository</th>
<th>Local map repository</th>
<th>Effective date of identification of areas which have special flood hazards</th>
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<td>Alabama Development Office, Office of State Planning, State Office Bldg., Montgomery, Ala. 36104</td>
<td>Mayor, City Hall, City of Lees, June 7, 1971</td>
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<td>H 60120 11 through H 60122 01</td>
<td>Alabama Development Office, Office of State Planning, State Office Bldg., Montgomery, Ala. 36104</td>
<td>Mayor, City Hall, City of Lees, June 7, 1971</td>
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<td>Baxter</td>
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<td>H 60119 11</td>
<td>Division of Soil and Water Resources, State Department of Commerce, 730 West Capitol Ave., Little Rock, Ark. 72203</td>
<td>Mayor, City Hall, City of Cotter, Cotter, Ark., 72636</td>
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<td>H 60104 01</td>
<td>Department of Water Resources, P.O. Box 203, Sacramento, Calif. 95812</td>
<td>Mayor, City Hall, City of Maricopa, Maricopa, Calif., 85243</td>
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<td>H 60006 01</td>
<td>Colorado Water Conservation Board, Room 102, 3425 Sherman St. Denver, Colo. 80205</td>
<td>Idaho Springs City Hall, 11th Ave. and 5th St., P.O. Box 97, Idaho Springs, Colo. 80452</td>
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<td>Department of Natural Resources, Office of Planning and Research, 279 Washington St. S.W., Washington, D.C. 20020</td>
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<td>City Building Inspector's Office, City of Riverdale, 6020 Church St., Riverdale, Ga. 30274</td>
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<td>Municipal Complex, 701 Walton Blvd., P.O. Box 1467, Warner Robins, Ga. 31093</td>
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FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974
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Issued: June 12, 1974.

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**Title 29—Labor**

**CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR**

**PART 1954—PROCEDURES FOR THE EVALUATION AND MONITORING OF APPROVED STATE PLANS**

**Exercise of Federal Discretionary Authority**

1. **Background.** Pursuant to the authority in sections 8(g) (2) and 18 of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 657(g) (2) and 667), hereinafter called the Act, 29 CFR Part 1954 is amended by adding a new § 1954.4 formerly “Reserved”, on the exercise of Federal discretionary authority under section 18(e) of the Act. Part 1954 describes the policy and procedures for evaluation and monitoring of State plans approved in accordance with section 18(e) of the Act. These include a description of the monitoring system, provisions for reports from the States, and for complaints about State program administration.

In addition to monitoring the development and operation of approved State plans, the Act in section 18(e), provides for a period of discretionary authority for enforcement of Federal occupational safety and health standards in States with approved plans. Under section 18(e), the Assistant Secretary for Occupational Safety and Health (hereinafter called the Assistant Secretary), under a delegation of authority from the Secretary of Labor (Sec. Order 12-71 36 8754), must retain his enforcement authority with regard to issues covered by the approved plan for at least 3 years until he determines “on the basis of actual operations” that the criteria for plan approval in section 18(e) of the Act are being applied by the State. Section 18(e) as implemented by 29 CFR Part 1954 does not require the exercise of the Assistant Secretary’s enforcement authority over all the issues covered by the State plan for the entire period of discretionary authority. Indeed, section 18(e) expressly confers discretion upon the Assistant Secretary in the exercise of his enforcement authority when it states that “he may, but shall not be required to, exercise his authority” under certain specified sections of the Act. These include sections 5(a) (2), 8, 9, 10, 13 and 17 with respect to comparable standards promulgated under section 5 of the Act.

This amendment to 29 CFR Part 1954 sets out the statutory interpretations and policy guidelines by which the Assistant Secretary will exercise his discretion under section 18(e) to enforce Federal standards. This discretion will be exercised within the framework of the general purpose of the Act “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions * * *” (section 5(b)). Implementation of this fundamental statutory purpose necessarily includes consideration of the policy of “encouraging the States to assume the full responsibility for the administration and enforcement of their occupational safety and health laws * * *” (section 5(b) (II)).

The Assistant Secretary is required in § 1902.14(c) (2) of this chapter to exercise his discretionary enforcement authority after plan approval “to the degree necessary to assure occupational safety and health protection to employees. Factors to be considered under this section and § 1902.20(b) (1) (III) of this chapter in determining the level of Federal enforcement include the developmental nature of the plan, the results of evaluations of the plan, the State’s schedule for coming up to Federal standards, and any other relevant matters. In accordance with these criteria, each plan approval decl
RULES AND REGULATIONS

The exercise of discretionary authority under section 18(e) so as to reduce Federal enforcement in States with approved plans is not inconsistent with the concept of developmental plans. The guidelines to the Act supplies reasonable and uniform criteria to be applied to each State in accordance with the facts and circumstances in each State program. Essentially, to the criteria is the attainment of the goal. If a State or a State has substantially completed the development of the project, the exercise of Federal enforcement authority cannot be diminished consistent with this period. When a State has attained that specified level of development, consideration of factors such as effective utilization of resources throughout the Nation and relief from unreasonable duplication and conflict; definition of areas of State responsibility for evaluation of their effectiveness; and prompt and appropriate application of the Federal authority to any failure of the States in providing effective enforcement of standards.

A fundamental consideration in determining the manner and degree to which Federal discretionary enforcement authority should be exercised is the developmental status of approved State plans. 29 CFR Part 1902 governing approval of State plans under the Act, defines the circumstances for approval of developmental plans. Section 1902.3(b) limits the developmental period to 3 years. This period is based on the time it takes a State to complete its development and operate for its enforcement program during the period. After determining the operational status of the State plan, the Assistant Secretary may reduce the Federal enforcement effort consistent with the developmental nature and relevant operational status of the State plan.

In determining the operational status of a plan, the Assistant Secretary must be met in order to determine that the State is operational with regard to any or all of the issues covered by its plan: (1) the plan must be reviewed and approved by the Assistant Secretary and enacted by the State; (2) standards promulgated under State law which standards have been reviewed and found to provide overall protection equal to comparable Federal standards; (3) a sufficient number of qualified personnel; and (4) the review procedures for contested citations and penalties in effect. In addition, where the State is operational on one or more issues and has for example, adopted regulations governing variances, reporting and recordkeeping requirements, or developed an approved State poster, such State action will be appropriately recognized by the Assistant Secretary for the purposes of Federal enforcement program during the period of discretionary Federal authority.

2 Commencement of operations is defined in 29 CFR 1902.10(b) as the plan approval date if the State initiates at the time of approval inspections and enforcement activity with respect to the plan. In any case, the period of operation shall be withdrawn after notice and opportunity for a hearing. (29 CFR 1902.2(b).

3 Where, at the end of this 3 year period, the Assistant Secretary finds that the State has not satisfied the developmental steps of the plan, the approval of the plan shall be withdrawn after notice and opportunity for a hearing. (29 CFR 1902.2(b).

In accordance with the above, Subpart A of 29 CFR Part 1954 is amended, effective June 20, 1974, by adding a new §1954.3 formerly "Reserved" as follows:

1. The policy statements contained in this regulation have been discussed with the National Advisory Committee on Occupational Safety and Health and its Subcommittee on State Plans on December 6, 1973, December 20, 1973 and March 10, 1974. These discussions included input from members of the public, the States, employer and employee representatives, and further participation is considered unnecessary;

2. Immediate implementation of the discretionary authority guidelines which affect a temporary period already begun is necessary to assure adequate worker protection and the orderly development of Federal-State relations and further public comment would therefore be impractical.

Interested persons may, however, submit written data, views and arguments concerning this regulation until July 20, 1974. Those comments should be addressed to the Associate Assistant Secretary for Regional Programs, Room 500, 1725 M Street NW., Washington, D.C. 20210.

In accordance with the above, Subpart A of 29 CFR Part 1954 is amended, effective June 20, 1974, by adding a new §1954.3 formerly "Reserved" as follows:
§ 1954.3 Exercise of Federal discretionary authority.

(a) (1) When a State plan is approved under section 18(c) of the Act, Federal authority for enforcement of standards continues in accordance with section 18(e) of the Act. That section prescribes a period of concurrent Federal-State enforcement authority which must last for at least three years, after which the Assistant Secretary shall make a determination whether, based on actual operations, the State plan meets all the criteria set forth in section 18(c) of the Act and the implementing regulations in 29 CFR Part 1902 and Subpart A of 29 CFR Part 1952. During this period of concurrent authority, the Assistant Secretary may, but shall not be required to, exercise his authority under sections 5 (a) (2), 8, 9, 10, 13 and 17 of the Act with respect to standards promulgated under section 5 of the Act where the State has comparable Federal standards. Accordingly, section 18(e) authorizes, but does not require, the Assistant Secretary to exercise his discretionary enforcement authority over all the issues in a State plan for the entire 18(e) period.

(2) Existing regulations at 29 CFR Part 1902 set forth factors to be considered in determining how Federal enforcement authority should be exercised. These factors include: (i) whether the plan is developmental or complete; (ii) results of evaluations conducted by the Assistant Secretary; (iii) standards for determining the effectiveness of State and Federal authorities; and (iv) any other relevant matters.

(3) Other relevant matters requiring consideration in the decision as to the level of Federal enforcement include: (i) coordinated utilization of Federal and State resources to provide effective worker protection throughout the Nation; (ii) necessity for clarifying the rights and responsibilities of employers and employees with respect to Federal and State authority; (iii) increasing responsibility for administering Federal standards and ensuring that the qualified personnel to enforce in a particular issue, e.g., Occupational Health, the State will not be considered operational as to that issue ever though it has enabling legislation and standards.

(b) Guidelines for determining the appropriate level of Federal enforcement.

In light of the requirements of 29 CFR Part 1902 as well as the factors mentioned in paragraph (a) above, the following guidelines for the extent of the exercise of discretionary Federal authority have been determined to be reasonable and appropriate. When a State plan meets all of these guidelines it will be considered operational, and the State will conduct all enforcement activity including inspections in response to employee complaints, in all areas where the State is enforcing Federal standards. Federal enforcement activity will be reduced accordingly and the emphasis will be placed on monitoring State activity in accordance with the plan.

(1) Enabling legislation. A State with an approved plan must have enacted enabling legislation substantially in conformance with the requirements of section 18(c) and 29 CFR Part 1902 in order to be considered operational. This legislation must have been reviewed and approved under 29 CFR Part 1902.

(2) Approved State standards. The State must have the standards promulgated under State laws which standards are the same as Federal standards; have been found to be at least as effective as the comparable Federal standards; or have been reviewed by the Assistant Regional Director under the delegation of authority in 29 CFR 1953.4 and found to provide overall protection equal to comparable Federal standards. Review of the effectiveness of State standards and their enforcement will be a continuing function of the evaluation process. Where State standards in an issue have not been promulgated by the State or have not been promulgated and found not to provide overall protection equal to comparable Federal standards, the State will not be considered operational as to those issues.

(c) Personnel. The State must have a sufficient number of qualified personnel who are enforcing the standards in accordance with the State's enabling legislation and the promulgation of implementing regulations, must be in effect.

(d) Evaluation reports. One of the factors to be considered in determining the level of Federal enforcement is the result of evaluations conducted under the monitoring system described in this part. Complete determination of an initial comprehensive evaluation of State operation is not generally a prerequisite for a determination that a State is operational under paragraph (b) of this section, such evaluations will be used in determining the Federal enforcement responsibility in certain circumstances.

(2) Weighted evaluation of State operation.

(a) Where enforcement activities have been completed prior to the time a determination of whether a State plan is made, the results of those evaluations will be included in the determination.

(b) Where the results of one or more evaluations conducted during the operation of a State plan and prior to an 18(e) determination reveal that actual operations to one or more aspects of the plan fail to meet the requirements of the plan, the failure to meet the requirements of the plan are at least as effective as the Federal program, and the State does not adequately resolve the deficiencies in accordance with Subpart C of Part 1953, the appropriate level of Federal enforcement activity shall be reinstated. An example of such deficiency would be a finding that State standards and their enforcement, Federal standards and their enforcement, an issue are not at least as effective as comparable Federal standards and their enforcement. Federal enforcement activity may also be reinstated where the Assistant Secretary finds that such action is necessary to assure occupational safety and health protection to employees.

(1) Recognition of State procedures.

In order to resolve potential conflicting responsibilities of employers and employees, Federal authority will be exercised in a manner designed to recognize the implementation of State procedures in accordance with approved plans in areas such as variances, informing employees of their rights and obligations, and recordkeeping and reporting requirements.

(2) Variances; (Reserved)

(3) Recordkeeping and reporting; (Reserved)

(e) Discrimination complaints. States plan provisions on employee discrimination do not divest the Secretary of Labor of any authority under section 11(c) of the Act. The Federal authority to investigate discrimination complaints exists even after an affirmative 18(c) determination. (See South Carolina decision 37 FR 25933, December 6, 1972.) Employee complaints alleging discrimination under section 11(c) of the Act will be subject to Federal jurisdiction.

(1) Upon approval of agreements, a determination as to the operational status of a State plan shall be accompanied by an agreement with the State setting forth the Federal-State responsibilities as follows: (i) scope of the State's operational status including the issues excluded from the plan, the issues where State enforcement will not be operational at the time of the agreement; (ii) the dates for commencement of operations; (iii) procedures for reporting fatalities and catastrophes by the agency which has received the report to the Secretary of Labor, setting forth the Federal-State responsibilities; and (iv) provision for resumption of Federal enforcement activity for failure to substantially comply with this agreement, as a result of evaluation or other relevant factors.

(2) Upon approval of these agreements, the Assistant Secretary shall cause to be published in the Federal Register notice of the operational status of each approved State plan.

(3) Where subsequent changes in the level of Federal enforcement are made, similar Federal Register notices shall be published.

Federal Register, Vol. 39, No. 120—Thursday, June 20, 1974
Title 7—Agriculture
SUBTITLE I—OFFICE OF THE SECRETARY OF AGRICULTURE
PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT
Equal Employment Opportunity; Staff Responsibility

Part 2, Subtitle A, of Title 7, Code of Federal Regulations is amended to revise the delegations of authority by the Assistant Secretary for Administration to the Director, Office of Personnel, and the Assistant Secretary for Administration in his capacity as Director of Equal Employment Opportunity, as follows:

1. Section 2.28(a) is amended to read as follows:

§ 2.28 Director, Office of Personnel.
(a) Delegations.

(11) Perform staff work for the Director of Equal Employment Opportunity including the preparation of decisions on complaints of discrimination.

(12) Prepare regulations, plans, and procedures necessary to carry out the Department's equal employment opportunity program.

§ 2.80 Director, Office of Equal Opportunity.

(a) Delegations.

(8) As used in this section, "handled," "lots," and "carlots" have the same meaning as defined in § 2.78, Director, Office of Equal Employment Opportunity.

Dated: June 14, 1974.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary for Administration.

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

Valencia Orange Regulation 470

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 21-27, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and to paragraph Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.770 Valencia Orange Regulation 470.

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

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

The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further held that the fresh market demand for Valencia oranges deteriorated last week. Prices f.o.b. averaged $3.50 per carton on a reported sales volume of 825 cartons last week, compared with an average of $3.65 per carton and sales of 1,028 cartons a week earlier. Track and rolling sales at 615 sales were down 39 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, to engage in public hearing procedure, and postpone the effective date of this regulation until July 22, 1974 (7 U.S.C. 653) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 18, 1974.

(b) Order. (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 21, 1974, through June 27, 1974, are hereby fixed as follows:

(D) District 1: 217,000 cartons;

(ii) District 2: 198,000 cartons;

(III) District 3: Unlimited movement.

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

Dated: June 19, 1974.

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

CHAPTER I—FRUITS AND NUTS; FRUITS; IMPORT REGULATIONS

Minimum Grade Requirement for Imports of Seeded Grapefruit

This amendment lowers the minimum grade requirement applicable to imported seeded grapefruit to Improved No. 2 on June 14, 1974. This requirement is the same as that applicable to seeded grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.
This amendment is consistent with section 8 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This section requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable requirements as those in effect for the domestically produced commodity. This regulation establishes the same grade requirement on imported seeded grapefruit as is effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida.

Order. In § 944.110 (Grapefruit Regulation 14; 38 FR 26108, 28286; 39 FR 7705, 14742, 17970) the provisions of paragraphs (a) are amended to read as follows:

§ 944.110 Grapefruit Regulation 14.

(a) ** * * *

(1) Seeded grapefruit shall grade at least Improved No. 2 ("Improved No. 2") shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of U.S. No. 1 grade as to shape (form) and color, and be of a size not smaller than 3 1/4 inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least Improved No. 2 ("Improved No. 2") shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of U.S. No. 1 grade as to shape (form) and color, and be of a size not smaller than 3 1/4 inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment hereon that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8(e) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) this amendment fixes the same requirements on imports of seeded grapefruit as are applicable under amended Grapefruit Regulation 74 (§ 805.551) to the shipment of seeded grapefruit grown in Florida; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment lowers requirements on the importation of seeded grapefruit.

RULES AND REGULATIONS

Dated: June 13, 1974 to become effective June 14, 1974.

Charles R. Brawner,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-14117 Filed 6-19-74; 8:45 am]

CHAPTER XI—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1974 Crop Flue-Cured Tobacco Farm-Stored Loan Supplement

This subpart constitutes the annual crop year supplement to the Subpart—1973 and subsequent crop Flue-cured tobacco farm-stored loan program (7 CFR § 1421.400 et seq.).

On page 7777 of the Federal Register of February 15, 1974, there was published a notice of proposed rulemaking relating to the 1974 tobacco loan program. Interested persons were given until March 15, 1974, to submit written comments, suggestions, or objections regarding the proposed program. No written comments, suggestions, or objections were received regarding the loan program.

The General Regulations Governing Price Support for the 1973 and Subsequent Crops Flue-cured tobacco farm-stored loan program (7 CFR § 1421.400 et seq.) are amended as follows:

Sec. 1421.422 Rate of interest.

The loan will be made at a rate of 6 1/2 cents per pound for regular varieties or 31 cents per pound for discount varieties on the quantity of eligible tobacco tended as security for a loan under this subpart if such tobacco is equal to or better than the average grade composition of a normal crop. If the producer certifies the grade composition to be below such average quality, the rate of loan shall be 15 cents less than the average loan rate for which he estimates such tobacco would qualify.

§ 1421.422 Rate of interest.

Loans shall bear interest at the rate announced in a separate notice published in the Federal Register.

§ 1421.423 Liquidation of loans.

(a) Section 1421.19 of the general regulations shall not apply to this program. Loans shall be liquidated by repayment of the amount loaned, plus interest, on or before maturity to the county office which approved the loan, either directly by the producer or by the buyer or the Marketing Recorder upon sale of tobacco securing the loan; or by delivery, as directed by CCC, of a quantity of Flue-cured tobacco eligible for price support having a settlement value equal to the outstanding principal balance of the loan.

(b) Notwithstanding the provisions of § 1421.23 of the general regulations, no deduction for storage charges will be made if the tobacco is delivered during this period. The association will advise producers of the time and place at which the tobacco is to be delivered in liquidation of farm storage loans and will determine the settlement value of the tobacco delivered on the basis of the grade and quality thereof as determined by the Marketing Recorder upon sale of tobacco.

§ 1421.424 Delivery charge.

Notwithstanding the provisions of § 1421.11 of the general regulations, there shall be no delivery charge on the tobacco delivered to the association.

§ 1421.425 Maturity of loans.

Unless demand is made earlier, farm storage loans on Flue-cured tobacco will mature on December 1, 1974.

Effective date: June 20, 1974.


Glenn A. Wem
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-14201 Filed 6-10-74; 7:45 am]
Title 10—Energy
CHAPTER I—ATOMIC ENERGY COMMISSION
PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

RULINGS AND REGULATIONS

Revisions of Quality Assurance Practices

The Atomic Energy Commission has revised acceptance sampling procedures for persons specifically licensed under 10 CFR Part 32 to manufacture, distribute, or import exempted and generally licensed items containing byproduct material. As revised, the acceptance sampling procedures in §32.110 are based on the concept of Lot Tolerance Percent Defective (LTPD) which is defined in new §2.2(b) as, expressed in percent defective, the poorest quality in an individual inspection lot that can be tolerated in inspection lots covering the range of product material. As revised, the acceptance sampling procedures in §32.110 are based on the concept of Lot Tolerance Percent Defective (LTPD) which is defined in new §32.2(b) as, expressed in percent defective, the poorest quality in an individual inspection lot that can be tolerated.

Conforming amendments of §§32.15, 32.53, and 32.63 provide assurance that persons licensed under §§32.15, 32.53, or 32.61 will for LTPD of 5.0 percent accept or reject inspection lots of products in accordance with the directions of §32.110. In addition, the amendments provide that the Commission will approve alternative procedures if the applicant for a license demonstrates that the alternative procedures provide the equivalent of LTPD of 5.0 percent. The effect of the amendments is to provide uniform protection against the acceptance of poor quality lots. For example, a 50-item inspection lot containing 5.0 percent defects is subjected to acceptance sampling as a function of lot size, a mathematical characteristic curve or confidence interval shall be considered as a defective unit.

An application for a license or for amendment of a license may include a description of procedures proposed as alternatives to those prescribed by §32.15(a)(2), and proposed criteria for acceptance under those procedures. The applicant demonstrates that the operating characteristic curve or confidence interval estimate for the alternative procedures is equivalent to a Lot Tolerance Percent Defective of 5.0 percent at the consumer's risk of 0.10.

In anticipation of additional products being subjected to acceptance sampling procedures in 10 CFR Part 32, eight single sampling tables covering the range of 0.5 percent to 10.0 percent LTPD are set out in §32.110(b), any one of which may be referenced depending on the percent defectives that can be tolerated in inspection lots of the product under consideration.

Inasmuch as the amendments set forth above are of a minor nature, good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, as may be required as a condition of the license issued under §32.14.

In §32.55 of 10 CFR Part 32, the section heading and paragraphs (a), (b), (c), and (d) are amended to read as follows:

§32.55 Same; quality assurance; prohibition of transfer.

(a) Each person licensed under §32.14 shall:

(1) Maintain quality assurance practices in the manufacture of the part or product, or the installation of the part into the product;

(2) Subject inspection lots to such testing as may be required as a condition of the license issued under §32.14 taking a random sample of the size required by the tables in §32.110, and for Lot Tolerance Percent Defective of 5.0 percent, accept or reject inspection lots in accordance with the directions of §32.110; and

(3) Visually inspect each unit except electron tubes containing byproduct material, in inspection lots. Any unit which has an observable physical defect that could affect continued use of the byproduct material shall be considered as a defective unit.

A manufacturer, distributor, or importer licensed under §32.14 shall transfer to other persons for use under §30.15 of this chapter or equivalent regulations of an Agreement State:

(1) Any part or product which has been tested and found defective under the criteria and procedures specified in the license issued under §32.14, unless the defective units have been repaired or reworked and have then met such criteria as may be required as a condition of the license issued under §32.14; or

(2) Any inspection lot which has been rejected as a result of the procedures in §32.110 or alternative procedures in paragraph (b) of this section, unless the defective units have been sorted and removed or have been repaired or reworked and have then met such criteria as may be required as a condition of the license issued under §32.14.

Each person licensed under §32.53 shall take a random sample of the size required by the table in §32.110 for Lot Tolerance Percent Defective of 5.0 percent from each inspection lot, and shall subject each unit in the sample to the following tests:

(1) Each device shall be immersed in 30 inches of water for 24 hours and shall show no visible evidence of water entry. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water. Absolute pressure shall then be increased to normal atmospheric pressure. Any device which leaks as evidenced by bubbles emanating from within the device, or water entering the device, shall be considered as a defective unit.

(2) The immersion test water from the preceding test in paragraph (b)(1) of this section shall be measured for tritium or promethium 147 content of an apparatus that has been calibrated to measure tritium or promethium 147, as appropriate, if more than 0.1 percent of the original amount of tritium or promethium 147 in any device is found to have leaked into the immersion test water, the leaking device shall be considered as a defective unit.

(3) The levels of radiation from each device containing promethium 147 shall be measured. Any device which has a radiation level in excess of 0.5 millirad per hour at 10 centimeters from any outer surface when measured through 50 milligrams per square centimeter of absorber, shall be considered as a defective unit.

An application for a license or for amendment of a license may include a description of procedures proposed as alternatives to those prescribed by paragraph (b) of this section, and proposed criteria for acceptance under those procedures. The Commission will approve the proposed alternative procedures if the applicant demonstrates that:

(1) They will consider defective any sampled device which has a leakage rate exceeding 0.1 percent of the original quantity of tritium of promethium 147 in any 24-hour period; and

(2) The water activity curve or confidence interval estimate for the alternative procedures is equivalent to a Lot Tolerance Percent Defective of 5.0 percent at the consumer's risk of 0.10.

Any luminous safety device which has been tested and found defective

FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974
under the criteria and procedures specified in this section, unless the defective units have been repaired or reworked and have then met the tests set out in paragraph (b) of this section; or
(2) Any inspection lot which has been rejected as a result of the procedures in §32.110 or alternative procedures in paragraph (c) of this section, unless the defective units have been sorted and removed or have been repaired or reworked and have then met the tests set out in paragraph (b) of this section.

4. In §32.63 of 10 CFR Part 32, the section heading, and paragraphs (c), (d), and (e) are amended to read as follows:

§32.63 Same: quality assurance; prohibition of transfer.

Ice detection devices containing strontium 90 which are manufactured or imported under a license pursuant to §32.61 shall be subjected to the following procedures:

(c) Each person licensed under §32.61 takes a random sample of the size required by the table in §32.110 for Lot Tolerance Percent Defective 0.5 percent from each inspection lot, and shall subject each unit in the sample to the following tests:

(1) Each device shall be immersed in 30 inches of water for 24 hours and shall show no visible evidence of physical contact between the water and the strontium 90. Absolute pressure of the air above the water shall then be reduced to normal atmospheric pressure. Any device which leaks, as evidenced by visible transfer.

(2) An incoming test from the preceding test in paragraph (c) (1) of this section shall be measured for radioactivity. If the amount of radioactive material in the incoming test water is greater than 0.1 percent of the original amount of strontium 90 in any device, the device shall be considered a defective unit.

(3) An application for a license or for amendment of a license may include a description of procedures proposed as alternatives to those prescribed by paragraph (c) of this section, and proposed criteria for acceptance under those procedures. The Commission will approve the proposed alternative procedures if the applicant demonstrates that:

(1) They will consider defective any sampled device which has a leakage rate exceeding 0.1 percent of the original quantity of strontium 90 in any 24-hour period; and

(2) The operating characteristic curve or confidence interval estimate for the alternative procedures provides a Lot Tolerance Percent Defective of 5.0 percent at the consumer's risk of 0.10.

(e) No person licensed under §32.61 shall transfer to persons generally licensed under §32.10 of this chapter:

(3) Lot Tolerance Percent Defective 2.0 percent:

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(4) Lot Tolerance Percent Defective 3.0 percent:

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(6) Lot Tolerance Percent Defective 5.0 percent:

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(7) Lot Tolerance Percent Defective 6.0 percent:

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(11) Lot Tolerance Percent Defective 10.0 percent:

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Effective date: These amendments become effective on July 22, 1974.
PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIAL UNDER CERTAIN CONDITIONS

Broadening of General License Conditions

In the revised Memorandum of Understanding between the Atomic Energy Commission and the Department of Transportation dated March 22, 1973, the Commission agreed to evaluate package designs for fissile material and Type 35 and large quantities of radioactive material, and if found satisfactory, to issue approvals directly to the persons requesting the evaluation. The Department of Transportation in its regulations has the use of such AEC-approved packages by any person, without the need for a DOT Special Permit, provided the packages meet certain specified requirements.

The purpose of the amendments which follow is to authorize persons holding a general or specific AEC license to use, under a general license, package designs for which a certificate-of-compliance or other approval has been issued by the Commission's Directorate of Licensing. A certificate of compliance would be the form by which a package approval would be issued to persons, such as Agreement State licensees, for whom AEC does not issue licenses or license amendments. This change will eliminate duplicate applications for package approvals and issuance of duplicate package approvals to licensees authorized to use designs which are evaluated pursuant to the Memorandum of Understanding between the Atomic Energy Commission and the Department of Transportation without affecting safety in the use of the package.

The general license does not authorize the receipt, possession, or use of by-product, source or special nuclear material; such authorization must be obtained pursuant to the appropriate regulations (10 CFR Parts 30 to 36, 40 or 70). The general license also does not authorize the transportation of licensed material. Transportation by private, common, or contract carriers is subject to the requirements of the Department of Transportation (19 CFR Parts 170 to 179 and 397; 14 CFR Part 103; 46 CFR Part 146) either directly or through requirements in AEC or state regulations.

Since the amendments set forth below relate solely to minor procedural matters, good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary. Since the amendments grant relief from restrictions under regulations currently in effect, they will become effective without the customary notice and comment procedures.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 71, are published as a document subject to codification.

1. The section heading and paragraph (d) of §71.12 are amended to read as follows:

§71.12 General license for shipment in DOT specification containers, in packages approved for use by another person, and in packages approved by a foreign national competent authority.

(a) A general license is hereby issued to persons holding a general or specific license issued pursuant to this chapter, to deliver licensed material to a carrier for transport:

(b) In a package for which a license, certificate of compliance or other approval has been issued by the Commission’s Directorate of Licensing, provided that:

1. The person using a package pursuant to the general license provided by this paragraph:

(i) Has a copy of the specific license, certificate of compliance, or other approval, as applicable, and the applicable requirements of this part; and

(ii) Prior to first use of the package submits in writing to the Director of Licensing, his name and license number, the name and license or certificate number of the person to whom the package approval has been issued, and the package identification number specified in the package approval.

2. The package approval authorities use of the package under general license provided in this paragraph:

3. §71.25 Additional information.

The Commission may at any time require further information in order to enable it to determine whether a license, certificate of compliance, or other approval should be granted, denied, modified, suspended, or revoked.

Effective date. This amendment becomes effective on June 20, 1974.

Dated at Bethesda, Md., this 4th day of June, 1974.

For the Atomic Energy Commission.

L. MANNING MUNZING, Director of Regulation.
Most summer fill programs have, in the past, included "price protection" against price reductions during the period of the program. The FEO has concluded that such price protection, where previously offered, must be maintained as essential to insuring that the objectives of summer fill programs are achieved and because no disruption of prices is involved. Unless protection against price reductions is provided, a purchaser would be discouraged from taking part in a summer fill program because if prices decrease during the period of the program, the purchaser would have a higher average unit cost of product in inventory at the end of the program than the current cost for the product, and would therefore be at a disadvantage in seeking to sell the product at competitive prices. Further, the maintenance of protection against price decreases does not pose any undue problems under the FEO price regulations. Thus, to the extent such price protection was available under base period summer fill programs and implemented cur- rently, even if it was not actually implemented in the base period because price reductions did not occur. The fact that price protection against reductions in price was provided is itself a significant fact, since, as noted above, it serves as an incentive to utilize summer fill terms.

As some questions were raised as to the proper application of FEO price regulations under price provisions of summer fill programs, it is appropriate here to indicate how those regulations should be applied.

In the case of a refiner which makes deliveries of product under a summer fill program, invoices for such product should be provided to indicate the refiner's lawful price for that product to the purchaser for that month, and the refiner should compute its recoupment of increased product costs for that month based on the invoice price. If, in the subsequent month, a refiner's lawful price for that product to that purchaser is less than in the preceding month, the refiner should adjust the preceding month's price to that of the current month and, at the same time, add to its unrecouped increased product costs, available for application to its May 15, 1973 selling price in computing its current month's base price, an amount equal to the volume of the product sold in the preceding month multiplied by the difference in lawful price between the current month and the preceding month. The same procedure should be followed by the refiner each month. In any month where the lawful price is less than the lawful price in a preceding month (or the lawful price as previously adjusted to take into account a price reduction, as described above) a further adjustment to recoup the prices for the preceding month or months to the current month's prices, and to ad-

just for unrecouped increased product costs must be made.

With respect to a reseller that purchases product under a summer fill program, it must compute its current weighted average unit cost on the basis of the invoices it receives with each delivery of product. If a purchaser receives an invoice in a subsequent month at a lower price than in a preceding month of a summer fill program under which it has protection against price reductions, it must make an adjustment to its inventory costs when it computes weighted average unit cost of the product in inventory for the current month, to take into account the price reduction it received for the prior month.

To do so, the purchaser must deduct from the total cost of its inventory an amount equal to the number of gallons received in the prior month at a higher price multiplied by the difference between the prior month's price and the current month's price. This is to remove from the purchaser's cost of inventory the higher prices previously paid but which will not ultimately need to be paid because of protection against price reductions.

FEO price regulations eliminate one aspect of summer fill programs which was formerly a factor—the purchaser's opportunity for taking an additional mark-up on summer-fill supplies as prices rise during the heating season. One refiner stated that this was sufficient incentive for summer purchases, even absent a summer fill program, and one association of jobbers stated that the reseller rules should be modified to permit such additional mark-ups. FEO has concluded that its current price regulations covering pass through of increased product cost by resellers should not be modified, and, accordingly, the opportunity for additional mark-up is not available and does not serve as an incentive to use storage capacity.

In addition to the relationship between allocation volumes and the availability of summer fill terms, FEO noted in its proposal to amend the regulations that summer fill programs appeared to be important to attaining the objectives of the Emergency Petroleum Allocation Act of 1973, in that they ensure that existing storage capacity for heating oil is fully utilized and that wholesale purchasers had constructed storage capacity in reliance on the availability of such programs.

The comments received by FEO support the fact that the availability of summer fill programs is important to meeting the objectives of the Act.

The comments confirmed that availability of summer fill programs added to the nation's overall supply by fully utilizing that capacity, both of jobbers and terminal operators, and of consumers.

The comments further pointed out that the maintenance of summer fill programs was necessary to preserve the bi-
RULES AND REGULATIONS

of Federal Regulations is amended as set forth below, effective May 1, 1974. 

Issued in Washington, D.C., on June 17, 1974.

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

Section 210.62(a) is amended to read as follows:


(a) Suppliers will deal with purchasers of an allocated product according to normal business practices in effect during the base period specified in Part 211 for that allocated product, and no supplier may modify any normal business practice so as to result in the circumvention of any provision of this chapter. "Summer fill" programs and other "dating" or seasonal credit programs are among the normal business practices which must be maintained by a supplier under this paragraph, if such programs are in effect during the base period. Credit terms other than those associated with seasonal credit programs are included as a part of the base period (for seasonal credit), or on May 16, 1973 (for other credit terms). However, no supplier may require or impose more stringent credit terms or payment schedules on purchasers than those in effect for that class of purchaser during the base period for summer fill, or on May 15, 1973 (for other credit terms).

* * * * *

[FR Doc.74-14153 Filed 6-17-74; 2:59 pm]

[Calling 1974-19]

APPENDIX—FEDO RULINGS

Competitive Bids; Supplier/Purchaser Relationship

Facts: County A, located in State B, historically solicited competitive bids from fuel suppliers for middle distillate which it uses for heating fuel. State B's laws and County A's ordinances required County A to procure such supplies by soliciting competitive bids. For the year 1972, Firm C was the successful bidder to supply County A's requirement of middle distillate. Firm D was the low bidder for 1973 and 1974. County A purchased in excess of 84,000 gallons of middle distillate in 1972.

County X, also located in State B, has historically solicited competitive bids from fuel suppliers for middle distillate which it uses for heating fuel. County X's ordinances also require County X to procure such supplies by soliciting competitive bids.

For the year 1972, Firm Y was the successful bidder to supply County X's requirements of middle distillate. Firm Z was the low bidder for 1973 and 1974. County X has never purchased more than 75,000 gallons of middle distillate in any calendar year subsequent to 1972.

Issues: (1) Is Firm D or Firm C the middle distillate supplier of County A under the Mandatory Petroleum Allocation Program? (2) Is Firm Y or Firm Z the middle distillate supplier of County X under the Mandatory Petroleum Allocation Program?

Ruling: The mandatory allocation regulations in 10 CFR Part 211, provide no exemption for Federal, State or local governments. Therefore, County A, County X, and State B are fully subject to all the provisions of that Part. The competitive bid requirements of the laws and ordinances of State B, County A, and County X are superseded to the extent they are inconsistent with the allocation regulations.

Since County A and County X are ultimate consumers of middle distillate, the supplier/purchaser relationship imposed by the allocation regulations will depend either on the end-users or the ultimate supplier of wholesale purchaser-consumers.

County A as a wholesale purchaser-consumer. County A is a wholesale purchaser-consumer since it is an ultimate consumer.

* * * which as part of its normal business practices, purchases or obtains an allocated product from a supplier and receives delivery of that product into a storage tank substantially under * * * (lbs) control at a fixed location and * * * purchased or obtained more than 84,000 gallons of that allocated product in any calendar year subsequent to 1971. (§211.51.)

Since County A is a wholesale purchaser-consumer its supplier/purchaser relationship will be determined by reference to §211.4(a) which provides that a wholesale purchaser-consumers shall be supplied by their base period suppliers. The base period for middle distillate is the month of 1972.

Consequently, Firm C will be County A's supplier for 1974 and for the duration of the Mandatory Petroleum Allocation Program unless otherwise provided by FEO's regulations or directed by FEO "* * * and may not be revised or otherwise terminated except that such relationship may be terminated by the mutual consent of both parties." Consequently, Firm C will be County A's supplier for 1974 and for the duration of the Mandatory Petroleum Allocation Program, unless FEO assigns County A a different supplier pursuant to §211.12(e).

Section 211.12(e)(1) provides that wholesale purchaser-consumers without

FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974
a base period supplier or a new supplier as provided in § 211.10(e) (1) can make mutually acceptable arrangements with other suppliers subject to FEO approval. Since County A has a base period supplier (Firm C), it cannot make a mutually acceptable arrangement with a supplier pursuant to § 211.12(e).

Section 211.12(e) (3) provides in part that FEO may assign a supplier to a wholesale purchaser-consumer whose base period supplier is unable to supply it with sufficient amounts of an allocated product. This provision may not be used in circumstances where the base period supplier is able to supply sufficient quantities of product even if the wholesale purchaser-consumer would like to pay or higher prices than another supplier might charge.

In those circumstances where FEO considers an assignment pursuant to § 211.12(e) (1) or (3) FEO will take into account such factors as the supplier's allocation status, the allocation of others which could supply the wholesale purchaser-consumer, and whether an assignment will affect the competitive balance of an independent marketer or independent refiner or would be otherwise inconsistent with the objectives of the Emergency Petroleum Allocation Act of 1973. The fact that a wholesale purchaser-consumer is a governmental entity required by State and local law to procure supplies at the lowest price will not be a controlling factor in assigning a new supplier to a wholesale purchaser-consumer without a base period supplier. The regulations are intended to be applied equitably such that the burden of fuel shortages will be born without regard to whether a governmental agency or a private citizen is involved.

County X, of course, is free to procure supplies from any supplier which certifies that it has excess product to distribute and that it has complied with the provisions of § 211.10(g) of FEO's regulations. Thus, County A on a month-to-month basis may utilize its supplies from such suppliers. However, FEO cautions that County A will not know from month-to-month which suppliers will be secure in such certification. Further, County A will not be able to anticipate whether such suppliers' prices will be higher than or lower than Firm C's.

County X as an end-user. Unlike County A, County X is an end-user rather than a wholesale purchaser-consumer since it has not purchased or obtained more than 82,000 gallons of motor fuel in any calendar year since 1971.

An end-user is " * * * any firm which is the ultimate consumer of an allocated product other than a wholesale purchaser-consumer." (§ 211.51)

Since County X is an end-user, its supplier/purchaser relationships are specified by § 211.9(b) which provides as follows:

Each supplier of an allocated product shall, to the extent practicable, supply all end-users which purchased an allocation product from that supplier as of January 15, 1974, and which did not bid for an allocation level under the provisions of Subparts D through K of this part.

As an end-user, County X may apply as a new end-user to another supplier if the provider's assigned area includes the new provider's assigned area. The end-user is entitled to supply the new supplier to a wholesale purchaser-consumer without a base period supplier or a new supplier to a wholesale purchaser-consumer. The end-user supplies shall be on a basis which provides as follows:

(1) Suppliers to the maximum extent possible shall accept new end-users where such purchaser, under normal business practices, could logically have been served by the supplier in accordance with its base period business practices. Suppliers shall allocate to new end-users in a manner consistent with the allocation methods set forth in this chapter.

(2) If the supplier and new end-user cannot agree on an allocation requirement for the end-user or if the end-user cannot locate a supplier, the end-user may apply to the appropriate State office in accordance with the procedure specified in Subpart J of Part 205 of this chapter. In this event, the new end-user shall certify to the FEO that it has excess product to distribute and that it has complied with the appropriate State office in accordance with the procedure specified in Subpart J of Part 205 of this chapter.

County X may therefore solicit bids from suppliers of middle distillate such as Firm Z, and Firm Z could under FEO's regulations supply County X.

APPENDIX—FEO RULINGS

Additional Use of a Property Used in the Retailing of Gasoline

Facts. Firm A, a refiner, owns property that on May 15, 1973 was leased to a retailer and utilized exclusively for the retail marketing of gasoline. The lease has expired and Firm A wants to lease the site for use in the retailing of gasoline, and to add a retail convenience store on the site that was covered by the prior lease. The current use of the site will involve substantial additional costs to Firm A for the construction of an additional building within the boundaries described in the prior lease.

Issue. What rental limitations are applicable to a new lease of the property, after the convenience store has been added?

Ruling. A new lease agreement is subject to Subpart G (Lessees) of Part 212, which, pursuant to § 212.101, applies to "each leased real property used in the retailing of gasoline or the fueling of vehicles. Each lessee and lessor are refiners, resellers, lessors, re-sellers-retailers, or retailers * * *"); and which provides in § 212.103 that the rent for such a property may not be increased to an amount in excess of the base rent. Base rent is defined in § 212.102 as "the contractual terms prevailing on May 15, 1973."

However, in the case of Firm A, where a property is substantially altered to provide for a substantially additional and different use, the resulting property may be properly treated under the "new item" rule of § 212.111(a), since a parcel of real property which has been substantially altered so as to add a convenience store outlet in the manner described for Firm A is not "in the same or substantially the same geographic area." FEO will therefore determine the base rent for that real property as the average rent charged on May 15, 1973, for the most nearly similar real property used in the retailing of gasoline which is substantially different in purpose (and function) from Firm A's original property.

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN ASSOCIATIONS

§ 1244—OPERATIONS

Issuance of Negotiable Certificates of Deposit by Federal Savings and Loan Associations

JUNE 12, 1974.

The Federal Home Loan Bank Board, by Resolution No. 74-38, dated January 30, 1974, proposed certain sections of Parts 545 and 549 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 545, 549) for the purpose of authorizing deposit-type Federal associations to issue certain negotiable certificates of deposit. By a companion Resolution No. 74-60, dated January 30, 1974, the Board proposed collateral amendments to the Rules and Regulations for Insurance of Accounts (12 CFR Chapter V, Subchapter D) relating to State-chartered institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation. Said Resolution No. 74-50 and said Resolution No. 74-60, respectively, were published as FR Doc. 74-1298 on page 549, respectively, beginning on page 549 in the Friday, March 30, 1974, issue of the Federal Register (39 FR 11562 et seq.), with an invitation for interested persons to submit written comments by April 30, 1974.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Federal Home Loan Bank Board hereby...
amends Part 545 by adding a new § 545.1-5, immediately after § 545.1-4 thereof, to read as follows:

§ 545.1-5 (b) (12 CFR 545.1-5 (b); percentage limitation on certificate accounts; 12 CFR 563.25 (percentage limitation on brokered savings accounts).

3. The proposed amendments would have added a new sentence to the end of § 545.1-5 (h) so as to provide that any certificate which is a deposit association other than a State-chartered insured institution has membership and voting rights. The final regulations set forth below provide that it shall not be less than the maximum term or otherwise be subject to redemption, repurchase, or acceleration if the certificate so states and such a certificate is registered as to principal.

The proposed amendments would have added a new § 545.1-5 (f) so as to provide that if a certificate is issued by a deposit association other than a State-chartered insured institution has membership and voting rights, that such acceptance or such issuance is accompanied by any contract or agreement for extension or renewal of such deposit or such certificate, where the certificate is registered as to principal.

The proposed amendments would have added a new § 545.1-5 (e) so as to provide that if a certificate is issued by a deposit association other than a State-chartered insured institution has membership and voting rights, the certificate must contain a statement to such effect.

The proposed amendments would have added a new § 545.1-5 (d) so as to provide that if a certificate is issued by a deposit association other than a State-chartered insured institution has membership and voting rights, the certificate must contain a statement to such effect.

The proposed amendments would have added a new § 545.1-5 (c) so as to provide that if a certificate is issued by a deposit association other than a State-chartered insured institution has membership and voting rights, the certificate must contain a statement to such effect.

The proposed amendments would have added a new § 545.1-5 (b) so as to provide that if a certificate is issued by a deposit association other than a State-chartered insured institution has membership and voting rights, the certificate must contain a statement to such effect.

4. The proposed amendments would have added a new § 545.1-5 (b) so as to provide that if a certificate is issued by a deposit association other than a State-chartered insured institution has membership and voting rights, the certificate must contain a statement to such effect.

The proposed amendments would have added a new § 545.1-5 (a) so as to provide that if a certificate is issued by a deposit association other than a State-chartered insured institution has membership and voting rights, the certificate must contain a statement to such effect.

The proposed amendments would have added a new § 545.1-5 (g) so as to provide that if a certificate is issued by a deposit association other than a State-chartered insured institution has membership and voting rights, the certificate must contain a statement to such effect.

The proposed amendments would have added a new § 545.1-5 (f) so as to provide that if a certificate is issued by a deposit association other than a State-chartered insured institution has membership and voting rights, the certificate must contain a statement to such effect.

The proposed amendments would have added a new § 545.1-5 (e) so as to provide that if a certificate is issued by a deposit association other than a State-chartered insured institution has membership and voting rights, the certificate must contain a statement to such effect.

The proposed amendments would have added a new § 545.1-5 (d) so as to provide that if a certificate is issued by a deposit association other than a State-chartered insured institution has membership and voting rights, the certificate must contain a statement to such effect.

The proposed amendments would have added a new § 545.1-5 (c) so as to provide that if a certificate is issued by a deposit association other than a State-chartered insured institution has membership and voting rights, the certificate must contain a statement to such effect.
tension and as to such renewal shall not be deemed to be in noncompliance with this paragraph.

(a) Required provisions. Each certificate under this section shall include in its provisions the following:

(1) The face amount of the certificate and the date borne by the certificate;
(2) The date on which the certificate is payable, which may be expressed as a date or by a provision that in the certificate is payable a specified period after a named or specified fixed date;
(3) To the extent that interest is not represented by discount or evidenced by a coupon or comparable rate of interest and the date or dates, or the frequency, of payment of interest;
(4) A statement that no interest shall accrue on or be credited to the certificate or any savings account evidenced by the certificate for any time after the expiration of the fixed term of the certificate; and
(5) If the holder of the certificate has membership and voting rights, a statement in accordance with paragraph (h) of this section.

(b) Form. (1) A certificate under this section shall be in writing in (a) a form that would be a negotiable instrument (other than a draft or check) within the terms of Article 3 of the 1972 Official Text of the Uniform Commercial Code (which text is hereinafter referred to as the Uniform Commercial Code) or (b) a form that would be so except that such writing is not payable to order or to bearer within the meaning of the term "negotiable or transferable order or authorization" as used in section 3-104 of said Article 3 but is issued in registered form within the meaning of the term "registered form" as used in section 3-102 of the Uniform Commercial Code or in a form that would be such a registered form except that as to interest thereon or part of such interest it is not in such registered form.

(2) A certificate shall not be deemed to be in noncompliance with paragraph (a) of this section because it is, by its terms or otherwise, interchangeable as between denominations and/or between some or all of the order, bearer, registered, and/or part registered forms permitted by said paragraph (a) or refers to any such interchangeability, or because of the inclusion in the certificate of anything which, by this part, is expressly permitted to be included therein or which, by this part or other applicable regulation or by applicable statute, is required to be included therein.

(c) Subject to the provisions of this section, a certificate under this section shall be in such form as is determined by the board of directors of the association.

(d) Transfer or withdrawal. A savings deposit evidenced by a certificate as set forth in this section shall not be subject to check or to withdrawal or transfer on negotiable or transferable order or authorization to the association, but indorsement of such certificate which is physically on such certificate (including any allonge), whether such indorsement is in the certificate or on the certificate, shall not, so far as such indorsement relates to such certificate or part thereof or to not more of such savings deposit than is evidenced by such certificate, be deemed to be such a check or negotiable or transferable order or authorization, and such indorsement is hereby permitted.

(e) Ancillary provisions. (1) The term "savings accounts" as used in paragraph (b) of this section shall be deemed to be in registered form if it is in a form which is a registered form within the meaning of the term "registered form" as used in said section 3-102 of the Uniform Commercial Code or in a form that would be such a registered form except that as to such interest it is not such a registered form.

(2) Nothing in this section shall prevent holders referred to in paragraph (b) of this section from being insured members within the meaning of title IV of the National Housing Act or regulations relating to insurance under said title.

(f) Filing. Prior to issuing a certificate under this section, an association shall file with the Federal Savings and Loan Insurance Corporation a copy of the form of certificate which it proposes to issue, together with an opinion of its legal counsel that the form of the certificate complies with the requirements of applicable law and regulations and the association's charter. Such filing shall be made by delivering a copy of such form and opinion to a Supervisory Agent, the President or any other officer or employee of the Federal Home Loan Bank of the district in which the home office of the association is located who is designated as an agent of the Federal Savings and Loan Insurance Corporation by or under § 501.10 or § 501.11 of this chapter and an additional copy to the Director, Office of Industry Development, 30 Indiana Avenue, NW., Washington, D.C. 20552. The association shall refrain from issuing such certificate for the shorter period of 30 days from the date such certificate was filed with the Federal Savings and Loan Insurance Corporation in accordance with the provisions of this paragraph or the date such association receives appropriate written advice that such association has no objection to the use of such form by such association.

(g) Relationship to other provisions. (1) The provisions of § 545.3, § 545.4, § 545.4-1, and § 545.4-2 shall not be applicable to or with respect to a savings deposit which is in conformity with this section, except that the period referred to in paragraph (d) of this section shall be deemed to commence on the date of the expiration of the fixed term of such deposit.

(2) The provisions of § 545.7 shall be applicable to a savings deposit which is in conformity with this section, except that the provisions of this section shall not be applicable in the same manner and to the same extent as provided in paragraph (e) of this section.

(3) The provisions of § 545.7 shall be applicable with respect to a savings deposit which is in conformity with this section, and for purposes of this section shall be applicable in the same manner and to the same extent as provided in paragraph (e) of this section.

(4) Acceptance of savings deposits under any one of §§ 545.1-2, § 545.1-4, and § 545.1-5 shall not debar a Federal association from concurrently accepting savings deposits under the authority of either or both of the other two of said sections.

(5) The payment of a savings deposit which is in conformity with the provisions of this section shall not be subject to any right of the association to require advance notice.

(6) Acceptance of savings deposits under any one of §§ 545.1-2, § 545.1-4, and § 545.1-5 shall not debar a Federal association from concurrently accepting savings deposits under the authority of either or both of the other two of said sections.

(7) The payment of a savings deposit which is in conformity with the provisions of this section shall not be subject to any right of the association to require advance notice.

(8) Acceptance of savings deposits under any one of §§ 545.1-2, § 545.1-4, and § 545.1-5 shall not debar a Federal association from concurrently accepting savings deposits under the authority of either or both of the other two of said sections.

(9) The payment of a savings deposit which is in conformity with the provisions of this section shall not be subject to any right of the association to require advance notice.

(10) Acceptance of savings deposits under any one of §§ 545.1-2, § 545.1-4, and § 545.1-5 shall not debar a Federal association from concurrently accepting savings deposits under the authority of either or both of the other two of said sections.

(11) The payment of a savings deposit which is in conformity with the provisions of this section shall not be subject to any right of the association to require advance notice.

(12) Acceptance of savings deposits under any one of §§ 545.1-2, § 545.1-4, and § 545.1-5 shall not debar a Federal association from concurrently accepting savings deposits under the authority of either or both of the other two of said sections.

(13) The payment of a savings deposit which is in conformity with the provisions of this section shall not be subject to any right of the association to require advance notice.

(14) Acceptance of savings deposits under any one of §§ 545.1-2, § 545.1-4, and § 545.1-5 shall not debar a Federal association from concurrently accepting savings deposits under the authority of either or both of the other two of said sections.

(15) The payment of a savings deposit which is in conformity with the provisions of this section shall not be subject to any right of the association to require advance notice.

(16) Acceptance of savings deposits under any one of §§ 545.1-2, § 545.1-4, and § 545.1-5 shall not debar a Federal association from concurrently accepting savings deposits under the authority of either or both of the other two of said sections.

(17) The payment of a savings deposit which is in conformity with the provisions of this section shall not be subject to any right of the association to require advance notice.
PART 563—OPERATIONS

Loans in Excess of 90 Percent of Value

June 5, 1974.

The Federal Home Loan Bank Board, by Resolution No. 74-202, dated March 19, 1974, proposed an amendment to Part 563 of the rules and regulations for Insured Savings Institutions, as CFR 563 by adding a new § 563.9-7, which would require insured institutions making single-family-dwelling loans exceeding 90 percent of value either to establish a special reserve or to secure private mortgage insurance of a specified amount from an insurer approved by the Federal Home Loan Mortgage Corporation. Notice of such proposed rulemaking was duly published in the Federal Register on March 27, 1974, with an invitation for interested persons to submit written comments by April 30, 1974. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the amendment with the change discussed herein.

§ 563.9-7 Loans in excess of 90 percent of value.

(a) An insured institution which is authorized to make loans, other than insured loans or guaranteed loans, on the security of "single-family dwellings" (as defined in § 561.20 of this chapter) in excess of 90 percent of value of such real estate may do so only if:

(1) The association establishes and maintains a specific reserve with respect to such loan equal to one percent of the unpaid principal balance thereof until the unpaid principal balance has been reduced to an amount not in excess of 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made; or

(2) As long as the unpaid balance of such a loan is in excess of an amount equal to 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made, insured institutions "will provide adequate reserves satisfactory to the Corporation, to be established in accordance with regulations made by the Corporation . . ." Under this statutory authority, the Board is empowered to determine that investments by insured institutions in the higher-risk, non-equity single-family-dwelling-loan category should be protected by means of a special reserve or approved insurance coverage which in the Board's view will serve as an adequate substitute for such a reserve.

The Board therefore is incorporating the provisions of § 545.6-1(a) (5) (iv) for Federal associations into the regulations for insured institutions in Part 563.

The amendment adopted by the Board modifies the language set forth in the proposal to require only insured and guaranteed loans, as defined in §§ 561.20 and 561.21, respectively (12 CFR 561.20 and 561.21), are excluded from the requirement to establish a special reserve or to secure approved private mortgage insurance.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 563 by adding thereto a new § 563.9-7 to read as set forth below, effective July 22, 1974.

PART 564—SETTLEMENT OF INSURANCE

Approval of Issuance of Negotiable Fixed-Rate, Fixed-Term Accounts by State-Chartered Insured Institutions

June 12, 1974.

The Federal Home Loan Bank Board, by Resolution No. 74-59, dated January 30, 1974, proposed to amend various sections of Parts 563 and 564 of the rules and regulations for Insurance of Accounts (12 CFR Parts 563, 564) for the purpose of approving the issuance of certain negotiable fixed-rate, fixed-term accounts by State-chartered insured institutions which are authorized to do so under state law. By a companion Resolution No. 74-59, dated January 30, 1974, the Board proposed collateral amendments to the Rules and Regulations for the Federal Savings and Loan System (12 CFR Chapter V, Subchapter C) relating to deposit-type Federal savings and loan associations. Said Resolution No. 74-59 and said Resolution No. 74-60, respectively, were published as FR Docs. 74-7335 and 74-7336, respectively, beginning on page 11562 in the Friday, March 29, 1974, issue of the Federal Register.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Federal Home Loan Bank Board hereby amends said Parts 563 and 564 as set forth below, effective June 20, 1974.

Since the final regulations set forth below relieve restrictions, and since the Board finds that due to current market conditions the public interest requires that institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation be permitted to issue negotiable certificates of deposit as soon as possible, publication of said regulations for the 30-day period specified in 12 CFR 611.44 and U.S.C. 1725, as amended, to the effective date of said regulations is unnecessary and the Board hereby provides that said regulations shall become effective as herebefore provided.

The proposed amendments and the final regulations set forth below provide in part that a certificate issued pursuant to new § 563-3-5: (1) shall be in a minimum principal amount of $100,000; (2) shall have a term of not less than 30 days and not more than 10 years, and may provide for payment of interest in whole or in part by coupon.

The final regulations set forth below and set forth in the final amendments to the rules and regulations for the Federal Savings and Loan System, relating to Federal savings and loan associations, differ with the proposed amendments in the following principal respects:

1. The proposed amendments would have characterized the new certificates as "negotiable". The final regulations use the more neutral word "marketable" in the headings of new §§ 545.1-5 and 563.3-5 and otherwise refer to such certificates by authorizing section. These changes are advisable to qualify certificates which meet all the requirements of these sections and are "marketable", but which in some cases will not necessarily be "negotiable instruments". However, it is expected that in most instances the certificates issued under these sections will be "negotiable instruments".

2. The proposed amendments would not have authorized the issuance of certificates at a discount from their prin-
cial amounts (i.e., face amounts). The final regulations permit such discounts and provide in substance that the principal amount of the certificate determines whether it meets the $100,000 requirement. For example, the $100,000 requirement is met by a certificate having the principal amount of $100,000 which is issued on a discount basis for a cash payment of $98,000. If a certificate is issued at a discount, likewise, the full principal amount must be included in determining compliance with the provisions of § 526.5-1(b) (12 CFR 526.5-1 (b); percentage limitation on certificate amounts of $100,000 or more) and § 563.25 (12 CFR 563.25; percentage limitation on brokered savings accounts).

3. The proposed amendments would have permitted an issuer to use a form of certificate as soon as such issuer submits to the Federal Savings and Loan Insurance Corporation a copy of such form and an opinion of its counsel. The final regulations require the issuer to wait the shorter period of either 30 days after the form and counsel opinion have been submitted to such Corporation or until the issuer receives written advice that such Corporation has no objection to the use of such form.

4. The proposed § 545.1-5(c) as to Federal associations would have permitted the issuing association to determine whether the holders of the certificates are members and have voting rights. The final regulation § 545.1-5(c) as to Federal associations provides that holders of the certificates will be members and have voting rights only if such certificates are state and such certificates are registered as to principal. The proposed § 563.3-3 and final regulation § 563.3-3 as to State-chartered institutions provide in substance that membership and voting rights are matters to be governed by applicable State laws. If a holder of a certificate in either a Federal association or a State-chartered insured institution has membership and/or voting rights, the certificate must contain a statement to such effect.

5. The proposed amendments would have amended the following sections and added a new § 564.13: §§ 545.2, 545.4-1, 549.5-2, 563.3-1, 563.3-2, 563.7-3 and 563.17-1. The principal purpose of the proposed changes was to conform these sections to the provisions of the proposed new §§ 545.1-5 and 563.3-3. The final regulations have been written in a way that eliminates the need for changing the above-mentioned sections.

6. The proposed amendments to said Part 564 would have added a new section H to the Appendix following said Part 564 for the purpose of giving an example relating to a negotiable certificate. After further consideration, such an example seems superfluous since insurability, and the amount of insurance on a particular account, is not dependent on negotiability or non-negotiability. Therefore, the final regulations eliminate such new section H and the illustration therein.

Accordingly:

1. Part 563 is amended by adding a new § 563.3-3, immediately after § 563.3-2, to read as follows:

§ 563.3-3 Marketable fixed-rate, fixed-term accounts.

(a) General. Approval by the Corporation as hereinafter set forth in this section is hereby given to the acceptance by a corporation other than a Federal savings and loan association, notwithstanding and without regard to any provision of this part other than this section, of savings accounts for fixed terms and bearing fixed returns which are evidenced by certificates in conformity with this section. Such savings accounts and such certificates are hereby approved for the Corporation, (as referred to in subdivision (c) of section 401 of the National Housing Act) and form, return, and maturity (as referred to in those parts of the third chapter of title 12 of said Act which refer to the form, return, and maturity of securities).

(b) Return. The return shall be fixed at the time of the issuance of the certificate by the form of interest or discount or both. Such return shall not be in excess of any applicable maximum limitation in Part 536 of this chapter.

(c) Terms. (1) A certificate shall have a single fixed maturity, with a fixed term which shall be not less than thirty days and not more than ten years. In the calculation of such minimum or maximum term, such term shall be deemed to begin with the date on which the certificate is issued, which date shall be actual, and to expire on the date on which the certificate becomes payable, which date shall be included. A certificate shall not be deemed to be in noncompliance with this paragraph (c)(1) or any other provision of this section because of any provision of statute, charter, or regulation referred to in the third sentence of paragraph (c) (1) of this section.

(d) Required provisions. Each certificate under this section shall include in its provisions the following:

(1) The face amount of the certificate and the date borne by the certificate.

(2) The date on which the certificate is payable, which may be expressed as a date or by a provision that the certificate is payable a specified period after a named or specified fixed date.

(e) Required provisions. Each certificate under this section shall include in its provisions the following:

(1) The face amount of the certificate and the date borne by the certificate.

(2) The date on which the certificate is payable, which may be expressed as a date or by a provision that the certificate is payable a specified period after a named or specified fixed date.

(f) To the extent that interest is not represented by discount or evidenced by a coupon or coupons, the rate of interest and the date or dates, or the frequency, of payment of interest;

(g) A statement that no interest shall accrue on or be credited to the certificate or any savings account evidenced by the certificate for any time after the expiration of the fixed term of the certificate; and

(h) If the holder of the certificate has membership and/or voting rights, a statement to such effect.

(i) Form. (1) A certificate under this section shall be a writing in (i) a form that would be a negotiable instrument (other than a draft or check) within the terms of Article 3 of the 1970 Official Text of the Uniform Commercial Code (which text is hereinafter in this section referred to as the Uniform Commercial Code) or (ii) a form that would be so excepted that such writing is not payable to order or to bearer within the meaning of the term "payable to order or to bearer" as used in section 3-104 of said Article 3 but is issued in registered form within the meaning of the term "registered form" as used.
In section 8-102 of the Uniform Commercial Code or in a form that would be such a registered form except that as to interest thereon or part of such interest it is not in such registered form. Certificates under this section shall not be incorporated in passbooks. If a certificate under this section is offered or described as a negotiable instrument, it must be in the form of a negotiable instrument, under the law of the State or other jurisdiction in which the principal office of the insured institution is located, together with § 563.1, § 563.2, and § 563.8 and the provisions of subsection (a) of paragraph (c) of § 563.17-1 shall not be applicable to or with respect to any savings account or certificates which are in conformance with § 563.1-1 of this chapter or with this section, and such accounts and certificates shall not be deemed to be owed within the meaning of the second sentence of § 563.8. The provisions of this section shall not be applicable to or with respect to savings accounts or certificates which are in conformance with § 545.1-1 of this chapter or with this section, and such accounts and certificates shall not be deemed to be owed within the meaning of the second sentence of § 563.8.

(2) Neither the accumulation or accrual nor the payment of any amount referred to in paragraph (b) of § 545.1-5 of this chapter or paragraph (b) of this section shall be deemed to violate any provision of § 563.11 or of the first sentence of § 563.14 or to constitute a use of any Federal insurance reserve account contrary to any provision of § 563.11 and such return shall accumulate and accrue and be payable notwithstanding and without regard to any provision of § 563.13.

(3) The provisions of §§ 563.24, 563.25, 563.26, 563.27, 563.31, and 563.32 shall not, by reason of anything in § 545.1-5 of this chapter or in this section, be inapplicable to or with respect to said § 545.1-5 or this section. Nothing in this section shall be deemed to grant approval for the issuance of any security which is a subordinated debt security as defined in this subchapter.

2. Part 564 is amended by revising § 564.1(a) to read as follows:

§ 564.1 Settlement of insurance upon default.

(a) General. In the event of a default by an insured institution, the Corporation will promptly determine, from the records of insured accounts and the books and records of the institution, or otherwise, the insured members thereof and the amount of the insured account or accounts of each such member. The Corporation will give to each insured member shown to be such on the books of the insured institution written notice of the time and place of payment of insurance. By mail at the last known address as shown by the books of the insured institution. If an insured institution has outstanding at the time of default any account or accounts issued pursuant to §§ 545.1-6 of this chapter or issued pursuant to the approval granted by § 563.3-3 of this subchapter, the Corporation shall, promptly after default, publish (in a newspaper printed in the English language and of general circulation in the city, county, or locality in which the principal office of such insured institution is located) a notice to all accounts or certificates that the settlement of insurance under this section or the time and place of payment of insurance.

3. Part 564 is amended by adding a new paragraph (b) (5) to § 564.2, immediately after paragraph (b) (4) of said section, to read as follows:

§ 564.2 General principles applicable in determining insurance of accounts.

(b) Records.

(5) The foregoing provisions of this paragraph (b) shall not be applicable with respect to any account evidenced by a certificate of deposit which was issued pursuant to § 545.1-5 of this chapter or evidenced by a certificate which was issued pursuant to the approval granted by § 563.3-3 of this subchapter. Affirmative proof must be offered in all cases to substantiate a claim by the holder of such an account as to the existence of any relationship upon which a claim for insurance coverage is founded.

By the Federal Home Loan Bank Board.

[SEAL] GROUNI EST. MILLARD, Jr.,
Assistant Secretary.

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Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Picoloram

In response to a food additive petition (FAP 2H5032) submitted jointly by the Montana Department of Agriculture, Helena, MT 59601, and the North Dakota Department of Agriculture, Bismarck, ND 58501, a notice was published by the Environmental Protection Agency in the Federal Register, Volume 36, Number 215, page 56657, proposing establishment of the herbicide picloram (4-amino-5,5,6-trichloropicolinic acid) in flour at 1 part per million and in milled fractions (except for flour) at 0.002 parts per million resulting from application of the herbicide to growing barley and wheat.

No requests for referral to an advisory committee were received. One comment was received from the State of Nebraska, Department of Agriculture, requesting that the proposed tolerances for picloram be extended to cover residues in the same processed foods resulting from the same use pattern in Nebraska. It is concluded that the proposal reflecting this change be adopted. (For a related document, see this issue of the Federal Register, page 21216.)


Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (60 Stat. 237; 21 U.S.C. 301 (d)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), part 121 is amended by adding the following new section to Subpart D:

§ 121.1256 Picloram.

The following interim tolerances are established for residues of the herbicide picloram (4-amino-5,5,6-trichloropicolinic acid) resulting from application of 2,4-D-picolram mixtures to growing barley and wheat during the 1974 growing season in the States of Montana, Nebraska, and North Dakota:

2 parts per million in milled fractions (except flour) of barley and wheat.

1 part per million in flour of barley and wheat.

Any person who will be adversely affected by the foregoing order may at any time on or before July 22, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum, or brief in support thereof.

Effective date. This order shall become effective on June 20, 1974.

(See 400(d), 72 Stat. 1707; 21 U.S.C. 348(d))

Dated: June 14, 1974.

HENRY J. KORP,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 74-14124 Filed 6-19-74; 8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 331—ANTACID PRODUCTS FOR THE OVER-THE-COUNTER (OTC) HUMAN USE

PART 332—ANTIFLATULENT PRODUCTS FOR THE OVER-THE-COUNTER (OTC) HUMAN USE

Final Order for Antacid and Antiflatulent Products Generally Recognized as Safe and Effective and Not Misbranded

Correction

In FR Doc. 74-12666 appearing on page 19862 in the issue of Tuesday, June 4, 1974, make the following corrections:

1. On page 19864 change the second sentence in the fifth paragraph of the third column to read "The Commissioner concurs that an in vitro test should be adopted now and that research should promptly begin on an in vivo test."

2. On page 19874, the last two lines of the first column should read "(e.g., 2 grams per day in antacid products)."

3. The second line of § 331.25 should be changed to read "(NaOH) and hydrochloric acid (HCl)".

4. The third line of the formula appearing in § 331.26(b)(4)(ix) should be changed to read "(NaOH), Total mEq per labeled minimum".

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1208—SCHEDULES OF CONTROLLED SUBSTANCES

Annual Publication

The Comprehensive Drug Abuse Prevention and Control Act of 1970, in section 202(a) (21 U.S.C. 812(a)), requires that the schedules of controlled sub-
stances established by the Act be updated and republished semi-annually for a two-year period beginning one year after the effective date of the Act (October 27, 1970), and thereafter shall be updated and republished annually. Therefore, pursuant to the mandate of section 202(a) of the Act, the Administrator of the Drug Enforcement Administration hereby orders the annual publication of the schedules of controlled substances for 1974.

In updating and republishing the five schedules of control, the Drug Enforcement Administration has become aware of a source of possible confusion which may arise from a reading of 21 CFR 1308.13(c) (38 FR 31310, November 13, 1973). That section, as amended, reads as follows:

§ 1308.13 Schedule III.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

1. Any compound, mixture or preparation containing:
   (1) Amobarbital
   (2) Secobarbital
   (3) Pentobarbital
   or any salt thereof and one or more active medicinal ingredients which are not listed in any schedule.

2. Any suppository dosage form containing:
   (1) Amobarbital
   (2) Secobarbital
   (3) Pentobarbital
   or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.

Effective date. The Administrator regards the above-ordered change in §1308.13(c) (1) and (2) as a change in form only, and does not consider it to be a substantive rule-making change which would necessitate the solicitation and receipt of comments or objections. There being no occasion requiring the solicitation or receipt of such comments or objections, the above-ordered change shall take effect upon publication of this order. This order is effective on June 20, 1974, and operates to the extent of affecting only those sections of Part 1308 listed below, which actually designate schedules and enumerate substances listed therein as being controlled under the Act, and all other sections of Part 1308 remain in full force and effect and are not repealed by virtue of their exclusion from, or the issuing of, this publication.

Dated: June 12, 1974.

John R. Bartels, Jr.,
Administrator,
Drug Enforcement Administration.

Sections 1308.11 through 1308.15 are republished to read as follows:

Schedules

§ 1308.11 Schedule E

(a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which con-
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§ 1308.12 Schedule II.

(a) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Controlled Substances Code Number set forth opposite it.

(b) Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding naloxone hydrochloride, but including the following:

   (i) Raw opium
   (ii) Opium extracts
   (iii) Opiate fluid extracts
   (iv) Powdered opium
   (v) Granulated opium
   (vi) Tincture of opium
   (vii) Apomorphine
   (viii) Codeine
   (ix) Ethylnorphine
   (x) Ethylmorphine hydrochloride
   (xi) Hydrocodone
   (xii) Hydromorphone
   (xiii) Metopon
   (xiv) Morphin
   (xv) Oxycodone
   (xvi) Oxymorphone

(2) Any salt, compound, derivative, or preparation thereof which is chemically identical or equivalent with any of the substances referred to in paragraph (b) of this section, except that these substances shall not include the isocinquoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves (9040) and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include coaled coca leaves or extraction of coca leaves, which extractions do not contain cocaine (9041) or ekgone (9180).

(c) Opiates. Unless specifically excepted or unless listed in another schedule any of the following opiates, including their isomers, esters, ethers, salts and salts of its isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Alphaprodine
(2) Anileridine
(3) Benzedrine
(4) Dihydromorphone
(5) Diphenoxylate
(6) Fenzylline
(7) Jeconoline
(8) Levomentorphan
(9) Mephenesin
(10) Methadone
(11) Methadone-Intermediate, 4-cyano-3-dimethylaminoethyl amphetamine: FMA

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its isomers

(2) Methamphetamine, its salts, optical isomers, and salts of its isomers

(3) Phenmetrazine and its salts

(4) Methylphenidate

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Methaqualone
(2) Amyobarbital
(3) Pentobarbital
(4) Phenobarbital

§ 1308.13 Schedule III.

(a) Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Alphaprodine
(2) Anileridine
(3) Benzedrine
(4) Dihydromorphone-1, 3-dimethylaminoethyl amphetamine: FMA

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RULES AND REGULATIONS

(2) Benzoquinone .......................... 1205
(3) Caffeine .................................. 1454
(4) Gliclazide ................................ 1647
(5) Midazolam ................................. 1665
(6) Neostigmine bromide ..................... 1815

(o) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, orals of such salts, and salts of oral or preparation therefrom, which are not listed in any schedule:

(1) Any compound, mixture, or preparation containing:
   (i) Amobarbital .......................... 2125
   (ii) Secobarbital .......................... 2315
   (iii) Pentobarbital ........................ 2270
   or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.

(2) Any suppository dosage form containing:
   (i) Amobarbital .......................... 2125
   (ii) Secobarbital .......................... 2315
   (iii) Pentobarbital ........................ 2270
   or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.

(3) Any substance which contains a derivative of barbituric acid or any salt thereof

(4) Chloral hydrate .......................... 2550
(5) Glutethimide .............................. 2550
(6) Lysergic acid amide ..................... 7250
(7) Methadone ............................... 7575
(8) Phencyclidine ............................ 7411
(9) Sorfoldehydine ........................... 2698
(10) Sulfoxydine ............................. 2607
(11) Sulfonmethaime ........................ 2610

(d) Nalorphine ............................... 9400

(e) Narcotics drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of one or more of the following nortoic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine per 100 milliliters of any solution, or not more than 90 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts .......................... 9003
(2) Not more than 1.8 grams of codeine per 100 milliliters of any solution, or not more than 90 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts .......................... 9003
(3) Not more than 300 milligrams of dihydrocodeine per 100 milliliters or not more than 18 milligrams per dosage unit, with one or more active nonnarcotic and isouquinoline alkaloid of opium .......................... 9003
(4) Not more than 300 milligrams of dihydrocodeine per 100 milliliters or not more than 18 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts .......................... 9003
(5) Not more than 50 milligrams of dihydrocodeine per 100 milliliters or not more than 30 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts .......................... 9007
(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts .......................... 9008
(7) Not more than 5 milligrams of diphenoxylate per 100 milliliters or not more than 30 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts .......................... 9009
(8) Not more than 90 milligrams of codeine per 100 milliliters or not more than 30 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts .......................... 9010

§ 1308.14 Schedule IV.

(a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substance Code Number set forth opposite it.

(b) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, orals of such salts, and salts of oral or preparation therefrom, which are not listed in any schedule:

(1) Barbital ................................. 2118
(2) Chlordiazepoxide ........................ 2405
(3) Choral hydrate ........................... 2405
(4) Ethchlorvynol ........................... 2240
(5) Ethinamate .............................. 2240
(6) Methaqualone ........................... 2240
(7) Meprobamate ............................. 2250
(8) Metaborbital ............................ 2250
(9) Paraaldehyde ............................ 2285
(10) Phenobarbital .......................... 2285

(c) Fenfluramine. Any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, orals of such salts, and salts of oral or preparation therefrom, which are not listed in any schedule:

(1) Fenfluramine ............................. 1070

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, orals of such salts, and salts of oral or preparation therefrom, which are not listed in any schedule:

(1) Benzoquinone ............................. 1205
(2) Caffeine .................................. 1454
(3) Gliclazide ................................ 1647
(4) Midazolam ................................. 1665
(5) Neostigmine bromide ..................... 1815

§ 1308.15 Schedule V.

(a) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following quantities of narcotic drugs or salts thereof, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation sufficient medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.
(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.
(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.
(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

Title 22A—National Defense Appendix

CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[DBA/EDB Notice 1]

BDQ NOTICE 1—RATIFICATION OF BUREAU OF COMPETITIVE ASSESSMENT AND BUSINESS POLICY ACTIONS

June 14, 1974.

This notice is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this notice, consultation with industry representatives was impracticable since the notice has no substantive effect on industry.

Sec. 1. What this notice does.
2. Existing regulations, orders, and other actions of the Bureau of Competitive Assessment and Business Policy.
3. Receipt of BCAAP.
4. Use of Bureau of Competitive Assessment and Business Policy and Business and Defense Services Administration forms.


Section 1. What this notice does.

The purpose of this notice is to furnish continuity in the defense mobilization activities of the United States Department of Commerce, Domestic and International Business Administration, Bureau of Domestic Commerce, which will exercise certain functions formerly handled by the Bureau of Competitive Assessment and Business Policy, the Bu-
rules of Domestic Commerce, the Business and Defense Services Administration, and the National Production Authority. To accomplish a smooth transition, it is hereby rescinded.

Sec. 2. Existing regulations, orders, and other actions of the Bureau of Competitive Assessment and Business Policy.

All regulations, orders, and delegations of authority to other Government agencies or officials thereof, shown in list A of this notice, and all other actions (including but not limited to directives), which were issued or taken by or under authority of the Deputy Assistant Secretary for Competitive Assessment and Business Policy, the Director of the Bureau of Domestic Commerce, the Administrator of the Business and Defense Services Administration or the Administrator of the National Production Authority and which were in existence at the close of business November 11, 1973, are hereby adopted, ratified, and confirmed by the Deputy Assistant Secretary for Domestic and International Business, Domestic and International Business Administration, and shall remain in full force and effect until they expire by their terms or are revoked or amended. Any references in such actions to the Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy, to the Director of the Bureau of Domestic Commerce or the Bureau of Domestic Commerce, to the Acting, Deputy Director of the Business and Defense Services Administration or the Business and Defense Services Administration, or to the Administrator of the National Production Authority or the National Production Authority shall be deemed references to the Deputy Assistant Secretary for Domestic and International Business or the Domestic and International Business Administration, Bureau of Domestic Commerce, as the case may be.

Sec. 3. Rescission of BCABP Notice 1.

This DIBA/BCABP Notice 1 supersedes BCABP Notice 1 of September 7, 1973, which is hereby rescinded.

Sec. 4. Use of Bureau of Competitive Assessment and Business Policy or Business and Defense Services Administration forms.

Pending the preparation and adoption of revised forms, and until otherwise ordered or prescribed, forms of the Bureau of Competitive Assessment and Business Policy or the Business and Defense Services Administration shall be deemed forms of the Domestic and International Business Administration, Bureau of Domestic Commerce. This notice shall take effect June 14, 1974.

Domestic and International Business Administration, Bureau of Domestic Commerce.

JOHN M. DUNN,
Deputy Assistant Secretary for Domestic and International Business.

List A of DIBA/BCABP Notice 1

EXISTING BCABP AND DIBA ACTIONS

Regulations

Basic Rules of Priorities System:

DPS Regulation 1 (as amended March 29, 1953) (formerly BDSA Regulation 3) 28 FR 1058.

Amendment 1 (May 9, 1959) (formerly BDSA Regulation 4, Amendment 5) 29 FR 2970.


Amendment 3 (July 21, 1964) (formerly BDSA Regulation 4, Amendment 7) 29 FR 10461.

Amendment 5 (December 3, 1970) 35 FR 7068.

Amendment 6 (July 1, 1971) 39 FR 12741.

Amendment 7 (February 4, 1974) 39 FR 4478.

Direction 2 (June 25, 1958) (formerly BDSA Regulation 2, Direction 7) 29 FR 931.

Direction 2, Amendment 1 (May 9, 1959) (formerly BDSA Regulation 2, Direction 7, Amendment 1) 29 FR 931.

Direction 2, Amendment 2 (January 18, 1957) (formerly BDSA Regulation 2, Direction 2, Amendment 3) 22 FR 474.


1959) (formerly BDSA Regulation 2, Direction 18 Operations of the Priorities and Allocations Systems Between Canada and the United States:

DPS Regulation 2 (February 1, 1959) (formerly BDSA Regulation 3) 21 FR 767.


Amendment 1 (March 16, 1966) (formerly BDSA Regulation 1, Amendment 2) 31 FR 4594.

Amendment 3 (July 1, 1971) 38 FR 12742.

Direction 1 (December 1, 1959) 24 FR 2607.

Direction 2 (December 1, 1959) 24 FR 2607.

Direction 3 (December 1, 1959) 24 FR 2607.

Direction 3, Amendment 1 (July 1, 1971) 38 FR 12742.

Orders

Metalworking Machines:

DIBA Order (as amended May 24, 1963) (formerly BDSA Order M-41) 28 FR 2595.

Iron and Steel:

DIBA Order 1 (as amended August 14, 1970) (formerly BDSA Order M-1A) 38 FR 12097.

Amendment 1 (July 1, 1971) 36 FR 12272.

Nickel Alloys:

DIBA Order 2 (June 20, 1956) (formerly BDSA Order M-19) 38 FR 12272.

Amendment 1 (August 17, 1959) (formerly BDSA Order M-19, Amendment 1) 21 FR 5257.

Amendment 2 (January 20, 1959) (formerly BDSA Order M-19, Amendment 2) 23 FR 950.

Amendment 3 (July 1, 1971) 38 FR 12743.

Copper and Copper-Base Alloys:


Amendment 1 (July 1, 1971) 38 FR 12744.

Schedule A (Revised as of May 16, 1972) (formerly Schedule A to BDSA Order M-11A) 38 FR 10410.

Delegations

Delegation of Authority to Secretary of Defense:


Delegation of Authority to Atomic Energy Commission:


Delegation of Authority to Administrator of General Services Administration:

DIBA Delegation 3 (May 10, 1972) (formerly BDSA Delegation 3) 31 FR 10566.

Emergency Delegation of Priorities and Allocation Powers:

DIBA Emergency Delegation 1 (Revised as of April 18, 1970) (formerly BDSA Emergency Delegation 1) 37 FR 8681.

Notice

Designation of DIBA Actions to Be Taken Under the Authority of the Defense Production Act of 1950, as amended:

DIAB/BCABP Notice 1 (June 14, 1971) 38 FR 22143

DIAB/BCABP Notice 2 (June 14, 1974) 38 FR 22144

DIAB Notice 3 (November 30, 1970) 36 FR 18378

[FR Doc.74-14086 Filed 6-10-74; 8:15 am]

[DIAB/BCABP Notice 2]

DIAB/BCABP NOTICE 2—SIGNATURE OF OFFICIAL DIBA/BCABP ACTIONS

JUNE 14, 1974.

This notice is found necessary in order to bring procedural practices into conformity with the provisions of Commerce Department Organization Order 10-3, as amended, 38 FR 23324, which abolished the Bureau of Competitive Assessment and Business Policy and assigned its functions to the Domestic and International Business Administration which was established as a primary operating unit of the Department of Commerce. Order 10-3 also established the Bureau of Domestic Commerce as a main line component of the Domestic and International Business Administration, Department of

FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974

22144
CHAPTER V—SMITHSONIAN INSTITUTION

PART 510—SCIENCE INFORMATION EXCHANGE

Revocation of Part 510

Part 510 of this title on the Science Information Exchange of the Smithsonian Institution is hereby revoked. The Science Information Exchange (SIE) has been abolished and a successor organization, the Smithsonian Science Information Exchange (SSIE), was incorporated under the laws of the District of Columbia on June 9, 1971. Information on the nature and services of the Smithsonian Science Information Exchange may be obtained by contacting SSIE directly at:

1729 M Street, NW.
Washington, D.C. 20036

S. Dillon Ripley, Secretary.

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Benomy, a petition (FF 4F1427) was filed by E.I. du Pont de Nemours & Co., Inc., Wilmington, DE 19886, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolesulfonamide) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodity pineapples at 35 parts per million (postharvest application).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.294 (a) (2) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (40 U.S.C. 321; 21 U.S.C. 346a (d) (2)), the authority transferred to the Administrator of the Environmental Protection Agency (36 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.294 is amended by adding the paragraph "35 parts per million * * *", as follows:

§ 180.294 Benomyl; tolerances for residues.

35 parts per million in or on pineapples (postharvest application).

Any person who will be adversely affected by the foregoing order may at any time on or before July 22, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1015E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections therefor in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on June 20, 1974.

[Sec. 408 (d) (2), 48 Stat. 512; 21 U.S.C. 346a (d) (2)]

Dated: June 14, 1974.

HENRY J. KOPP, Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 74-14207 Filed 6-19-74; 8:45 am]
PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Interim Tolerances; Deletions

In the Federal Register of June 6, 1973 (38 FR 14830), interim tolerances were established for residues of Arsenites potassium and sodium arsinite (calculated as AsO3) in the raw agricultural commodities kidney and liver of cattle and horses at 2.7 parts per million and the meat, fat, and meat by-products of cattle and horses at 0.7 part per million.

The interim tolerances were established pending final review and evaluation of the data in petitions submitted on the subject pesticides.

Subsequently, the review and evaluation of the subject petitions have been completed and permanent tolerances established for residues of the insecticides potassium and sodium arsinite (expressed as AsO3), resulting from application of the insecticides to animals under the supervision of the U.S. Department of Agriculture, in the raw agricultural commodities kidney and liver of cattle and horses at 2.7 parts per million and the meat, fat, and meat by-products (except Kidney and Liver) of cattle and horses at 0.7 parts per million by an order published in the Federal Register of June 6, 1973 (38 FR 14839).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2)), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 19805), §180.253 is amended by revising the paragraphs “5 parts per million * * *” and “0.1 part per million * * *” to read as follows:

§180.253 Methomyl; tolerances for residues.

| 5 parts per million in or on cabbage, endive (escarole), grapes, lettuce, nectarines, peaches, and peas. |
| 0.1 part per million (negligible residue) in or on beans (dry), corn grain (including popcorn), fresh corn including sweet corn (kernels plus cob with husk removed), cottonseed, peanut hulls, and peanuts. |

Any person who will be adversely affected by the foregoing order may at any time on or before July 22, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on June 20, 1974.

Dated: June 14, 1974.

Henry J. Korp,
Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methomyl

A petition (PP 4E1489) was filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide methomyl (5-methyl N -[(methylcarbamoyl)oxy]1-hydroxyacetimidate) in or on the raw agricultural commodities grapes at 0.5 parts per million and beans (dry) at 0.1 part per million (negligible residue).

Based on consideration given the data submitted in this petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and §180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2)), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 19805), §180.253 is amended by revising the paragraphs “5 parts per million * * *” and “0.1 part per million * * *” to read as follows:

§180.253 Methomyl; tolerances for residues.

| 5 parts per million in or on cabbage, endive (escarole), grapes, lettuce, nectarines, peaches, and peas. |
| 0.1 part per million (negligible residue) in or on beans (dry), corn grain (including popcorn), fresh corn including sweet corn (kernels plus cob with husk removed), cottonseed, peanut hulls, and peanuts. |

Any person who will be adversely affected by the foregoing order may at any time on or before July 22, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on June 20, 1974.

Dated: June 14, 1974.

Henry J. Korp,
Deputy Assistant Administrator for Pesticide Programs.

FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974
Title 45—Public Welfare

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

PART 151—RIGHT TO READ PROGRAM

General Provisions

Notice of proposed rule making was published in the Federal Register on April 10, 1974 (39 FR 10305) setting forth proposed general provisions applicable to all Right to Read grants and specific provisions governing project grants for the development of elementary teacher preparation programs. Comments were received within 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

1. Only one comment was received by the Office of Education regarding the proposed regulations. It suggested that all proposals submitted by institutions within a State be reviewed by the appropriate State Department of Education and that the State Department of Education make recommendations for priority funding of proposals that are consistent with reading plans of the State agency.

The Office of Education shares the concern implicit in this comment for facilitating communication and coordination among agencies and institutions supported by the Right to Read Program. To carry out this concern, the Office of Education would encourage early consultation among prospective applicants and would extend to them the views of interested parties including State educational agencies, with regard to Right to Read applications, to the extent appropriate and practicable.

However, the suggestion for formal review of applications by State Departments of Education seems inappropriate in a number of respects. The Cooperative Research Act already requires review of applications by an independent panel of specialists. Mandatory review by State agencies would duplicate this statutory procedure and add to the practical difficulties of submitting and processing grant applications within tight funding cycles. Also, funding decisions for applications submitted under this part must be made by the Commissioner strictly upon the basis of requirements and criteria provided for in this part, and not on the basis of State plans or in certain activities to be carried out by the State agency with Right to Read funds. Accordingly, no changes in the regulations have been made.

2. Technical and typographical corrections have been made.

After consideration of the above comments, the proposed regulations are adopted as set forth below.

Effective date. These regulations are effective on June 20, 1974.

Dated: May 21, 1974.

HENRY J. Korp,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 74-14355 Filed 6-19-74; 7:45 am]

Title 45—Public Welfare

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

PART 151—RIGHT TO READ PROGRAM

General Provisions

Notice of proposed rule making was published in the Federal Register on April 10, 1974 (39 FR 10305) setting forth proposed general provisions applicable to all Right to Read grants and specific provisions governing project grants for the development of elementary teacher preparation programs. Comments were received within 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations. It suggested that all proposals submitted by institutions within a State be reviewed by the appropriate State Department of Education and that the State Department of Education make recommendations for priority funding of proposals that are consistent with reading plans of the State agency.

The Office of Education shares the concern implicit in this comment for facilitating communication and coordination among agencies and institutions supported by the Right to Read Program. To carry out this concern, the Office of Education would encourage early consultation among prospective applicants and would extend to them the views of interested parties including State educational agencies, with regard to Right to Read applications, to the extent appropriate and practicable.

However, the suggestion for formal review of applications by State Departments of Education seems inappropriate in a number of respects. The Cooperative Research Act already requires review of applications by an independent panel of specialists. Mandatory review by State agencies would duplicate this statutory procedure and add to the practical difficulties of submitting and processing grant applications within tight funding cycles. Also, funding decisions for applications submitted under this part must be made by the Commissioner strictly upon the basis of requirements and criteria provided for in this part, and not on the basis of State plans or in certain activities to be carried out by the State agency with Right to Read funds. Accordingly, no changes in the regulations have been made.

2. Technical and typographical corrections have been made.

After consideration of the above comments, the proposed regulations are adopted as set forth below.

Effective date. These regulations are effective on June 20, 1974.

Dated: May 21, 1974.

HENRY J. KORP,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 74-14355 Filed 6-19-74; 7:45 am]
“Prospective teacher” means an undergraduate or graduate student who is preparing, in his university or college studies, to become an elementary school teacher.

“Protocol materials” means reproductions which portray concepts in teaching and learning. Protocol materials are used for interpretation of classroom behaviors to facilitate the development of interpretative competencies in teachers.

§ 151.4 Competitions for funding.
(a) Public and private nonprofit institutions, agencies, and organizations shall be eligible to apply for assistance under this part.
(b) Unsolicited proposals involving surveys, dissemination, and exemplary projects related to reading which do not fall within the activities and specific eligibility requirements set forth under other subparts will be reviewed by the Commissioner according to their overall quality in meeting the purposes of the Act and according to the criteria set forth in §100a.26(b) of this chapter.
(c) The activities described by other subparts of this part represent areas in which the Commissioner has determined there is a special need for exemplary efforts and for better flow of information to eliminate illiteracy within the Nation, and applications which meet the criteria for selection set forth in those subparts will be given priority for funding.

§ 151.5 Advice and recommendations on proposals.
The Commissioner will, prior to the approval of any proposal under this part, obtain and consider the advice and recommendations of a panel of specialists who are not employees of the Federal Government and who are competent to evaluate the proposal as to the soundness of its design, the possibilities of securing productive results, the adequacy of resources to conduct the proposed project, and its relationship to similar projects already completed or in progress.

§ 151.11 Scope and purpose.
(a) This subpart governs applications from institutions of higher education for grants to develop exemplary preservice preparation components in the teaching of reading on the elementary school level designed to serve as models for other institutions of higher education which may wish to improve the quality of their teacher preparation programs.
(b) Grants under this subpart will support the development and installation of a new program of preparation in the field of the teaching of reading, or the development and installation of components necessary for the restructuring of an existing such program, for undergraduate or graduate students who are preparing to become elementary school teachers.

§ 151.12 Funding requirements.
(a) Projects funded under this subpart must be designed to devise a program of preparation in the field of the teaching of reading for prospective elementary school teachers that develops the understanding and skills which enable them to become effective teachers of reading in regular classroom settings. Projects must be designed to prepare prospective teachers to teach reading as an integral part of the overall elementary school curriculum.
(b) An application for Federal assistance under this subpart must describe the proposed activities and provide information adequate to establish that:
(1) The applicant will develop a program as described under paragraph (a) of this section which must include, but need not be limited to, instruction and experiences for prospective teachers which:
   (i) Develop understanding of the reading process;
   (ii) Develop mastery of a variety of approaches to the teaching of reading;
   (iii) Develop mastery of a variety of diagnostic instruments and techniques;
   (iv) Develop the ability to individualize instruction;
   (v) Provide a variety of teaching experiences with children in school settings, including one-to-one instruction, small group instruction, and whole class instruction;
   (vi) Enable the prospective teacher to integrate reading instruction into subject matter courses such as social studies and mathematics;
   (vii) Develop an understanding of the language development of children, and how to stimulate it in the classroom;
   (viii) Develop understanding and appreciation of children’s literature so that it can be presented effectively; and
   (ix) Develop appropriate skills and attitudes to teach reading to children from diverse cultural and linguistic backgrounds.
(2) The applicant has conducted an assessment of its teacher preparation program in general and the teaching of reading component of that program in particular to determine what changes are needed to make the program more effective in preparing prospective teachers to teach reading in elementary schools, and the proposed project has been designed in light of that assessment.
(3) The project staff will document their experiences in developing the program in a form that will be useful to other institutions interested in changing their own teacher preparation program in reading;
(4) The project director has a background in both the field of reading and teacher preparation; and
(5) The project design will utilize recent research findings and provide for the adoption of innovative products and practices in teacher preparation (such as any newly developed protocol materials, opportunities for undergraduate prospective teachers to engage in their freshman or sophomore years in practice teaching and similar work with elementary school children; competency based teacher education, individual counseling for prospective teachers, and implementation of the entire project in an elementary school).

§ 151.13 Evaluation criteria.
In evaluating project proposals under this subpart, the Commissioner will seek to identify a small number of exemplary projects and will evaluate proposals in accordance with the following criteria and point system totaling 100 points:
(a) The criteria set forth in §100a.28(b) of this chapter; (15 points)
(b) The overall quality of the project in satisfying the requirements set forth in §151.12; (45 points)
(c) The extent to which the proposed project:
   (1) Would involve, in program planning and implementation, representatives from local educational agencies, educational associations, students, and community groups, as well as faculty from different departments in the school of education; (5 points)
   (2) Specifies performance objectives for each prospective teacher and criteria for evaluation of the extent to which they are achieved; (5 points)
   (3) Provides for follow-up of the prospective teacher’s performance in the first year of teaching; (6 points)
   (4) Would result in the adoption or development of new instructional materials and methods which would contribute to the elimination of illiteracy through improved reading instruction in elementary schools; (5 points)
   (5) Provides for an effective management system with methodology for the planning, installing, and evaluating of project activities; (5 points)
   (6) Provides for preparation of the teachers and administrators in cooperating elementary schools in order to facilitate their role as trainers of prospective teachers; and (5 points)
(7) Gives evidence of commitment and involvement of the dean (or person of the equivalent position) of the applicant’s school of education to the project; (5 points)
(d) The extent to which the proposal shows evidence of a capacity and intent on the part of the applicant to implement the project design (if effective) in its elementary education training curriculum following completion of the project assisted under this subpart. (5 points)

§ 151.14 Allowable costs.
(a) Allowable costs under grants awarded pursuant to this subpart shall
be determined in accordance with cost principles set forth in Appendix C to Subchapter A of this chapter, subject to the following restrictions:

1. Funds supplied under the grants may not be used to pay undergraduate or graduate stipend support or tuition.

2. Not in excess of five percent of the funds supplied under the grant may be used to purchase equipment.

(b) It is expected that grants will generally range from $20,000 to $50,000 depending on the scope of the proposed project.

(20 U.S.C. 331a(a))

§ 151.15 Project duration.

(a) Projects may be of one or two years duration.

(b) Applicants should make a realistic estimate of the amount of time needed to develop and implement the proposed curricular changes and develop a budget according to such estimate.

(c) With respect to funded projects of two years duration, it is anticipated that generally an initial grant will be awarded for the first year of the project for support of course development and experimental teaching. A continuation grant will support the cost of installing the new program during the second year. Decisions for refunding for the second year will be made on the basis of the extent to which the grantee has satisfactorily performed under the first grant and will be contingent upon availability of funds.

(20 U.S.C. 331a(a))

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1974.

WILLARD M. SPAULding, Jr., Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 12, 1974.

[FR Doc.74-11413 Filed 6-19-74; 8:45 am]
The experience of the Comptroller's Office indicates that unsafe and unsound banking practices frequently are associated with self-dealing by the bank's managing officials. Thus, the identification and scrutiny of self-dealing transactions is important both to the bank and the Comptroller's Office. One of the most common manifestations of self-dealing is the extension of credit on an unsound basis, sometimes benefiting improperly these individuals or their interests, to the detriment of the bank.

The purpose of this regulation is to establish an informational base upon which bank management and the Comptroller's Office may assess more accurately the extent and manner by which a national bank may be engaging in transactions with its own directors and senior officers.

All interested persons are invited to submit comments in writing to Robert Bloom, Chief Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20250, to be received not later than August 1, 1974. Such material will be made available for inspection and copying upon request except as provided in § 4.16(a) of the Comptroller's rules regarding availability of information.

The proposed new Part 23 would read as follows:

PART 22—STATEMENTS OF BUSINESS INTERESTS OF PRINCIPAL OFFICERS AND DIRECTORS OF NATIONAL BANKS

Sec.
23.1 Authority and scope.
23.2 Definitions.
23.3 Filing of statement.
23.4 Annual review.
23.5 Location and retention of statements.

§ 23.1 Authority and scope.
(a) This part is issued by the Comptroller of the Currency pursuant to sections 161, 461 and 1816 of Title 12 of the United States Code. This part requires the filing of a Statement of Interest of directors and principal officers of national banks. An initial statement must be filed by January 1, 1975, or within 30 days of attaining the position of director or principal officer of a national bank, whichever is later.
(b) The statement is to be kept at the head office of the bank for review by national bank examiners and the bank's board of directors, management, lending officers, auditors, and attorneys.

§ 23.2 Definitions.
For purposes of this part:
(a) The term "business enterprise" means a corporation, association, trust, partnership, joint venture, pool, syndicate, sole proprietorship or any other form of business not specifically listed here.
(b) The term "extension of credit" means the making of a loan or extending credit in any manner whatsoever by a national bank, and shall include (without limitation):
(1) A loan.
(2) Any advance by means of an overdraft, cash item or otherwise.
(3) The acquisition by discount, purchase, exchange or otherwise of any note, draft, bill of exchange or other evidence of indebtedness.
(4) An acceptance.
(5) A letter of credit.
(6) Any purchase of securities, accounts, receivable or other chose in action under a repurchase agreement.
(7) Any other transaction as a result of which an extension of credit is created.

(c) The term "interest" with regard to a business enterprise means:
(1) Ownership, whether legal, equitable or otherwise, of stock or other forms of equitable, legal or beneficial participation in the enterprise by the reporting bank officer or director and/or his spouse or minor children which, when aggregated, equal or are greater than either 5 percent of the enterprise's total outstanding Indicia of ownership, or, in the case of stock, 5 percent of the total outstanding of any class of stock;
(2) Indebtedness owed to or from the enterprise in an amount of $100,000 (aggregated among the reporting bank officer or principal officer and his spouse and minor children) or greater;
(3) The holding by the reporting bank officer or director of his spouse or minor child of a position in the enterprise.
(4) The possession, directly or indirectly, by the reporting bank officer or director of the power to direct or cause the direction of the management or policies of the enterprise, whether through the ownership of securities, by contract, by inter-company relationships, or otherwise.
(5) The term "material change" means:
(1) The acquisition or termination of an interest in a business enterprise.
(2) A change from the amount most recently reported on a Form CC 6013-00 of more than 25 percent in the amount of deposits maintained with the bank by a business enterprise.
(3) The creation, or termination, or material change in the terms or conditions of any extension of credit or agreement between the bank and a business enterprise.

(d) The term "principal officer" with regard to a national bank usually includes the Chairman of the Board of Directors, President, Cashier, Treasurer, Secretary, Comptroller, Vice-President or anyone exercising the functions normally associated with those positions, or any other person who participates in major policy-making functions of the bank. In certain banks, particularly those with officers bearing titles such as Executive Vice-President, Senior Vice-President or First Vice-President, some or all Vice-Presidents do not participate in major policy-making functions and such persons are not "principal officers" for the purpose of this part.

The term "position" with regard to a business enterprise means an officer, director, employees with managerial or policy-making responsibilities, trustee, beneficiary, participant, partner, or associate or any similar office regardless of title.
§ 23.3 Filing of statement.

Every director or principal officer of a national bank is required to maintain on file with the bank as prescribed in this Regulation a statement of each business enterprise in which the officer or director has an interest, whether or not that enterprise has a business relationship with the bank. The director or principal officer shall complete and file with the bank Form CC 8013-06 within 30 days of attaining his position as a bank director or principal officer, or by January 1, 1975, whichever is later. Thereafter, the director or principal officer shall complete and file Form CC 8013-06 within 30 days after any material change. The director or principal officer shall include on the Form, in accordance with the instructions thereon, the required information concerning any business enterprise in which he, his spouse, or his minor children have an interest.

§ 23.4 Annual review.

Every director or principal officer subject to this part shall review annually during January the Statement of Interest Form and any subsequent Statement of Interest Form he has on file with the bank to determine if these forms accurately reflect his current status. If his current status is not reflected accurately, he forthwith shall prepare and file with the bank Form CC 8013-06.

§ 23.5 Location and retention of statements.

(a) All Statements of Interest Forms shall be maintained at the head office of the bank during the tenure of the reporting officer or director as an official of the bank.

(b) If any director or principal officer of a national bank ceases to serve in that capacity, the bank nevertheless shall maintain all Statement of Interest Forms for a period of two years or until all extensions of credit listed thereon have been paid, whichever is later.

Dated: June 14, 1974.

[SEAL] JUSTIN T. WATSON,
Acting Comptroller of the Currency.
DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Parts 312, 317, 320, 281]

MEAT AND POULTRY PRODUCTS

Labeling and Official Marks of Inspection

Pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), and in the Poultry Products Inspection Act, as amended (21 U.S.C. 651 et seq.), notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service proposes to amend Parts 312, 317, and 320 of the meat inspection regulations (9 CFR Parts 312, 317, and 320) and Part 301 of the poultry products inspection regulations (9 CFR Part 301) to establish procedures for the approval of labeling, marking, and containering with meat and poultry products; provide criteria for printing, marking, and containering bearing the marks of inspection; permit inspectors to approve certain modifications of labeling previously approved; and establish equitable procedures for processing labeling approval applications in the Washington office. Further, notice is given that a public hearing to consider the above proposal will be held.

Statement of Considerations: On August 14, 1969, there was published in the Federal Register (34 FR 13014-13015) a notice that the Department was considering revising the Federal meat inspection regulations in a similar manner to that proposed for the poultry products inspection regulations, including revising the provisions of the regulations. On September 21, 1969, a revised proposal was published in the Federal Register (34 FR 13180-13182) to establish procedures for the approval of labeling, marking, and containering with meat and poultry products; provide criteria for printing, marking, and containering bearing the marks of inspection; permit inspectors to approve certain modifications of labeling previously approved; and establish equitable procedures for processing labeling approval applications in the Washington office. Further, notice is given that a public hearing to consider the above proposal will be held.

After considering all the comments and information presented, the Department alternatively proposed new §§ 317.9, 317.14, 317.15, and 317.16 related to approval of labeling, marking, and containering for meat products subject to the Act and authorization to make labeling or other devices bearing official marks of inspection.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

SPORT FISHING

Sachuest Point National Wildlife Refuge, R.I.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 297 as amended; 16 U.S.C. 668d), as delegated to the Director, Bureau of Sport Fisheries and Wildlife by Chapter 2, Part 242 of the Departmental Manual, it is proposed to amend 50 CFR 33 by the addition of Sachuest Point National Wildlife Refuge, Rhode Island, to the list of areas open to sport fishing.

It has been determined that sport fishing may be permitted as designated on the above refuge without detriment to the objectives for which the area was established.

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 with respect to the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, by July 25, 1974.

WILLARD M. SPAULDING, JR.
Acting Regional Director.

June 12, 1974.
used improperly. The number and nature of comments received emphasized the importance of the subject matter involved in the proposed regulations. The Department carefully considered all the information presented by the comments.

Several of the persons commenting recommended changes in the proposed regulations and one person recommended a public hearing on the regulations. In view of numerous comments received, the Department believes that it would be in the public interest to conduct further rulemaking proceedings, and that a public hearing should be held to develop further information on the proposals.

Based on the comments received to date, the Department has made certain changes in the proposed regulations concerning authorizations to make labeling or devices, and generally has modified the proposed amendments to the meat inspection regulations to conform to the proposed amendments to the poultry products inspection regulations. It is recognized that additional changes may be necessary after the rulemaking proceedings are completed.

As set forth herein, the proposed amendments would: (1) Establish a new application—submittion of labeling for approval; (2) provide for more complete information upon which the approval or disapproval of labeling can be based; (2) simplify labeling approval procedures for multiple plant operations and in situations where multiple formulae apply to the same product name and label design; (4) retain the previous policy of control for the acceptance of containers used for foods; (5) establish a simplified procedure for the approval of the manufacture of brands or printing of labeling bearing the official mark or device, as provided in paragraph (a) of this section. Copies of these sketches or proofs shall be attached to Form MP-480, completed as prescribed in paragraph (a) of this section. Applications shall be mailed to: Labels and Packaging Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Post Office Box 7416, Benjamin Franklin Station, Washington, D.C. 20044, or delivered to the office of said Staff, U.S. Department of Agriculture, Washington, D.C. Applications will be processed in accordance with the following procedures:

(1) Applications received by mail will be stamped with the date of receipt and will be processed in daily order in which they are received.
(2) Applications delivered to the office of said Staff by the applicant (or his agent) shall be handled as follows:
   (i) The application shall be left with the receptionist who will stamp thereon the date of receipt, which will be used to determine priority of processing applications as provided in paragraph (b)(1) of this section; and instructions shall also be left with the receptionist identifying the person to be notified of the final action and the method of notification desired; or
   (ii) The applicant (or his agent) may schedule a conference with the label review office for the purpose of presenting applications in person. Such conferences will be scheduled, based on available time, Monday through Friday. Each effort will be made to schedule conferences to meet the desires of the applicant.

(2) No labeling or device bearing an official mark, or simulation thereof, shall be made so as not to be made in finished form until it has been approved in sketch form, as provided in this section; except that such prior approval of a sketch will not be required when finished labeling or device is made for the purpose of simulation. However, that no more than 100 prints of the labeling may be prepared in finished form without sketch approval and such prints shall be destroyed before being removed from the printing establishment or printing facility.

(3) Inserts, tags, liners, pasters, and similar articles containing printed or graphic matter for use on, or to be placed within, containers or coverings for product shall be submitted for approval in the same manner as provided for in paragraph (a) of this section. Inspectors in charge may, however, permit use of such devices which bear no reference to any product and which are not false or misleading in any particular even though they are approved.

(b) Requests for approval required under paragraph (a) of this section shall be made on Form MP-480, Application for Approval of Label, Marking, or Device,1 in accordance with the procedures prescribed in this section. To request approval, the applicant (or his agent) shall submit sketches or proofs of the labeling or device, as described in paragraph (a) of this section. Copies of these sketches or proofs shall be attached to Form MP-480 completed as prescribed in paragraph (a) of this section. Applications shall be mailed to: Labels and Packaging Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Post Office Box 7416, Benjamin Franklin Station, Washington, D.C. 20044, or delivered to the office of said Staff, U.S. Department of Agriculture, Washington, D.C. Applications will be processed in accordance with the following procedures:

(i) Applications received by mail will be stamped with the date of receipt and will be processed in daily order in which they are received.
(ii) Applications delivered to the office of said Staff by the applicant (or his agent) shall be handled as follows:
   (i) The application shall be left with the receptionist who will stamp thereon the date of receipt, which will be used to determine priority of processing applications as provided in paragraph (b)(1) of this section; and instructions shall also be left with the receptionist identifying the person to be notified of the final action and the method of notification desired; or
   (ii) The applicant (or his agent) may schedule a conference with the label review office for the purpose of presenting applications in person. Such conferences will be scheduled, based on available time, Monday through Friday. Each effort will be made to schedule conferences to meet the desires of the applicant.

(3) The sketch for labeling or a device shall be so submitted that it will appear in the labeling or device as it will appear in finished form. To be considered for approval, the sketch shall:

(i) Show all the features required by Parts 312, 317, and 319 of this subchapter.
(ii) Represent by rough drawings, printing, or other means, the exact information and form to be shown, the true color reproduction thereof, and size of type to be used. When a comprehensive sketch of a true color reproduction of the finished labeling or device is complete, it will be eligible for final approval under the conditions stated in paragraph (e) of this section.
(iii) Indicate transparent or semi-transparent colored coverings.

(4) Present pictorials, if used, in color photographs, color transparencies or color prints.

(5) Indicate, if proposed for multiple applications, the number and establishment numbers of the plants at which the final labeling will be used.

(6) Show each applicable ingredient statement and formula for which the label format will be used.

(d) Form MP-480 shall be completed in its entirety in accordance with the instructions provided on the reverse side of the form and shall conform with the following provisions:

(1) Entries shown under the item—"Fill Specifications" shall specify the quantity of each component of the product, either by weight or percentage, if the product consists of two or more major components such as "beef and gravy," "frozen dinner," etc. The space shall not be used for such products as steaks, soups, patties, sausage, etc.

(2) Entries shown under the item—"Formula Breakdown of Each Major Component" shall specify a formula, listing the ingredients and quantity, either by weight or percentage, if each ingredient is used in the preparation of each component making up the product. In cases where the percentages of ingredients may vary, approximate percentages may be given if the limits of variations are
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stated. When a complex ingredient (such as a breading or seasoning mixture), for which there is no Food and Drug Administration standard of identity, is shown in a formula, the formula shall be further explained by the use of the name of each ingredient therein. The quantity need not be shown for each ingredient in gravy bases, gravy mixes, seasoning mixes, etc., separately, as long as the space shall not be used for products that do not have distinctly separate components such as stews, soup, patties, etc.

(3) The space provided for "Complete Formula" shall be used to show the complete formula of the product and to specify the quantity of each ingredient used to prepare the product, either by weight or percentage, in descending order of predominance, when required in the specific case by the Administrator.

(4) "Processing Procedures" shall describe those processing procedures (fabricating, cooking, smoking, curing, canning, etc.) necessary to carry out the physical properties or condition of the product, or both. Description of the establishment control methods exercised with respect to the processing procedures shall be included in the application as required in the specific case by the Administrator to enable determination whether the product complies with statements on the labeling.

(5) (1) Finished labeling shall not be printed prior to obtaining sketch approval except as provided for in paragraph (a)(2) of this section. In any case, if finished labeling is printed prior to sketch approval, the applicant shall assume full responsibility and risk for the labeling which may be discovered for use in accordance with the regulations in this part.

(2) Finished labeling submitted for approval shall be accompanied by a copy of the approved sketch or make reference to the approved sketch. If a sketch has been approved, any application to comply with the requirements of this section with respect to submission of sketches for approval: Provided, That,

(1) Finished labeling intended for use at more than one establishment shall be submitted in sufficient copies to provide two copies for each establishment designated on the application;

(ii) Lithographed labels, metal containers or sections therefrom shall not be submitted for approval. Paper takeoffs can be used to represent lithographed labels submitted for approval. Such paper takeoffs shall not be in the form of a negative, thereby signifying a complete reproduction of the label as it will appear on the package, including any color scheme involved; and

(iii) For fiber containers, the printed layers such as Kraft paper sheet, showing the entire label shall be submitted for approval in lieu of the complete container.

(6) At an official establishment, application for approval of a device or a sketch of a device is to be used is not in accordance with the applicable provisions of Parts 312, 316, 317, and 319 of this subchapter, he shall sign the application in the space provided therefor, and submit an imprint of the device, the sketch of labeling or device, proof of labeling, or finished labeling and the formulation to the Labels and Packaging Staff for review to determine whether the proposed labeling or device complies with all the applicable provisions of this subchapter, and approval or disapproval accordingly.

(7) If the Inspector in charge determines that the device, proof of labeling, or finished labeling of the product on which the labeling or device is to be used is not in accordance with the regulations cited in paragraph (f) (1) (i) of this section, and an application is re-submitted therefor, it will be handled as a new application in accordance with this section.

(a) A sample of the product for which labeling approval is being sought may be required to be furnished by the applicant to the Washington, D.C., office of the Labels and Packaging Staff to determine the acceptability of the proposed labeling.

(b) Two copies of the approved sketch shall be mailed to the inspector in charge at the official establishment concerned, and, if requested, an approved sketch may be given to the applicant or his agent. Copies of approved sketches for multiplant operations may be mailed to the applicant under appropriate procedures approved by the Administrator.

(1) All applications for approval of labeling or devices intended for use on or with products to be imported into the United States shall comply with all requirements of this section, except that the applications shall be presented directly to the Labels and Packaging Staff, Meat and Poultry Inspection Program, Post Office Box 7616, Benjamin Franklin Station, Washington, D.C. 20244.

(2) After receiving an approved sketch, the applicant shall submit the finished labeling or device in the same manner as required for sketches, except that a minimum of four copies of the finished labeling or device plus one for each foreign producing plant shall be submitted. Each copy of the approved sketch shall be mailed directly to the Labels and Packaging Staff to determine whether the proposed labeling or device complies with all the applicable provisions of this subchapter, and approval or disapproval accordingly.

(3) The operator of an official establishment may submit applications for approval of a device, sketch of labeling or device, proof of labeling or finished labeling to the Washington office of the Labels and Packaging Staff if said office determines that the device, sketch, proof, or finished labeling or the formulation of the product on which the labeling or device is to be used is not in accordance with the regulations cited in paragraph (f) (1) (i) of this section, the application will be returned to the applicant with an appropriate explanation of the reasons therefor not to be in accordance with the regulations. Otherwise, it will be processed in the usual manner for a determination whether the proposed labeling or device complies with all the applicable provisions of this subchapter and approval or disapproval accordingly.

(4) Applications for approval of a device, sketch of labeling or device, proof of labeling, or finished labeling shall be reviewed and processed by the Washington, D.C., office of the Labels and Packaging Staff in the order received by that office. If an application is returned to the applicant because the sketch, proof, or finished labeling or product formulation does not comply with the regulations cited in paragraph (f) (1) (i) of this section, and an application is re-submitted therefor, it will be handled as a new application in accordance with this section.

(5) A sample of the product for which labeling approval is being sought may be required to be furnished by the applicant to the Washington, D.C., office of the Labels and Packaging Staff to determine the acceptability of the proposed labeling.

(6) All applications for approval of labeling or devices intended for use on or with products to be imported into the United States shall comply with all requirements of this section, except that the applications shall be presented directly to the Labels and Packaging Staff, Meat and Poultry Inspection Program, Post Office Box 7616, Benjamin Franklin Station, Washington, D.C. 20244.
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or device made or caused to be made by
the applicant for approval of such label-
ing or device shall conform to the ap-
proved sketch or proof.

(k) Any action taken by any inspector in
charge or any other employee of the
Program under this subchapter with re-
spect to any application, except as autho-
ized by the Administrator as provided for
in this section.

(b) Receipt of an approved sketch or
proof for a label or device bearing the
official mark as provided for in §317.3
of this subchapter, shall be deemed suf-
ficient authorization by the Adminis-
trator to make or cause to be made such
labeling as provided for in Part 317 of
this subchapter.

(c) A copy of the approved labeling or
device, a record of the order by the offi-
cial establishment to manufacture, and a
record of the quantity received and dis-
position made of the labeling or device,
shall be maintained by the operator of the
official establishment as provided for in
Part 317 of this subchapter.

3. Section 317.5 and the title thereof
would be revised to read:

§ 317.5 Inspector in charge may permit
modifications of approved labelings or
markings.

(a) The inspector in charge may per-
mit modifications of approved labeling
or marking under any of the following
circumstances, provided the labeling or
marking, as modified, is so used as not to
be false or misleading:

(1) When all features of the labeling
or marking are proportionately enlarged
and the color scheme remains the same;

(2) When abbreviations are substi-
tuted for words, such as "lb." for
"pound," or "oz." for "ounce," or words
are substituted for abbreviations such as
"pound" for "lb."

(3) When the name and address of the
distributor are included in the blank
space following the words "preparing for"
or a similar statement, on a master or
stock label which was approved with the
understanding that such information
would be added later.

(4) When, during any holiday season,
special designs or wrappers are used with
approved labelings or markings on a
label;

(5) When there is a slight change in
the directions pertaining to opening a
can or serving the product;

(6) When there is a change in the
quantity of an ingredient shown in the
form of a decimal fraction in the order of
predominance shown in the ingredients
statement on the label: Provided, That
the change in the quantity of ingredients
complies with any minimum or maxi-
num limits prescribed in Parts 318 and
319 of this subchapter, or identified in the
original approved application as a condi-
tion for approval of the product name.

(b) Request for such permission shall
be made to the inspector in charge, prior
to printing the modified labeling, on
Form MP-480, as specified in § 317.3 of
this subchapter, except that in lieu of a
sketch sufficient copies of the previously
approved labeling may be modified to in-
dicate the changes and the information
on Form MP-480 may be limited to the
modification requested.

(c) The inspector in charge shall re-
view the application for permission for
lines of a modified labeling, and, if ap-
propriate, indicate approval by signing
his name in the appropriate space on
Form MP-480.

(d) Prior to use, three copies of the
modified finished labeling shall be sub-
mitted to the inspector in charge on
Form MP-480 for his approval. If ap-
pproved, the inspector in charge will
indicate approval by signing his name on
Form MP-480 in the appropriate space
and distribute copies as follows:

(1) One copy to the establishment op-
erator.

(2) One copy to the inspector at the
establishment, for filing along with the
original approval, and

(3) One copy to the Labels and Pack-
aging Staff for review and filing.

(e) If the inspector in charge deter-
mines that the modification does not
comply with the regulations, and the ap-
plicant disagrees, the application for
modification must be submitted to the
Labels and Packaging Staff for review
and decision.

4. A new Section 317.15 would be added
with the following title and text:

§ 317.15 Containers.

Containers for any product shall not
result in the adulteration or misbran-
dling of the product. Containers shall not
be composed, in whole or in part, of any
poisonous or deleterious substance which
may render the contents injurious to
health under conditions of use. Con-
tainers shall adequately protect products
and shall not be deceptive. Container
composition shall comply with section
409 of the Federal Food, Drug, and
Cosmetic Act, as amended, and the Im-
plementing regulations in 21 CFR 1311,
Subparts B, E, and F.

5. Section 320.1 would be amended by
adding thereto a new paragraph (b) to
read as follows:

§ 320.1 Records required to be kept.

(b) Records of any labeling or device
bearing any official inspection mark, as
required of the operator of each official
establishment by § 317.4 of this sub-
chapter.

6. The Table of Contents to Part 317—
Labeling, Marking, Devices, and Con-
tainers, shall be amended to reflect new
titles for §§ 317.3, 317.4, 317.5, and 317.15
as follows:

(a) 317.3 Prior approval required for
labeling and marking devices; condi-
tions and procedure.

(b) 317.4 Authorization required to
make labeling or other devices bearing
official marks.

(c) 317.5 Inspector in charge may per-
mit modification of approved labelings or
markings.

(d) 317.15 Containers.

The specific proposed amendments to
the the mixed meat inspection regula-
tion are as follows:

1. Section 381.131 and the title thereof
would be revised to read as follows:

§ 381.131 Prior approval required for
labeling and marking devices; condi-
tions and procedure.

(a) 1 No labeling or device bearing an
official mark as provided for in Sub-
part M of this subchapter, or simula-
tion thereof, shall be used until it has been
approved in finished form, as provided for
in this section. This requirement does not,
however, apply to labeling used on the
outside of an immediate or shipping con-
tainer and approved in accordance with
§ 381.131(b) of this subchapter.

(b) No labeling or device bearing an
official mark, or simulation thereof, shall
be made or caused to be made in finished
form until it has been approved in
sketch form, as provided in this section;
except that such prior approval of a
sketch will not be required when finished
labeling is submitted initially: Provided,
however, That no more than 100 prints
of the labeling may be prepared in fin-
ished form without sketch approval and
such prints shall be marked "Proof"
before being removed from the printing
establishment or printing facility.

(3) Inserts, tags, liners, pasters, and
similar articles containing printed or
graphical matter shall be so placed
within, containers or coverings for prod-
uct shall be submitted for approval in
the same manner as provided for in
paragraph (a) (2) of this section. In-
spctors may, however, limit the use of such
devices which bear no refer-
ce to any product and which are not
false or misleading in any particular,
even though not so submitted.

(b) Requests for approval required
under paragraph (a) of this section shall
be made on Form MP-460, Application for
Approval of Label, Marking, or De-
vice, in accordance with the procedures
prescribed in this section. To request ap-
proval, the applicant (or his agent) shall

Copies of this form may be obtained
from any Meat and Poultry Inspection Pro-
gram office or from the Administrator.
submit sketches or proofs of the labeling or device, as described in paragraph (a) of this section. Copies of these sketches or proofs shall be submitted in Form MP-480 completed as prescribed in paragraph (d) of this section. Applications shall be mailed to: Labels and Packaging Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Post Office Box 7416, Benjamin Franklin Station, Washington, D.C. 20044, or delivered to the office of said Staff, Agricultural Research Service, Agriculture, Washington, D.C. Applications will be processed in accordance with the following procedures:

(1) Applications received by mail will be stamped with the date of receipt and will be processed in the daily order in which they are received.

(2) Applications delivered to the office of said Staff by the applicant (or his agent) shall be handled as follows:

(i) The application shall be left with the receptionist who will stamp thereon the date of receipt, which will be used to determine the order of processing applications as provided in paragraph (b)(1) of this section; and instructions shall also be left with the receptionist identifying the item to be processed and the final action and the method of notification desired; or

(ii) The applicant (or his agent) may schedule a conference with the label review office for the purpose of presenting applications in person. Such conferences will be scheduled, based on available time, Monday through Friday. Every effort will be made to schedule conferences to meet the desires of the applicant. However, availability of label review personnel for such conferences will be dependent upon the processing of all applications on an equitable time basis, regardless of the mode of receipt. These procedures for scheduling conferences only apply to routine applications. Conferences to discuss principles of labeling or special or exempt labeling or labeling for the purpose of obtaining approval for the proposed labeling shall be by appointment during regular working hours Monday through Friday. Information supplied under this section will be treated as confidential insofar as authorized under the provisions of 5 U.S.C. 552, 18 U.S.C. 1905, §§ 9(a) (5) and 22 of the Ac, and 15 U.S.C. 50, and the public information regulations of the Department of Agriculture (7 CFR 1.1 et seq., and supplementary regulations). All information requested must be given either in the space provided on Form MP-480 or by attaching additional sheets as necessary.

(3) The sketch for labeling or a device shall be an accurate representation of the labeling or device as it will appear in finished form. To be considered for approval, the sketch shall:

(a) Show all the features required by Subparts M and N of this subchapter.

(b) Represent by rough drawings, printing, or other means, the exact information to be attached to Finished Product, to be the approximate location thereof, and size of type to be used. When a comprehensive sketch of a true color reproduction of the finished labeling or device with complete details is submitted, it will be eligible for final approval under the conditions stated in paragraph (f).

(4) Present pictorials, if used, in color photographs, color transparencies or color prints.

(5) Indicate, if proposed for multiple operations, the official establishment numbers of the plants at which the finished labeling is to be used.

(6) Show each applicable ingredient statement and formula for which the labeling format will be used.

(d) Form MP-480 shall be completed in its entirety in accordance with the instructions provided on the reverse side of the form and shall conform with the following provisions:

(1) Entries shown under the item—"Fill Specifications" shall specify the quantity of each component of the product, either by weight or percentage, if the product consists of two or more components and shall be the net weight of each component, for example, "turkey and gravy", "frankfurters", etc. The space shall not be used for such products as stews, soups, patties, etc.

(2) Entries shown under the item—"Formula Breakdown of Each Major Component" shall specify a formula, by weight or percentage, of each ingredient used in the preparation of each component making up the product. In cases where the percentages of ingredients may vary, approximate percentages may be given if the limits of variation do not exceed ±1%. The labeling of a complex ingredient (such as a breading or seasoning mixture), for which there is no Food and Drug Administration standard of identity, is shown in a formula, and the formula shall be further explained by listing the common name of each ingredient in the space provided for "Complete Name of Each Major Component". The quantity need not be shown for each ingredient in gravy bases, gravy mixes, and similar products. The space shall not be used for products that do not have distinctly separate components such as stews, soups, patties, etc.

(3) Entries shown under the item—"Formula Breakdown of Each Major Component":

(a) The item "Complete Formula" shall be used to show the complete formula of the product and to specify the quantity of each ingredient used to prepare the product, either by weight or percentage, in descending order of predominance, when required in the specific case by the Administrator.

(b) "Processing Procedures" shall describe those processing procedures (fabricating, cooking, smoking, curing, canning, etc.) that may significantly affect the physical properties or condition of the product, or both. Description of the establishment control methods exercised with respect to the processing procedures shall be provided when it is required in the specific case by the Administrator to enable determination whether the product complies with statements on the labeling.

(c) (1) Finished labeling shall not be printed prior to obtaining sketch approval except as provided for in paragraph (a)(2) of this section. In any case, if finished labeling is printed prior to sketch approval, the applicant shall assume full responsibility and risk, for the labeling, which may be disapproved for use in accordance with the regulations in this Part.

(2) Finished labeling submitted for approval shall be accompanied by a copy of the approved sketch or make reference to the approved sketch, if a sketch has been approved, or other approval; or comply with the requirements of this section with permission of sketches for approval: Provided, That,

(i) Finished labeling intended for use at more than one official establishment shall be submitted in sufficient number to provide two copies for each official establishment designated on the application;

(ii) Lithographed labels, metal containers or sections therefrom shall not be submitted for approval. Paper take-offs can be used to represent lithographed labels submitted for approval. Such paper take-offs shall not be in the form of a finished product or a finished container, but they shall be an accurate representation of the labeling or device as it will appear on the package, including any color scheme involved; and

(iv) If containers, the printed layers such as Kraft paper sheet, showing the entire label shall be submitted for approval in lieu of the complete container.

(1) At an official establishment, applications for approval of a device or a sketch of any labeling or device, proof of any labeling, or any finished labeling completed in accordance with this section, may be submitted to the applicant to the inspector in charge. Applications may also be submitted to Washington, D.C., as hereinafter provided.

(2) If such material is submitted to the inspector in charge, he shall initially review the material as follows:

(i) He determines that the device, sketch of labeling or device, proof of labeling, or finished labeling, or formulation of the product on which the labeling is to be used is in accordance with the applicable provisions of § 381.175, 381.177, 381.179, 381.125, 381.147(f) (3), and 381.150 through 381.170 of this subchapter, he shall sign the application in the space provided therefor, and submit an imprint of the device, the sketch of labeling or device, proof of labeling, or finished labeling and the formulation to the Labels and Packaging Staff for review to determine whether the proposed labeling or device complies with all the applicable provisions of this subchapter, and approval or disapproval accordingly.

(ii) If the inspector in charge determines that the device, sketch, proof, or finished labeling or the formulation of the product on which the labeling or device is to be used is not in accordance with the regulations cited in paragraph (f)(1)(i) of this section, he shall notify the applicant and request that the labeling or device be revised or the product formulation be changed in accordance with the applicable regulations: Provided, That, if the applicant does not
agree with the inspector in charge's determination, the inspector in charge shall complete Form MP-442, "Checklist for Accuracy of Labels," identifying nonconforming features of the device, sketch, proof, finished labeling, or product formulation. The completed Form MP-442, signed by the inspector in charge, shall be submitted with the application and the imprint of the device, sketch, proof, or finished labeling to the Washington, D.C., office of the Labels and Packaging Staff for review.

(2) If the Washington office of the Labels and Packaging Staff endorses the inspector in charge's determinations, the application will be further processed in the usual manner for a determination whether the proposed labeling or device complies with all the applicable provisions of this subchapter and approval or disapproval accordingly.

(3) The operator of an official establishment may submit applications for approval of a device, sketch of labeling or device, proof of labeling or finished labeling to the office of the Labels and Packaging Staff for review. If said office determines that the device, sketch, proof, or finished labeling or the formulation of the product on which the labeling or device is to be used is not in accordance with the regulations cited in paragraph (f) of this section, the application will be returned to the applicant with an appropriate explanation of why the material submitted appears not to be in accordance with the regulations. Otherwise, it will be processed in the usual manner for a determination whether the proposed labeling or device complies with all the applicable provisions of this subchapter and approval or disapproval accordingly.

(a) Applications for approval of a device, a sketch of labeling or device, proof of labeling or finished labeling will be reviewed and processed by the Washington, D.C., office of the Labels and Packaging Staff in the order received by that office. If an application is returned to the applicant because the sketch, proof, or finished labeling or product formulation does not comply with the regulations cited in paragraph (f) of this section, and an application is resubmitted thereafter, it will be handled as a new application in accordance with this section.

(b) A sample of the product for which labeling approval is being sought may be required to be furnished by the applicant in the Washington, D.C., office of the Labels and Packaging Staff to determine the acceptability of the proposed labeling.

(c) Two copies of the approved sketch shall be available to the inspector in charge of the official establishment concerned, and, if requested, a copy of the approved sketch may be given to the applicant or his agent. Copies of approved sketches for multiplant operations may be sent to the applicant under appropriate procedure approved by the Administrator.

(d) All applications for approval of labeling or devices intended for use on imported products entering into the United States shall comply with all requirements of this section, except that the applications shall be presented directly to the Administrator, Meat and Poultry Inspection Program, Post Office Box 4241, Benjamin Franklin Station, Washington, D.C. 20044.

(2) After receiving an approved sketch, the application shall submit the finished labeling or device in the same manner as required for sketches, except that a minimum of four copies of the finished labeling or device shall be submitted one for each foreign plant producing the product involved and one for each port of entry where the product will be offered for importation into the United States shall be furnished. Each copy of entry and each foreign producing plant shall be listed in the application.

(3) The import inspector shall not allow entry of the product proposed for importation into the United States until he receives an approved copy of the finished labeling or device.

(l) Copies of all approved applications for labeling or devices pertaining to domestic product shall be mailed to the inspector in charge of the official establishment concerned, and he shall deliver a copy of the sketch, proof, or finished labeling or device to the applicant. If an applicant desires wider than usual distribution of approved copies, he shall provide extra copies of the application, along with mailing or other distribution instructions. Approved applications for foreign product shall be returned to the applicant. Copies shall be sent to the inspector of the foreign plant where the product is to be prepared. Each labeling or device made or caused to be made by the applicant for approval of such labeling or device, shall conform to the approved sketch or proof.

(m) The Administrator may approve and authorize the use of abbreviations for marks of inspection under the regulations in this subchapter. Such authorized abbreviations shall have the same force and effect as the marks themselves.

(1) Any action taken by any inspector in charge or any other employee of the Inspection Service or device subchapter with respect to any application for approval of any labeling or device may be appealed to the immediate supervisor of such employees by the applicant. An order under section 8(d) of the Act to withhold any marking, labeling or container from use may be issued by the Administrator in accordance with § 381.130 of this Part.

2. Section 381.132 and the title thereof would be revised to read as follows:

§ 381.132 Authorization required to make labeling or other devices bearing official marks.

(a) No person shall cast, print, lithograph, or otherwise make or cause to be made any labeling or device bearing any official mark, or simulation thereof, except as authorized by the Administrator as provided for in this section and in § 381.131 of this subchapter.

(b) Receipt of an approved sketch or proof for a labeling or device bearing the official mark as provided for in § 381.131 of this subchapter, shall be deemed sufficient authorization by the Administrator to make or cause to be made such labeling or device in accordance with the provisions of this section.

(c) A copy of the approved labeling or device, a record of the order by the official establishment to manufacture, and a record of the quantity received and the disposition made of the labeling or device shall be maintained by the operator of the official establishment as provided for in Subpart Q of this subchapter.

§ 381.133 [Amended]

3. Section 381.133 would be amended by revising paragraph (a) in its entirety; deleting the paragraph designation "4", with the provisions of paragraph becoming the text of the amended § 381.133; and changing the section heading as follows: § 381.133 Requirements of analysis.

4. Section 381.134 would be amended by revising paragraph (b) to read as follows:

§ 381.134 Label approvals by the inspector in charge.

(b) Stencils, labels, box dies, and brands may be used on shipping containers which contain properly labeled immediate containers which contain properly marked poultry products, such as fowls, barrels, drums, boxes, crates, and large-size fiberboard containers, without approval as provided for in § 381.131 of this Part. Provided, That the stencils, labels, box dies, and brands are not false or misleading and are approved by the inspector in charge. The combination of such devices shall be approved by the Administrator as provided for in this Part.

5. Section 381.135 and the title thereof would be revised to read:

§ 381.135 Inspector in charge may permit modifications of approved labels or markings.

(a) The inspector in charge may permit modifications of approved labeling or marking under any of the following circumstances, provided the labeling or marking, as modified, is so used as not to be false or misleading:

(1) When all features of the labeling or marking are proportionately enlarged and the color scheme remains the same;

(2) When abbreviations are substituted for words, such as "lb." for "pound," or "oz." for "ounce," or words are substituted for abbreviations, such as "pound" for "lb.";

(3) When the name and address of the distributor are included in the blank space following the words "prepared for", or a similar statement, on a master or stock label which was approved with the understanding that such information would be added later;
PROPOSED RULES

§ 381.142 Containers.
Containers for any product shall not result in the adulteration or misbranding of the product. Containers shall not be composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health under conditions of use. Containers shall adequately protect products and shall not be deceptive. Container composition shall comply with section 409 of the Federal Food, Drug, and Cosmetic Act, as amended, and the implementing regulations in 21 CFR 121, Subparts E, F, and E.

8. Section 381.205(c) would be amended as follows:
§ 381.205 Labeling of immediate containers of imported poultry products.

(c) Labeling of immediate containers of imported poultry products shall be submitted for approval to the Labels and Packaging Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, D.C. 20250, and approved as provided in Subpart N of this Part, before products bearing such labeling will be admitted into the United States.

9. The Table of Contents to Subpart N—Labeling and Containers would be amended to reflect new headings for §§ 381.131, 381.132, 381.133, and 381.135, and to add the new section 381.142 with its heading, as follows:

Sec.
381.131 Prior approval required for certain labeling and marking devices; conditions and procedure.
381.132 Authorization required to make labeling or other devices bearing official marks.
381.133 Requirements of analysis.
381.135 Inspector in charge may permit modifications of approved labelings or markings.
381.142 Containers.

A public hearing to consider the above proposal is scheduled before a representative of the Department on Wednesday, August 22, 1974, at 10 a.m. in Room 216A, Administration Building, U.S. Department of Agriculture, Independence Avenue, SW., Washington, D.C. 20250. A representative of the Animal and Plant Health Inspection Service will present a statement explaining the purpose and basis of the proposal. Any interested person or firm may appear in person or by a representative and present information relevant to the proposal. Also, any interested person or his representative will be afforded an opportunity to ask the Department representative relevant questions concerning the proposal.

Any interested person or his representative who wishes to attend the public hearing and present his views shall contact the Director, Issuance Coordination Staff, Technical Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 4905, South Agriculture Building, Washington, D.C. 20250, Area Code (202) 447-7163 no later than August 22, 1974. If no one contacts the Director in this regard by the close of business on August 22, 1974, the public hearing will be canceled.

G. H. Wise,
Acting Administrator, Animal and Plant Health Inspection Service.

DEPARTMENT OF COMMERCE
Patent Office

[37 CFR Part 1]
ABANDONED APPLICATIONS REFERRED TO IN DEFENSIVE PUBLICATIONS

In FD Doc. 74-12726, appearing at page 19768 in the issue for Tuesday, June 4, 1974, the approval date above the last signature now reading “May 28, 1974” should be changed to read “May 29, 1974”.

DEPARTMENT OF TRANSPORTATION
Saint Lawrence Seaway Development Corporation

[33 CFR Part 401]
SEAWAY REGULATIONS AND RULES

Call-In Table

Notice is hereby given that the Saint Lawrence Seaway Development Corporation, pursuant to provisions of its enabling act (33 U.S.C. 581 et seq.) and pursuant to the authority vested in the Secretary of Transportation with respect to the Saint Lawrence Seaway under the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340, 86 Stat. 424), which authority was subsequently delegated to the Administrator of the Saint Lawrence

FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974
ENVIRONMENTAL PROTECTION AGENCY
[40 CFR Part 52]
NEW MEXICO: APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Schedules of Compliance

On May 31, 1972 (37 FR 10881), pursuant to section 110 of the Clean Air Act, 42 USC 1857c-5, the Administrator approved, with specific exceptions, the plan submitted by the State of New Mexico for the implementation of the national ambient air quality standards. One of the requirements for implementation plans, described in §51.15(e) of this Chapter, promulgated May 31, 1972 (37 FR 10882), noted the failure of the New Mexico plan to meet the requirements of §51.15(e) as it applied to the State’s Air Quality Control Regulations 504.D (emission limitation for particulate matter from coal burning equipment), 506.B (emission limitation for particulate matter from nonferrous smelters), 603.B (emission limitation for sulfur dioxide from existing coal burning equipment), 605.B (emission limitation for nitrogen dioxide from existing coal burning equipment), 609.B (emission limitation for nitrogen dioxide from existing coal burning equipment), and 652.A (emission limitation for sulfur from existing nonferrous smelters). Subsequently, on July 27, 1972 (37 FR 15087), Regulation 600.B was deleted from §52.1626(e).

On July 27, 1972 (37 FR 15105), in order to correct the deficiency in the New Mexico plan, the Administrator proposed the addition of §52.1626(d) to this Chapter to require increments of progress in compliance schedules. Almost contemporaneously, on July 29, 1972, the State of New Mexico adopted Air Quality Control Regulation 705 requiring semi-annual progress reports from pollution sources until the sources reported compliance with emission limiting regulations. This Regulation 705 was submitted to the Administrator on July 31, 1972. Since the requirement for progress reports did not assure the setting of specific dates for achieving increments of progress, Regulation 705 did not meet the requirements of §51.15(e). On May 14, 1973 (33 FR 12709), the Administrator promulgated §52.1626(d) of this Chapter requiring increments of progress with dates in compliance schedules.

On September 24, 1973, the State of New Mexico repealed the July 29, 1972, Regulation 705, and adopted a new Air Quality Control Regulation 705, schedules of Compliance, requiring increments of progress. Prior to its adoption, the proposed regulation was subjected to public hearing on May 17, 1973. This hearing was preceded by adequate notice to the public of thirty days. During this period, the proposed regulation was available for public inspection. The new Regulation 705 became effective on December 16, 1973, and was submitted to the Administrator on February 12, 1974. It has been examined and found to meet the requirements of §51.15(e). The Administrator proposes to revoke paragraph (d) of §52.1626 of this Chapter and to revise paragraph (a) to indicate approval of the September 24, 1973, Regulation 705.

The September 24, 1973, Regulation 705 requires compliance schedules under certain circumstances for pollutant sources which are out of compliance with emission limiting regulations, including those regulations listed in §52.1626(d). Regulation 705 contains procedures for obtaining approval of schedules of compliance, requires that a public hearing be held by the Board on a petition for approval, and requires that increments of progress with dates be included in a compliance schedule and followed to achieve compliance with the applicable regulations as expeditiously as practicable. The Regulation in its entirety is available for public inspection at the following locations:

Environmental Protection Agency
Regulation VI
Air Programs Branch
1300 Patterson Street
Dallas, Texas 75201

New Mexico Environmental Improvement Agency
Air Quality Division
P.E.A. Building
Santa Fe, New Mexico 87501

Environmental Protection Agency
Emission Information Center
401 M Street, S.W.
Washington, D.C. 20460

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Region VI Air Program Branch, 1600 Patterson Street, Dallas, Texas 75201. All comments received on or before July 22, 1974, will be considered. All comments will be available for public inspection during normal business hours at the Region VI office.

This notice of proposed rulemaking is issued under the authority of section 110 of the Clean Air Act, Pub. L. 91-604, 84 Stat. 1713.

Dated: June 10, 1974.

ARTHUR W. BUSCH,
Regional Administrator, Region VI.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974
PROPOSED RULES

1. In § 52.1630, paragraph (c) is amended by adding a subparagraph (3) as follows:

§ 52.1620 Identification of plan.

(c) * * *

(3) February 12, 1974.

2. In § 52.1623, paragraph (d) is revoked and paragraph (a) is revised to read as follows:

§ 52.1626 Compliance schedules.

(a) New Mexico Air Quality Control Regulation 705, Schedules of Compliance, as adopted by the State of New Mexico on September 24, 1973, meets the requirements of 51.15(c) of this Chapter and is hereby approved as part of the State of New Mexico Implementation Plan.

(d) [Revoked]

[FED Doc. 74-14133 Filed 6-19-74; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR—Part 73]

[Docket No. 19824; RM-2106]

FM BROADCAST STATIONS

Transmission of Non-Aural Signals; Order Extending Time for Filing Comments and Reply Comments

In the Matter of Amendment of Part 73 of the Commission’s rules and regulations concerning the transmission of non-aural signals on an FM broadcast station subcarrier pursuant to a Subsidiary Communications Authorization.

1. The Commission, on April 9, 1974, adopted a notice of proposed rulemaking in the above-entitled matter. Publication of the notice was given in the Federal Register on April 22, 1974 (39 FR 14530). As subsequently amended, the dates for filing comments and reply comments in this proceeding is now specified as June 14 and June 28, 1974, respectively.

2. On June 12, 1974, counsel for Information Transmission Corporation (ITX) filed a request for an extension of time to and including June 19, 1974, in which to file comments herein. ITX states that it feels that the technical and empirical information it wishes to file in this proceeding will provide valuable assistance to the Commission. It further states that although the technical data to be submitted has been completed the additional time is necessary to allow sufficient time to insure receipt and proper collation of the data by its counsel.

3. We are of the view that the public interest would be served by extending the time for filing comments and reply comments in this proceeding. Accordingly, it is ordered, that the dates for filing comments and reply comments are extended to and including June 19 and July 2, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(d), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.381 of the Commission’s rules.

Adopted: June 13, 1974.

Released: June 17, 1974.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-14133 Filed 6-19-74; 8:45 am]

[47 CFR—Part 73]

[Docket No. 19824; RM-2106]

[22160]

FM BROADCAST STATIONS

Proposed Table of Assignments, Sun Valley, Idaho

1. A notice of proposed rulemaking, adopted in this docket September 11, 1973 (FCC 73-947 38 FR 26380), proposed to amend the FM Table of Assignments (§ 73.200 of the Commission’s rules and regulations) by substituting Class C Channel 247 for 228A, the only FM channel assigned to Sun Valley, Idaho. At the time the notice was adopted, Channel 228A was unoccupied and unapplied for. As indicated below, two applications for its use have since been filed.

2. The notice was adopted in response to a petition for rulemaking filed by Sun Valley Radio, Inc. (SVR), which made a convincing showing that because of terrain factors a station operating on Channel 228A could not provide service to the Wood River Valley communities of Sun Valley (population 1,800), Ketchum (population 2,719), Hailey (population 1,259), Bellevue (population 537), and Elkhorn, a new resort city under construction near Sun Valley, all in Blaine County (population 5,749). As stated in the Notice, Sun Valley is a world famous ski resort, which we were told is visited annually by one million families for skiing and other recreational purposes; and Channel 247 may be assigned there in full compliance with the conditions of Channel 228A, including its availability for station construction. The Notice also indicated a need for information as to the extent of the service area that would be served and the nature of FM and other aural services within that area. Note was made that, although there is preclusion (Channels 224A, 246, 247, 248, and 249A), many other FM channel assignments are available for the communities located within the preclusion areas.

3. Comments and reply comments were due October 2 and November 5, 1973, respectively. SVR filed timely comments reiterating the position taken in its petition for rulemaking and supporting additional time to allow sufficient time to present its engineering showing about service for an area of 1,388 square miles with a population of 7,800 receive two or three FM services. As concerns AM service, there is no unserved area with service from one to five AM stations based on a showing of daytime service.

4. On November 16, 1973, Leisure Time Communications, Inc. (LTC), filed a letter in which it stated its belief that the present lack of local service and the prospects for economic growth in the area warranted the Class C assignment. It further said that, although the time for filing comments and reply comments has expired, LTC would file comments and request that the proposed amendment of the table be modified and changed only so as to continue the allocation of Channel 228A at Sun Valley, Idaho. The basis for this request is said to be that after the issuance of the Notice herein, the president of SVR met with representatives of the U.S. Forest Service and of the Sun Valley Company (which is the prime permittee on Bald Mountain in connection with its ski facility there) and with a number of licensees of other communications facilities who operate from Bald Mountain. These meetings resulted in an expression of concern by the Forest Service representative about potential interference that a Class C FM station on Bald Mountain might impose on other communications licenses in the area. SVR states that it has been informed assuringly that there would be no problem in locating a transmitting antenna for a Class C FM station on the mountain.

5. SVR also stated that, while earlier speculation without benefit of precise and detailed engineering study gave contrary indication as to the feasibility of a Class A operation at Sun Valley, it now believes that a Class A station would provide service to the Wood River Valley communities previously mentioned, and it submits an engineering statement in support of this.

6. Since SVR did not ask for dismissal of the rule making, it appears that this quoted language was intended to mean that SVR reiterates the position taken in its petition for rulemaking and supporting additional time to allow sufficient time to present its engineering showing about service for an area of 1,388 square miles with a population of 7,800 receive two or three FM services. As concerns AM service, there is no unserved area with service from one to five AM stations based on a showing of daytime service.

7. See Policy to Govern Requests for Additional FM Assignments, 5 F.C.C. 2d 78 (1967); and Roanoke Rapids and Goldsboro, 5 F.C.C. 2d 672, 673 (1966).
PROPOSED RULES

7. On January 25, 1974, LTC filed a petition to hold action on the SVR application for a Class C station on Channel 228A, in Sun Valley. No request to hold action on the petition was made. Nor did LTC unless specifically requested or authorized by the Commission. Failure to file comments or address the issues raised may result in dismissal.

8. Two pleadings were filed by SVR on February 27, 1974—a response to the LTC petition to hold in abeyance, and further supplemental comments. Read together, they request the Commission to assign Station Channel 228A, in Sun Valley. The dismissal is sought on the ground that the assignment of Channel 228A is contrary to the Commission's long-standing policy against intermixture of classes of FM channels which is avoided in order to maintain technical parity between facilities in the same community. SVR says that while the policy against intermixture has been deviated from on occasion there is no reason for doing so here where the only consideration is service to Blaine County and a Class A station can adequately serve that county (71% of the population clustered in the Wood River Canyon, 4,312 persons) would be within the 1 mV/m contour of a Class A station.

9. On March 22, 1974, LTC filed an application for a construction permit for the use of Channel 228A at Sun Valley (BPI-8903) which, of course, is mutually exclusive with that filed by SVR. Finally, completing the succession of filings, SVR filed further supplemental comments in which it requested the Commission to assign a second Class A channel, Channel 232A, to Sun Valley (and not assign a Class C channel there). This request is in conflict with its previous request of February 27 which asked, as an alternative, that the rule making be dismissed, which would leave Sun Valley with only one channel—228A—assigned to the community.

10. As stated above, comments and reply comments were due on October 26 and November 5, 1974, respectively. Although SVR filed timely comments, thereafter both SVR and LTC filed a variety of untimely submissions, as the foregone sections indicate. Section 1.415 of the Commission's rules provides that in rule making proceedings a reasonable time will be allowed for the filing of comments and reply comments and that no additional comments may be filed unless specifically requested or authorized by the Commission. No requests or authorizations were made. Nor did SVR request leave that any of the pleadings filed subsequent to the comments be accepted. It therefore does not accept the late pleadings into the record. However, to the extent that they raise substantial questions which require an answer on the record, we are setting forth further supplemental rule making. Of the questions presented, the overriding issues are whether, as originally proposed, a Class C channel is necessary or whether there is a site available in the Wood River Valley communities, and, if so, whether there is a site available for a station, SVR, which originally proposed on the basis of a site for a Class C channel to Sun Valley, would provide comments. In the event of any additional comments, or other appropriate pleadings, they will not be considered if advanced in reply comments.

11. We should like interested parties to discuss whether the public interest would be served by assignment of a Class C channel to Sun Valley, Idaho, and, if so, whether a site is available in the area for a station on such a channel. In this respect, we need further information regarding the existence of pertinent services in the area and, more particularly, as to nighttime AM service (see para. 3 above). We should also like the parties to discuss whether, aside from considerations of availability, it is appropriate to make a second channel assignment to a community the size of Sun Valley, and, if so, whether intermixture is appropriate in the circumstances. To make an appropriate evaluation of this and other issues, an engineering showing should be made as to the area of service from a single channel there. This request is in connection with the decision herein.

12. Shahings required. Further comments are invited as to the issues raised. Failure to file comments or address the issues raised may result in dismissal.

13. Cut-off procedure. The following procedures will govern:

(a) In those cases as to Channel 247, counter-proposals advanced 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 Further Notice (except Channel 247), they will be considered as comments in this proceeding, and Public Notice to that effect will be given, as long as they are filed before the date for filing initial comments set forth below. If filed later, they will not be considered in connection with the decision herein.

(c) The cut-off as to the proposed Channel 247 assignment to Sun Valley is already operative. See the recent Anamosa and Iowa City cases, adopted April 16, 1974 (FCC 74-409; 46 F.C.C. 2d), which stated that in considering the need for service and evaluating the extent to which service is already provided, recognition should be given to both AM and FM as components of a single rural service with primary AM service determined by nighttime coverage. See also footnote 2, supra.

15. Pursuant to applicable procedures set out in §1.415 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments and notices are due on or before August 8, 1974, and reply comments on or before August 27, 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.

16. 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, 1915 F Street, NW., Washington, D.C. 20554.

Adopted: June 12, 1974.
Released: June 14, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.
[FR Doc.74-14184 Filed 6-19-74; 8:45 am]
SECURITIES AND EXCHANGE COMMISSION

[17 CFR 240]

[File No. 87-529; Release No. 34-10484]

SECURITIES EXCHANGE ACT PROPOSED RULE 3a12-5

Request for Public Comment

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 3a12-5 (17 CFR 240.3a12-5) which would exempt certain investment contract securities involving the direct ownership of specified residential real property (the “Act”) which would exempt certain investment contract securities involving the direct ownership of specified residential real property offered

“Act”) which would exempt certain investment contract securities involving the direct ownership of specified residential real property (particularly the traditional modes of financing real property and the lack of any secondary trading market therefor) make the existence of the concerns addressed by sections 7 and 11(d) (1) unlikely. The Commission has determined, therefore, that the extension or maintenance of credit arrangements such as credit on the entire security and the extension of credit by broker-dealers in connection with the purchase, lien or other related element of the transaction, including the loan or other remuneration received and to be received by the broker-dealer or any person in a control relationship with the broker-dealer in connection with the transaction.

The broker-dealer must also obtain information concerning the purchaser’s financial situation, and, in light of such information, determine reasonably that the entire transaction, including the loan arrangement, is suitable for such person. Finally, the broker-dealer must deliver to the purchaser a written statement setting forth the basis upon which the determination as to suitability was made.

If adopted, proposed Rule 3a12-5 would exempt from the restrictions of sections 7 and 11(d) (1) credit arranged by broker-dealers in connection with the offer and sale of investment contract securities consisting of the direct ownership of specified residential real property and related management services, for example “condominium securities.” The proposed rule would not apply to the sale of investment contract securities involving the sale of real estate syndications, real estate limited partnerships, real estate investment trusts or other investment vehicles in which the investor does not possess a direct ownership interest in the real estate or residential real property. The Commission is also soliciting comments concerning whether proposed Rule 3a12-5 should apply to Rule 1 investment contract securities involving specified residential real property which, because of prohibitions under foreign or domestic law, do not convey a fee simple interest; and (2) investment contract securities involving the direct interest in real property other than residential real property. At this time the Commission does not have a sufficient basis for determining whether such securities should be exempted from sections 7 and 11(d) (1) consistent with the interests of the public and the protection of investors.

The Commission wishes to emphasize that this rule is, if adopted, part of an experiment and that the activities of persons seeking to avail themselves of the exemptions proposed today will be carefully scrutinized to assure that such activities are not subject to abuse. Inasmuch as proposed Rule 3a12-5 is promulgated, in part, upon the lack of a secondary trading market for investment contract securities involving the direct ownership of specified residential real property, the Commission would reconsider the appropriateness of the rule proposed today if secondary trading markets develop for these investment contract securities.

Text of Proposed Rule

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 5(a)(12), 7(c), 11(d) (1) and 23(a) thereof, hereby proposes to amend Part 240 of Title 17 of the Code of Federal Regulations by adding new § 240.3a12-5 to read as follows:

SECURITY EXCHANGE ACT REGULATIONS

PROPOSED RULES

Section 11(d) (1) prohibits a person who transacts business as both a broker and a dealer from effecting any transactions in broker-dealer in connection with the transaction.

If adopted, proposed Rule 3a12-5 would exempt from the restrictions of sections 7 and 11(d) (1) credit arranged by broker-dealers in connection with the offer and sale of investment contract securities consisting of the direct ownership of specified residential real property and related management services, for example “condominium securities.” The proposed rule would not apply to the sale of investment contract securities involving the sale of real estate syndications, real estate limited partnerships, real estate investment trusts or other investment vehicles in which the investor does not possess a direct ownership interest in the real estate or residential real property. The Commission is also soliciting comments concerning whether proposed Rule 3a12-5 should apply to Rule 1 investment contract securities involving specified residential real property which, because of prohibitions under foreign or domestic law, do not convey a fee simple interest; and (2) investment contract securities involving the direct interest in real property other than residential real property. At this time the Commission does not have a sufficient basis for determining whether such securities should be exempted from sections 7 and 11(d) (1) consistent with the interests of the public and the protection of investors.

The Commission wishes to emphasize that this rule is, if adopted, part of an experiment and that the activities of persons seeking to avail themselves of the exemptions proposed today will be carefully scrutinized to assure that such activities are not subject to abuse. Inasmuch as proposed Rule 3a12-5 is promulgated, in part, upon the lack of a secondary trading market for investment contract securities involving the direct ownership of specified residential real property, the Commission would reconsider the appropriateness of the rule proposed today if secondary trading markets develop for these investment contract securities.
§ 240.3a12-5 Exemption of certain investment contract securities from sections 7(e) and 11(d) of the Act.

(a) A security shall be exempted from the provisions of sections 7(e) and 11(d) (1) of the Act with respect to any transaction by a broker or dealer who, directly or indirectly, arranges for the extension or maintenance of credit on the security to or for a customer if—

(1) The security is an investment contract security involving the direct ownership of specified residential real property and related management services, and the credit—

(i) Is secured by a lien, mortgage, deed of trust, or other security interest which is related only to such real property;

(ii) Is reasonably related to the current market value of the real property at the time the credit is extended; and

(iii) Is extended by a lender which is not directly or indirectly controlling, controlled by, or under common control with the broker or dealer or the issuer of the securities; and

(b) Such broker or dealer, before any purchase, loan or other related element of the transaction is entered into—

(1) Delivers to the customer a written statement setting forth the exact nature and extent of (a) the customer's obligation under the particular loan arrangement, including, among other things, the specified charges which he will incur under such loan in each period during which the loan may continue to be extended, (b) the risks which he will incur in the entire transaction, including the loan arrangement, and (c) all commissions, discounts and other remuneration received and to be received in connection with the entire transaction, including the loan arrangement, by the broker or dealer, and by any person controlling, controlled by, or under common control with the broker or dealer; Provided, however, That the broker or dealer shall be deemed to be in compliance with paragraph (a)(2) if the customer, before any purchase, loan or other related element of the transaction is entered into in a manner legally binding upon the customer, receives a statement from the lender, or receives a prospectus or offering circular containing the information required by this subparagraph; and

(2) Obtains from the customer information concerning his financial situation, reasonably determines that the entire transaction, including the loan arrangement, is suitable for him, and delivers to him a written statement setting forth the basis upon which the broker or dealer made such determination.

(1) In determining the exempted security under the particular loan arrangement, is suitable for him, and delivers to him a written statement setting forth the basis upon which the broker or dealer made such determination.

(2) Such broker or dealer before the transaction is entered into:

(a) Delivers to the customer a written statement setting forth the extent of (a) the customer's obligations and (b) the risks which he will incur in the entire transaction, including the loan arrangement, and of any other element of the transaction, and of any breach of any representation concerning his financial situation, reasonably determines that the entire transaction, including the loan arrangement, is suitable for him, and delivers to him a written statement setting forth the basis upon which the broker or dealer made such determination.

(b) Such broker or dealer before the transaction is entered into.

(c) The broker or dealer shall be deemed to have obtained the customer information required by this subparagraph; and

(d) The broker or dealer shall be deemed to have obtained the customer information required by this subparagraph.

§ 121.3-10 Definition of Small Business for SBA Loans.

[FR Doc. 74-14123 Filed 6-10-74; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Proposed Definition of a Small Electric Utility for the Purpose of Obtaining an SBA Loan

Notice is hereby given that the Administrator of the Small Business Administration proposes to establish a new definition of a small electric utility for the purpose of obtaining an SBA loan. At the present time, 13 CFR 121.3-10(d) (11) defines "small" electric utility as an individual or group of electric utilities that have average annual receipts less than $1 million for the preceding fiscal year and is defined by the maximum size of an individual electric utility. The SBA proposes to amend 13 CFR 121.3-10(d) by adding new paragraph (d)(11) to read as follows:

§ 121.3-10 Definition of Small Business for SBA Loans.

(a)(11) Small Business Electric Utility

(b) Services * * *

(c) As defined in 13 CFR 121.3-10(d)(11) as small if, including its affiliates, it is primarily engaged in the generation, transmission, and/or distribution of electric energy for sale and its total electric output for the preceding fiscal year did not exceed 4 million megawatt hours.

* * * Interested parties may file with the Small Business Administration on or before July 22, 1974, written statements of facts, opinions, or arguments concerning the proposal. All correspondence shall be addressed to:

William L. Pealton
Director
Office of Industry Studies and Size Standards
1441 L Street, NW.
Washington, D.C. 20415

(Catalog of Federal Assistance Program No. 00.011, Small Business Investment Companies 00.012, Small Business Loans.)

Dated: June 10, 1974.

LOUIS F. LEAI
Acting Administrator.

[FR Doc. 74-14123 Filed 6-10-74; 8:45 a.m.]
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 JUSTICE
Drug Enforcement Administration

[FR Doc. 74-14157 Filed 6-19-74; 8:45 am]

JAMES G. MIDDLETON, M.D.

Hearing

Notice is hereby given that on April 22, 1974, the Drug Enforcement Administration, Department of Justice, issued to James G. Middleton, M.D., Des Plaines, Illinois, an Order to Show Cause as to why the Drug Enforcement Administration registration No. AM 418370, issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said Order was received by Dr. Middleton, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held, commencing at 10:00 a.m. on June 25, 1974, in Room 204-A, Everett Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois 60604.

Dated: June 17, 1974.

JOHN R. BARTELS, JR.,
Administrator.

DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs

ATKASOOK, ALASKA

Eligibility of Native Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May 30, 1973, issue of the Federal Register.


Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated to him pursuant to the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native Villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on December 12, 1973, his Final Decision determining the eligibility of the Native Village of Atkasook, Alaska.

On December 18, 1973, the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, filed a Notice of Appeal from the Final Decision of the Director on the eligibility of the Native Village of Atkasook. Thereafter, on May 21, 1974, the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, filed a Motion to Dismiss its appeal from the Final Decision of the Director on the eligibility of the Native Village of Atkasook.

The Ad Hoc Board, finding no reason for justifying the denial of Motion of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, to Dismiss its Appeal from the Final Decision of the Director on the eligibility of the Native Village of Atkasook, on May 30, 1974, issued a Final Order Dismissing the Appeal of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, and Certifying Village.

In accordance with the Ad Hoc Board’s Final Order Dismissing the Appeal of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy and Certifying Village, which requested the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the Native Village of Atkasook as eligible for benefits under the Alaska Native Claims Settlement Act, the Director, Juneau Area Office, Bureau of Indian Affairs, certifies the Native Village of Atkasook eligible for benefits under the Alaska Native Claims Settlement Act, said decision not being further appealable, and also issues to the Native Village of Atkasook a Certification of Eligibility.

JOHN A. MOORE II,
Acting Director.

Nooinksut, ALASKA

Eligibility of Native Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

On February 15, 1974, the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, filed a Notice of Appeal from the Final Decision of the Director on the eligibility of the Native Village of Nooinksut. Thereafter, on May 21, 1974, the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, filed a Motion to Dismiss its appeal from the Final Decision of the Director on the eligibility of the Native Village of Nooinksut.

On January 4, 1974, the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, filed a Notice of Appeal from the Final Decision of the Director on the eligibility of the Native Village of Nooinksut. Thereafter, on May 30, 1974, issued a Final Order Dismissing the Appeal of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, and Certifying Village.

In accordance with the Ad Hoc Board’s Final Order Dismissing the Appeal of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy and Certifying Village, the Director, Juneau Area Office, Bureau of Indian Affairs, certifies the Native Village of Nooinksut eligible for benefits under the Alaska Native Claims Settlement Act, said decision not being further appealable, and also issues to the Native Village of Nooinksut a Certification of Eligibility.

JOHN A. MOORE II,
Acting Director.

EUGENE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Eugene District Advisory Board will meet on July 24, 1974, commencing at 9 a.m. in the Eugene District, Bureau of Land Management, Eugene District Office, 7th and Pearl, Eugene, Oregon.
Management, Conference Room, 1255 Pearl Street, Eugene, Oregon, for a field trip to look at reforestation, forest genetics and nursery operations. There will be no host dinner followed by a short meeting at Cottage Grove, Oregon, after the field trip.

The meeting and tour will be open to the public although persons wishing to accompany the tour must provide their own transportation. In addition to discussion of the agenda topics by board members, there will be time for brief statements by nonmembers. Persons wishing to make oral statements should so advise the chairman in care of the chairman, Eugene District Manager, P.O. Box 10226, Eugene, Oregon 97401.

Joseph C. Dose,
Eugene District Manager.
July 13, 1974.

[FR Doc. 74-14159 Filed 6-19-74; 8:45 am]

NEW MEXICO
Notice of Application
June 12, 1974.
Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 1365), El Paso Natural Gas Company has applied for a 6-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico
T. 19 S., R. 25 E., Sec. 19, NW1/4 Sec. 16, NW1/4.

This pipeline will convey natural gas across 321 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,
Chief, Branch of Land and Minerals Operations.

[FR Doc. 74-14149 Filed 6-19-74; 8:45 am]

NEW MEXICO
Notice of Application
June 13, 1974.
Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 1365), Transwestern Pipeline Company has applied for two 6-inch natural gas pipelines right-of-way across the following land:

New Mexico Principal Meridian, New Mexico
T. 24 S., R. 25 E., Sec. 12, NE1/4 and SE1/4. Sec. 15, SW1/4.

These pipelines will convey natural gas across 1,656 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,
Chief, Branch of Land and Minerals Operations.

[FR Doc. 74-14159 Filed 6-19-74; 8:45 am]

NEW MEXICO
Notice of Application
June 12, 1974.
Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 1365), El Paso Natural Gas Company has applied for a 8-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico
T. 19 S., R. 25 E., Sec. 10, NW1/4 Sec. 15, NW1/4.

This pipeline will convey natural gas across 321 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,
Chief, Branch of Land and Minerals Operations.

[FR Doc. 74-14149 Filed 6-19-74; 8:45 am]

NEW MEXICO
Notice of Application
June 13, 1974.
Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way across the following lands:

Sixth Principal Meridian, Wyoming
T. 17 N., R. 103 W., Sec. 29, SW1/4, NW1/4, SE1/4, and SW1/4.

The pipeline will convey oil from a well in the NE1/4 sec. 2 to an existing pipeline in the SE1/4 sec. 10, all in T. 17 N., R. 100 W.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1038, Rock Springs, Wyoming 82901.

Phillip C. Hamilton,
Chief, Branch of Land and Minerals Operations.

[FR Doc. 74-14147 Filed 6-10-74; 10:45 am]

WYOMING
Notice of Application
June 13, 1974.
Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way across the following lands:

Sixth Principal Meridian, Wyoming
T. 20 N., R. 63 W., Sec. 29, NE1/4.

The pipeline will convey natural gas from the UPRR No. 28-E well in sec. 28, T. 20 N., R. 63 W., to an existing gathering system.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1038, Rock Springs, Wyoming 82901.

Phillip C. Hamilton,
Chief, Branch of Land and Minerals Operations.

[FR Doc. 74-14157 Filed 6-10-74; 10:45 am]

WYOMING
Notice of Application
June 13, 1974.
Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Marathon Pipe Line Company has applied for a right-of-way for a rectifier and ground bed across the following lands:

Sixth Principal Meridian, Wyoming
T. 29 N., R. 67 W., Sec. 15, NW1/4 and NW1/4.

These facilities are requested for the operation and maintenance of an existing oil transmission system.
The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.
[FR Doc.74-14137 Filed 6-19-74;8:45 am]

NOTICES

Fish and Wildlife Service
COYOTE CONTROL

Emergency Use of Sodium Cyanide With M-44 Device

Notice is hereby given that on May 28, 1974, procedures for the emergency use of sodium cyanide applied with the M-44 device to control coyotes in the Department of the Interior's operational predator control program, authorized by the Act of March 2, 1931 (7 U.S.C. 426-426b; 46 Stat. 1468). Since the issuance of Executive Order 11643, the Bureau has attempted to carry out this program with nonchemical methods, such as steel traps, aircraft, and other mechanical means, but this methodology has been successful in many situations; however, the effort has failed in areas where terrain, vegetation, and other factors do not permit the effective use of nonchemical methods to reduce livestock damage caused by coyotes. In these areas the use of sodium cyanide delivered by the M-44 device could significantly increase the Bureau's capability to prevent significant economic damage to livestock resources, particularly sheep and goats. The Bureau has identified and defined the types of areas where the effective use of nonchemical means of control may be inadequate to respond to an emergency and where there is a history of severe depredations on sheep.

The procedures for implementation of the emergency provisions of the Executive order established by Interagency Memorandum of Agreement were developed to expedite emergency requests for sodium cyanide, but the procedures of the Memorandum of Agreement appear to be acceptable for routine requests; emergencies caused by coyote depredation on sheep and goats require faster action. Accordingly, the Department of the Interior, in consultation with the other agencies charged with the implementation of the Executive order, has developed the procedures contained herein in order to provide for timely responses to true emergency situations. These procedures address only the emergency use of sodium cyanide delivered by the M-44 device to mitigate emergencies caused by coyote predation on sheep and goats.

An emergency request will be handled by the following procedures:

(1) The owner or operator in the case of private land, or the land administrator, in the case of public land, may initiate a request in consultation with Bureau field personnel through use of the form "Request for the Emergency Use of the M-44 Device".

(2) The completed request form will be reviewed by the Bureau's State Animal Damage Control Office.

(3) The request, with recommendations, will be submitted to the Regional

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Director for a final determination on the existence of an emergency situation and the need for use of the M-44. If the finding is made that an emergency exists, the Regional Director will be authorized to approve the use of the M-44 without further consultation with the Secretary of the Interior or other agencies. The criteria set forth in the remainder of this document must be satisfied by the Regional Director in making the finding that an emergency exists.

Definition of an emergency. Emergency resulting from predation by coyote is defined as a period when mechanical control methods have not proved feasible or effective. An emergency shall be held to exist when there is an unusually high rate of predator loss occurs to one or more growers equal to 2 percent or more of the affected flock over a 7-day period. The emergency criteria may be satisfied when a lesser rate of predator loss occurs which can be projected to cause the destruction of 8 percent or more of the affected flock over the growing season, after trapping, shooting, and poisoning has been attempted over a reasonable period and found ineffective.

In low, open grassy pastures, sheep and goat losses due to predation are more easily located and confirmed. An emergency will be considered to exist in these areas when: a sheep raiser is suffering a demonstrated and confirmed 2 percent or higher loss to predators over a period of 7 days; when mechanical methods have been unsuccessful for a 14-day period and the losses suffered by the grower due to predation have reached an average of .6 percent per week or more for that period; or when mechanical control methods have been unsuccessful for 28 consecutive days and the losses suffered by the grower due to predation have reached an average of 0.4 percent per week for that period.

In heavy brushy areas or rough, steep terrain, sheep and lamb losses due to predation are more difficult to locate and confirmed. Research has documented the extreme difficulty in locating more than 50 percent of all losses in areas of this type. An emergency will be considered to exist in this situation when a sheep grower suffers a confirmed loss of 1 percent or higher during a 7-day period, when mechanical control methods have been unsuccessful during a 14-day period and losses suffered due to predation have reached an average of .3 percent per week or more for that period; or when mechanical control methods have been unsuccessful for a 28-day period and the losses suffered by the grower due to predation have reached an average of 2 percent per week or more for that period. 

Description of areas where the M-44 may be authorized to control coyote depredations. These areas are those where aerial methods of predator control are not feasible and other mechanical methods have not been effective in reducing sheep and goat depredations and would be of the M-44. In justified emergency situations, could provide a means to effectively reduce depredations on flocks during grazing or lambing seasons. This delineation is based on a number of factors. These are covered in more detail in (1) "The Bridger Project: An Evaluation of Mechanical Coyote Control Techniques"; (2) "Coyote Damage Control by Mechanical Techniques"; and (4) "Preliminary Report, Predator Survey-Western U.S., 1972," which include "A Case History of Coyote Depredations in the Western States from 1894 to 1972. Showing Percent Change from 1972 and Percent Significance." In order to be qualified as an emergency area the three following conditions must be present: (1) sheep and or goats must be present in the area; (2) coyotes or other predator cands must have been shown to be the cause of loss; and (3) mechanical means must have been shown to be ineffective.

The areas can be generally classified into four types as follows:

1. Low altitude pastures. Lambing grounds and pastures which may be used throughout the year. In case of lambing situations, the animals are vulnerable during late winter and early spring starting from lambing dates and continuing through May in northern States.

These areas are typified by dense, brushy mountainous and rough breaks where ground access is limited. Mechanical methods, such as aerial hunting, may not be effective because of the dense vegetation which prevents observation of coyotes from the air. Roughness and limited access may also present obstacles to effective use of other mechanical techniques, such as steel traps, calling, and shooting in some instances. Steel traps may not be practical because of the time involved in reaching problem areas for placement and frequent revisititation as required by Bureau regulations or State laws.

Much of the land is open range with minimum fencing. The presence of livestock, both sheep and cattle, interferes with the effective use of traps, resulting in trapping of non-target animals and rendered useless before the target animal can be caught, causing time loss and increased depredations.

2. High altitude summer pastures. These are areas above 7,000 feet used by sheep and goats from late June through early October. Aerial hunting is impractical because of high altitudes or vegetation. Many of these grazing areas are covered by aspen and coniferous timber.

The open park areas at high altitudes cannot be hunted with fixed-wing aircraft due to the lack of aircraft efficiency and the extreme safety hazard at this elevation. Sheep and goats are moved off fresh feed daily. Trap interference is common as a result of trampling because livestock and coyotes travel the same trails. Due to the roughness and limited access, traps often cannot be tended as required.

Sheep and lambs are present in areas during the period that coyote pups are maturing and begin to hunt on their own or in family groups.

The major area under this classification is public land under the jurisdiction of the U.S. Forest Service and the Bureau of Land Management. Land use and restrictions on control techniques are determined by the agencies which coordinate these practices with other land use patterns, such as recreation.

3. Fenced pastures including small farms with mixed agriculture. This classification includes fenced pastures which are private property. Due to interference by sheep and goats, it is impractical or illegal to use aircraft hunting in identifying property lines from the air. The lands are usually privately owned.

The aerial hunting permit law recently passed by Congress (16 U.S.C. § 742 J-1; 86 Stat. § 505), requires the States to issue specific permits showing land areas to be hunted and land ownership. Permission from the landowner must be secured before aerial programs can be conducted since aerial hunting is interpreted as trespass in some States. It is therefore necessary that property lines be recognizable from the air to conduct programs of this nature.

Fenced pastures as described are used for lambing areas and may include summer and winter grazing. In many instances control operations are restricted within the fenced areas containing the animals that are protected; steel traps cannot be used due to interference by sheep and other livestock. Sheep and goats are vulnerable to coyote depredation at all ages and, therefore, in these areas are exposed to depredations throughout the year.

4. Areas where aerial hunting is prohibited by State law. Coyote depredations in some of the areas designated in Arizona and the State of Washington could be stopped through aerial hunting techniques. However, State laws prohibit aerial hunting. In some areas of these States, the use of mechanical means other than aerial hunting may not be effective.

Coyote Abundance. The Bureau's coyote control post surveys conducted during the last 10 years have demonstrated significant increases in some coyote populations in Western States east of the Continental Divide and decreases in some States west of the divide. Large population changes occur in all of the problem areas where emergencies can be anticipated. Coyote density alone is only a variable, and not a determining factor in the seriousness of coyote depredations. Specific situations, such as losses resulting from a single coyote den in a lambing area in the spring, or from a family group of maturing coyote pups in the fall, may create a critical situation for an individual grower within the areas where mechanical methods are not effective and create the need for use of the M-44 to stop significant economic hardship.

Livestock Use. The determination of areas where problems may not be handled with mechanical techniques is based on the number of sheep present and the historic depredation problem for which we have record.

Policy and procedures for field application. When emergencies as defined herein are determined to exist within the areas described, field application of M-44...
devices will be conducted by Bureau employees and State employees under the supervision of the Bureau. The following procedures and policies will be followed:

**LEGAL GUIDELINES**

Service use of the M-44 shall conform to all applicable Federal, State, and local laws and regulations.

**AGREEMENTS FOR USE**

M-44’s may be placed after an emergency request for control is received and approved by the Regional Director and Release Form (3-1923) or its equivalent, is executed. Use of M-44’s shall be controlled by cooperative agreement for programs on Federal or State lands.

**PLACEMENT**

Emergency use of M-44’s shall be in locations and at times that will minimize encounters by humans, pets, and non-target species.

1. **Private Lands.** M-44’s may be used in emergency areas where defined heretofore by the Regional Director. Use shall be for the period authorized by the Director. The following restrictions will apply:

   - **Area Warning.** Main entrances, gateways, or commonly used access points to areas in which M-44’s are set shall be posted with warning signs to alert the public to the toxic nature of the cyanide and to the danger to pets. Good judgment is the best guide to placing signs so they most likely will be seen by those entering the property.

   - **Individual Unit Warning.** An elevated sign shall be placed in the immediate vicinity of M-44’s clearly warning persons not to handle the device. This sign must be obvious when one is looking at the M-44 from its most logical access.

   - **Nonauthorized Use.** M-44’s or cartridges shall not be given to, or entrusted to the care of any person other than the supervision of the Bureau. Care shall be taken to prevent theft or loss and the possibility of their subsequent use by nonauthorized persons.

**SAFETY**

1. **Personal Safety.** The State Supervisor shall be responsible for determining that all Bureau-supervised employees are properly instructed in the safe use of M-44’s before being entrusted with them. When setting M-44’s, caution should be exercised to prevent personal injury from accidental discharge. Gloves shall be worn when handling loaded M-44’s. When assembling or disassembling the loaded top, the gloved hand should be cupped over the M-44 to deflect an accidental discharge to the face.

2. **Antidote.** Cyanide antidote kits shall be possessed by all employees using M-44’s and shall be stored and handled at the time units are set or maintained.

3. **Storage.** M-44 cases contain toxic materials and shall be stored and handled accordingly.

4. **Case Disposal.** Discharged M-44 cases may retain hazardous amounts of cyanide and shall not be discarded at random in the field. Spent cases that have become unusable, shall be disposed of by burning in a safe place.

**INTEGRATION**

1. **Maintenance of M-44 Sets.** District Field Assistants shall carry with them a supply of warning signs and shall check all M-44 sets under their care as frequently as is feasible to assure that warning signs are present and fully visible. Under guidelines prescribed by the Regional Director; frequency of checking sets shall be established by the State Supervisor for his precinct area, taking into consideration topography, weather, access, and local and State regulations.

2. **Inspection of M-44 Sets.** District Supervisors shall routinely inspect M-44 sets as part of their supervisory responsibility to assure compliance with established policy. The State Supervisor or Assistant State Supervisor shall conduct inspections of M-44 sets as part of District inspections. Inspections shall include checking on the adequacy of warning signs. A written report to the Regional Director shall be mandatory on any violation of these regulations.

**LOCAL RESTRICTIONS**

Regions, States or Districts shall have the authority to issue more restrictive M-44 regulations as local situations may warrant.

**RECORDED PLACEMENT, ACCOUNTABILITY OF M-44’S**

The State Supervisor shall establish procedures for recording the placement and removal of M-44’s in the field. Transfer of M-44’s will be recorded according to the nature of the loss (theft, vandalism, removal by animal, inability to find location, etc.).

In addition to the above provisions, the following restrictions will apply:

- **Land status: Public.**
- **Land management.**
- **Landowner.**
- **County and State.**
- **Data set for assistance received:**
NOTICES

6. Description of the problem:
(a) Total livestock losses from all causes during the period.
(b) Number of predator kills confirmed by District Field Assistants (Indicate whether sheep, goats, calves, etc.)
(c) Predator species responsible.
(d) Time period involved for these reported losses.
(e) What mechanical methods were used during the period of loss.
(f) Time period this operation will be exposed to predation losses.
(g) Number of sheep and goats involved in this operation.
(h) Number of sheep and goats lost to predators during the same period last season.
(i) Number of M-44 units which will be used during the period of loss.
(j) Factors which limit the effectiveness of available mechanical tools.

7. What has been the success with non-chemical methods in the past?
8. Other factors affecting losses (whether high predator population, low population of buffer species, etc.)
9. Special restrictions required by land administrators

Recommended by:
State Supervisor
Land Administrator
( Forest Supervisor, BLM Area Manager or Landowner
Approved by Regional Director

Date

LISTING OF BUREAU OF SPORT FISHERIES AND WILDLIFE REPRESENTATIVES FOR FIELD APPLICATION OF THE PRECEDING EMERGENCY PROGRAMS

REGIONAL DIRECTORS
Region 1 (California, Idaho, Nevada, Oregon and Washington)
B. Kahler Martinson
1500 NW, Irving Street
P.O. Box 9725
Portland, Oregon 97208
Region 2 (Arizona, New Mexico, Oklahoma and Texas)
W. O. Nelson, Jr.
107 Gold Avenue SW.
P.O. Box 1303
Albuquerque, New Mexico 87103
Region 3 (Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North and South Dakota, Utah and Wyoming)
Charles M. Lovelass
P.O. Box 25486
Denver, Colorado 80225

STATE SUPERVISORS
Malcolm N. Allison
2800 Cottage Way
Sacramento, California 95815
Joe E. Minor
300 Booth Street
Reno, Nevada 89502
Vincent Bugatch
500 W. Valley Mall Blvd.
Union Gap, Washington 98903
Vernon Cunningham
10304 Candelaria NE
Albuquerque, New Mexico 87115
A. Warren Ablstrom
550 West Fort (Box 923)
Boise, Idaho 83724

William Nelson
820 N. Sixth Avenue
Fortland, Oregon 97322
William Nightmire
2721 N. Central Ave. (Suite 704)
Phoenix, Arizona 85004
Berkeley R. Peterson
Room 328, Old Post Office
Oklahoma City, Oklahoma 73102
Milton Caroline
P.O. Box 2537, Guiltbeau Station
San Antonio, Texas 78204
Frederick Christensen
Federal Bldg., U.S. Courthouse
111 S. Wolcott
Casper, Wyoming 82001
William K. Pfeifer
P.O. Box 1037
Blancmarch, North Dakota 58001
Robert P. Kelly
219 Federal Building
Lincoln, Nebraska 68508
Norton Miner
711 Central Avenue
Billings, Montana 59102
Donald W. Haythorn
Federal Bldg., Room 2216
125 S. State Street
Salt Lake City, Utah 84111
Rex V. Hanson
429 Federal Building
Pierre, South Dakota 57501
LYNN A. GREENWALZ,
Director, Bureau of Sport Fisheries and Wildlife
JUNE 17, 1974.
[FR Doc. 74-14056 Filed 6-19-74; 8:45 am]
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Geological Survey
DEEP CREEK BASIN, OREGON
Power Site Cancellation 295

Pursuant to authority under the Act of March 3, 1979 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 382 of July 15, 1947, is hereby canceled to the extent that it affects the following described land:

WILLAMETTE MEGEANT, OREGON
T. 40 S., R. 22 E., Sec. 29, NE/4.
The area described aggregates 40 acres.
The effective date of this cancellation is October 14, 1974.
Dated: June 13, 1974.
HENRY W. COULTER,
Acting Director.
[FR Doc. 74-14164 Filed 6-19-74; 8:45 am]
Office of the Secretary
[Int Doc 74-42]
LIVESTOCK GRAZING MANAGEMENT FOR NATIONAL RESOURCE LANDS

Extension of Time Period
The Department of the Interior published in the Federal Register of April 16, 1974 (39 FR 13897) a notice concerning the availability of a Draft Environmental Impact Statement on Livestock Grazing Management. The statement addresses itself to the livestock grazing management program on public lands administered by the Bureau of Land Management. The notice provided a 2-month period from its date of publication for comments. Because of the requests for extension of time to comment by reviewers, the time originally established for commenting on the Draft EIS has been extended to July 16, 1974.

JACK O. HORTON,
Assistant Secretary of the Interior.
JUNE 14, 1974.
[FR Doc. 74-14083 Filed 6-19-74; 8:45 am]

MARTIN T. QUIGLEY
Appointee's Statement of Financial Interests
Pursuant to section 303(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the Federal Register.

NAME OF APPOINTEE
Martin T. Quigley

NAME OF EMPLOYING AGENCY
Department of the Interior, Defense Electric Power Administration
THE TITLE OF THE APPOINTEE
Regional Power Liaison Representative, DEPA Area 3
THE NAME OF THE APPOINTEE'S PRIVATE EMPLOYER OR EMPLOYERS
Potomac Electric Power Company
The statement of "financial interests" for the above appointee is enclosed.

ROBERT R. MORTON,
Secretary of the Interior.
In accordance with the requirements of section 303(b) of Executive Order 10647, I am filing the following statement for publication in the Federal Register:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on May 1, 1976, as Regional Power Liaison Representative, Defense Electric Power Administration, an officer or director:
No change.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests.
I own 310 shares of common stock in the Potomac Electric Power Company of Washington, D.C.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:
No change.

FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974
NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

PEANUTS; 1974 CROP

Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of sections 5, 31, 32, 34 and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 FR 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1974 Crop Peanuts", "Outgoing Quality Regulation—1974 Crop Peanuts" and the "Terms and Conditions of Indemnification—1974 Crop Peanuts", which modify or are in addition to the provisions of section 5, 31, 32 and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended "Incoming Quality Regulation—1974 Crop Peanuts", "Outgoing Quality Regulation—1974 Crop Peanuts" and the "Terms and Conditions of Indemnification—1974 Crop Peanuts", be issued so as to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The 1974 peanut crop (which began July 1 and ended November 15) and the handlers of peanuts who will be affected hereby have signed the marketing agreement and accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement and accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement and accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement and accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement and accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement and accordingly.

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions of 1974 crop peanuts:

(a) Modification to section 5, paragraphs (b), (c), and (d). Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as follows:

(b) Segregation 1. "Segregation 1 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible Aspergillus flavus.

(c) Segregation 2. "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible Aspergillus flavus.

(d) Segregation 3. "Segregation 3 peanuts" means farmers stock peanuts with visible Aspergillus flavus.

(b) Moisture. Except as provided under paragraph (c) "Seed peanuts", no handler shall receive or acquire peanuts containing more than 10.00 percent moisture prior to storing or milling. On farm-ers stock peanuts, determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(c) Damage. For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) Loose shelled kernels. Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of whole kernels which ride screens with the following slot openings: Runner—1⅔ x ⅜ inch; Spanish and Valencia—1⅝ x ⅜ inch; Virginia—1⅚ x 1 inch. If so separated, those loose shelled kernels which ride such screens, shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts received. All such loose shelled kernels are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be held separate and apart from other peanuts received. All such loose shelled kernels are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be held separate and apart from other peanuts received.

(e) Seed peanuts. A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, they may contain up to 3 percent damaged kernels and have visible Aspergillus flavus, and, in addition, the following moisture content, as applicable:

Aspergillus flavus shall be stored and shelled separately from other peanuts and any residual not used for seed shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. A handler whose operations may include custom seed shelling, may receive, custom shell, and deliver for seed purposes farmers stock peanuts and such peanuts shall be exempt from the incoming quality regulation requirements and therefore shall not be required to be inspected and certified as meeting the incoming quality regulation requirements for handler sheller. The Peanut Administrative Committee has requested the weight of each lot of farmers stock peanuts received on such basis on a form furnished by the Committee. However, handlers who may custom sheller or producer who has or has not signed the marketing agreement may hold and/or sell such residuals separate and apart from other handler receipts or acquisitions of the handler and such residuals which meet outgoing quality regulation requirements may be disposed of by sale to human consumption outlets and any portion not meeting such requirements shall be disposed of by sale to all stock or crushing.

(f) Oil stock. Handlers may acquire as oil stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements of paragraph (a) above. The provision of section 31 of the marketing agreement restricting such acquisitions to handlers who are custom sheller operations or from another seed sheller or producer who has or has not signed the marketing agreement shall hold and/or sell such residuals separate and apart from other handler receipts or acquisitions of the handler and such residuals which meet outgoing quality regulation requirements may be disposed of by sale to all stock or crushing.

(g) Segregation 3 control. To assure the removal from edible outlets of any

Dated: June 17, 1974,

WASHINGTON, D.C.

K. L. BEARD, Deputy Director.

FR Doc. 74-11159 Filed 6-19-74; 8:45 am]

FEDERAL REGISTER, Vol. 39, No. 120—Thursday, June 20, 1974

FR Doc. 74-11159 Filed 6-19-74; 8:45 am]

FEDERAL REGISTER, Vol. 39, No. 120—Thursday, June 20, 1974
lot of peanuts determined by the Fed-
eral or Federal-State Inspection Service
 to be Segregation 3, each handler shall
 inform each employee, country buyer,
 commission buyer or like person through
 whom he receives peanuts, of the need
to receive and withhold all lots of Se-
 gregation 3 peanuts from milling for edible
 use. If any lot of Segregation 3 farmers
 stock peanuts is not withheld but re-
turned to the producer, the handler shall
 cause the buyer to immediately notify the
 Committee which shall be used only for
 information purposes.

Warehouse Storage Facilities.
 Handlers shall report to the Committee,
on a form furnished by the Committee,
 all storage facilities or contract storage
 facilities which they will use to store
 acquisitions of 1974 crop Segregation 1
 farmers stock peanuts and all such stor-
 age facilities must be reported prior to
 storing any other acquisitions.
 All such storage facilities must be of
 sound construction, in good repair, built
 and equipped so as to provide suitable
 storage and sufficient ventilation to pre-
 vent moisture and mold and provide
 adequate protection for farmers stock
 peanuts. All breaks or openings in the
 walls, roofs or floors of the facilities shall
 have repairs made as to keep out
 moisture. Elevator pits and wells shall
 be kept dry and free of moisture at all
times. Insect control procedures must be
 carried out in such a manner as to pre-
 vent infestation or moisture in the storage
 facilities. The Committee may make
 periodic inspections of storage facilities
 and farmers stock peanuts stored in such
 facilities to determine if handlers are
 adhering to the requirements.

Shelled peanuts. Handlers may ac-
 quire from other handlers shelled pe-
 nuts (which originated from "Segrega-
 tion 1" peanuts) from milling for edible
 use. The 48-pound sample shall be ground
 by a form provided

No. 120—Pt. I—9
FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974

NOTICES

"No. Two Virginia" means Virginia
 type peanuts that meet requirements of
 U.S. No. 2 Virginia grade peanuts except
 for tolerances for: (1) damage or un-
 shelled peanuts and minor defects; and
 (2) a total of 3.00 percent unshelled
 peanuts and damaged kernels and minor
 defects; (3) 9.00 percent moisture in the
 Southeastern and Southwestern areas, or
 10.00 percent moisture in the Virginia-
degrees. The term "Virginia with splits" means
 shelled peanuts with "splits" and
 peanuts of U.S. grade, other than U.S.
 splits, or 0.20 percent foreign material
 in U.S. splits and other edible quality
 peanuts not of U.S. grade. Fall through
 in such peanuts shall not exceed 4 per-
cent and fall through of whole kernels
 in Runners shall not exceed 3 per-
cent or 2 percent on Spanish "with splits". The term "fall
 through" as used herein, shall mean
 removing those kernels which pass through
 specified screens. Screens used for determining
 fall through in peanuts covered by this
 paragraph (a) shall be as follows:

<table>
<thead>
<tr>
<th>Type</th>
<th>Screen openings</th>
<th>Whole kernels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Runners</td>
<td>1/8 inch round</td>
<td>1/8 inch flat</td>
</tr>
<tr>
<td>Spanish and Virgin</td>
<td>1/8 inch round</td>
<td>1/8 inch flat</td>
</tr>
<tr>
<td>&quot;No. Two Virginia&quot;</td>
<td>1/8 inch round</td>
<td>1/8 inch flat</td>
</tr>
<tr>
<td>&quot;No. Two Virginia&quot;</td>
<td>1/8 inch round</td>
<td>1/8 inch flat</td>
</tr>
</tbody>
</table>

"sub-sampling mill" approved by the
 Committee. Four sub-samples of a size
 specified by the Committee shall be
 drawn from the ground portion of the
 sample diverted by the "sub-sampling
 mill" approved by the Committee.
 The four sub-samples of the resulting
 sub-samples from the 48-pound sample
 shall be designated as "1-A" and "2-A".
 The two remaining sub-samples of the
 designated as "2-A" shall be sent as re-
 quested by the handler or buyer, for afla-
 toxin assay to an AMS laboratory or a
 laboratory listed on the most recent
 Committee list of approved laboratories
 that can provide analyses results on such
 samples in 30 hours. The sub-samples
designated as "2-A" and "2-B" shall be
 held as aflatoxin check-samples by the
 Federal or Federal-State Inspection
 Service, AMS or designated laboratories
 and shall be analyzed only in AMS or
designated laboratories.

Sub-samples "1-A" and "1-B" shall be
 accompanied by a notice of sampling,
signed by the inspector, containing, at
 least, identifying information as to the
 handler (shipper), the buyer (receiver)
 if known, and the positive lot identifi-
cation of the shelled peanuts. A copy of
 such notice on each lot shall be sent to
 the Committee office. All assay sub-
samples shall be positive lot identified
 and sub-samples "2-A" and "2-B" held
 for 30 days, after delivery of sub-
samples "1-A" and "1-B", and delivered
 for assay upon all of the laboratory or the
 Committee and at the Committee's ex-
 pense. The cost of drawing the 48-pound
 sample and the preparation of the re-
cut sub-samples and postage for mailing
 the sub-samples "1-A" and
 "1-B" shall be borne by the handler.
 When the sub-samples "1-A" and "1-B"
have not been analyzed within 30 days
 from date of delivery of the "1-A" and
 "1-B" sub-samples and a second set of
 "2-A" and "2-B" sub-samples must be
 drawn, the cost of drawing, grading
 preparation and mailing such sub-sam-
 ple shall be for the account of the holder.
of the peanuts. Cost of the assay on the "1-A" and "1-B" sub-samples shall be for the account of the buyer of the lot and of the "2-A" and "2-B" sub-samples for the Committee's account. If the handler elects to pool peanuts for assay, the "1-A" sub-sample, he shall charge the buyer when he invoices the peanuts, and if more than one buyer, on a pro rata basis. The results of each assay shall be reported to the buyer listed in the notice of sampling and, if the handler desires, to the handler. If a buyer is not listed in the notice of sampling the results of the assay shall be reported to the handler who shall promptly cause notice to be given, to the buyer of the contents thereof and such handler shall not be required to furnish additional samples for assay.

(d) Identification. Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures as the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relaying the inspection certificate, on the peanuts so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. Such procedure on bagged peanuts shall consist of attaching a numbered log bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewn if shelled peanuts) into the collar of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State inspectors and to the Committee. For shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

Identification. Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption. (1) Inter-plant transfer. Until such time as procedures permitting all inter-plant and cold storage movements are established by the Committee, any handler may transfer peanuts from one plant owned by him to another of his own or to commercial storage, without having such peanuts positive lot identified and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts. (g) Loose shelled kernels, fall through and pickouts. (1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—1 3/8 x 3/4 inch; Spanish and Valencia—1 3/4 x 3/4 inch; Virginia—1 3/4 x 1 inch shall be disposed of only by sale as domestic oil stock or crushed. Fall through shall be disposed of in the same manner while pickouts shall be sold as domestic oil stock or crushed. Fall through and pickouts: the term "loose shelled kernels," means peanuts kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or which fall to meet the screens (U.S. No. 1 screens) in removing whole kernels; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed at the picking table, or any similar equipment, or otherwise during the milling process. (2) All loose shelled kernels, fall through and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels. Each such category of peanuts shall be parked separately in suitable new, used bags or placed in bulk containers acceptable to the Committee, except that loose shelled kernels and fall through may be commingled as provided in paragraph (3). Such peanuts shall be inspected by Federal or Federal-State inspectors in lots of not more than 100,000 pounds and a certification made as to moisture and foreign material content. (3) Each category of non-edible quality peanuts described in paragraph (g)(1) shall be identified by positive lot identification procedures set forth in paragraph (d) but using a red tag. In addition to disposition outlets specified in paragraph (g)(1), "loose shelled kernels" and "fall through" may be exported to countries other than Mexico or Canada if such peanuts are sampled and determined to be "negative" as to aflatoxin content and are "fragmented" prior to exportation. The term "fragmented" means to fragment the shelled peanuts by use of such devices as barhullers, rollers, hammermills, etc. so that no more than 10 percent of the kernels that remain as whole kernels will ride the following screens by type: Spanish 1 3/4 x 3/4 inch slot; Runner 1 3/4 x 3/4 inch slot; and Virginia 1 3/4 x 1 inch slot. Furthermore, after such peanuts are commingled with them with residue from CCC stock of a similar type for export under area association supervision. Fall through that has been sampled and determined to be negative as to aflatoxin content may be disposed of for use as wild-life feed or bait for rodents in labeled containers approved by the Committee. Such peanuts passed in paragraph (g)(1) shall be reported to the Committee on such forms and at such times as it prescribes. Such peanuts designed for crushing shall be deemed to be "restricted" peanuts and the meal produced therefore shall be used or disposed of as fertilizer or other non-feed use. Loos shelled kernels and fall through not fragmented and exported may be commingled with peanuts meeting specifications as specified in paragraph (g)(3) hereafter. Fall through shall be disposed of in the same manner while pickouts shall be sold as domestic oil stock or crushed.

NOTICES

FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974

\begin{itemize}
\item \textbf{NOTICES}
\item \textbf{(f) (1)}
\item \textbf{2-A} and "2-B" sub-samples of the peanuts. Cost of the assay on the "1-A" and "1-B" sub-samples shall be for the account of the buyer of the lot and of the "2-A" and "2-B" sub-samples for the Committee's account. If the handler elects to pool peanuts for assay, the "1-A" sub-sample, he shall charge the buyer when he invoices the peanuts, and if more than one buyer, on a pro rata basis. The results of each assay shall be reported to the buyer listed in the notice of sampling and, if the handler desires, to the handler.
\item \textbf{2-A} and "2-B" sub-samples of the peanuts. Cost of the assay on the "1-A" and "1-B" sub-samples shall be for the account of the buyer of the lot and of the "2-A" and "2-B" sub-samples for the Committee's account. If the handler elects to pool peanuts for assay, the "1-A" sub-sample, he shall charge the buyer when he invoices the peanuts, and if more than one buyer, on a pro rata basis. The results of each assay shall be reported to the buyer listed in the notice of sampling and, if the handler desires, to the handler.
\end{itemize}
fifications for unshelled peanuts, damaged kernels, or other defects as listed in the Outgoing Quality Regulation and be accompanied by an aflatoxin certificate determined to be negative by the Committee.

(3) Handlers may dispose of to domestic crushing or export to countries other than Mexico or Canada, shelled peanuts which fail to meet requirements of the Outgoing Quality Regulation, because of excessive damage and minor defects providing such peanuts will ride the following prescribed screens:

<table>
<thead>
<tr>
<th>Screen openings</th>
<th>Type of kernel</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 1/4 inch round</td>
<td>Whole kernels</td>
</tr>
<tr>
<td>1 1/4 inch flat</td>
<td>Whole kernels</td>
</tr>
<tr>
<td>1 1/4 inch round</td>
<td>Whole kernels</td>
</tr>
<tr>
<td>1 1/4 inch flat</td>
<td>Whole kernels</td>
</tr>
</tbody>
</table>

Furthermore, such peanuts riding the above screens shall contain not more than 2.00 percent foreign material; contain not more than 6.00 percent fall through of kernels passing through such prescribed screens; contain not more than a total of 8.00 percent damage and minor defects, including not more than 4.00 percent damage or unshelled kernels; and not contain moisture content exceeding 14.00 percent in the Carolinas area and 9.00 percent in the Southwestern and SouthEastern areas. Each lot of peanuts so disposed of shall be identified by positive lot identification procedure as specified in paragraph (a). Each lot of peanuts so disposed of shall be sampled and assayed for aflatoxin as specified in paragraph (e) and only peanuts determined negative by the Committee and accompanied by a negative certificate may be exported provided such peanuts are “fragmented” prior to exportation. Any such peanuts not eligible for export due to excessive aflatoxin or which fail to meet the requirements of this paragraph shall be handled and disposed of in the same manner specified for loose shelled kernels, fall through and pick-outs in paragraph (g) and such disposition shall be reported to the Committee on such forms and at such times as it prescribes.

(1) Residuals from seed peanuts. Handlers who receive and custom shell for seed purposes farmers stock peanuts (which have not been inspected and certified asmeeting the incoming quality regulation) shall hold and mill peanuts acquired as residuals from such operations separate and apart from peanuts acquired as Segregation 1 farmers stock.

Likewise, any such residuals received or acquired from a handler or non-handler, shall be held and milled separate and apart in the same manner. Residuals that meet requirements of the Outgoing Quality Regulation shall hold and mill peanuts acquired as residuals from such operations separate and apart from peanuts acquired as Segregation 3 farmers stock.

Shellings and disposition of Segregation 3 peanuts shall be done only under the supervision of the Committee and the Area Associations. Such peanuts, prior to shellling and after shellling, shall be kept separate and apart from all other peanuts. Handlers who have acquired Segregation 3 farmers stock peanuts pursuant to paragraph (1) of the Incoming Quality Regulation may discharge the peanuts In bags or bulk: (1) for crushing to other handlers who are crushers or to crushers who are not handlers but are approved by the Committee with the result that the peanuts shall be “fragmented” in the same manner as specified in paragraph (c) of the Outgoing Quality Regulation and shall be assayed for aflatoxin by an AMS laboratory or a laboratory approved by the Committee with the aflatoxin results shown on the bill of lading. All dispositions of Segregation 3 peanuts shall be reported to the Committee on such forms and at such times as it prescribes.

NOTICES

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FEDERAL REGISTER, Vol. 39, No. 120—Thursday, June 20, 1974
human consumption, plus temporary storage, except as hereinafter restricted, plus an allowance for remilling of one cent per pound for花生 whose appropriate samples for testing for aflatoxin are not received by the laboratory in compliance with paragraph (o) of the "Incoming Quality Regulation—1974 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the Continental United States where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been tested negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirements of the "Outgoing Quality Regulation—1974 Crop Peanuts". On lots on which the remilling is not successful in making the lot wholesome as to aflatoxin and such lots of peanuts are declared for remilling, the indemnification payment shall be the blending cost, plus any temporary storage, the transportation costs from origin (whether handler or buyer premises) to point of blending and on unsold lots from point of blending to handler's premises and the indemnification value of the weight of rejected peanuts removed from the lot. On lots which are custom blanched without remilling, the indemnification payment shall be determined in the same manner but it shall be reduced by 11/2 percent of the indemnification value multiplied by the original weight. However, the 11/2 percent deduction shall not apply to peanuts whose appropriate samples for testing for aflatoxin are not received by the laboratory in compliance with paragraph (o) of the "Incoming Quality Regulation—1974 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. The Committee shall pay, to the extent of the raw peanut equivalent value of the peanuts used in the product so withheld, such claimant's cost of a new lot of peanuts.

Payment shall be made to the handler claiming indemnification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling or custom blending and clearance of the lot for human consumption as the Committee may require. peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot by custom blanching and remilling, or both, the Committee shall declare the entire lot for indemnification. However, the Committee shall refuse to pay indemnification on any lot if there is no reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those peanuts treated with aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling or custom blanching.

Claims for indemnification on peanuts of the 1974 crop shall be filed with the Committee at least 60 days prior to December 31, 1975.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin to provide cause for rejection, he shall promptly notify the seller and the Manager, Peanut Administrative Committee, Atlanta, Georgia. Upon a determination of the Peanut Administrative Committee, confirmed by the Agricultural Marketing Service, authorizing rejection, such peanuts, and titherto, if passed to the buyer, shall be returned to the seller. The seller shall be indemnified from replacing such peanuts if he so elects.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the laboratory for aflatoxin assay and cause the laboratory, if other than the buyer's, to send one copy of the results of the assay to the buyer. The laboratory shall be paid for by the buyer and the buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Claims for indemnification from peanuts covered by this sales contract may also be based on minor defects; (4) unshelled peanuts, damaged kernels and minor defects; (5) shelled peanuts, damaged kernels.

Claims for indemnification may be made and hence deemed to be filed when notice of possible rejection is first given to the Committee.

Any handler who fails to conform to the requirements of paragraph (c) of the "Incoming Quality Regulation—1974 Crop Peanuts" shall be ineligible for any indemnification payments until such condition or conditions are corrected to the satisfaction of the Committee.

Categories eligible for indemnification are as follows:

Shell peanuts with splits—

1. Runners with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $\frac{3}{4} x \frac{3}{4}$ inch slotted screen.
2. Spanish with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $\frac{3}{4} x \frac{3}{4}$ inch slotted screen.
3. Virginias with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $\frac{3}{4} x \frac{1}{2}$ inch slotted screen.

However, peanuts in any of the above categories shall not be eligible for indemnification if such peanuts: (1) were milled from seed peanut residuals as referred to in the last sentence of paragraph (c) of the "Incoming Quality Regulation—1974 Crop Peanuts"; (2) failed the Outgoing Quality Regulation for 1974 Crop Peanuts due to excessive damage and minor defects and such peanuts were subsequently blanched to remove such defects pursuant to paragraph (b) of such regulation; (3) when shipped for human consumption as custom blanched, contained a total of 1.25 percent unshelled peanuts and damaged kernels or a total of 2.50 percent unshelled peanuts, damaged kernels and minor defects; (4) received or required from another handler pursuant to paragraph (1) of the Incoming Quality Regulation and were milled to meet requirements of the Outgoing Quality Regulation pursuant to paragraph (b) of such regulation.

The indemnification value for all categories of peanuts eligible for indemnification, except U.S. Virginias Extra-Large, shall be a base price of 24 cents per pound plus an increase of 11/2 cents for each $1.00 increase in the national average price of the 1974 crop peanuts over the 1973 national average support price. The value for U.S. Virginia Extra-Large shall be a base price of 24 cents per pound plus the same increase as allowed on other categories.
NOTICES

KEOWEE PLANNING UNIT
Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Keowee Unit, USDA-FS-FES (Adm.)-74-54.

The environmental statement concerns the proposed management direction and resource allocation for a portion of the Sumter National Forest known as the Keowee Planning Unit.

This final environmental statement was transmitted to CEQ on June 12, 1974.

Copies are available for inspection during regular working hours at the following locations:
- USDA, Forest Service
- South Agriculture Bldg., Room 2320
  12th & Independence Ave., SW
  Washington, D.C. 20250
- USDA, Forest Service
  Southern Region
  1729 Freight Road, NW
  Atlanta, Georgia 30307
- USDA, Forest Service
  Andrew Pickens Ranger District
  Star Rd.
  Walhalla, South Carolina 29691

A limited number of single copies are available upon request to John V. Orr, Forest Supervisor, Francis Marion-Sumter National Forests, 1801 Assembly St., second floor, Columbia, South Carolina 29201.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ Guidelines.

David F. Jolly,
Regional Environmental Coordinator.

[FR Doc.74-14112 Filed 6-10-74;8:45 am]

VEGETATION MANAGEMENT USING SELECTIVE HERBICIDES ON THE MT. HOOD, Rogue River AND WILLAMETTE NATIONAL FORESTS, OREGON
Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for vegetation management using selective herbicides on the Mt. Hood, Rogue River and Willamette National Forests, Oregon, for the period January 1, 1974 through June 30, 1976. USDA-FS-FES (Adm.)-74-72.

The environmental statement concerns a proposed use of selective herbicides for vegetation management on three National Forests located in western Oregon. The proposed uses are for conifer crop tree release, site preparation prior to planting, utility and road right-of-way maintenance, range improvement, noxious weed control, and poison plant control.

This final environmental statement was transmitted to CEQ on July 12, 1974.

Copies are available for inspection during regular working hours at the following locations:
- USDA, Forest Service
  South Agriculture Bldg., Room 3231
  12th & Independence Ave., S.W.
  Washington, D.C. 20250
- USDA, Forest Service
  Pacific Northwest Region
  319 S.W. Pine Street
  Portland, Oregon 97204
- USDA, Forest Service
  Rogue River National Forest
  333 West Eighth
  Federal Building and U.S. Post Office
  Medford, Oregon 97501
- USDA, Forest Service
  Willamette National Forest
  210 East 11th Avenue
  Eugene, Oregon 97401

A limited number of single copies are available upon request to Regional Forester T. A. Schlafpeffer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Robert B. Teftill,
Acting Regional Forester, R-6.

June 12, 1974.

[FR Doc.74-14121 Filed 6-10-74;8:45 am]

NORTH KAIBAB GRAZING ADVISORY BOARD
Notice of Meeting

The North Kaibab Grazing Advisory Board will meet at 1 p.m. August 9, 1974, in the North Kaibab Ranger District's Office, Fredonia, Arizona.

The following items will be discussed:
1. Range allotment management plans and on-the-ground accomplishment.
3. Publication and public release of Advisory Board minutes.
4. Improvement maintenance.
5. Review of the long range North Kaibab District program of range work and other impacts on range management.
6. Revision of Charter and election procedures to correspond to the Consolidated District.
7. Business brought up by outside interest groups.
8. Advisory Board suggested topics (should be in box by July 31, 1974).

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, North Kaibab Ranger District, P.O. Box 228, Fredonia, Arizona 86020, telephone 649-2407. Written statements may be filed with the committee before or after the meeting.

C. A. Yates,
Regional Forester, Alaska Region.
June 13, 1974.

[FR Doc.74-14148 Filed 6-19-74;8:45 am]
Those attending may express their views when recognized by the Chairman.

DATED: June 14, 1974.

KEITH T. PEFFERLE, 
Forest Supervisor.

[FR Doc.74-14177 Filed 6-19-74; 8:46 am]

SHASTA-TRINITY NATIONAL FOREST
Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environ-
mental statement for the Timber Management Plan, Shasta-Trinity Na-
tion Forest, California USDA-FS-R3-DES(Adm)-74-4.

The environmental statement concerns a proposed timber management plan for the management of the timber resources on the forest.

This draft environmental statement was transmitted to CEQ on June 13, 1974. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 2239
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
630 Sansome Street, Rm. 631
San Francisco, California 94111

A limited number of single copies are available upon request to Regional Forester, Douglas R. Leisz, California Region, U.S. Forest Service, 930 Sansome Street, San Francisco, California 94111.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal Agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Douglas R. Leisz, Regional Forester, 630 Sansome Street, San Francisco, California 94111. Comments must be received by August 13, 1974 in order to be considered in the preparation of the final environmental statement.

DATED: June 12, 1974.

T. W. KOESSEL,
Acting Regional Forester.

[FR Doc.74-14147 Filed 6-19-74; 8:45 am]

DEPARTMENT OF COMMERCE
Domestic and International Business Administration

MEMORIAL MEDICAL CENTER
Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 979).

1. Applications may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Impor-

2. The following is Notice of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 979).

3. Applications are authorized to develop and enforce environmental standards, and from Federal Agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

4. Comments concerning the proposed action and requests for additional information should be addressed to Douglas R. Leisz, Regional Forester, 630 Sansome Street, San Francisco, California 94111. Comments must be received by August 13, 1974 in order to be considered in the preparation of the final environmental statement.

DATED: June 12, 1974.

T. W. KOESSEL,
Acting Regional Forester.

[FR Doc.74-14147 Filed 6-19-74; 8:45 am]

FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974

NOTICES
NOTICES

Model 403 Low-speed probe 2.5 to 150 cm/sec and Model 405 signal cable assembly, 3 m long. Manufacturer: Nover Nixon Electronic Instrumentation, United Kingdom. Intended use of article: The article is intended to be used to measure, indicate, and record very low flow rates of water and other conductive fluids.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a specified noise-equivalent power of 6 x 10^-14 Watts-Hertz^2 (W-Hz^-1) at 1074 Angstroms (A) (modulation frequency 100 Hertz, 1 Hertz bandwidth, 5 millimeter (mm) diameter). The most closely comparable domestic instrument, the PIN-040-A device, manufactured by United Detector Technology, Inc., provides a significantly lower noise-equivalent power of 5 x 10^-15 W-Hz^-1 under the same conditions. The lower the negative power of ten the larger the noise equivalent power. The National Bureau of Standards advised in its memorandum dated May 8, 1974 that the specification for minimum noise-equivalent power of the article is pertinent to the applicant's intended use.

NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 1105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. Stuart,
Director, Special Import Programs Division.

[FR Doc.74-14092 Filed 6-19-74; 8:45 am]

UNIVERSITY CORPORATION OF ATMOSPHERIC RESEARCH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1965 (Public Law 89-551, 80 Stat. 237) and the regulations issued thereunder as amended (37 FR 3802 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00287-98-20700. Applicant: University Corporation for Atmospheric Research, 1850 Table Mesa Drive, Boulder, Colorado 80303. Article: Germanium Photodiode-Preamplifier. Manufacturer: RCA Limited-Research Laboratories, Canada. Intended use of article: The foreign article is to be used in a solar polarimeter in an experiment designed to provide information on the magnetic field of the solar corona.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a specified noise-equivalent power of 6 x 10^-14 Watts-Hertz^2 (W-Hz^-1) at 1074 Angstroms (A) (modulation frequency 100 Hertz, 1 Hertz bandwidth, 5 millimeter (mm) diameter). The most closely comparable domestic instrument, the PIN-040-A device, manufactured by United Detector Technology, Inc., provides a significantly lower noise-equivalent power of 5 x 10^-15 W-Hz^-1 under the same conditions. The lower the negative power of ten the larger the noise equivalent power. The National Bureau of Standards advised in its memorandum dated May 8, 1974 that the specification for minimum noise-equivalent power of the article is pertinent to the applicant's intended use.

NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 1105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. Stuart,
Director, Special Import Programs Division.

[FR Doc.74-14092 Filed 6-19-74; 8:45 am]

NOTICE OF PUBLIC MEETING

Pursuant to section 10(a)(2) of U.S.C. App. I (Supp. II, 1972), notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Thursday and Friday, July 11 and 12, 1974. The meeting will commence at 9:00 a.m. on each day at the Pfister Hotel and Tower, Wisconsin Avenue and Jefferson Street, Milwaukee, Wisconsin 53202. On July 11, the meeting will be held in the Henry VIII and Louis XIV Rooms and on July 12, in the Roosevelt and Kennedy Rooms.

Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 11:30 a.m. until 12 noon on July 11, interested persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. Depending on the length of time expressed in making oral statements, the number of persons permitted to make oral statements that day may be limited to five, the length of oral statements may be limited to no more than five minutes, and preference may be given based upon the relevance of statements to items on the agenda; such decisions will be made by the Chairman in consultation with the Committee. Interested persons wishing to make oral statements must register on July 11, with the Executive Secretary between 8:30 a.m. and 9 a.m. in the meeting room and must provide their name, legal address, a list of any affiliations relevant to their intended topic(s), and a brief, written description of their topic(s). A written version of an oral statement or a written statement may be submitted to the Executive Secretary before or after the meeting, or it may be mailed within five days to: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration; 11400 Rockville Pike, Rockville, Maryland 20852; (Attn: Executive Secretary, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting.

The items for Committee discussion at the meeting will include the following:

July 11
- Call to Order and Announcements
- Chairman's Report
- Election of Vice Chairman
- Substantive Topic No. 1—Draft of Approaches to CZM Being Taken By Currently Funded States
- Brief Receptions
- Continuation of Topic No. 1
- Consideration of Proposed Oral Statements (If any)
- Oral Statements (If any)
- Brief Receptions
- Continuation of Topic No. 2
- Substantive Topic No. 2—Discussion of the Adequacy of the Present CZM Program
- Other Aspects As Appropriate

Adjourn

July 12
- Call to Order and Announcements
- Continuation of Topic No. 2
- Brief Receptions
- Environmental Impact Statements in the CZM Program
- Other Topics As Appropriate
- Date, Location, and Agenda of Next Meeting
- Adjourn

Dated: June 14, 1974.

T. P. Glisner, Assistant, Administrator for Administration, National Oceanic and Atmospheric Administration.

[FEDERAL REGISTER, VOL 39, NO. 120—THURSDAY, JUNE 20, 1974]
NOTICES
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Food and Drug Administration
ADVISORY COMMITTEES
Notice of Meetings
Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

<table>
<thead>
<tr>
<th>Committee name</th>
<th>Date, time, place</th>
<th>Type of meeting and contact person</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Panel on Review of Cardiovascular Devices Sub-committee of Panel on Review of Cardiovascular Devices</td>
<td>July 8, 9:30 a.m., Room 100, FB-3, 200 C St. SW., Washington, D.C.</td>
<td>Open 6:30 a.m. to 10:30 a.m., closed after 10:30 a.m. Glenda A. Bahnemiller (FPM-120), 500 Fishers Lane, Rockville, Md. 20852, 301-443-2516.</td>
</tr>
</tbody>
</table>

**Purpose.** Reviews and evaluates available data concerning safety, effectiveness, and reliability of cardiovascular devices currently in use.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Review classifications for cardiovascular monitors and cardiovascular diagnostic devices and begin identification of safety and efficacy criteria for devices which are classified in the scientific review category.

<table>
<thead>
<tr>
<th>Committee name</th>
<th>Date, time, place</th>
<th>Type of meeting and contact person</th>
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</thead>
<tbody>
<tr>
<td>2. Panel on Review of Internal Analgesic including Antihypertensive Drugs</td>
<td>July 8, 9, and 16, 9 a.m., 800 Camino Del Oro, La Jolla, Calif.</td>
<td>Open July 8, 9 a.m. to 10 a.m., closed July 8 after 10 a.m., closed July 9 and July 10, Lee Eisenm, Room 101-35, 500 Fishers Lane, Rockville, Md. 20852, 301-443-2516.</td>
</tr>
</tbody>
</table>

**Purpose.** Reviews and evaluates available data concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing internal analgesic agents.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Continuing review of nonprescription internal analgesic drugs under investigation.

<table>
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<tr>
<th>Committee name</th>
<th>Date, time, place</th>
<th>Type of meeting and contact person</th>
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**Purpose.** Reviews and evaluates all available data concerning the safety and effectiveness of currently marketed and new prescription drug products proposed for marketing for use in the practice of neuropharmacology.

**Agenda.** Review of draft copy of pediatric drug trial guidelines and discussion of the design of future pediatric protocols.

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<tr>
<th>Committee name</th>
<th>Date, time, place</th>
<th>Type of meeting and contact person</th>
</tr>
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<tbody>
<tr>
<td>4. Panel on Review of Antiperspirant Drug Products</td>
<td>July 9 and 10, 10 a.m., Conference Room K, Parkshore Bldg., 500 Fishers Lane, Rockville, Md.</td>
<td>Open July 9, 9:30 a.m. to 10 a.m., closed July 9 after 10 a.m., closed July 10, Michael J. Kennedy, Room 101-35, 500 Fishers Lane, Rockville, Md. 20852, 301-443-4020.</td>
</tr>
</tbody>
</table>

**Purpose.** Reviews and evaluates available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products for human use containing antiperspirant drug products, and adequacy of their labeling.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Continuing review of the safety and efficacy of antiperspirant drug products.

<table>
<thead>
<tr>
<th>Committee name</th>
<th>Date, time, place</th>
<th>Type of meeting and contact person</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs</td>
<td>July 9 and 10, 9 a.m., Conference Room K, Parkshore Bldg., 500 Fishers Lane, Rockville, Md.</td>
<td>Open July 9, 9 a.m. to 10 a.m., closed July 9 after 10 a.m., closed July 10, Michael J. Kennedy, Room 101-35, 500 Fishers Lane, Rockville, Md. 20852, 301-443-4020.</td>
</tr>
</tbody>
</table>

**Purpose.** Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing sedative, tranquilizer, or sleep aid drugs.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974

**Purpose.** Reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products or materials, either singly or in combination, that are administered to man for the diagnosis, prevention, or treatment of allergies and allergic diseases.

**Agenda.** Open session: Discussion of the regulation of allergenic products by the Bureau of Biologics and comments and presentations by interested persons.

Closed session: Preliminary review of certain allergenic extracts and panel deliberations on review criteria.

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**Purpose.** Reviews and evaluates available data concerning safety, effectiveness, and reliability of orthopaedic devices currently in use.

Closed session: Continuation of review of previous classification results and identification of specific areas for standards for these devices classified as requiring standards.

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**Purpose.** Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing topical analgesic agents, and the adequacy of their labeling.

**Agenda.** Open session: Comments and presentations by interested persons.

Closed session: Continuing review of over-the-counter drug products under investigation.

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**Purpose.** Reviews and evaluates available information concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

**Agenda.** Open session: Comments and presentations by interested persons.

Closed session: Continuing review of over-the-counter drug products under investigation.

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**Purpose.** Reviews and evaluates available data concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing laxative, antidiarrheal, emetic, and antiemetic agents.

**Agenda.** Open session: Comments and presentations by interested persons.

Closed session: Continuing review of the safety and efficacy of laxative, antidiarrheal, emetic, and antiemetic drug products.

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11. Controlled Substances Advisory Committee.

**Purpose.**

**Agenda.**

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NOTICES

Purpose. Advises the Commissioner on scientifically and medically important matters of substantial competitive importance.

Agenda. Open session: Discussion of bronchodilator, and antiasthmatic drugs. Initial approach to draft statements.

Committee name

Date, time, place

Type of meeting and contact person

12. Panel on Review of Dietary and Dental Care Products

July 24 and 25, 9 a.m., closed July 24, Room B, Parklawn, Rockville, Md.

Open July 24, 9 a.m., to 10 a.m., closed July 24.

Type of meeting and contact person


July 30 and 31, 9 a.m., to 10 a.m., closed July 30, Room 101-10, 5600 Fishers Lane, Rockville, Md.

Open July 30, 9 a.m., to 10 a.m., closed July 30.

Type of meeting and contact person

14. Panel on Review of Cough, Cold, Allergy, Bronchodilator, and Antiasthmatic Drugs

August 1 and 2, 9 a.m., 5600 Fishers Lane

Open August 1, 9 a.m., to 10 a.m., closed August 1.

Type of meeting and contact person

Committee name

Date, time, place

Type of meeting and contact person

Purpose. Reviews and evaluates available information concerning safety and effectiveness of currently marketed nonprescription drug products containing dietary agents.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of currently marketed nonprescription drug products containing butterfins and dental care agents.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of currently marketed nonprescription drug products containing currently marketed nonprescription vitamin, mineral, and hematonic drug products, and the adequacy of their labeling.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of currently marketed nonprescription drug products containing cold, cough, allergy, bronchodilator, and antiasthmatic drugs.

Committee name

Date, time, place

Type of meeting and contact person

Pertinent minutes of meetings may be obtained by interested persons.

Agenda. Open session: Comments and presentations by interested persons.

Closed session: Continuing review of over-the-counter drug products under investigation.

Agenda. Open session: Comments and presentations by interested persons.

Closed session: Continuing review of over-the-counter drug products under investigation.

Agenda. Open session: Comments and presentations by interested persons.

Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name

Date, time, place

Type of meeting and contact person

The Freedom of Information Act recognizes that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could, have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for consideration.

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These committees often must consider trade secrets and other confidential information submitted by manufacturers and by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes, for example, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of such committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If, however, the committee were not engaged in the deliberative portions of their work. If, however, the committee were not engaged in the deliberative portions of their work, on a confident basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug administration is relying heavily on the use of outside experts to assist in regulatory decisions. The agency's regulatory actions generally affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have access to these plans of the committee prior to the meeting. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting.

Third, only the deliberative portion of a committee meeting will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open to the public for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the public that is affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

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The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: June 17, 1974.

SHERWIN GARDNER,
Acting Commissioner
of Food and Drugs.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Federal Disaster Assistance Administration
(Docket No. NFD-210; FDAA-441-DR)

OKLAHOMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Oklahoma, dated June 10, 1974, and amended June 12, 1974, is hereby further amended to include the following counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 10, 1974:

The Counties of:

Delaware
Wagoner
Pottawatomie

Dated: June 13, 1974.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

DEPARTMENT OF ENERGY

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON BABCOCK & WILCOX WATER REACTORS

Notice of Meeting

In accordance with the purposes of section 29 and 182 of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards' Subcommittee on Babcock and Wilcox Water Reactors will hold a meeting on July 5, 1974 in Room 1046 at 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to review various topics relating to Babcock and Wilcox Company designed pressurized water reactors.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, July 5, 1974, 9:00 a.m.-1:00 p.m. Review of various topics common to pressurized water reactors (Presentations by the AEC Regulatory Staff and B&W will be made and discussions with these groups will be held.)

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee will hold a closed session with representatives of the Regulatory Staff and outside experts with the purpose of discussing privileged information relating to plant design and corporate research.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (6) of 5 U.S.C. 552(b) and that a closed session will be held to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably interwoven with exempt material and further, the separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency and committee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 23 copies thereof, postmarked no later than June 28, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon B&W topical reports and various other documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for their oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 11:30 a.m. and 12:30 p.m. on July 5, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled upon by the Chairman of the Subcommittee who is empowered to apportion the time to oral statements made by members of the Subcommittee and its consultants.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 3, 1974 to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and during the meeting and the process. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 9, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

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H Street, NW., Washington, D.C. 20545 after September 9, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,  
Advisory  
Committee Management Officer.  
[FR Doc.74-14211 Filed 6-19-74;8:45 am]  
[Docket Nos. 50-469, 50-46]  
Cleveland Electric Illuminating Co., et al.  
Notice and Order on Second Session of  
Evidentiary Hearing  
In the matter of Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant Units 1 and 2).

Take notice that the Evidentiary Session in this proceeding on site suitability, and natural draft cooling alternative, will commence on July 1, 1974, at 10 a.m. at the Airport Holiday Inn, 16501 Brook Park Road, Cleveland, Ohio 44102.

It is so ordered.

Issued at Bethesda, Maryland, this 14th day of June 1974.

B. FARSSAXIDES,  
Chairman,  
FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974  
[FR Doc.74-14089 Filed 6-19-74;3:45 am]  
UNITEC, INC.  
Issuance of Byproduct Material License  
Please take notice that the Atomic Energy Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 06-15865-01E to Unitec Incorporated, 3939 South Marlboro Street, Englewood, Colorado 80110, which authorizes the distribution of Models UT-310, UT-310A, UT-310B, UT-310C, UT-310D, UT-314, UT-350 and Model UT-350 product indicating equipment to persons exempt from the requirements for a license pursuant to § 32.26 of 10 CFR Part 32.

1. The product indicating equipment is used to monitor the concentration of gases and/or particles in an enclosed area. The other devices are designed to detect incipient fires by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of each device is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americum 241.

2. The byproduct material incorporated in the devices is americium in the oxide form contained in foil manufactured by Nuclear Radiation Developments (Model A-001) or by Amersham/Searle (Model AAM WS52). The nominal activity contained in a unit is 3.0 microcuries.

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3. Each exempt unit will have a label identifying the manufacturer (Unitec, Incorporated) and the byproduct material (americium 241) contained in the unit and recommending that the unit be returned to Unitec, Incorporated, for repair or disposal.

A copy of the license and the license application containing additional information are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

For the Atomic Energy Commission.

Dated at Bethesda, Maryland, this June 13, 1974.

BERNARD SINGER,  
Chief, Materials Branch,  
Directorate of Licensing.  
[FR Doc.74-14160 Filed 6-19-74;8:15 am]  
URANIUM ENRICHMENT SERVICES  
Terminals Charges  

Paragaph 2 of the notice is deleted and the following paragraph 2 is inserted in lieu thereof:

2. The termination charge applicable to termination, in whole or part, of a Long-Term, Fixed-Commitment Agreement subsequent to the receipt of a construction permit for the facility designated therein and the termination charge applicable to termination, in whole or part, of a Short-Term, Fixed-Commitment Agreement shall be determined by applying to the terminated enriching services a unit charge or charges as provided in the following table:

<table>
<thead>
<tr>
<th>At Least</th>
<th>But Less Than</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 yr</td>
<td>38.4 $/kgU</td>
</tr>
<tr>
<td>1 yr</td>
<td>45.7 $/kgU</td>
</tr>
<tr>
<td>2 yr</td>
<td>53.3 $/kgU</td>
</tr>
<tr>
<td>3 yr</td>
<td>61.8 $/kgU</td>
</tr>
<tr>
<td>4 yr</td>
<td>70.4 $/kgU</td>
</tr>
<tr>
<td>5 yr</td>
<td>78.9 $/kgU</td>
</tr>
<tr>
<td>6 yr</td>
<td>87.5 $/kgU</td>
</tr>
<tr>
<td>7 yr</td>
<td>96.1 $/kgU</td>
</tr>
<tr>
<td>8 yr</td>
<td>104.7 $/kgU</td>
</tr>
<tr>
<td>9 yr</td>
<td>113.2 $/kgU</td>
</tr>
<tr>
<td>10 yr</td>
<td>121.8 $/kgU</td>
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</tbody>
</table>

1. For purposes of determining when enriching services would have been furnished but for such termination, enriching services scheduled to be delivered on a monthly basis shall be deemed to be scheduled for delivery on the first business day of such month, and for batch scheduled for delivery on a fiscal year basis, they shall be deemed to be scheduled for delivery on January 1 of each fiscal year.

2. For purposes of determining the applicable enriching service charge per kilogram unit of separative work or separative work delivered on a fiscal year basis, such applicable charge shall be the average of the applicable charges scheduled to be effective during such fiscal year.

3. For advance notices of termination of 10 years or more, the applicable unit termination charge shall be 25.4 percent of the applicable enriching service charge divided by (1.06) where n is the number of years in excess of 9 years, 11 months and 29 days for such notice of termination; provided, however, that if n has a fractional part it shall be rounded up to the next higher integer before being applied as an exponent.

Effective date: This notice is effective June 20, 1974.

Dated at Germantown, Md., this 17th day of June, 1974.

PAUL C. BENEDER,  
Secretary of the Commission.  
[FR Doc.74-14209 Filed 6-19-74;8:46 am]  
URANIUM HEXAFLUORIDE  
Charges, Enriching Services, Specifications


Paragraph 3 of the notice is deleted and the following paragraph 3 is inserted in lieu thereof:

3. Standard table of enriching services, charges per kilogram unit of separative work, base charges and standard processing loss. (a) The AEC's Standard Table of Enriching Services is set forth in Table 1 of this notice.

(b) The charge per kilogram unit of separative work furnished pursuant to Requirements-type contracts is $47.80.

The charge per kilogram unit of separative work furnished pursuant to other Requirements-type contracts is $42.10. These charges, and successor charges determined in accordance with this sentence, shall be increased by 2 percent (rounded upward to the nearest $0.05) on January 1 and July 1 of each year with the first such increase to occur on July 1, 1976.

(c) The base charge ($/kgU) for uranium, enriched, or depleted in the isotopes U5g and in the form of UF6, is determined by summing the number opposite the desired assay in the Feed Component column of Table 1 multiplied by $23.46 and the number opposite the desired assay in the Separative Work Component column of Table 1 multiplied by the current charge per kilogram unit of separative work furnished pursuant to other Requirements-type contracts. The calculated base charge is rounded up to the nearest $0.01. For assays not shown in Table 1, the Feed Component and Separative Work Component are first determined by linear interpolation before calculation of the base charge. Any resulting base charge less than $3.00 is increased to $3.00. The base charge for depleted uranium requested

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without a specification as to assay is $2.50. The allowance fixed by the AEC in this case will normally be in the neighborhood of 0.20 wt. percent $2.50 of which large amounts are available.

(d) The standard processing loss factor to be used in calculating the sulfur content of the distillate is 0.05 percent.

Effective date. This notice is effective December 18, 1974.

Dated at Germantown, Md., this 17th day of June 1974.

PAUL C. BENDER,
Secretary of the Commission.

[F.R. Doc. 74-14223 Filed 6-19-74; 8:45 a.m.]

ENVIRONMENTAL PROTECTION AGENCY

PENNSYLVANIA AIR QUALITY IMPLEMENTATION PLAN

Cancelling of Public Hearings

On May 31, 1972, pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions, state plans for implementation of the national ambient air quality standards. On that date, the Governor of Pennsylvania was advised that in order to complete the requirements of §51.13, a plan demonstrating the attainment and maintenance of the national secondary standard for particulate matter for the Metropolitan Philadelphia Interstate and the Southwest Pennsylvania Intra-state Air Quality Control Regions was to be submitted by July 31, 1973.

The State of Pennsylvania failed to submit the required plan by July 31, 1973. The Administrator, as required by section 110 of the Clean Air Act, proposed on February 22, 1974 (39 FR 6727) that the existing implementation plan for the Metropolitan Philadelphia Inter-state Air Quality Control Region be approved as being adequate to attain the secondary particulate matter standard by July 1975, and that the existing plan for the Southwest Pennsylvania Intra-state Air Quality Control Region be disapproving as it relates to attainment of the secondary particulate matter standard. Concurrently, he proposed regulations to attain the secondary particulate matter standard in the Southwest Pennsylvania Intra-state Air Quality Control Region. He also proposed July 1978 as the attainment date for the secondary particulate matter standard in the Southwest Pennsylvania Intra-state Region.

On March 22, 1974 (39 FR 10917) the Administrator issued notice that a public hearing is to be held on the proposal for the Southwest Pennsylvania Intra-state Air Quality Control Region in GSA Conference Room 2214, 100 Liberty Avenue, Pittsburgh, Pennsylvania on Tuesday, April 30, 1974, at 10 a.m.

Based upon a review of public comments and additional evaluation by EPA, the Administrator determined that further examination of this proposal should be made before a public hearing is held and the hearing scheduled for April 30, 1974, was therefore cancelled. Prior notice of this cancellation was given to parties who had requested time to appear and speak at the hearing. After considering this notice of cancellation in appropriate local newspapers but were unsuccessful due to a newspaper strike in the Allegheny County Area. Accordingly, this notice is issued to formally advise the public that the hearing scheduled for April 30, 1974 was cancelled pending the completion of said examination.

However, anyone still wishing to submit written comments on this proposal may do so. These comments should be submitted, preferably in triplicate, to the Regional Administrator, EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. Comments received on or before July 5, 1974, will be considered.

Dated: June 13, 1974.

ROGER SYLROW,
Acting Assistant Administrator for Air and Waste Management.

(F.R. Doc. 74-14223 Filed 6-19-74; 8:45 a.m.)

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the Federal Register (38 FR 31629) its interim policy with respect to the implementation of section 3(c)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (38 Stat. 579), and its procedures for implementation. This policy provides that EPA will, upon receipt of any application, publish in the Federal Register a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before June 19, 1974, any person who (a) is, or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the Federal Register of his claim by certified mail. Every such claim must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to use of supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 19, 1974.

APPLICATIONS RECEIVED


EPA File Symbol 241-EGM. American Cyanamid Company, Agricultural Division, Warner-Peck Fumag Dust Cattle Insecticide 1 percent. Active Ingredients: O-Dimethyl O-n-(dimethylsulfamyl) phenyl phos- phorothioate 1.6 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 241-EGZ. American Cyanamid Company, Agricultural Division, Warner-Peck Fumag Dust Cattle Insecticide 1 percent. Active Ingredients: O-Dimethyl O-n-(dimethylsulfamyl) phenyl phosphorothioate 1.0 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 241-EGK. American Cyanamid Company, Agricultural Division, Warner-Peck Fumag Dust Cattle Insecticide 1 percent. Active Ingredients: O-Dimethyl O-n( dimethylsulfamyl) phenyl phosphorothioate 0.6 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 241-EGU. American Cyanamid Company, Agricultural Division, Warner-Peck Fumag Dust Cattle Insecticide 1 percent. Active Ingredients: O-Dimethyl O-n( dimethylsulfamyl) phenyl phosphorothioate 0.0 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 241-EGH. American Cyanamid Company, Agricultural Division, Warner-Peck Fumag Dust Cattle Insecticide 1 percent. Active Ingredients: O-Dimethyl O-n( dimethylsulfamyl) phenyl phosphorothioate 0.0 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 241-EGS. American Cyanamid Company, Agricultural Division, Warner-Peck Fumag Dust Cattle Insecticide 1 percent. Active Ingredients: O-Dimethyl O-n( dimethylsulfamyl) phenyl phosphorothioate 0.0 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 241-EGT. American Cyanamid Company, Agricultural Division, Warner-Peck Fumag Dust Cattle Insecticide 1 percent. Active Ingredients: O-Dimethyl O-n( dimethylsulfamyl) phenyl phosphorothioate 0.0 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 241-EGU. American Cyanamid Company, Agricultural Division, Warner-Peck Fumag Dust Cattle Insecticide 1 percent. Active Ingredients: O-Dimethyl O-n( dimethylsulfamyl) phenyl phosphorothioate 0.0 percent. Method of Support: Application proceeds under 2(a) of interim policy.

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EPA File Symbol 241-EGT. American Cyanamid Company, Agricultural Division, Warner-Peck Fumag Dust Cattle Insecticide 1 percent. Active Ingredients: O-Dimethyl O-n( dimethylsulfamyl) phenyl phosphorothioate 0.0 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 241-EGU. American Cyanamid Company, Agricultural Division, Warner-Peck Fumag Dust Cattle Insecticide 1 percent. Active Ingredients: O-Dimethyl O-n( dimethylsulfamyl) phenyl phosphorothioate 0.0 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 241-EGH. American Cyanamid Company, Agricultural Division, Warner-Peck Fumag Dust Cattle Insecticide 1 percent. Active Ingredients: O-Dimethyl O-n( dimethylsulfamyl) phenyl phosphorothioate 0.0 percent. Method of Support: Application proceeds under 2(a) of interim policy.
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pyridimethylolated acrylamide ammonium chloride 50 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 25581-L. G. & G Chemical Co., Inc., 1550 Carroll Avenue, San Francisco, California 94118. Heavy-Duty Institutional Strength Cleaner, Disinfectant, Deodorizer, Fungicide, Wrinkle Preventer. Active Ingredients: Decyl Dimethyl Ammonium Chloride 0.05 percent; Dodecyl Dimethyl Ammonium Chloride 0.475 percent; Tetra- sodium Ethylenediamine Tetracetate 1.00 percent; Tri sodium Phosphate 2.00 percent. Method of Support: Application proceeds under 2(b) of interim policy.


Dated: June 7, 1974.

John B. Ratch, Jr.,
Director, Registration Division.

RHODIA, INC.

Reexamination of Temporary Tolerance

Rhodia, Inc., Chipman Division, 23 Belmont Drive, Somerset, NJ 08873, was granted a temporary tolerance for negligible residues of the herbicide asulam as being of no adverse effect. 

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(methyl sulfonylcarbamate) in or on sugarcane at 0.1 part per million on July 11, 1972, in connection with Pesticide Petition No. 2521200 (notice was published in the Federal Register of July 18, 1972, (37 FR 14299)). The temporary tolerance expired July 11, 1973.

The firm received a 1-year extension of the temporary tolerance on July 24, 1973 (notice was published in the Federal Register of July 31, 1973 (38 FR 20590)).

The petitioner has requested a 1-year reextension of the temporary tolerance to obtain additional experimental data. It is concluded that such reextension of the temporary tolerance for negligible residues of this pesticide in or on sugarcane at 0.1 part per million will protect the public health. A condition under which this temporary tolerance is reextended is that the herbicide will be used in accordance with the temporary permits/tolerance as issued concurrently and which provide for distribution under the Rhodia, Inc., name.

As extended, this temporary tolerance expires July 11, 1975. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permits/tolerance.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (39 Stat. 1558, 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (38 FR 15623), and the authority delegated to the Administrator for the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

DATED: June 14, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FEDERAL DEPOSIT INSURANCE CORPORATION
NONMEMBER COMMERCIAL BANKS
Weekly Money Supply Reports
Notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation has adopted a reporting program for a five-month test period applicable to each nonmember commercial bank which had more than $100 million in deposits at year-end 1973. The program requires each bank to submit to the Federal Deposit Insurance Corporation on each Thursday daily for specified items, vault cash and cash items in process of collection for the seven calendar days ending on the Wednesday before. The first report for the week beginning June 20, 1974 is due on June 27, 1974 and the last weekly report is due August 29, 1974.

The Federal Deposit Insurance Corporation will provide the selected banks with forms to be used for this purpose. The reporting form, Report of Deposits and Vault Cash, FDIC 8020/42 (G-74), is submitted with this notice and is on file with the Federal Register.

The Federal Deposit Insurance Corporation shall provide aggregations of the weekly data, but not individual bank data, to the Federal Reserve System.

The Federal Deposit Insurance Corporation staff will analyze the results of such reports in improving the predictability of changes in the money supply. The results of such analysis will be made available to the Federal Reserve Board, and all other interested parties.

This reporting requirement is imposed pursuant to authority contained in paragraph (a) of section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1816(g)).

By order of the Board of Directors, June 7, 1974.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER, Executive Secretary.
[FR Doc.74-14153 Filed 6-19-74;8:45 am]

FEDERAL POWER COMMISSION

Docket No. RP72-142

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

JUNE 13, 1974.

Take notice that Cities Service Gas Company (Company) on June 3, 1974, tendered for filing proposed changes in the FPC Gas Tariff, Second Revised Volume No. 1. The Company states that pursuant to the Purchased Gas Cost Rate Adjustment provision contained in Article 21, of its FPC Gas Tariff, it proposes to increase its rates effective July 23, 1974, to reflect increased purchased gas costs.

The Company states that the Eighth Revised Sheet FPGA-1 included in Appendix A of its filing reflects a rate increase of 4.424 per Mcf. The Company further states that this 4.424 per Mcf increase in rates will produce an increase in the Company’s revenues of $15,053,063 based on annual sales volumes for the twelve months ending April 28, 1974. According to the Company such 4.424 per Mcf increase, among other supplier increases, pipeline supplier increases by Transwestern Pipeline Company (Transwestern) on July 11, 1974 and Oklahoma Natural Gas Gathering Corporation (ONGGC) on July 1, 1974, in the event that the Commission does not permit the Eighth Revised Sheet FPGA-1 in Appendix A to be effective, the Company, in the alternative, tendered for filing the Eighth Revised Sheet FPGA-1 in Appendix A to be effective, the Company's revenues of $15,053,063 based on annual sales volumes for the twelve months ended April 28, 1974. According to the Company such 4.424 per Mcf increase, among other supplier increases, pipeline supplier increases by Transwestern Pipeline Company (Transwestern) on July 11, 1974 and Oklahoma Natural Gas Gathering Corporation (ONGGC) on July 1, 1974, in the event that the Commission does not permit the Eighth Revised Sheet FPGA-1 in Appendix A to be effective.

The application is on file in the FEDERAL REGISTER of June 11, 1974.

CITIES SERVICE OIL CO.

Notice of Application

JUNE 13, 1974.

Take notice that on May 28, 1974, Cities Service Oil Company (Applicant), P.O. Box 300, Tulsa, Oklahoma 74102, filed in Docket No. CT73-669 an application pursuant to section 7(b) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas and New Mexico Transmission Corporation (Texas Gas) from Applicant’s 25 percent interest in casinghead gas produced from Block 217 Field, Eugene Island Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Texas Gas from the subject acreage up to 1,000 Mcf of gas per day for a term of one year at 45.0 cents per Mcf at 15,025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplated period of section 7(b) of the Commission’s general policy and interpretation (18 C.F.R. 2.70). The application indicates that Applicant made a sale of natural gas from October 23, 1973, until April 19, 1974, from the subject acreage to Texas Gas within the contemplation of section 7(b) of the Natural Gas Act (18 C.F.R. 2.70).

Applicant states that although its April 23, 1974, contract with Texas Gas provides for a rate of 50.0 cents per Mcf at 15,025 psia for the subject sale, Applicant
NOTICES

This statement has been circulated for comments to Federal, State and local agencies, has been placed in the public files of the Commission, and is available for public inspection, both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.W., Washington, D.C. 20426 and at its Regional Offices located in Room 1561, 1600 Independence Avenue, S.W., Washington, D.C. 20585, Room 60606 and 26 Federal Plaza, 22nd Floor, New York, New York 10007. Copies are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

The Commission has found that it is necessary and appropriate in the public interest to dispense with the 45 day time period for review and comment and here- with shortens the period to 30 days from the date of issuance.

Any person who wishes to do so may file comments on the draft statement for the Commission's consideration. All comments must be filed on or before July 19, 1974.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 15.2 of the Commission's Rules of practice and procedures. Petitioners must also file timely comments on the draft statement in accordance with § 15.3 of Order No. 415-C.

All petitions to intervene must be filed on or before July 19, 1974.

KENNETH F. PLUM, Secretary.

[FED Doc. 74-14098 Filed 6-19-74 7:45 am]

[Columbia Gas Transmission Corp., Order Granting Motion to Extend Interim Curtailment Plan for Specific Time Period, Providing for Hearing and Establishing Procedures, and Permitting Interventions.]

FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974

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1 Columbia's FPC Gas Tariff, Original Volume No. 1: First Revised Sheet Nos. 19A, 23A, 29A, 617, and 620: Second Revised Sheet Nos. 10, 15, 20, 33A, 39A, 47A, and 620: Third Revised Sheet Nos. 61 and 93. Except for two minor exceptions involving asserted inadvertencies concerning small customers' maximum monthly volumes, these tariff sheets are identical to those now in effect on the Columbia system.
timely petition to intervene was not filed because of a mistaken belief that it was already a party herein.

Numerous comments were received in response to the Commission's Notice concerning Columbia's motion for extension of its interim plan and a comparative hearing upon the merits of that curtailment sequence on an Order 467-B curtailment procedure. The vast majority of the comments support Columbia's motion.

Most of Columbia's customers have shown a preference for continuation on the interim plan for nearly two years. A change to an Order 467-B type of curtailment procedure on that date would modify operations under the interim plan which are key to provisions such as the maximum monthly quantity entitlements applicable to the fiscal year November 1, 1973, through October 31, 1974.

The basic goal of Order No. 467-B and the primary concern of the few Columbia customers who have intervened or stated otherwise is the continuation of the interim plan revolve about the protection afforded deliveries to residential and small volume consumers. In this regard we note that Columbia's interim arrangement protects both the residential and non-industrial high priority usage is threatened thereby. Additionally, we note that Columbia does not contemplate a need to curtail before termination of the summer seasonal period on October 31, 1974. In these circumstances, we shall grant Columbia's motion for extension of its interim curtailment plan after June 30, 1974, but limit our authorization to the period commencing July 1, 1974, and ending April 30, 1975, or until the date of a final Commission order herein if such is issued sooner.

We believe that a hearing should be held herein to determine what permanent curtailment plan is appropriate for Columbia's system. Accordingly, on the motion of Columbia, we shall schedule hearing procedures pursuant to which Columbia may submit testimony and exhibits in support of its proposed curtailment program. Additionally, Columbia shall be required to submit testimony and exhibits on the Order No. 467-B curtailment plan and the implementation of that plan on its system. Following cross-examination of that evidence, the Presiding Administrative Law Judge shall determine what further submittals of testimony may be appropriate in the proceeding.

The Commission finds: (1) Good cause has been shown for our granting Columbia's motion for extension of its interim curtailment plan after June 30, 1974, for the period ending April 30, 1975, or the date of a final Commission decision herein, whichever is sooner.

(2) It is necessary and proper that the alternative tariff sheets set forth in footnote (2) above be held in abeyance, pending further motions for extension of Columbia's interim curtailment plan after April 30, 1975, and disposition of the issues raised in this proceeding.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Columbia's proposed curtailment plan and that the issues in this proceeding be scheduled for hearing in accordance with the procedures hereinafter set forth.

(4) Although the petition of Orange & Rockland Utilities, Inc. was timely filed, good cause exists for permitting its intervention.

(5) The participation of all of the above-named petitioners in this proceeding may be in the public interest.

The Commission orders: (A) The motion filed on April 10, 1974, by Columbia for extension of its interim curtailment plan after June 30, 1974, is hereby granted for the period ending April 30, 1975, or the date of a final Commission order herein, whichever is sooner.

(B) Columbia's tariff sheets set forth in footnote (1) above are hereby accepted for filing to be effective July 1, 1974, April 30, 1975, or until the date of a final Commission order herein if such is issued sooner.

(C) The notice requirements of Section 154.22 of the regulations under the Natural Gas Act are hereby waived to permit the tariff sheets referred to in Paragraph (B) above to be effective July 1, 1974.

(D) The alternative tariff sheets set forth in footnote (2) above are to be held in abeyance, pending decision upon further motions or requests for extension of Columbia's interim curtailment procedures after June 30, 1975, and disposition of the issues raised in this proceeding.

(E) On or before June 25, 1974, Columbia shall file its case-in-chief providing evidentiary support for its position in regard to the issues herein which have been described heretofore in the record above, and, as part of its case, it shall file exhibits showing the impact on its customers of implementing its proposed curtailment plan and the impact on its customers of implementing and use curtailment priorities as set forth in Commission Order No. 467-B.

(F) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on July 9, 1974, at 10 a.m. (ed.t.), in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C., on the lawfulness of Columbia's proposed curtailment procedures and the issues pertaining thereto as set forth in the record above.

(G) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided, including an opportunity for the submission of answering or rebuttal testimony following cross-examination of the presentation herein made.

(H) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; Provided, however, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petitions to intervene; and Provided, further, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission. 1

[Seal] KENNETH F. PAYNE, Secretary.

[Doc No. RP73-66 and RP73-83]

COLUMBIA GAS TRANSMISSION CORP.
AND COLUMBIA GULF TRANSMISSION CORP.

Order Granting Late Petitions to Intervene

June 13, 1974.

On May 6, 1974 City of Cincinnati (Cincinnati) and Armco Steel Corporation (Armco) filed petitions to intervene out of time in the above captioned proceeding. Cincinnati and Armco state that the late filing of their respective petitions to intervene was due to extraordinary circumstances and that they each have a direct and substantial interest in this proceeding.

The Commission finds, Participation by Cincinnati and Armco in this proceeding may be in the public interest and good cause exists to grant Cincinnati and Armco's late petitions to intervene.

The Commission orders: (A) Cincinnati and Armco are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; Provided, however, That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene, and; Provided, further, That the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring the procedural schedule hereinafter established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[Seal] KENNETH F. PAYNE, Secretary.

[Doc No. RP74-14111 Filed 6-19-74:8:45 am]

NOTICES

FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974
NOTICES

JOHN E. DOLAN
Notice of Initial Application
June 13, 1974.

Take notice that on June 3, 1974, John E. Dolan (Applicant) filed an initial application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act, to hold the following positions:

Director, Appalachian Power Company, Public Utility, Director, Wheeling Electric Corporation, Public Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.6 or 1.10). All protests filed with the Commission will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, Secretary.

FLORIDA POWER AND LIGHT CO.
Filing of Rate Agreements
June 13, 1974.

Take notice that on May 3, 1974, Florida Power and Light Company (FP&L) tendered for filing letters to Florida Power Corporation, City of Fort Pierce, Orlando Utilities Commission, Tampa Electric Company and City of Vero Beach establishing the rate to be charged by FP&L to each of the above-named customers for emergency service. This filing supplements FP&L's August 2, 1973, filing with this Commission of agreements for service between FP&L and the above-named customers which did not contain any agreement as to the rate to be charged for this service. FP&L requests an effective date of August 13, 1973. FP&L states that it is not possible to estimate transactions and revenues for the 12 month period following the proposed effective date and therefore requests waiver of the requirements of § 35.12(b)(1) of the Commission's regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 285 North Capitol Street, N.E., 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 June 21, 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 which is on file with the Commission and available for public inspection are available for public inspection.

KENNETH F. PLUMB, Secretary.

KODIAC ELECTRIC ASSOCIATION, INC.
Application for Preliminary Permit (Unconstructed Project)
June 13, 1974.

Public notice is given that application for a preliminary permit was filed March 29, 1974, under the Federal Power Act (16 U.S.C. §§ 791a–825g) by Kodiak Electric Association, Inc., Kodiak, Alaska (correspondence to: Leon H. Johnson, Manager, Kodiak Electric Association, Inc., Post Office Box 797, Kodiak, Alaska 99615; copy of correspondence to: Robert W. Retherford, Robert W. Retherford Associates, Post Office Box 6410, Anchorage, Alaska, 99510; prop. Project No. 2743, to be known as Terror Lake Hydroelectric Project. The proposed project would be on the Terror River, in the Borough of Kodiak Island (in the region of the city of Kodiak and town of Port Lions). The proposed project would affect lands of the United States, including parts of the Kodiak National Wildlife Refuge. The proposed development of the Terror Lake Hydroelectric Project contemplates: a rock-fill dam at the outlet of Terror Lake to provide a reservoir with maximum pool elevation of about 1365 feet first stage and 1385 feet elevation for the second stage development; a spillway through a rock cut near the lake outlet and provide it with a concrete weir; approximately 23,000 feet of minimum non-flood diversion tunnel, unlined tunnel from Terror Lake to the surge tank site above Kizhuyak River; a diversion dam on Shot Gun Creek and a 2000-foot diversion tunnel to the Fall Creek drainage; a diversion dam and rock trap on Falls Creek and a 315-foot tunnel into the main power tunnel from Terror Lake to the Kizhuyak Valley; a surge tank at the downstream end of the power tunnel and a penstock to a powerhouse in the Kizhuyak Canyon at an elevation of 164 feet. Two 10,000 kW capacity generating units would be installed under the first stage development and a third 10,000 kW capacity generating unit added in the second stage of development; a diversion dam at the mouth of a small lake north of Mount Glotoff and divert this drainage in a ditch to the Terror River watershed; approximately 22 miles of 69 kV transmission line from the powerhouse to Port Lions, and 14 miles of 25 kV distribution line to Port Lions, and a substation at Kodiak.

The application also sets forth an "Alternate Development" which proposes:

* * * a rock-fill dam at the outlet of Terror Lake to provide a reservoir with a maximum pool elevation of about 700 feet, spillway through a saddle 1200 feet south of the Lake outlet provided with a concrete weir; an unlined structure and approximately 7000 feet of 4"-6" diameter steel pipe down the Terror River; a powerhouse on the north bank of the Terror River, approximately 63 and 600-foot elevation, installation of two 6000 kW capacity generating units; approximately 27 miles of 69 kV transmission line from the powerhouse to Port Lions, and approximately 12 miles of 25 kV distribution line from the Kizhuyak Valley to Port Lions. Construction of a substation in the Kizhuyak Valley and one in Kodiak; second stage development of the "Alternate Plan" would consist of diverting the water from the tailrace and the drainage below Terror Lake into a pipeline and convey it in approximately 7000 feet of 4"-6" diameter steel pipe downstream to a second powerhouse at approximately rivermile 5.0 and 370-foot elevation. Install one 2500 kW capacity generating unit.

The Power to be developed would be used for public utility purposes. No construction is authorized under a preliminary permit.

Any person desiring to be heard or to make protest with reference to said application should on or before August 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.6 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, Secretary.

NOTICE

WYNN D. MILLER
Notice of Application
June 6, 1974.

Take notice that on May 31, 1974, Wynn D. Miller (Applicant), 1111 NBC Building, San Antonio, Texas 78205, filed in Docket No. C174-072 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the S.W. Normanna Field, Bee County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of natural gas from the subject acreage to United on January 31, 1974, within the contemplation of § 197.29 of the regulations under the Natural Gas Act. The application seeks a certificate of public convenience and necessity for this sale of natural gas. A certificate of public convenience and necessity will be issued only if it is determined that the sale for resale and delivery of natural gas is in the public convenience and necessity.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 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 1.6 or 1.10). All such petitions or protests should be filed on or before July 15, 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 which is on file with the Commission and available for public inspection are available for public inspection.

KENNETH F. PLUMB, Secretary.
NOTES

FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974

Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the period within the contemplation of § 2.79 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell all available gas from the subject acreage to United at 50.0 cents per Mcf at 14.65 psia. Estimated monthly sales are 11,440 Mcf of gas.

Any person desiring to be heard or to make any reference to said application shall on or before June 28, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's rules. The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14110 Filed 6-19-74;8:45 am

SOUTHERN CALIFORNIA EDISON CO.

Notice Postponing Hearing

JUNE 13, 1974.

On May 29, 1974, a notice was issued extending the procedural dates in the above-designated matter to July 12, 1974, at 10 a.m. e.d.t.

KENNETH F. PLUMB,
Secretary.

[Rate Schedule Nos. 5, etc.]

TEXACO INC., ET AL.

Rate Change Filings Pursuant to Commission's Opinion No. 639

JUNE 13, 1974.

Take notice that the producers listed in the Appendix attached hereto have filed increased monthly rates on the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1973.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 6, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14107 Filed 6-19-74;8:45 am

THE NEW JERSEY ZINC CO.

Notice of Issuance of Annual License

JUNE 13, 1974.

On June 12, 1970, The New Jersey Zinc Company, Licensee for Fall Creek Hydroelectric Plant, Project No. 1553, located on Fall Creek in Eagle County, Colorado, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). The license for Project No. 1553 was issued effective June 12, 1970, for a period ending June 28, 1979. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act, pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue said license to The New Jersey Zinc Company for the continued operation and maintenance of Project No. 1553.

Take notice that an annual license is issued to The New Jersey Zinc Company (Licensee) under section 15 of the Federal Power Act for the period June 28, 1974, to June 28, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Fall Creek Hydroelectric Plant, Project No. 1553, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14104 Filed 6-19-74;8:45 am

NOTICES

22189

[Project No. 1553]

OTTER TAIL POWER CO.

Notice of Application

JUNE 13, 1974.

Take notice that on June 12, 1974, Otter Tail Power Company (Applicant) filed an Application pursuant to section 204 of the Federal Power Act seeking authorization for a Supplemental Order to increase the maximum amount of short-term borrowing which it may have outstanding at any one time from $25 million to $30 million. Applicant was authorized to issue short-term promissory notes in the aggregate principal amount of $25 million by Commission order dated October 16, 1973, in the above docket.

Applicant is incorporated under the laws of the State of Minnesota with its principal business office at Fergus Falls, Minnesota and is authorized to do business in the States of Minnesota, North Dakota and South Dakota.

Notes issued to financial banks and other institutional lenders will bear interest at a rate not to exceed 1% of 1 percent over the large business prime rate of interest charged by Commercial banks in the area in which the loan is made on 90 day loans to substantial and responsible commercial borrowers, and having a maturity of 12 months or less.

Notes issued in the form of commercial paper will be issued in principal amounts in excess of $50,000 and will have a maturity of not more than nine months and will not be extended or renewed and will not contain any provision for extension or renewal or automatic "roll-over." The commercial paper will be issued at rates not exceeding the current rate prevailing at the date of issuance. The aggregate amount of commercial paper outstanding at any one time will not exceed $10,000,000 which is less than 25% of the Applicant's gross revenues during the twelve months of operation ended March 31, 1974.

Any person desiring to be heard or to make any protest with reference to said Application should file with the Federal Power Commission, Washington, D.C. 20426, on or before June 25, 1974, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14101 Filed 6-19-74;8:45 am

Notice of Application

JUNE 13, 1974.

Take notice that on May 29, 1973, Otter Tail Power Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act seeking authorization for a Supplemental Order to increase the maximum amount of short-term borrowing which it may have outstanding at any one time from $25 million to $30 million. Applicant was authorized to issue short-term promissory notes in the aggregate principal amount of $25 million by Commission order dated October 16, 1973, in the above docket.

Applicant is incorporated under the laws of the State of Minnesota with its principal business office at Fergus Falls, Minnesota and is authorized to do business in the States of Minnesota, North Dakota and South Dakota.

Notes issued to financial banks and other institutional lenders will bear interest at a rate not to exceed 1% of 1 percent over the large business prime rate of interest charged by Commercial banks in the area in which the loan is made on 90 day loans to substantial and responsible commercial borrowers, and having a maturity of 12 months or less.

Notes issued in the form of commercial paper will be issued in principal amounts in excess of $50,000 and will have a maturity of not more than nine months and will not be extended or renewed and will not contain any provision for extension or renewal or automatic "roll-over." The commercial paper will be issued at rates not exceeding the current rate prevailing at the date of issuance. The aggregate amount of commercial paper outstanding at any one time will not exceed $10,000,000 which is less than 25% of the Applicant's gross revenues during the twelve months of operation ended March 31, 1974.

Any person desiring to be heard or to make any protest with reference to said Application should file with the Federal Power Commission, Washington, D.C. 20426, on or before June 25, 1974, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14101 Filed 6-19-74;8:45 am

SOUTHERN CALIFORNIA EDISON CO.

Notice Postponing Hearing

JUNE 13, 1974.

On May 29, 1974, a notice was issued extending the procedural dates in the above-designated matter to July 12, 1974, at 10 a.m. e.d.t.

KENNETH F. PLUMB,
Secretary.

[Rate Schedule Nos. 5, etc.]

TEXACO INC., ET AL.

Rate Change Filings Pursuant to Commission's Opinion No. 639

JUNE 13, 1974.

Take notice that the producers listed in the Appendix attached hereto have filed increased monthly rates on the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1973.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 6, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.
TEXAS EASTERN TRANSMISSION CORP.
Protested Changes in its FPC Gas Tariff
JUNE 12, 1974.

Public notice is hereby given that Texas Eastern Transmission Corporation (Texas Eastern), on May 28, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, the following sheets:

First Revised Sheet No. 13, 13A, 13B, 13C & 13D
Alternate First Revised Sheet Nos. 17 & 24
Alternate Second Revised Sheet Nos. 92N Original Sheet No. 92Q

On May 10, 1974, the Commission issued an order rejecting Texas Eastern's proposed changes to § 12.4 of its FPC Gas Tariff, Third Revised Volume No. 1 for failure to comply with §§ 15.38(d) and 154.63(b)(3) of the regulations under the Natural Gas Act. The purpose of this filing is to refile tariff sheets to amend § 12.4 of the general terms and conditions of Texas Eastern's FPC Gas Tariff in accordance with the suggestion made in the Commission's Order issued May 10, 1974. The refiled tariff sheets provide for Texas Eastern to make demand charge adjustments during any month in which the curtailment of deliveries is due to a shortage of gas supply, and further provide for Texas Eastern to recover demand and commodity charges by use of a deferred account to adjust demand and commodity charges.

Texas Eastern proposes that the sheets become effective on May 1, 1974.

Texas Eastern states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing shall 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, 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 June 28, 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.

WISCONSIN MICHIGAN POWER CO.
Issuance of Annual License
JUNE 13, 1974.


The license for Project No. 1759 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Wisconsin Michigan Power Company for continued operation and maintenance of Project No. 1759.

The application was denied request for adjournment in the interest of public convenience, the purpose of the meeting is to discuss the Depository Library Program. The meeting will be open to the public. Any member of the public who wishes to attend shall notify Dr. Ralph McCoy, Chairman, 1502 Chautaugua, Carbondale, Illinois 62901.

General participation by members of the public, or questioning of Conference members or other participants shall be permitted with approval of the chairman.

Dated: June 18, 1974.

THOMAS E. ALLISON, Assistant Secretary of the Board.

FEDERAL RESERVE SYSTEM
SOUTHEAST BANKING CORP.
Acquisition of Bank
Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Beach State Bank, Panama City Beach, Florida, and Panama City National Bank, Panama City, Florida. The factors that are considered in determining if the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)). The application may be inspected at the office of the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 8, 1974.

Board of Governors of the Federal Reserve System, June 12, 1974.

KENNETH F. PLUMB, Secretary.

GOVERNMENT PRINTING OFFICE
DEPOSITORY LIBRARY CONFERENCE
Meeting
The Depository Library Conference of the Public Printer will meet at 8:30 a.m. to 5 p.m. on July 6, 1974. Meeting place will be the Park-Sheraton Suite of the New York Sheraton Hotel, located on 7th Avenue and 56th Street, New York City.

The purpose of this meeting is to discuss the Depository Library Program. The meeting will be open to the public. Any member of the public who wishes to attend shall notify Dr. Ralph McCoy, Chairman, 1502 Chautaugua, Carbondale, Illinois 62901.

T. F. McConnor, Public Printer.

NATIONAL ENDOWMENT FOR THE HUMANITIES
EDUCATION PANEL
Notice of Meeting
June 17, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Education Panel will meet at Washington, D.C., on July 1 and 2, 1974.

The purpose of the meeting is to review Projects applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and person-
NOTICES

John W. Jordan, Advisory Committee Management Officer.

EDUCATION PANEL
Notice of Meeting
June 19, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Education Panel will meet at Washington, D.C., on July 8 and 9, 1974.

The purpose of the meeting is to review Project applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW, Washington, D.C. 20506, or call area code 202-382-2031.

John W. Jordan, Advisory Committee Management Officer.
[FR Doc. 74-14155 Filed 6-19-74; 8:45 am]

OFFICE OF FEDERAL CONTRACT COMPLIANCE
STATE OF ILLINOIS EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS FOR FEDERAL ASSISTED CONSTRUCTION CONTRACTS
Notice of Hearing
A notice of hearing was published in the Federal Register on June 3, 1974 (39 FR 15493) announcing a hearing to commence on June 12, 1974, at 10 a.m., in Conference Room 642, 536 South Clark Street, Chicago, Illinois, to make proposed findings and a recommended decision to the Assistant Secretary of Labor for Employment Standards relevant to the issue of whether the rules and regulations for Public Contracts prescribed by the Illinois Fair Employment Practices Commission are inconsistent with Executive Order 11246, as amended, or incompatible with the effective implementation of federal minority hiring and/or training plans (either voluntary or imposed) in operation in the State of Illinois.

On June 10, 1974, the Illinois Fair Employment Practices Commission, the Building Construction Employers' Association of Chicago and the Office of the Solicitor, U.S. Department of Labor, agreed to postpone the aforementioned hearing until June 27, 1974. The purpose of this hearing is to waive the time limitations prescribed in 41 CFR 60-1.4(b) (2) within which the Assistant Secretary must make a final decision.

Therefore, in accordance with 41 CFR 60-1.4(b) (2), an administrative law judge has been designated to conduct a hearing commencing on June 27, 1974, at 10:00 a.m. in Conference Room 721, EveretT McKinley Dickson Building, 219 South Dearborn Street, Chicago, Illinois, to make proposed findings and a recommended decision to the Assistant Secretary of Labor for Employment Standards on the basis of the record before the administrative law judge. In accordance with 41 CFR 60-1.4(b) (2), evidence may be presented at the hearing relevant to the issue of whether the rules and regulations for Public Contracts prescribed by the Illinois Fair Employment Practices Commission are inconsistent with Executive Order 11246, as amended, or incompatible with the effective implementation of federal minority hiring and/or training plans (either voluntary or imposed) in operation in the State of Illinois.

We have given the Building Construction Employers' Association of Chicago and the Illinois Fair Employment Practices Commission notice of their opportunity to participate in the hearing by registered mail, return receipt requested. All other persons, organizations, and other entities affected by the OFCC Director's determination may attend and participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case, including such cross-examination as the administrative law judge may deem appropriate in the circumstances.

Interested persons, organizations, and other entities affected by the OFCC Director's determination wishing to participate in the hearing should so notify Mr. H. Stephen Gordon, Chief Administrative Law Judge, U.S. Department of Labor, 1111 20th Street, NW, Suite 720, Washington, D.C. 20035, by regular mail, return receipt requested, by the close of business June 12, 1974. The notices of intention to participate (original and two copies) must state the name and address of the person to appear, and the approximate amount of time required for the presentation. In addition, to the extent practicable, the notice must also include, or be accompanied by, a general statement of the position to be taken with regard to the aforementioned Illinois rules and regulations for Public Contracts and of the evidence to be adduced in support of that position. The use of prepared statements by participants, subject to cross-examination, is authorized. All documents intended to be submitted for the record at the hearing should be submitted in duplicate.

Signed at Washington, D.C., this 17th day of June, 1974.

[FR Doc. 74-14153 Filed 6-19-74; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET
CLEARANCE OF REPORTS
List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 17, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

New Forms
DEPARTMENT OF COMMERCE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Health Records Administration:
Predictors of Successful Nursing Performance, Form _____, Single time, Strauss, Schools of nursing & employers of graduates.

An investigation into the nature, causes and implications of the future role of Health Administrators, Form _____, Single time, Breen, Professional health services administration.
NOTICES

A study of the Career Development of Baccalaureate Health Administrators. Form ______, Annual, Collins, Graduates of undergraduate health administration programs.

Spanish-Surnamed Physicians Survey Form, Form ______, Single time, Sunderhauf, Spanish-surnamed physicians & medical students.

Relevance of Health Care Administration Curricula, Form ______, Single time, Homon, Professional health service administration, program faculty.

Health Resources Administration Medical Economic Research Project, Form ______, Occasional, Wann/Franchou/Hulet, Sample of households in two locations.

TENNESSEE VALLEY AUTHORITY

Farmer Questionnaire—Vicinity of Proposed Nuclear Power Plant, Form ______, Single time, Lowry/Weiner, Farm operator within designated area.

REVISED

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE


DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT


DEPARTMENT OF JUSTICE

Departmental Registration Statement of Foreign Controlled Organizations Engaging in Political or Military Activities, Form OBD 117, Occasional, Lowry, Government agencies.

U.S. CIVIL SERVICE COMMISSION

Qualifications Statement for Management Internship, Form WA 29, Occasional, Evinger, Job applicants.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-14274 Filed 6-19-74;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 19, 1974 (44 U.S.C. 3508). The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division withinOMB, and an indication of who will be the respondents to the proposed collection.

The symbol ($) 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

ENVIRONMENTAL PROTECTION AGENCY

Platinum, Palladium Lead Questionnaire, Form ______, Occasional, Gaywood, Residents near freeways, Factory worker.


FEDERAL ENERGY OFFICE

Project Conserved Questionnaire, Form ______, Single time, Weiner, Individuals.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration, Fiscal Management Controls Diagnostic Questionnaire for CMHC, Form ______, HRD/Lowry, Psychiatric facilities.

The Management of Care Form of Health Care Delivery, Form HRABIRD 6611, Occasional, Collins, Prepaid medical groups, federal medical groups.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Applicant-Student Information System for Schools and Colleges of Optometry, Form HRABIRD 0425, Occasional, Evinger, Applicants, students faculty, and administration of Optometry schools.

Analytic Study of Women in the Health Sector Labor Force, Form HRAD 6610, Single time, Collins/Wann, Registered nurses, licensed practical nurses, dentists, dental hygienists.

Health Oriented Coding and Classification Systems Used in Federal and State Agencies, Form HRANCHES 0610, Single time, Peterson, Federal and State agencies collecting or involved with classification of morbidity.

Long Term Care Reimbursement Experiments-Evaluation of Experiments in Intermediate Care Facility, Home-making, and Day Care Services, Sec. 223 P.L. 92-663, Form HRABIRD 0003, Occasional, Evinger, Government agencies.

Utilization of Physician's Assistants in Primary Care Mental Health, Form HRABIRD 0610, Occasional, Collins, Staff members and PA students of mental health institutes and clinics.

National Survey of Family Growth, Cycle 2, Contract, Form HRANCHES 0606, Single time, Evinger, Smaller sample households, Ever-married women 15 to 45 years of age.

REVISED

ENVIRONMENTAL PROTECTION AGENCY

Pesticide Episode Reporting Form, Forms EPA-T71, EPA 8990-F, Occasional, Coo, All state and Federal agencies involved in Pesticide accident surveillance system.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit: Mortgagee's Certification and Application for Interest Reduction, Payments, Form FHA 4111, Monthly, GVA, Mortgagees.

Substantial Readiness for Occupancy Certification, Form FHA 3185, Occasional, GVA, Mortgagees.
NOTICES

FRANKLIN NATIONAL BANK
Suspension of Trading
JUNE 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock of Franklin National Bank (New York, N.Y.) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 14, 1974 through June 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, Secretary.

[FED Doc. 74-14169 Filed 6-19-74; 8:45 am]

CONTINENTAL VENDING MACHINE CORP.
Suspension of Trading
JUNE 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 14, 1974 through June 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, Secretary.

[FED Doc. 74-14170 Filed 6-19-74; 8:45 am]

FIRST WISCONSIN MORTGAGE TRUST
Suspension of Trading
JUNE 13, 1974.

The shares of beneficial interest of First Wisconsin Mortgage Trust being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of First Wisconsin Mortgage Trust being traded otherwise than on a national securities exchange;

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 11:15 a.m. (e.d.t.) on June 13, 1974 continuing through June 22, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, Secretary.

[FED Doc. 74-14162 Filed 6-19-74; 8:45 am]
mitment fee of 1⁄2 of 1 percent per annum on the principal amount of the Note. Under certain conditions set forth in the Conveyance, LPEI will have the option of repurchasing the property. The property will be conveyed free and clear of all liens, including that of LP&L's Mortgage dated April 1, 1944 and supplements thereto.

Unilease will finance the foregoing acquisition (i) by the use of its own equity funds in the amount of approximately 29 percent of the cost of the Equipment and (ii) by the issuance and sale of a long-term Note to The Philadelphia Saving Fund Society. Based upon a total cost equal to the Maximum Commitment, such Note will be in the principal amount of $3,740,000. The Note will issue upon commencement of the Lease; will bear interest at 8.05 percent per annum; will mature on January 1, 1994, i.e., 19 1⁄2 years from date of issue, with principal and interest payable in full equal consecutive semi-annual installments commencing six months after the start of the Lease; and will be non-callable except under certain circumstances including termination of the Lease. The Note will be secured by an assignment of the Lease and payments thereunder, and by a mortgage on the Equipment and Premises. The Mortgage will be subject at all times to the Lease and the Conveyance.

The lease. The lease will be a net lease having an initial 20-year term wherein SFI will be responsible for, among other things, operation, maintenance, risk of loss, insurance and certain specified taxes. The Lease may terminate at any time during its initial term upon any Event of Loss, as defined in the Lease, which includes (a) actual or constructive theft or destruction of the Equipment or (c) specified governmental actions or regulations of an adverse nature. Upon expiration of the initial term, (1) SFI may extend the Lease and pay rental at the then fair market rental value of the Equipment and Premises; or (2) LPEI or SFI may purchase the Equipment and Premises at its then fair market sales value, and reacquire the Premises for the original cost thereof to Unilease.

Rental payments by SFI under the Lease will be based on Lessor's cost of the Equipment and Premises (not exceeding saidMaximum Commitment of $8,267,600). The rentals will be payable semi-annually in equal amounts computed by multiplying the Equipment component of Lessor's cost of 4.119% and said rental rate is understood by SFI as being equivalent to a simple interest cost of 5.74 percent per annum. In addition, the rental payments will include an interest cost of 3.05 percent per annum on the cost ($13,360) of the Premises. The semi-annual rental rate of 4.119% is predicated, among other things, on a combination of certain assumed tax benefits ("perquisites"). In the event that any of such prequisites are not realized (other than by amendment of the Internal Revenue Code after commencement of the Lease) the rental rate will be adjusted accordingly; provided, that if SFI's annual interest cost would thereby rise to a level above 5.74 percent, either SFI or LPEI will have the right to terminate the Lease by repurchase of the Equipment and Premises upon payment of a then applicable termination price, which includes (a) actual or constructive theft or destruction of the Equipment andPremises, and the Note will be repaid out of such termination price.

Based on the terms of the Lease and the approximate cost of the leased facilities, SFI estimates that its annual rental payments will amount to approximately $437,000. SFI states that rental payments under the Lease are such that SFI will not acquire any equity in the Equipment. Consequently, SFI will account for the Lease as a lease and proposes to charge the Lease payments to rental expense.

In order to warrant the proposed transactions MSU proposes to guarantee the performance by SFI of its obligations under the Lease without recourse to SFI first being required, and MSU would consent to the Lease. It is stated that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions (as distinct from the proposed transactions). Fees and expenses to be incurred directly by SFI, LPEI and MSU in connection with the proposed transactions (as distinct from amounts payable by SFI to cover the excess, if any, of the Lessor's costs over its Maximum Commitment as hereinafter set forth) are estimated at $87,800 including counsel fees of $35,000, $19,500 and $32,500 for SFI, LPEI and MSU, respectively, and $900 for services rendered at cost by the System service company, Middle South Services, Inc.

Notice is further given that any interested person may, not later than July 11, 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 as to which a hearing is requested. Any person who requests a hearing shall file a copy of such request with the Commission at the addresses of service above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration as amended by said post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing. All such requests, if granted, should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 21 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any prehearing conferences.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, Secretary.

[FR Doc. 74-14163 Filed 6-19-74; 8:45 am

REPORTING OF TRANSACTIONS IN LISTED SECURITIES

Exemptions Pursuant to Consolidated Tape Plan

Notice is hereby given that the Commission, acting pursuant to paragraph (h) of Rule 17b-15 (17 CFR 240.17b-15) under the Securities Exchange Act of 1934 (the "Rule"), has exempted from the provisions thereof reporting in all listed securities which are not eligible for listing in any exchange, association, broker, dealer, vendor or specified type of securities if the Commission determines that it is not necessary in the public interest or for the protection of investors that such exchange, association, broker, dealer, vendor or specified type of securities be subject to the provisions of the Rule.

Although Rule 17b-15 requires the consolidated reporting of transactions in all listed securities, the consolidated tape plan filed jointly by the New York, American, Midwest, Pacific and PBW Stock Exchanges and the National Association of Securities Dealers, Inc. (the "Joint Plan"), declared effective by the Commission pursuant to the Rule.

The Commission approved this limitation in declaring the Joint Plan effective. In view of various exemptions requests the Commission has received from certain national securities exchanges, and in
view of the unqualified requirement in Rule 17a-15 that transactions in all listed securities be reported on a consolidated basis, the Commission has determined to exempt from the consolidating reporting requirements of the Rule transactions in all listed securities which do not meet the eligibility criteria of Section VI of the Joint Plan declared effective by the Commission.

The Securities and Exchange Commission, having determined that it is not necessary in the public interest or for the protection of investors that listed securities not meeting the eligibility criteria of the consolidated tape plan declared effective by the Commission be subject to the provisions of Rule 17a-15, hereby exempts from the provisions of the Rule, pursuant to paragraph (b) thereof, all listed securities which do not meet the eligibility criteria of Section VI of the consolidated tape plan declared effective by the Commission.5

(See 17(a), 23(a), 48 Stat. 897, 901, 49 Stat. 1974, 32 Stat. 1076 (15 U.S.C. 76a, 78w))

By the Commission.

[Seal] GEORGE A. FITZSIMMONS, Secretary.

JUNE 13, 1974.

ROYAL PROPERTIES INC.

Suspension of Trading

JUNE 14, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(a) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended for the period from June 14, 1974 through June 17, 1974.

By the Commission.

[Seal] GEORGE A. FITZSIMMONS, Secretary.

JUNE 14, 1974.

SPORTSWORLD PROPERTIES, INC.

Suspension of Trading

JUNE 14, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Sportsworld Properties, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(a) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended for the period from June 17, 1974 through June 20, 1974.

By the Commission.

[Seal] GEORGE A. FITZSIMMONS, Secretary.

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1975]

ARKANSAS

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Arkansas as a major disaster area following tornadoes beginning on or about June 6, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from victims in the following County: St. Francis, and adjacent areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
District Office
500 West Capital Avenue
Little Rock, Arkansas 72201

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 9, 1974.

Dated: June 12, 1974.

WILLIAM M. LENDMAN, Acting Administrator.

[FR Doc.74-14135 Filed 6-19-74;8:45 am]

[Notice of Disaster Loan Area 1972]

ILLINOIS

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Illinois as a major disaster area following heavy rains and flooding beginning on or about May 17, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from victims in the following Counties: Adams, Brown, Bureau, Carroll, Clark, Coles, Cumberland, Edgar, Hancock, Jo Daviess, LaSalle, Lee, Logan, McHenry, Macon, Mercer, Pike, Rock Island, Sangamon, Whiteside, and Winnebago, and adjacent affected areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond State lines.

Applications may be filed at the:

Small Business Administration
Regional Office
215 South Dearborn Street
Chicago, Illinois 60604

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 9, 1974.

Dated: June 12, 1974.

WILLIAM M. LENDMAN, Acting Administrator.

[FR Doc.74-14132 Filed 6-19-74;8:45 am]
MINNESOTA
Disaster Relief Loan Availability
As a result of the President's declaration of the State of Minnesota as a major disaster area following severe storms and flooding beginning on or about June 7, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following counties: Adair, Andrew, Atchison, Buchanan, Caldwell, Carroll, Clay, Clinton, Holt, Jackson, Lafayette, Nodaway, Platte, and Ray, and adjacent affected areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:
- Small Business Administration
  District Office
  120 South Market Street
  Wichita, Kansas 67202
  and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 9, 1974.

Dated: June 12, 1974.

WILLIAM M. LENDMAN,
Acting Administrator.
[FR Doc.74-14133 Filed 6-19-74;8:45 am]
[Notice of Disaster Loan Area 1074]

NEW YORK
Declaration of Disaster Loan Area
Whereas, it has been reported that during the month of May 1974, because of the effects of a certain disaster, damage resulted to property located in the State of New York;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Monroe and Orleans Counties, and adjacent affected areas (adjacent areas include only counties within the State for which the declaration is made and do not extend beyond state lines), suffered damage or destruction resulting from flooding which occurred during the period May 10-17, 1974.

Office:
- Small Business Administration
  District Office
  911 Walnut Street
  Kansas City, Missouri 64105
  and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 9, 1974.

Dated: June 12, 1974.

WILLIAM M. LENDMAN,
Acting Administrator.
[FR Doc.74-14136 Filed 6-19-74;8:45 am]
[Declaration of Disaster Loan Area 1073]
NOTICES

Department of Labor

Tariff Nomenclature

Notice of Hearings

The U.S. Tariff Commission hereby gives notice that preliminary drafts of the following chapters of the Tariff Schedules of the United States (USITC) converted to the format of the Brussels Tariff Nomenclature (BTN):

Chapter 7: Edible vegetables and certain roots and tubers.
Chapter 8: Fruits and nuts.
Chapter 50: Preparations of vegetables, fruit, or other parts of plants; vegetable and fruit juices.
Chapter 88: Aircraft and spacecraft and parts thereof; parachutes; catapults and similar aircraft-launching gear; ground firing trainers.

are being released today and that public hearings thereon will begin at 10 a.m., p.d.t., on July 11, 1974, at the U.S. Court of Claims, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102. The purpose of this hearing is to obtain the comments and views of interested parties on the preliminary draft conversion.

Requests to testify at the hearings on these chapters must be filed in writing with the Secretary of the Commission not later than July 8, 1974. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after July 8, 1974. Any persons who fail to receive such notification by July 11, 1974, should immediately communicate with the Office of the Secretary of the Commission.

In its public notice issued March 8, 1974, regarding hearings on other chapters of the draft converted schedules (FR 7910 of March 13, 1974) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of March 8, 1974, applies to the hearings on the chapters being released today to the extent that it is applicable.

As each of the chapters is completed and released, copies thereof are made available for public inspection at the Offices of the Commission in Washington, D.C., and New York; all field offices of the Department of Commerce; and at the offices of Regional and District Directors of Customs. The locations of these offices are listed in the notice of March 8, 1974.

By order of the Commission.

Issued: June 14, 1974.

[Seal] Kenneth R. Mason, Secretary.

[FR Doc. 74-14095 Filed 6-19-74; 8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. Notice of application. Notice is hereby given that Granite City Steel Company, 20th & State Street, Granite City, Illinois 62040, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1595; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, in accordance with the requirements of 29 CFR 1910.243(b) (1) which concerns guarding of pneumatic powered tools.

The address of the place of employment that will be affected by the application is as follows:

Granite City Steel Company
20th and State Street
Granite City, Illinois 62040

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a variance or interim order.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.243(b) (1) which requires installation of a tool retainer on equipment which may otherwise eject a tool.

The applicant stated that its employees use pneumatic powered chisels using 85 psi to clean ingot molds and occasionally ingot stools. The molds range in size from 32" x 36" x 112" to 32" x 63" x 112" in overall dimensions. The chisels normally used are 48" x 108" in length.

Eighty-five to ninety-five percent of the cleaning work is done on the interior of the molds with the sides of the molds serving as partitions. While the interiors are being cleaned the molds are arranged in a parallel alignment with the employees working in the same direction.


This precludes an employee using a tool in the direction of a co-worker. A minimum of 6-10 feet is maintained between workers.

When the ingot stools and the outside of the molds are cleaned, or when a chisel shorter than 48" is used, the work is done by a single employee working in an area isolated from other employees.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1725 M Street, NW, Room 310, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration

- 300 South Wacker Drive
  Room 1200
  Chicago, Illinois 60606

- U.S. Department of Labor
  Occupational Safety and Health Administration
  300 South Wacker Drive
  Room 1200
  Chicago, Illinois 60606

All interested persons, including employers and employees, who believe that they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than July 22, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than July 22, 1974. In conformity with the requirements of 29 CFR 1905.15, submission of written comments and requests for a hearing shall be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. Interim order. It appears from the application for a variance and interim order that an interim order is necessary to prevent undue hardship to the applicant pending a decision on the variance. Therefore it is ordered, pursuant to the authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11 (c) that Granite City Steel Company be, and it is hereby, authorized to use its pneumatic powered chisels without tool retainers provided that: (1) the molds are arranged in a parallel alignment while the interiors are being cleaned, and no employee uses the chisel in the direction of a co-worker; (2) work being done on the outside of a mold or a stool is performed by a single employee in an isolated area; and (3) all cleaning of molds and stools shall be done in areas separated from employees not engaged in this work by partitions or by distance adequate to insure safety.

Granite City Steel Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of June 20, 1974, and shall

FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974
MORRISON-QUIRK GRAIN CORP.

NOTICES

Grant of Variance

I. Background. Morrison-Quirk Grain Corporation, Box 609, Hastings, Nebraska 68901 made application pursuant to § 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1588; 29 U.S.C. 655), and 29 CFR 1905.11, for a variance, and for an interim order pending a decision on the application for a variance, from the safety standards prescribed in 29 CFR 1910.68(c) (1)(ii) (b) concerning the belt width of manlifts. The Facility affected by this application is Morrison-Quirk Grain Corporation, Box 609, Hastings, Nebraska 68901.

Notice of the application, and of the granting of the interim order, was published in the Federal Register on February 19, 1973 (38 FR 3647). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments and no request for a hearing have been received.

II. Facts. The applicant has a manlift with a travel of 200 feet 10½ inches, and a belt width of 14 inches, rather than the 16 inch belt required for belts with travel exceeding 150 feet, under 29 CFR 1910.68(c) (1)(ii) (b).

The applicant has shown, with the results of tests conducted by an independent testing laboratory, that its present 14 inch wide belt has a minimum strength of 2,450 pounds per inch of width, or a total of 34,300 pounds for the entire belt.

The applicant has also shown that its belt has a safety factor of over 8 to 1, which is a comparison of the 34,300 pounds minimum strength of the belt to a 4,060 pound weight on the belt. The 4,060 pound weight is derived from the 14 inch belt meets the ANSI strength requirements of 2,450 pounds per square inch for belts travelling over 300 feet, it greatly exceeds the requirements of 1,800 pounds per square inch for those travelling 150-200 feet. This is taken into consideration since the travel on this manlift exceeds 200 feet by only 10½ inches. Additionally, the safety factor of 8 exceeds the ANSI requirement for a safety factor of 6. Therefore, it is decided that the applicant's 14 inch manlift belt results in employment and a place of employment as safe and healthful as would be created by the 16 inch belt required under 29 CFR 1910.68(c) (1)(ii) (b).

IV. Order. Pursuant to authority in § 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, 29 CFR Part 1905, and in Secretary of Labor's Order No. 12-71 (36 FR 8764), it is ordered that Morrison-Quirk Grain Corporation be, and it is hereby, authorized to continue the use of the 14 inch wide manlift belt as described in its application, in lieu of complying with 29 CFR 1910.68(c) (1)(ii) (b).

As soon as possible, Morrison-Quirk Grain Corporation shall give notice to affected employees of the terms of this order by the most means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on June 20, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 14th day of June 1974.

John H. Stender, Assistant Secretary of Labor.

FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974
The following plant expansion certificate was issued authorizing the number of learners indicated.

Arthur H. Korn, Authorized Representative of the Administrator.

[Notice No. 523]

ASSIGNMENT OF HEARINGS

June 17, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments and 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 cancellations of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellations or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

| Interim Docket No. 7-14195 Filed 6-19-74, 8:48 am |

INTERSTATE COMMERCE COMMISSION

[Rule 241, Exemption No. 12]

ATLANTIC AND WESTERN RAILWAY, ET AL. Exemption Under Mandatory Car Service Rules

If appearing, That the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipment to points remote from the car owners, that compliance with Car Service Rules 1 and 10 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 391, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation X2, with inside length 44 ft. 6 in. or less and equipped with doors less than 9 feet wide owned by any of the aforementioned railroads and located empty on such lines, may be loaded with grain or grain products, as defined herein, to stations located on any of the aforementioned railroads. When so loaded, such cars shall be exempt from the provisions of Car Service Rules 1 and 2.

The term grain and grain products shall comprise the commodities specifically listed in Lists 1, 2, 5, 6, 7, and 8 published in Western Trunk Lines Freight Tariff 340-5, I.C.C. A-479, issued by Fred O. Bickley, successor thereto, or consecutive issues thereof.

Effective: June 10, 1974.

Expires June 30, 1974.


INTERSTATE COMMERCE COMMISSION

[Seal]

R. D. Pfalzer, Agent.

[Rule 19; Ex Parte No. 241, Exemption No. 12]

The Atchison, Topeka and Santa Fe Railway Company

Burlington Northern Inc.

Chicago, Rock Island and Pacific Railroad Company

Missouri Pacific Railroad Company

St. Louis-San Francisco Railway Company

and that unlimited exchange of such cars among these railroads will increase car utilization by reductions in switching and other movements of empty cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 391, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation X2, with inside length 44 ft. 6 in. or less and equipped with doors less than 9 feet wide owned by any of the aforementioned railroads and located empty on such lines, may be loaded with grain or grain products, as defined herein, to stations located on any of the aforementioned railroads. When so loaded, such cars shall be exempt from the provisions of Car Service Rules 1 and 2.

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Effective: June 10, 1974.

Expires June 30, 1974.


INTERSTATE COMMERCE COMMISSION

[Seal]

R. D. Pfalzer, Agent.

[Rule 19; Ex Parte No. 241, Exemption No. 12]
Office of Proceedings

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY APPLICATIONS.

June 17, 1974.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1055(d) (2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before July 22, 1974. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding, including a detailed statement of protestant's interest in the proposal.

No. M. 106274 (Sub-No. 22 G), filed May 28, 1974. Applicant: RAEFORD TRUCKING COMPANY, P.O. Box 219, Sanford, N.C. 27330. Applicant's representative: EDWARD G. VILLALON, 1101 Louisiana St., New Orleans, Louisiana. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Proposal 1: Plywood, from points in southern Illinois, N.C., to points in South Carolina west of a line beginning at Interstate Highway 85 and the South Carolina-North Carolina State line to its junction with South Carolina Highway 34, thence along South Carolina Highway 34 to its junction with U.S. Highway 401, thence along U.S. Highway 401 to its junction with U.S. Highway 201, thence along U.S. Highway 201 to the South Carolina-Georgia State line (except Anderson and Greenville). The purpose of this filing is to eliminate the gateway of points in Sampson County, N.C. Proposal 2: Lumber (except plywood and veneer) from points in Pennsylvania on and west of a line beginning at the junction of the Pennsylvania-Maryland State line and U.S. Highway 219, thence along U.S. Highway 219 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-Ohio State line, to points in Henry County, Va. The purpose of this filing is to eliminate the gateway points in Caswell County, N.C. Proposal 3: Lumber, (except plywood and veneer) from points in Pennsylvania west of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 220 to its junction with Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to its junction with U.S. Highway 213, thence along U.S. Highway 213 to its junction with Pennsylvania Highway 948, thence along Pennsylvania Highway 948 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to its junction with U.S. Highway 61, thence U.S. Highway 61 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Osawosky, N.C.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1055(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway filed in accordance with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-2473 (Sub-No. E2), filed May 13, 1974. Applicant: BILLINGS TRANSFER CO., INC., 150 Green Needles Rd., Lexington, N.C. 27292. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture, plywood, and cotton products, (A) from points in Grayson, Carroll, Fries, and Henry Counties, Va., points in Forsyth, Guilford, Davidson, and Stokes Counties, N.C., and points in those parts of North Carolina, South Carolina, and Tennessee within 100 miles of Forsyth, Guilford, Davidson, and Stokes Counties, N.C. (except those points in North Carolina in and east of the counties of Person, Durham, Wake, Johnstown, Sampson, Bladen, and Columbus,) to Washington, D.C., Baltimore, Md., Wilmington, Del., points in New Jersey, points in that part of Pennsylvania on and south of U.S. Highway 23 from Easton to Harrisburg, and east of the Susquehanna River from Harrisburg to the Pennsylvania-Maryland State line, and New York, N.Y., and points in New York within 20 miles thereof; (B) from points in Person and Durham Counties, N.C., to Wilmington, Del., points in New Jersey, points in that
NOTICES

part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg, and east of the Susquehanna River from Harrisburg to the Pennsylvania-Maryland State line, and New York, N.Y., and points in New York within 20 miles thereof; (C) from points in Wake County, N.C., to points in New Jersey, points in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg, and east of the Susquehanna River from Harrisburg to the Pennsylvania-Maryland State line, and New York, N.Y., and points in New York within 20 miles thereof; (D) from points in Pittsylvania County, Va., to Baltimore, Md., Wilmington, Del., points in New Jersey, points in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg and east of the Susquehanna River from Harrisburg to the Pennsylvania-Maryland State line, and New York, N.Y., and points in New York within 20 miles thereof.

(C) From points in Wake County, N.C., to points in New Jersey, points in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg, and east of the Susquehanna River from Harrisburg to the Pennsylvania-Maryland State line, and New York, N.Y., and points in New York within 20 miles thereof; (D) from points in Pittsylvania County, Va., to Baltimore, Md., Wilmington, Del., points in New Jersey, points in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg and east of the Susquehanna River from Harrisburg to the Pennsylvania-Maryland State line, and New York, N.Y., and points in New York within 20 miles thereof.

AUTHORITY

(1) Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Aluminum (except that which because of size or weight requires handling in bulk), between points in Trumbull and Mahoning Counties, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Kansas, Louisiana, Oklahoma, and Texas, points in Nebraska on and west of U.S. Highway 83, points in North Dakota on and west of North Dakota Highway 3, and points in South Dakota on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateways of (a) Warren, Ohio, and (b) the plants and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va.

No. MC-34485 (Sub-No. E1), filed May 16, 1974. Applicant: CLARE & REID COMPANY, INC., P.O. Box 307, Burlington, Mass. 01803. Applicant's representative: Mr. Theodore Polydoroff, Ephraim Ave., Franklin, Mass., 02038. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Aluminum (except that which because of size or weight requires handling in bulk), between points in Trumbull and Mahoning Counties, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Kansas, Louisiana, Oklahoma, and Texas, points in Nebraska on and west of U.S. Highway 83, points in North Dakota on and west of North Dakota Highway 3, and points in South Dakota on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateways of (a) Warren, Ohio, and (b) the plants and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va.

No. MC-2473 (Sub-No. E3), filed May 13, 1974. Applicant: BILLINGS TRANSFER CORP., INC., Green Needles Road, Lexington, Ky. 40502. Applicant's representative: Charles Ephraim, 3531 Kentucky Ave., Lexington, Ky. 40502. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture, plywood, and cotton products, from Baltimore, Md., New York, N.Y., and points in New York within 20 miles thereof, to points in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg, and east of the Susquehanna River from Harrisburg to the Pennsylvania-Maryland State line, and points in New Jersey, to points in South Carolina. The purpose of this filing is to eliminate the gateway of Lexington, N.C., points in New York within 20 miles thereof.

No. MC-14702 (Sub-No. E34), filed May 16, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 608, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Aluminum (except that which because of size or weight requires handling in bulk), between points in Trumbull and Mahoning Counties, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Kansas, Louisiana, Oklahoma, and Texas, points in Nebraska on and west of U.S. Highway 83, points in North Dakota on and west of North Dakota Highway 3, and points in South Dakota on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateways of (a) Warren, Ohio, and (b) the plants and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va.
U.S. points in Mississippi on and south of lines on and east of Hatchie River U.S. on and east of Alabama-Georgia State line, thence over north of a line beginning at the Alabama-Mississippi State line, to that part of Mississippi on or south of U.S. Highway 82, and that part of Tennessee on or south of the Tennessee River except points east of the Alabama-Mississippi State line and west of the Tennessee River in proposal number 3; Birmingham, Ala., and points in Mississippi on and south of U.S. Highway 82.

(2) Iron and steel articles, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, M.C.C. 209 (except commodities which because of size or weight require the use of special equipment), (a) from points in Wayne and Cabell Counties, W. Va., to points in Mississippi on or south of U.S. Highway 82.

Iron and steel articles (except commodities which because of size or weight require the use of special equipment), (a) from points in Wayne and Cabell Counties, W. Va., to points in Mississippi, Arkansas, Florida, Georgia, and that part of Tennessee west or south of the Tennessee River except points east of the Alabama-Mississippi State line, thence along U.S. Highway 64 to St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 441 to the Florida-Georgia State line, to that part of Mississippi on or south of U.S. Highway 82, and that part of Tennessee on or south of the Tennessee River except points east of the Alabama-Mississippi State line, to that part of Mississippi on or south of U.S. Highway 82.

The purpose of this filing is to eliminate the gateways of Birmingham, Ala. in proposal number 1a and 1b; Decatur, Ala., in proposal number 2; Florence, Ala. (to central Tennessee and points in Florida) in proposal number 3; Birmingham, Ala., and points in Mississippi on and south of U.S. Highway 82.

(6) Iron and steel articles, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, M.C.C. 209 (except iron and steel buildings, complete, knocked down, or in sections), (a) from points in Wayne and Cabell Counties, W. Va., to points in Mississippi on or south of U.S. Highway 82.

The purpose of this filing is to eliminate the gateways of Birmingham, Ala. in proposal number 4; and points in Alabama on the Tennessee River in proposal numbers 5a, 5b, and 6.

The purpose of this filing is to eliminate the gateway of Birmingham, Ala. in proposal number 4; and points in Alabama on the Tennessee River in proposal numbers 5a, 5b, and 6.

No. MC-73185 (Sub-No. E7), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant’s representative: Carl U. Hurst (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, M.C.C. 209 (except iron and steel buildings, complete, knocked down, or in sections), (a) from points in Wayne and Cabell Counties, W. Va., to points in Mississippi on or south of U.S. Highway 82.

Iron and steel articles (except commodities which because of size or weight require the use of special equipment), (a) from points in Wayne and Cabell Counties, W. Va., to points in Mississippi on or south of U.S. Highway 82.

The purpose of this filing is to eliminate the gateways of Birmingham, Ala. in proposal number 4; and points in Alabama on the Tennessee River in proposal numbers 5a, 5b, and 6.
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No. MC-114019 (Sub-No. E160), filed May 7, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629.
Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned foods, and agricultural commodities (except dairy products, as described in Index I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 299 and 766), from points in the Lower Peninsula of Michigan, Caca, St. Joseph, Branch, Hillsdale, Lenawee, and Monroe Counties) to points in Har- din, Grayson, Edmonson, Barren, and Allen Counties, Ky., and points in Ken- tucky east of Interstate Highway 15. The purpose of this filing is to eliminate the gateway of Dascatur, and Lawton, Mich.

No. MC-114019 (Sub-No. E161), filed May 8, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629.
Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Grease and tallow (animal), in bulk, in tank vehicles equipped with heating coils, (1) from all points in Wisconsin and Iowa in and east of U.S. Highway 69, to all points in New York, Massachusetts, Connecticut, Rhode Island, New Jersey, that part of Pennsylvania on and north of U.S. Highway 11, from the Ohio-Pennsylvania State line to Nanty Glo, and on and west of U.S. Highway 219 from Nanty Glo to the Pennsylvania-Maryland State line, Philadelphia, Pa., Wilmington, Del., Baltim- more, Md., and the District of Columbia, (2) from points in Michigan on and south of Interstate Highway 96 to St. Joseph, Mo., Kansas City, Kan., Des Moines and Sioux City, Iowa, and Omaha, Nebr., (3) from points in Van Buren, Cass, and Cerrian Counties, Mich., to points in New York on and east of U.S. Highway 11, Massachusetts, Connecticut, Rhode Island, Philadelphia, Pa., Wilmington, Del., Baltim- more, Md., and the District of Columbia; (4) from points in those Wis- consin counties east of Langlade, Shawano, Outagamie, Winne- bago, Fond du Lac, Dodge, Jefferson, and Walworth, to St. Joseph, Mo.; (5) from points in Wisconsin on and north of U.S. Highway 51 beginning at the Illiniois-Wisconsin State line, thence north along U.S. Highway 51 to junction U.S. Highway 14, thence north along U.S. Highway 14 to its junction with U.S. Highway 12, thence north along U.S. Highway 12 to the Wisconsin-Minnesota State line to St. Louis, Mo.; (6) from points in Wisconsin on and north of U.S. Highway 12 and east of Forest, Langlade, Shawano, Waupaca, Winnebago, Fond du Lac, Dodge, Jefferson, and Walworth to Oma- ha, Nebr.; (7) from points in those coun- ties in Wisconsin and east of Forest, Langlade, Menominee, Shawano, Waup-aca, Fond du Lac, Dodge, Jefferson, and Walworth to Des Moines, Iowa; (8) from points in those counties in and east of Forest, Walworth, Waukesha, Washington, She- boygan, Manitowoc, Kewaunee, and Door County to Sioux City, Iowa; (9) from points in those counties in and east of Vilas, Oneida, Marathon, Portage, Waushara, Marquette, Dane, and Green to Wichiita, Kans.; (10) from points in those counties in Wisconsin in and east of Vilas, Oneida, Lincoln, Mar- athon, Portage, Waushara, Green Lake, Dodge, Jefferson, and Rock to Kansas City, Kans.; (11) from Cincinnati, Ohio, to all points in the Ohio, to all points in the Ohio, to all points in the Ohio, to all points in the Ohio, to all points in the Ohio, to all points in the Ohio, to all points in the Ohio, to all points in the Ohio, to all points in the Ohio, to all points in the Ohio.

Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned foods, and agricultural commodities (except dairy products, as described in Index I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 299 and 766), from points in the Lower Peninsula of Michigan, Caca, St. Joseph, Branch, Hillsdale, Lenawee, and Monroe Counties) to points in Har- din, Grayson, Edmonson, Barren, and Allen Counties, Ky., and points in Ken- tucky east of Interstate Highway 15. The purpose of this filing is to eliminate the gateway of Dascatur, and Lawton, Mich.

No. MC-114019 (Sub-No. E1669), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629.
Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Edible packlnglhouse products and by-products, (1) between Kansas City and Wichita, Kans., Kansas City, St. Jo- seph, and South St. Joseph, Mo.; Des Moines and Sioux City, Ia., and Omaha and South Omaha, Nebr., on the one hand, and, on the other, points in Connect- icut, Delaware, Maine, Maryland (except those on and west of U.S. Highway 15), New Hamp- shire, Rhode Island, Vermont, New York; New Jersey, Pennsylvania, the District of Columbia, and that portion of Ohio on and north of U.S. Highway 30; (2) between St. Louis, Mo., on the one hand, and, on the other, points in Dela- ware, Maine, Maryland (except those on and west of U.S. Highway 15), Massa- chusetts, New Hampshire, Rhode Island, Vermont, New York, New Jersey, and points in Pennsylvania on and north of Interstate Highway 76 east to its jun- cture with Interstate Highway 90, and U.S. Highway 220 south to the Pennsylvania-Maryland State line, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Chicago, Ill., or Chicago and Youngstown, Ohio, or Pittsburgh, Pa.

No. MC-114019 (Sub-No. E167), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629.
Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned goods and agricultural com- modities, between points in Illinois and
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Indiana on and north of U.S. Highway 50, the Lower Peninsula of Michigan, those in Wisconsin on and north of U.S. Highway 41, those in Illinois defined by the Illinois-Indiana State line, and points in Elkhart County, the District of Columbia. The purpose of commercial zone, as defined by the Commission, New York, N.Y., and Philadelphia, Pa., points within 30 miles of Philadelphia, Pa., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line from the Lower Peninsula of Michigan, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Danville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania. The purpose of this filing is to eliminate the gateway points in Ohio.

No. MC-114019 (Sub-No. E175), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Edible meats, meat products, and edible meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from points in Illinois on and north of U.S. Highway 36 and those in Indiana on and north of Indiana Highway 36 from the Illinois-Indiana State line to its junction with U.S. Highway 31 from said junction to Indiana-Michigan State line, to points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Vermont, New Jersey (except those in the New York, N.Y., and Philadelphia, Pa., commercial zone, as defined by the Commission), to Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateway points in Elkhart County, Ind.

No. MC-114019 (Sub-No. E175), filed May 6, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Edible meats, meat products, and edible meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from points in Illinois on and north of U.S. Highway 36 and those in Indiana on and north of Indiana Highway 36 from the Illinois-Indiana State line to its junction with U.S. Highway 31 from said junction to Indiana-Michigan State line, to points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Vermont, New Jersey (except those in the New York, N.Y., and Philadelphia, Pa., commercial zone, as defined by the Commission), to Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateway points in Elkhart County, Ind.

No. MC-114019 (Sub-No. E175), filed May 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Edible meats, meat products, and edible meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from points in Illinois, Indiana, and those in Ohio on, north, and west of Interstate Highways 70 and 80, thence along New York Highway 21, thence along New York Highway 26 to points in Connecticut, New Hampshire, Massachusetts, New York, New Jersey, Pennsylvania, Virginia, and Maryland, which are located within 30 miles of Philadelphia, Pa., and Sparrows Point and Baltimore, Md., the purpose of this filing is to eliminate the gateway of Youngstown, Ohio.

No. MC-114019 (Sub-No. E181), filed May 5, 1974. Applicant: EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Edible fish, fish scrap and fish compounds, between points in Wisconsin (except those in Milwaukee, Kenosha, and Racine Counties), on the one hand, and, on the other, points in Indiana, Ohio, Pennsylvania, New York, West Virginia, those in New Jersey within 40 miles of City Hall, New York, N.Y., Delaware, and Maryland, which are within 30 miles of Philadelphia, Pa., and Sparrows Point and Baltimore, Md., the purpose of this filing is to eliminate the gateway of Chicago.
No. MC-114019 (Sub-No. E183), filed May 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, and fruits and vegetables, in bulk, from points in West Virginia on and west of New York State line to gateway of Union City, Ohio. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC-114019 (Sub-No. E184), filed May 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, and fruits and vegetables, in bulk, from points in New Jersey to gateway of Orrville, Ohio. The purpose of this filing is to eliminate the gateway of Orrville, Ohio.

No. MC-114019 (Sub-No. E181), filed May 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, and fruits and vegetables, in bulk, from points in New Jersey to gateway of Orrville, Ohio. The purpose of this filing is to eliminate the gateway of Orrville, Ohio.

No. MC-114019 (Sub-No. E185), filed May 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, and fruits and vegetables, in bulk, from points in New Jersey to gateway of Orrville, Ohio. The purpose of this filing is to eliminate the gateway of Orrville, Ohio.
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No. MC-114019 (Sub-No. E218), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., 60629. Applicant’s representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glassware, glass containers, and accessories therefor, and paper cartons used in the packing or shipping of glass articles, from points in West Virginia to points in Michigan except glassware and glass containers to Alton and Streator, Ill.). The purpose of this filing is to eliminate the gateway of Lancaster, Ohio.

No. MC-114019 (Sub-No. E219), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., 60629. Applicant’s representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass containers and accessories therefor, and paper cartons used in the packing or shipping of glass containers, from said junction to its junction with Interstate Highway 90, thence on Interstate Highway 90 to its junction with New York Highway 5, thence on New York Highway 5 to its junction with New York Highway 7, thence on New York Highway 7 to New York-Vermont State line. (2) Used skids, pallets and other materials used in the packing and transportation of the commodities specified immediately above, from the destination points in the territories specified immediately above, to North Judson, Ind. The purpose of this filing is to eliminate the gateway points in Ohio and Sunbury, Pa.

No. MC-114019 (Sub-No. E221), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., 60629. Applicant’s representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Floor tile, from Hopewell, Ohio, to points in Illinois east of U.S. Highway 24 from the Indiana-Illinois State line, to Peoria, thence Illinois Highway 116 from Peoria to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC-114019 (Sub-No. E222), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., 60629. Applicant’s representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Asphalt, liquid or solid; Boards, fibreboard and/or pulpboard, impregnated with asphalt, painted or not painted; Board, wall, fibreboard, pulpboard, or strawboard, not impregnated with asphalt; Cans, roofing; Caps, fiber; Cement, roofing; Chippings, asphalt, and/or composition; Chippings, asphalt, asphalt, or composition; Nails; Paint, asphaltum; Paint, coal tar; Paper, building, roofing, or sheathing, saturated, unsaturated; Pitch, roofing; Roofing, composition or prepared; Straw, asphalt, asphalt, or composition; Sheathing; Straps, tin, with fasteners; and Tar, roofing; from North Judson, Ind., to points in Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, and those in New York on and east, and south of U.S. Highway 14 from the point on the New York State line to its junction with Interstate Highway 90, thence on Interstate Highway 90 to its junction with New York Highway 5, thence on New York Highway 5 to its junction with New York Highway 7, thence on New York Highway 7 to New York-Vermont State line. (2) Used skids, pallets and other materials used in the packing and transportation of the commodities specified immediately above, from the destination points in the territories specified immediately above, to North Judson, Ind. The purpose of this filing is to eliminate the gateway points in Ohio and Sunbury, Pa.

No. MC-114019 (Sub-No. E223), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., 60629. Applicant’s representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (other than frozen), from points in New York and New Jersey within 40 miles of City Hall, New York, N.Y., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Rochester, N.Y.

No. MC-114019 (Sub-No. E224), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., 60629. Applicant’s representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Felts and paper insulating materials, from Alexandria and Richmond, Va., to Aurora, Ill., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Delaware, restricted to the transportation of shipments from, to, or between building, roofing and insulating material manufacturing plants, or warehouses (or facilities) of such plants. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Duryea, Pa.

No. MC-114019 (Sub-No. E225), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., 60629. Applicant’s representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Candy, confectionery, and confectionery products, from points in New York and New Jersey within 40 miles of City Hall, New York, N.Y., to St. Louis, Mo., and points in Iowa, Kentucky, Michigan, and Wisconsin. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Duryea, Pa.

No. MC-114019 (Sub-No. E226), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., 60629. Applicant’s representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned goods, from points in Minnesota on and south of U.S. Highway 14 from Sparrs Point and Baltimore, Md., New York, N.Y., to points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 15 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, and extend-
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May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except dairy products and commodities in bulk), from Montezuma, Ga., to points in Colorado. The purpose of this filing is to eliminate the gateway points in Ohio and Milwaukee, Wis.

No. MC-117119 (Sub-No. E40), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from Montezuma, Ga., to points in Colorado. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC-117119 (Sub-No. E41), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except dairy products and commodities in bulk), from Montezuma, Ga., to points in Colorado. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC-117119 (Sub-No. E70), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except dairy products and commodities in bulk), from Montezuma, Ga., to points in Colorado. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC-117119 (Sub-No. E71), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except dairy products and commodities in bulk), from Montezuma, Ga., to points in Colorado. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC-117119 (Sub-No. E72), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except dairy products and commodities in bulk), from Montezuma, Ga., to points in Colorado. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC-117119 (Sub-No. E39), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except dairy products and commodities in bulk), from Montezuma, Ga., to points in Colorado. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC-117119 (Sub-No. E38), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except dairy products and commodities in bulk), from Montezuma, Ga., to points in Colorado. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC-117119 (Sub-No. E41), filed May 24, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except dairy products and commodities in bulk), from Montezuma, Ga., to points in Colorado. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC-117119 (Sub-No. E70), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except dairy products and commodities in bulk), from Montezuma, Ga., to points in Colorado. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC-117119 (Sub-No. E71), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except dairy products and commodities in bulk), from Montezuma, Ga., to points in Colorado. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC-117119 (Sub-No. E72), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except dairy products and commodities in bulk), from Montezuma, Ga., to points in Colorado. The purpose of this filing is to eliminate the gateway of Springdale, Ark.
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Interstate Highway 40 (except points in Quay and Guadalupe Counties). The purpose of this filing is to eliminate the gateways of Blytheville, Ark., and Jackson, Tenn.

No. MC-117119 (Sub-No. E76), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen goods (except dairy products and commodities in bulk), from Chicago, Ill., to points in Idaho, Oregon, Utah, Washington, and Kansas. The purpose of this filing is to eliminate the gateway of Siloam Springs, Ark.

No. MC-117119 (Sub-No. E39), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foodstuffs (except commodities in bulk, in tank vehicles), from Louisville, Ky., to points in Idaho, Kansas, Montana, Nebraska, Oregon, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC-117119 (Sub-No. E39), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen goods (except dairy products and commodities in bulk), from points in Idaho on and south of Interstate Highway 74 to points in Washington (except Grandview and Kennewick), Oregon, and Nevada. The purpose of this filing is to eliminate the gateway of Springfield, Ark. (within the Fayetteville, Ark., commercial zone).

No. MC-117119 (Sub-No. E277), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen goods, from Chicago, Ill., to points in Arizona on and south of a line beginning at the Arizona-California State line and extending southward along U.S. Highway 10 to Dallas, thence along U.S. Highway 80 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateways of Blytheville, Ark. and Jackson, Tenn.

No. MC-117119 (Sub-No. E98), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen goods, from Chicago, Ill., to points in Illinois on and south of a line beginning at Interstate Highway 40 to Dallas, thence along U.S. Highway 80 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateways of Blytheville, Ark. and Jackson, Tenn.

No. MC-117119 (Sub-No. E98), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foodstuffs (except commodities in bulk), from Chicago, Ill., to points in Ohio and west of a line beginning at the Missouri-Illinois State line at Alton and extending eastward along Illinois Highway 60 to the Illinois-New Mexico State line (except Mound City) to points in Arizona, California, and New Mexico. The purpose of this filing is to eliminate the gateway of Siloam Springs, Ark.
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No. MC-119443 (Sub-No. E2), filed May 31, 1974. Applicant: P. E. KRAMME, INC., Main St., Monroeville, N.J. Applicant's representative: Garold Kramme (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from points in Green County, Mo., to points in Washington (except Grand Island). The purpose of this filing is to eliminate the gateway of Vicksburg, Miss.

No. MC-117119 (Sub-No. E29), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen goods, from points in South Dakota and North Dakota. The purpose of this filing is to eliminate the gateway of Fort Smith, Ark.

No. MC-117119 (Sub-No. E29), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from points in Green County, Mo., to points in Arizona, California, Nevada, and New Mexico. The purpose of this filing is to eliminate the gateway of Fort Smith, Ark.

No. MC-117119 (Sub-No. E101), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from points in Ohio to points in Arizona, California, New Mexico, and Reno. The purpose of this filing is to eliminate the gateway of Siloam Springs, Ark.

No. MC-118990 (Sub-No. E4), filed May 23, 1974. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Girardale, Maine 56701. Applicant's representative: William F. Jackson, 918 Eighteenth St. NW, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Rubber (except commodities in bulk), from Miami, Florida, to points in California. The purpose of this filing is to eliminate the gateway of Vicksburg, Miss.

No. MC-123639 (Sub-No. E1), filed May 14, 1974. Applicant: J. B. MONTGOMERY, INC., 5450 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat products and meat by-products, and articles distributed by meat-packing houses, as described in Sections A and C of the above, from points in Missouri and Illinois on and south of a line extending from a point on the Missouri-Illinois State line west of Springfield, Ill., through Springfield, to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Emporia, Kansas.
No. MC-123639 (Sub-No. E3), filed May 14, 1974. Applicant: J. B. MONT-gomery, INC., 5150 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: John F. DeCook (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, by-products, and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 768, filed in tank or hopper-type vehicles, from points in Iowa, Nebraska, that part of Colorado, on and east of U.S. Highway 87 from the Wyoming Colorado line to junction Colorado Highway 1 at or near Colorado, thence on and east of U.S. Highway 87 to junction U.S. Highway 87 at or near Denver, thence on and east of U.S. Highway 87 to junction U.S. Highway 87 at or near Colorado Springs, and on and north of Colorado Highway 94 to junction U.S. Highway 40 near Aroya, thence on and north of U.S. Highway 40 to the Colorado-Kansas State line, those in that part of Illinois north of a line extending from a point on the Missouri-Illinois State line directly west of Springfield, Ill., then to the Illinois-Indiana State line and those in Kansas on and north of U.S. Highway 40 to points in that part of Arizona west of U.S. Highway 66 and south of U.S. Highway 66. The purpose of this filing is to eliminate the gateway in Denver, Colo.

No. MC-127195 (Sub-No. E2), filed May 17, 1974. Applicant: KLINGE TRUCKING, INC., P.O. Box 355, Millville, Pa. 17846. Applicant's representative: James L. Kline (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Materials, supplies, and commodities in the manufacture and assembly of mobile homes, (1) from points in California to points in New Jersey, New York, Delaware, and Maryland; (2) from points in New Mexico to points in New Jersey and Delaware; and (3) from points in Arkansas to points in New Jersey and Delaware; (4) from points in Louisiana to points in New Jersey and Delaware; (5) from points in California to points in New Jersey, New York, and Maryland; (6) from points in Texas to points in New Jersey and Delaware; (7) from points in Missouri to points in New Jersey and Delaware; (8) from points in Iowa to points in New Jersey and Delaware. The purpose of this filing is to eliminate the gateway in Millville, Pa.

No. MC-129631 (Sub-No. 43G), filed May 18, 1974. Applicant: PACK TRANS-PORT, INC., 3075 South 300 West St., Salt Lake City, Utah 84107. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Roofing, siding, and insulation materials, from points in Maricopa County, Ariz., to points in Oneida County, Idaho and Summit County, Utah. (2) Roofing, siding, and insulation materials, from points in Maricopa County, Ariz., to points in Oneida County, Idaho and Summit County, Utah. (3) Building materials, between points in Box Elder, Cache, Davis (except Center-ville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, to points in Idaho south of Idaho County. The purpose of this filing is to eliminate the gateway in Baker, Ore. (4) Building materials, between Teton County, Wyoming, on the one hand, and, on the other, Box Elder, Cache, Davis (except Center-ville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah. The purpose of this filing is to eliminate the gateway points in Oneida County, Idaho. (5) Building materials, from points in Box Elder, Cache, Davis (except Center-ville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, to points in Idaho south of Idaho County. The purpose of this filing is to eliminate the gateway in Baker, Ore. (6) Building materials, between Teton County, Wyoming, on the one hand, and, on the other, Box Elder, Cache, Davis (except Center-ville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah. The purpose of this filing is to eliminate the gateway points in Oneida County, Idaho. (7) Lumber and lumber mill products, from points in Box Elder, Cache, Davis (except Center-ville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, to points in Idaho south of Idaho County. (8) Lumber and lumber mill products, from points in Box Elder, Cache, Davis (except Center-ville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, to points in Idaho south of Idaho County. The purpose of this filing is to eliminate the gateway points in Oneida County, Idaho. (9) Lumber and lumber mill products, from points in Oregon and Washington to points in Utah. The purpose of this filing is to eliminate the gateway points in Oneida County, Idaho and Summit County, Utah. (10) Lumber and lumber mill products, from points in Montana to points in Idaho. The purpose of this filing is to eliminate the gateway points in Summit County, Utah and Lincoln County, Wyo. (11) Lumber and lumber mill products, from points in Oregon and Washington to points in Utah. The purpose of this filing is to eliminate the gateway points in Summit County, Utah and Lincoln County, Wyo. (12) Lumber and lumber mill products, from points in Daggett, Rich, and Summit Counties, Utah, to points in Idaho. The purpose of this filing is to eliminate the gateway points in Lincoln County, Wyo.

(13) Lumber and lumber mill products, from those points in Washington lying in or west of Klickitat, Skamania, Lewis, Pierce, King, Snohomish, Skagit, and Whatcom Counties to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway points in Utah.

(14) Lumber and lumber mill products, from those points in Washington lying in or west of Klickitat, Skamania, Lewis, Pierce, King, Snohomish, Skagit, and Whatcom Counties to points in Idaho. The purpose of this filing is to eliminate the gateway points in Idaho.

(15) Lumber and lumber mill products, from points in Montana to points in Idaho. The purpose of this filing is to eliminate the gateway points in Idaho.

(16) Lumber and lumber mill products, from points in Idaho to points in Utah. The purpose of this filing is to eliminate the gateway points in Summit County, Utah.

(17) Lumber and lumber mill products, from points in Utah to points in Wyoming. The purpose of this filing is to eliminate the gateway points in Summit County, Utah.

(18) Lumber and lumber mill products, from points in Utah to points in Wyoming. The purpose of this filing is to eliminate the gateway points in Summit County, Utah.

By the Commission.

[SEAL] ROBERT L. OSWALD, Secretary.

[FR Doc.74-14152 Filed 6-10-74; 9:45 am]

(19) Building materials and machinery between points in Box Elder, Cache, Davis (except Center-ville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, to points in Wyoming. The purpose of this filing is to eliminate the gateway points in Friday Harbor, San Juan, and Whatcomb Counties to points in Idaho. (20) Lumber and lumber mill products, from points in Oregon and Washington to points in Arizona. The purpose of this filing is to eliminate the gateway points in Oneida County, Idaho.

[Rule 19, Ex Parte No. 241, Exemption No. 77]

LEHIGH VALLEY RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, That there is an emergency movement of military impediments from Kmund, New York, to Idaho, North Carolina; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownership having suitable dimensions are available on the lines of the originating carrier and on its connections; and that com-

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ppliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Lehigh Valley Railroad Company, John F. Nash and Robert C. Haldeman, Trustees, the railroads designated by the Car Service Division are authorized to move to, and the Lehigh Valley Railroad Company, John F. Nash and Robert C. Haldeman, Trustees, is authorized to accept, assemble, and load not to exceed seventy-five (75) empty cars with military impediments from Kendala, New York, to Leland, North Carolina, regardless of the provisions of Car Service Rules 1(b), 2(c), 2(d), or 2(e).

Effective June 11, 1974.
Expires June 30, 1974.


INTERSTATE COMMERCE COMMISSION,
R. D. FAHRNER,
Agent.

[FR Doc.74-14186 Filed 6-19-74; 8:45 am]

[Notice No. 106]

**MOTOR CARRIER BOARD TRANSFER PROCEEDINGS**

JUNE 21, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 213(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 states that there will be no significant effect on the quality of the human environment resulting from approval of the application. The matters referred to in the application shall be determined by the Commission, and rules and regulations adopted. The application should comply with section 247(d)(3) of the special rules, and include a copy of the Commission's general rules of practice (49 CFR, as amended), published in the Federal Register. Failure to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes are in conflict with that sought in the application, and describing in detail the method—whether by order, interline, or other means—by which protestant would use such authority), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(d)(4) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it intends to withdraw the application, failure in which the application will be dismissed by the Commission.

Further proceeding steps (whether notice, hearing, or other procedures) will be determined by

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**NOTICES**

JUNE 14, 1974.

The following applications (except as otherwise specifically noted) filed after March 27, 1972 states that there will be no significant effect on the quality of the human environment resulting from approval of its application, are governed by Special Rule 1100.247 of the Commission's general rules of practice (49 CFR, as amended), published in the Federal Register. failure to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes are in conflict with that sought in the application, and describing in detail the method—whether by order, interline, or other means—by which protestant would use such authority), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(d)(4) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it intends to withdraw the application, failure in which the application will be dismissed by the Commission.

Further proceeding steps (whether notice, hearing, or other procedures) will be determined by

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**MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS**

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NOTICES

generally in accordance with the Commission's general policy concerning motor carrier licensing procedures, published in the Federal Register issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained, following such a notice of a hearing. The Commission finds that there has been assigned for oral hearing.

No. MC 621 (Sub-No. 26), filed May 6, 1974. Applicant: DEAN TRUCK LINES, INC., P.O. Drawer 631, Pullman Drive, Corinth, Miss. 38834. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38117. 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 and personal effects, livestock, commodities in bulk, and articles which because of size or weight require special equipment), (1) Between Memphis, Tenn., and Hattiesburg, Miss.: From Memphis, Tenn., on Interstate Highway 55 to Jackson, Miss., thence over U.S. Highway 49 to Hattiesburg, Miss., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (2) Between Memphis, Tenn., and Meridian, Miss.: From Memphis, Tenn., on Interstate Highway 55 to Jackson, Miss., thence over U.S. Highway 49 to Hattiesburg, Miss., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (3) Between Memphis, Tenn., and Meridian, Miss.: From Memphis, Tenn., on Interstate Highway 55 to its junction with Mississippi Highway 35 near Vaiden, Miss., thence over Mississippi Highway 35 to its junction with Mississippi Highway 19 near Kosciusko, Miss., thence over Mississippi Highway 19 to Meridian, Miss., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (4) Between Memphis, Tenn., and Laurel, Miss.: From Memphis, Tenn., on Interstate Highway 55 to its junction with U.S. Highway 49 near Jackson, Miss., thence over U.S. Highway 49 to its junction with U.S. Highway 84 near Collins, Miss., thence over U.S. Highway 84 to Laurel, Miss., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (5) Between Meridian, Miss., and Nashville, Tenn.: From Meridian, Miss., over U.S. Highways 20 and 59 (and also U.S. Highway 11), to junction Interstate Highway 65 near Birmingham, Ala., thence over Interstate Highway 65 (and also U.S. Highway 31), to Nashville, Tenn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (6) Between Tupelo, Miss., and Nashville, Tenn.: From Tupelo, Miss., over U.S. Highway 78 to its junction with Interstate Highway 40 near Decatur, Ala., thence over Interstate Highway 65 (and also U.S. Highway 31), to Nashville, Tenn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (7) Between Louisville, Ky., and junction U.S. Highway 65 near Morehead, Ky., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (8) Between Nashville, Tenn., and Memphis, Tenn.: From Nashville, Tenn., over Interstate Highway 40 to Memphis, Tenn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (9) Between Nashville, Tenn., and the junction of Tennessee Highways 22 and 49 near Uptown, Ky.: From Louisville, Ky., over U.S. Highway 31 West to its junction with Interstate Highway 65 near Uptown, Ky., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations; (10) From Nashville, Tenn., over Interstate Highway 40 to its junction with Tennessee Highway 22, thence over Tennessee Highway 22 to its junction with Tennessee Highway 100 at a point 16.8 miles northeast of Henderson, Tenn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 1756 (Sub-No. 29), filed May 13, 1974. Applicant: PEOPLES EXPRESS CO., a Corporation, 497 Raymond Boulevard, Newark, N.J. 07105. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Foodstuffs (except commodities in bulk), from Plover, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin; and (2) materials, equipment, and supplies which are used or useful in the manufacture, sale, production, or distribution, or distribution of the commodities as described in (1) above, from points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin, to Plover, Wis.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 6607 (Sub-No. 16) (Amendment), filed April 26, 1974, published in the Federal Register issue of May 31, 1974, and republished as amended this issue. Applicant: J. J. MINNIEHAN, INC., P.O. Box 369, Rochingham Road, Bellefonte, Pa. 16823. Applicant's representative: Frederick T. O'Sullivan, 1690 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Commodities in bulk, from Plover, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin; and (2) from Westerly, R.I., to Groton, Conn., (1) and (2) above, under contract with Darien City Co-Operative, Inc., Natural Spring Water Co., Inc., and General Dynamics Corp.
NOTICES

**NOTICE**—Common control and dual operations may be involved. The purpose of this republication is to amend the supporting statements by GORDON'S TRANSPORTS, INC., of 195 West Mellemore Avenue, P.O. Box 59, Memphis, Tenn. 38101. Applicant's representative: W. F. Goodwin (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except automobiles set up on wheels, dangerous explosives and, household goods as defined by the Commission) in bulk, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission) in bulk, and those requiring special equipment, between St. Louis, Mo., and Nashville, Tenn.: (1) From St. Louis over Interstate Highway 70 to East St. Louis, Ill., thence over Interstate Highway 64 to junction with U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 62 and/or Alternate U.S. Highway 41 to Nashville and return over the same route; (2) from St. Louis over U.S. Highway 460 to Crossville, Ill., thence over Illinois Highway 1 to junction with Interstate Highway 64 near Calvis, Ill., thence over Interstate Highway 64 to junction with U.S. Highway 41 thence over U.S. Highway 41 to Henderson, Ky., thence over the Panzyril Parkway to Hopkinsville, Ky., thence over Alternate U.S. Highway 41 and/or U.S. Highway 41 to Nashville and return over the same route; (3) (a) from St. Louis over Interstate Highway 70 to East St. Louis, Ill., thence over Interstate Highway 64 to Mt. Vernon, Ill., thence over Interstate Highway 57 to junction with Illinois Highway 146, thence over Illinois Highway 146 from junction with Illinois Highway 37, thence over Illinois Highway 37 to its junction with Illinois Highway 146 at West Vienna, Ill., thence over Illinois Highway 146 from junction with Illinois Highway 24 east of Vienna, Ill., thence over Interstate Highway 24 to junction with U.S. Highway 60 west of Paducah, Ky., thence over U.S. Highway 60 to Paducah, thence over U.S. Highway 68 to Hopkinsville, Ky., thence over Alternate U.S. Highway 41 and/or U.S. Highway 41 to Nashville and return over the same route; and (b) from St. Louis over U.S. Highway 460 to Mt. Vernon, Ill., thence over the same route as (3) (a) above; and (4) from St. Louis to Mt. Vernon, Ill., as described in (3) (a) and (b) above, thence over Interstate Highway 57 to junction with Interstate Highway 24, thence over Interstate Highway 24 to Nashville, Tenn., thence over Alternate U.S. Highway 41 and/or U.S. Highway 41 to Nashville and return over the same route; (1) through (4), above, serving no intermediate points and serving Nashville for purposes of joining only, as an alternate route for operating convenience only, in connection with the carrier's authorized regular route operations.

**NOTICE**—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

**NOTICE**—Common control and dual operations may be involved. The purpose of this republication is to indicate the correct restriction sought in this proceeding. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Yard, Ore.

**NOTICE**—Common control and dual operations may be involved. The purpose of this republication is to amend the supporting statements by GORDON'S TRANSPORTS, INC., of 195 West Mellemore Avenue, P.O. Box 59, Memphis, Tenn. 38101. Applicant's representative: W. F. Goodwin (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission) in bulk, and those requiring special equipment, between St. Louis, Mo., and Nashville, Tenn.: (1) From St. Louis over Interstate Highway 70 to East St. Louis, Ill., thence over Interstate Highway 64 to junction with U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 62 and/or Alternate U.S. Highway 41 to Nashville and return over the same route; (2) from St. Louis over U.S. Highway 460 to Crossville, Ill., thence over Illinois Highway 1 to junction with Interstate Highway 64 near Calvis, Ill., thence over Interstate Highway 64 to junction with U.S. Highway 41 thence over U.S. Highway 41 to Henderson, Ky., thence over the Panzyril Parkway to Hopkinsville, Ky., thence over Alternate U.S. Highway 41 and/or U.S. Highway 41 to Nashville and return over the same route; (3) (a) from St. Louis over Interstate Highway 70 to East St. Louis, Ill., thence over Interstate Highway 64 to Mt. Vernon, Ill., thence over Interstate Highway 57 to junction with Illinois Highway 146, thence over Illinois Highway 146 from junction with Illinois Highway 37, thence over Illinois Highway 37 to its junction with Illinois Highway 146 at West Vienna, Ill., thence over Illinois Highway 146 from junction with Illinois Highway 24 east of Vienna, Ill., thence over Interstate Highway 24 to junction with U.S. Highway 60 west of Paducah, Ky., thence over U.S. Highway 60 to Paducah, thence over U.S. Highway 68 to Hopkinsville, Ky., thence over Alternate U.S. Highway 41 and/or U.S. Highway 41 to Nashville and return over the same route; and (b) from St. Louis over U.S. Highway 460 to Mt. Vernon, Ill., thence over the same route as (3) (a) above; and (4) from St. Louis to Mt. Vernon, Ill., as described in (3) (a) and (b) above, thence over Interstate Highway 57 to junction with Interstate Highway 24, thence over Interstate Highway 24 to Nashville, Tenn., thence over Alternate U.S. Highway 41 and/or U.S. Highway 41 to Nashville and return over the same route; (1) through (4), above, serving no intermediate points and serving Nashville for purposes of joining only, as an alternate route for operating convenience only, in connection with the carrier's authorized regular route operations.

**NOTICE**—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Harrisburg, Va.

**NOTICE**—Common control and dual operations may be involved. The purpose of this republication is to indicate the correct restriction sought in this proceeding. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

**NOTICE**—Common control and dual operations may be involved. The purpose of this republication is to indicate the correct restriction sought in this proceeding. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.
Notice

No. MC 59866 (Sub-No. 4), filed May 10, 1974. Applicant: GROSS & HECHT TRUCKING, INC., Box 514, 35 Brunswick Avenue, Edison, N.J. 08817. Applicant's representative: A. V. Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: general merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the common building trade, between points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren Counties, N.J., and the same, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 72243 (Sub-No. 38), filed May 21, 1974. Applicant: ABTNA FREIGHT LINES, INC., 2607 Youngstown Road, P.O. Box 359, Warren, Ohio 44483. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: iron piping and iron and steel articles, from the plantsite and storage facilities of Connors Steel Company, located at or near Birmingham, Ala., to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, Kentucky, Arkansas, Louisiana, Missouri, Illinois, Indiana, Ohio, Oklahoma, Texas, and Virginia.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 74321 (Sub-No. 98), filed May 10, 1974. Applicant: F. B. WALKER, INC., P.O. Box 17-B, Denver, Colo. 80217. Applicant's representative: J. Marshall Forsyth (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: bituminous fibre pipe or conduit drain or sewer, and accessories thereto, from the plant site of McGraw-Edition Company, located at or near Newark, Calif., to points in Nevada, Arizona, New Mexico, Utah, Colorado, Montana, Idaho, Montana, Nebraska, Kansas, and Oklahoma.

Note.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif., or Denver, Colo.

No. MC 76449 (Sub-No. 20), filed May 8, 1974. Applicant: NELSON'S EXPRESS, INC., 676 North Market Street, P.O. Box 312, Millersburg, Pa. 17061. Applicant's representative: John W. Frame, Box 636, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: general commodities (except those of unusual value, livestock, high explosives, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk): (1) Between Camp Hill, Pa., and the junction of Interstate Highway 81 and 222, 0.7 mile south of Camp Hill, Pa., over U.S. Highway 11 to its junction with Interstate Highway 81, and return over the same route; and (2) Between Mechanicsburg, Pa., and Hagerstown, Md.

From Mechanisburg over Pennsylvania Highway 114 to Hagerstown and return over the same route.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa.

No. MC 92401 (Sub-No. 123), filed May 10, 1974. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 1794, Atlanta, Ga. 30301. Applicant's representative: Marcus E. Bishop, Box 601-9 Frank Nelson Building, Birmingham, Ala. 35205. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: cooking oils (except in bulk), from the plantsite, warehouse and storage facilities of The Clorox Company at or near Atlanta, Ga., to points in Alabama, Florida, Mississippi and Tennessee.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC-97880 (Sub-No. 37) (Correction), filed April 5, 1974, published in the Federal Register, Issue of May 29, 1974, and republished as corrected this issue. Applicant: CHIEF CARTAGE COMPANY, INC., 1327 NE. Bond Street, Peoria, Ill. 61603. Applicant's representative: John P. Zang (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: frozen bakery goods, frozen prepared foods, frozen meats, fish, and poultry, from the plantsite and facilities of Continental Freezers of Illinois, a division of F. H. Prine and Company, Inc., at Chicago, III, to points in Indiana, Illinois, Michigan, and Ohio, and to that portion of Iowa bounded by U.S. Route 63 on the west, and the State Boundary lines on the north, east and south including all of Waterloo, Cedar Falls and Ottumwa, Iowa, and Louisville, Ky., restricted to the transportation of traffic originating at the above named points and destined to the above named destinations.

Note.—The purpose of this republication is to indicate correct title assigned to the proceeding in MC-97880 (Sub-No. 37). If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC-100666 (Sub-No. 280) (Correction), filed April 15, 1974, published as MC-100667 (Sub-No. 280) in the Federal Register, Issue of May 31, 1974, and republished as corrected this issue. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Wood, 606 Washington Bldg., 3535 NW. 68th, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Buildings, complete down, or in sections; (2) building sections and building panels; (3) parts and accessories used in the installation thereof; and (4) metal prefabricated structural components and panels, from
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PORTLAND, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE—This purpose of this republication is to indicate the correct docket no. in MC 106990 (as amended) to the proceeding. If a hearing is deemed necessary, the applicant requests it be held at (1) Nashville, Tenn.; (2) Memphis, Tenn.; (3) Washington, D.C.

No. MC 106990 (Sub-No. 312), filed May 6, 1974. Applicant: FLEET TRANSIT LINES, INC., 534 45th Ave., North, Miami Beach, Fla. 33141. Applicant: G. E. Stiles, same address as applicant. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) by motor vehicle, over irregular routes, transporting: Chemicals and petroleum products, in bulk, in tank vehicles, from Belle Glade, Fla., to Atlanta, Ga. Applicant's representative: R. E. Smith (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (2) by motor vehicle, over irregular routes, transporting: Frozen foods, from Marysville, Calif., to points in the United States (except Alaska and Hawaii); and (3) from points in Cameron County, Tex., to points in the United States (except Alaska and Hawaii), restricted in (2) above to traffic originating in the Republic of Mexico.

NOTE—Common control was approved in MC No. 10612. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 109449 (Sub-No. 18), filed May 13, 1974. Applicant: KUJAK BROS. TRANSFER, Inc., 353 Junction Street, Winona, Minn. 55987. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Building, Minneapolis, Minn. 55403. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) by motor vehicle, over irregular routes, transporting: Chemicals and petroleum products, in bulk, in tank vehicles, from Columbus and Toledo, Ohio; and, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) from points in Cameron County, Tex., to points in the United States (except Alaska and Hawaii), restricted in (2) above to traffic originating in the Republic of Mexico.

NOTE—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn., St. Paul, Minn., or Winona, Minn.

No. MC 110502 (Sub-No. 22), filed May 6, 1974. Applicant: G. E. C. INC., 707 North Liberty Hill Road, Morrisstown, Tenn. 37164. Applicant's representative: Robert E. Joyner, 200 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Polyfoam, foam rubber, kapok, cotton waste, and bailing, and vinyl ecor, from Morrisstown, Tenn., to points in the United States (except Tennessee, Alaska, and Hawaii).

NOTE—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 107403 (Sub-No. 89), filed May 13, 1974. Applicant: MATTACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid petroleum gases and waste and refuse, and those requiring special equipment, from points in the United States (except Alaska and Hawaii), destined to the continental United States (except Alaska and Hawaii).

NOTE—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at (1) Baytown, Tex., to points in the United States (except Alaska and Hawaii); and (2) from the plant site of Exxon Company, U.S.A., located at or near Baton Rouge, La., to points in the United States (except Alaska and Hawaii).

No. MC 111553 (Sub-No. 139), filed May 12, 1974. Applicant: COLEWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from Marysville, Calif., to points in the United States (except Alaska and Hawaii), restricted in (2) above to traffic originating in the Republic of Mexico.

NOTE—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

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as described in (a) through (d) above. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 112713 (Sub-No. 169), filed May 9, 1974. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, Kans. 66207. Applicant's representative: Axelrod, Goodman, San, and La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipments), between the junction of California Highways 99 and 152 and Sacramento, Calif., serving all intermediate and off-route points in Madera, Stanislaus, San Joaquin, and Sacramento Counties, Cal., and all points in Butte, Contra Costa, Solano, Sutter, Yolo, and Yuba Counties, Cal., as off-route points in connection with said regular route: From junction California Highways 99 and 152 over California Highway 99 (also known as Temporary Interstate Highway 99, between Stockton and Sacramento), to Sacramento, and return over the same route.

Note.—Applicant is presently authorized to transport general commodities, with exceptions, over irregular routes, between points in Madera, Stanislaus, San Joaquin, and Sacramento Counties, Calif., and all points in Butte, Contra Costa, Solano, Sutter, Yolo, and Yuba Counties, Calif., as off-route points in connection with said regular route: From junction California Highways 99 and 152 over California Highway 99 (also now known as Temporary Interstate Highway 99, between Stockton and Sacramento), to Sacramento, and return over the same route.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 112713 (Sub-No. 170), filed May 13, 1974. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen pies, from the plant site and warehouse facilities of John M. Records, Inc., located at or near Barlow, Md., to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, North Carolina, Virginia, West Virginia, and the District of Columbia, restricted to shipments having a prior movement by rail, water, or motor carrier, and destined to the above-named destinations.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.


Note.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 114275 (Sub-No. 184), filed May 6, 1974. Applicant: TRANSPORTS, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, Cedar Rapids, Iowa 52406. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Steel paving joint roadway, from Maquoketa, Iowa, to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Texas, West Virginia, and Wisconsin.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.


Note.—Applicant holds contract carrier authority in MC-126041 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 114604 (Sub-No. 25), filed May 15, 1974. Applicant: CAUDELL TRANSPORT, INC., Slate Farmers Market, Forest Park, Ga. 30050. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, from points in Chattanooga, Tenn., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Chattanooga, Tenn.

No. MC 115311 (Sub-No. 187), filed May 13, 1974. Applicant: J & M TRANSPORTATION CO., Inc., P.O. Box 498, Miladelphia, Ga. 31581. Applicant's representative: Paul M. Danieli, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Malt beverages and related advertising material from Jacksonville, Fla., to points in Georgia, Alabama, Mississippi, Tennessee, South Carolina, and North Carolina; and (2) materials and supplies (except commodities in bulk) used in the production, manufacture, sale, and distribution of malt beverages, from points in Georgia, Alabama, Mississippi, Tennessee, South Carolina, and North Carolina, to Jacksonville, Fla.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 115557 (Sub-No. 11), filed May 9, 1974. Applicant: CHARLES A. McCauley, 308 Leslie Way, New Bethlehem, Pa. 15422. Applicant's representative: Robert E. Grimm (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Dynamic loud speakers and component parts, and magnetic materials, and magnets for loud speakers between Punxsutawney and Dubois, Pa., on the one hand, and, on the other, points in California; and (2) dynamic loud speakers and component parts, and iron and steel stampings used in the manufacture of loud speakers from Chicago, Ill., to points in California.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 115695 (Sub-No. 0), filed May 14, 1974. Applicant: SOUTHEAST TRANSPORT CORP., P.O. Box 13605, Savannah, Ga. 31405. Applicant's representative: Virgil H. Smith, 1307 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30340. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, from the plantsite and warehouse facilities of Valiant Steel and Equipment, Inc., located in Chatham County, Ga., to points in Florida.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Savannah, Ga., or Atlanta, Ga.

No. MC 116077 (Sub-No. 353), filed May 13, 1974. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, 500 West 16th Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid petroleum fuels, oils, and waxes, in bulk, (1) from Baytown, Tex.,
to points in the United States (except Alaska and Hawaii); and (2) from the plantsite of Exxon Company, U.S.A., located at or near Baton Rouge, La., to points in the United States (except Alaska and Hawaii).

NOTE—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Dallas, Tex.

No. MC 117047, (Sub-No. 6), filed May 10, 1974. Applicant: Physical J. Eikins, Rural Route No. 4, Box 124, West Terre Haute, Ind., 47885. Applicant's representative: Mark Bell, 8403 North Michigan Road, Indianapolis, Ind., 46268. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products, meat by-products, and articles distributed by meat packhouses, as described in Section 6 of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 509 and 768 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Alabama, Arkansas, Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Nebraska, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Virginia, and Washington.

NOTE—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or points in Kentucky, Illinois, Iowa, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

No. MC 117890 (Sub-No. 129), filed May 9, 1974. Applicant: NATIONAL WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 550, Unilvac Building, 7100 West Center Street, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods and materials, supplies, equipment, and ingredients used in the manufacturing, packaging, and distribution of frozen foods (except in bulk), between the plantsite and warehouse facilities of the Quaker Oats Company in or near Jackson, Tenn., on the one hand, and, on the other points in Ohio, Kentucky, Missouri, Illinois, Indiana, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating to the plantsite or warehouse facilities of the Quaker Oats Company in or near Jackson, Tenn.

NOTE—Applicant holds contract carrier authority in MC-114795 Sub-No. 1 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 118069 (Sub-No. 16), filed May 8, 1974. Applicant: ROBERT HEATH TRUCKING INC., 7900 Avenue C, P.O. Box 2501, Lubbock, Tex. 79408. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products, meat by-products, and articles distributed by meat packhouses, as described in Section 6 of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 509 and 768 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Alabama, Arkansas, Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Maryland, Massachusetts, Montana, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Virginia, and Washington.

NOTE—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or points in Kentucky, Illinois, Iowa, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

No. MC 119099 (Sub-No. 15), filed May 9, 1974. Applicant: ARENDT TRUCKING, INC., 1st Ave. NE, and 8th Street, Buffalo, Minn. 55313. Applicant's representative: Vol 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 plantsite of Wire Sales Co., at Chicago, Ill., to points in Minnesota.

NOTE—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 119699 (Sub-No. 16), filed April 25, 1974. Applicant: BJORKLUND TRUCKING, INC., First Avenue NE, and 8th Street, Buffalo, Minn. 55313. Applicant's representative: Vol 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: Frozen foods and materials, supplies, equipment, and ingredients used in the manufacturing, packaging, and distribution of frozen foods (except in bulk), to points in New Mexico, Colorado, Texas, Oklahoma, Kansas, North Dakota, North Dakota, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating to the plantsite or warehouse facilities of the Quaker Oats Company in or near Jackson, Tenn.

NOTE—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 119641 (Sub-No. 122), filed May 7, 1974. Applicant: RINGLFIT TRUCKING INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, P.O. Box 2278, Cole Station, Ft. Lauderdale, Fla. 33305. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Agricultural implements and parts thereof (other than hand), from Griswold, Iowa, to points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi.

NOTE—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.


NOTE—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 119388 (Sub-No. 63), filed April 29, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Food products, and plantsite and storage facilities of Bama Food Products in Birmingham, Ala., to points in New Mexico, Colorado, Texas, Oklahoma, Kansas, North Dakota, North Dakota, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Mississippi, Tennessee, Illinois, Wisconsin, Indiana, Michigan, Ohio, Kentucky, Georgia, Ohio, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, New Jersey, New York, Delaware, and (2) materials, equipment and supplies utilized in the manufacturing and distribution of foodstuffs, from the plantsite and storage facilities of Bama Food Products in Birmingham, Ala., to points in the destination states named in (1) above, to the plantsite and storage facilities of Bama Food Products in Birmingham, Ala., and from the transportation of traffic originating at or destined to the plantsite and/ or storage facilities of Bama Food Products in Birmingham, Ala.

NOTE—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.
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PORTLAND FREIGHT LINES, INC., P.O. Box 388, Gallatin, Tenn. 37065. Applicant's representative: Walter Harmood, P.O. Box 388, Nashville, Tenn. 37215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquids, general, and household goods, and common carrier, over Tennessee Highway 31-E to the plantsite of R. R. Donnelley & Son Company at Glasgow, Ky.

Note.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Poytner, 518 East 2nd South (4th Floor), Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Salt products and salt products in containers, from Slidex, Utah (near Wendover, Utah), to points in and north of San Benito, Monterrey, Fresno and Inyo Counties, Calif.

Note.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, Neb. 68117. Applicant's representative: Clifford J. Folsom. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products, meat by-products, and articles distributed by meat packers, as described in Sections A and C of Appendices I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 200 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cairo (Montgomery County), Ill., to points in Nebraska, Iowa, Illinois, Indiana, Michigan, Ohio, Kentucky, Maryland, District of Columbia, New Jersey, New York, Pennsylvania, Connecticut, Massachusetts, and Rhode Island, restricted to traffic originating at, and destined to, the named points.

Note.—If a hearing is deemed necessary, applicant requests it be held at Chicago, III.

Applicant: CONTINENTAL CONTRACT CARRIER, CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91748. 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: Automobile parts and accessories, and electrical, relayed (not self-propelled), hand, electric and pneumatic tools and advertising materials, premiums, racks, display cases and signs, from Salt Lake City, Utah, to points in California, Idaho, Nevada, Oregon, and Washington, and returned shipments of the commodities described above, from points in California, Idaho, Nevada, Oregon, and Washington, to Salt Lake City, Utah, restricted to a transportation service to be performed under a continuing contract with Teneco, Inc.

Note.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

Applicant: UMTHUN TRUCKING CO., a Corporation, 810 South Jackson Street, Eagle Grove, Iowa 50535. Applicant's representative: William L. Fairbank, 700 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bentonite, bentonite products, and others, in tank vehicles, and common carrier, over Interstate Highway 25, within Colorado, restricted to a transportation service to be performed under a continuing contract with Teneco, Inc.

Applicant: Refund: MIDWEST TRUCKING CO., Inc., 2308 Central Avenue, Chicago, III. 60616. Applicant's representative: Harry L. Bixler, P.O. Box 13, Kansas City, Mo. 64101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General, over the same route, serving all intermediate points, but performing no service at Kansas City, Mo.
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fundory molding sand treating compound (except in bulk), from the plants of American Colloid Company, at Belle Fourche, S.Dak., to points in Iowa.

Note.—Applicant holds contract carrier authority to MC-11845 and intra-state, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MO 128308 (Sub-No. 67), filed May 2, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Rural Route #1, Urbana, Ill. 61801. Applicant's representative: James F. Pian, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lunches, dinners, catering supplies, and equipment used in the manufacture of iron and steel reinforcing bars, smooth rounds, and grinding balls, from points in Colorado, California, Arizona, New Mexico, Utah, Kansas, Oklahoma, Arkansas, Montana, Wyoming, and Nebraska, and grinding balls, from points in Colorado, California, Arizona, New Mexico, Utah, Kansas, Oklahoma, Arkansas, Montana, Wyoming, and Nebraska, to the plant and storage facilities of Border Steel Rolling Mills, Inc., located at El Paso, Tex., to points in Colorado, California, Arizona, New Mexico, Utah, Kansas, Oklahoma, Arkansas, Montana, Wyoming, and Nebraska.

Note.—If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex., or Dallas, Tex.

No. MO 124400 (Sub-No. 10), filed April 19, 1974. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 2760 Muscogee St., Dubuque, Iowa 52001. Applicant's representative: Carl E. Musson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Beverages and accompanying advertising material, (a) from Dubuque, Iowa, to points in Wisconsin, under contract with the Pickett Brewing Co., Dubuque, Iowa; (b) from Mattoon, III., to Dubuque, Iowa; (c) from Atterbury, Ill., to Dubuque, Iowa; (d) from Minneapolis, Minn., to Dubuque, Iowa, under contract with the Hunt Brewing Co., Dubuque, Iowa; and (e) from Mattoon, III., to Decorah and Dubuque, Iowa, under contract with the Coca-Cola Bottling Co., Dubuque, Iowa; and (2) glass bottles, from Sapulpa, Okla., to Dubuque, Iowa, under contract with the Coca-Cola Bottling Co., Dubuque, Iowa.

Note.—If a hearing is deemed necessary, applicant requests it be held at Dubuque or Des Moines, Iowa.

No. MO 124548 (Sub-No. 5), filed May 13, 1974. Applicant: ZENITH TRANSPORT, LTD., 2040 Alpha Avenue, Burnaby 2 British Columbia, Canada. Applicant's representative: George R. Labberson, 120 American Falls Road, Seattle, Wash. 98188. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wood pulp, in bales, from port of entry on the International Boundary line between the United States and Canada at or near Blair, Lynden, or Sumas, Wash., to Pomeroy, Wash., restricted to traffic having an immediate prior movement in foreign commerce.

Note.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MO 134222 (Sub-No. 81), filed May 6, 1974. Applicant: J. M. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative:...
L. C. Cypert (same address as applicant).

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Electrical appliances, equipment and parts, as defined by the Commission in Descriptions in Motor Carrier Certificates, M.C.C. 283, and materials used in the manufacture thereof (except commodities in bulk and those requiring special equipment), between America, Ga., on the one hand, and, on the other, points in Texas, Nebraska, Kansas, Oklahoma, Texas, Illinois, Missouri, Arkansas, Louisiana, Maine, Indiana, Kentucky, Ohio, West Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and Delaware.

Note.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.


Note.—Hearing may or may not be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC-138747 (Sub-No. 1), filed April 5, 1974. Applicant: HAPPY HOUSE TRANSPORT, INC., 2703 West Dudley Street, Fresno, Calif., 93710. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, (1) from the plant site and/or warehouse facilities of the Kitchens of Sara Lee, located at Chicago, and Deerfield, Ill., to points in Kansas, Missouri, Iowa, and South Dakota; and (2) from the plant site and ware house facilities of the Kitchens of Sara Lee, located at New Haven, Conn., to Deerfield, and South Chicago, Ill., (1) and (2) above, restricted to traffic destined to the above named destination points.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC-136828 (Sub-No. 3), filed May 1, 1974. Applicant: COX & SHAY, INC., 301 E. Main Street, P.O. Box 352, Kilgoire, Tex. 79562. Applicant's representative: Bernard H. Englehe, 8670 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Machinery, equipment, materials, and supplies used in connection with the construction, operation, repair, servicing, maintenance, and operation of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, (a) between points in Arkansas, Louisiana, New Mexico, Oregon, and Washington; and (b) between points in Arizona, Idaho, Nevada, Oregon, and Washington.

Note.—A hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. No. MC 138741 (Sub-No. 9), filed May 9, 1974. Applicant: E. K. MOTOR SERVICE, INC., 900 North Broadway, Jollett, III. 60453. Applicant's representative: Tom B. Friesinger, Suite 101, Fairfax Bldg., 101 W. Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Brick and brick related construction materials (except commodities in bulk), (a) from Chattanooga, Johnson City, Kingsport, and Knoxs ville, Tenn., to points in Alabama, Arkansas, Kentucky, Ohio, Pennsyl vania, West Virginia, Wisconsin, and Wyoming, and the District of Columbia; (b) between points in Arizona, Idaho, Nevada, Oregon, and Washington; and (c) between points in Arizona, Idaho, Nevada, Oregon, and Washington.

Note.—A hearing may or may not be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.
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Note.—The purpose of this republication is to correct the destination points named in (3) above, which was previously published in error. The correct destination points are: (a) Applicant requests it be held at San Francisco, or Fresno, Calif.

No. MC 139920 (Sub-No. 1), filed May 1, 1974. Applicant: SOUTHERN TOWING SERVICE, 4325 West Wood Park Drive, P.O. Box 9169, Shreveport, La., 71109. Applicant's representative: Vernon N. Roll (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wrecked, disabled, abandoned, or repossessed vehicles (except mobile homes & house trailers designed to be drawn by passenger automobile) in trucks by service, by use of wrecker equipment, between points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

Note.—A hearing is deemed necessary, applicant requests it be held at Shreveport, La., Baton Rouge, La., New Orleans, La., or Austin, Tex.

No. MC 139557 (Sub-No. 2), filed May 13, 1974. Applicant: ROBERT S. BROWN, doing business as BROWN TRUCKING, R.R. No. 6, Olney, Ill., 62450. Applicant's representative: Robert T. Lawley, 200 Belch HIll, Springfield, Ill. 62701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Milk, buttermilk, sour cream, milk, cottage cheese, cheese, dairy, sugar, butter, cream, ice cream, ice cream mix, fruit juices, sour cream, and dairy products, as described in Section B of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in containers, in mechanically refrigerated vehicles, from Olney, Ill., to points in Indiana and west of U.S. Highway 31, under contract or contracts with Prairie Farms Dairy, Inc.

Note.—A hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC-139725 (Sub-No. 1) (CORRECTION), filed April 22, 1974, published in the FR Issue of May 23, 1974, and republished as corrected this issue. Applicant: DYOLL DELIVERY SERVICE, INC., P.O. Box 66, Netcong, N.J. 07867. Applicant's representative: George A. Olsen, 69 Teanecl Avenue, Jersey City, N.J. 07306. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Components parts of special ordnance equipment, components parts of armed forces ordnance equipment, components parts of machinery manufactured to customer's specification, pipe hammers and parts, air and steam core drills and parts, and rough steel and iron castings for such hammers and drills, between points in North Dakota, South Dakota, Montana, Wyoming, and Colorado, on and north of the Minnesota-Iowa State Boundary line and extending northerly along Minnesota Highway 15 to St. Cloud, Minn., thence along Minnesota Highway 25 to Lake Superior at or near Duluth, Minn., thence in Iowa on and west of U.S. Highway 69 and on and north of U.S. Highway 80, and those in that part of Nebraska, South Dakota, and North Dakota and those in South Dakota on and west of U.S. Highway 83, under a continuing contract or contracts with E. T. Barrett-Industries, Inc., Coronet Industries, Inc., Galaxy Carpet Mills, Inc., and Talston Corporation.

Note.—A hearing is deemed necessary, the applicant requests it be held at Atlantic City, N.J., or Philadelphia, Pa.

No. MC 138759 (Sub-No. 2) (AMENDMENT), filed May 1, 1974, published in the FR Issue of June 13, 1974, and republished as amended this issue. Applicant: BENJAMIN FERNANDEZ, doing business as, DIRECT COURIER, 2729 Jefferson Davis Highway, Arlington, Va. 22202. Applicant's representative: Gerald E. Gimmel, 303 N. Fredericks Ave., Galtihurs, Md. 20701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sera, cell and tissue cultures, biological research products and equipment, biological research products and equipment and apparatus, medical reagents, plasma and live laboratory animals, between points in the District of Columbia, and those in Frederick, Montgomery, and Howard Counties, Md., on the one hand, and, on the other, points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, New York, Connecticut, and Massachusetts, and the District of Columbia, restricted to shipments weighing not in excess of 150 pounds from one consignor to one consignee in a given day.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Montgomery, Md. In the event a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.
other, points in the United States (except Alaska and Hawaii); and (b) between the plant and distribution facilities of The Quaker Oats Company at or near Jackson, Tenn., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Connecticut, Maine, Massachusetts, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, under continuing contracts with Aunt Martha's Foods, Inc., and The Quaker Oats Company.

Note.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 138855 filed May 3, 1974. Applicant: JOHN Q. HITE, JR., doing business as HITE LAND FARMS, P.O. Box 196, Olmstead, Ky. 40225. Applicant's representative: Robert L. Baker, 618 Hamilton Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Paper, paper products, and related items, (1) between points in Randolph and Ellingham Counties, III., on the one hand, and, on the other, points in Indiana and Ohio; and (2) between points in Mc-Cracken and Hancock Counties, Ky., on the one hand, and, on the other, points in Perry County, Ark., under continuing contracts with Aunt Martha's Foods, Inc., and The Quaker Oats Company.

Note.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.


Note.—Common control may be involved. Applicant seeks no duplicating authority. If a hearing is deemed necessary, the applicant requests it be held at Spokane, Wash., Seattle, Wash., or Portland, Ore.

No. MC 58713 (Sub-No. 0), filed May 9, 1974. Applicant: ORANGE BELT STAGES, C Corporation, 205 E. Acqua Street, Visalia, Calif. 93277. Applicant's representative: F. S. Bayley, Chickleing & Gregory, Suite 1200, 111 Sutter Street, San Francisco, Calif. 94104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and groups of passengers and their baggage, in charter operations, beginning and ending at Lower Brule, Crow Creek, and Standing Rock, restricted to the transportation of used household goods, between points in that part of South Dakota east of the Missouri River and Indian Reservations in South Dakota, including Cheyenne, Rosebud, Pine Ridge, Lower Brule, Crow Creek, and Standing Rock, restricted to the transportation of such shipments having a prior or subsequent movements, 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, clearing, and decontamination of such shipments.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Pierre, S. Dak.

By the Commission.

[Seal] ROBERT L. OSWALD, Secretary.

[FR Doc.74-14079 Filed 6-10-74; 8:45 am]
WESTERN MARYLAND RAILWAY COMPANY

Exemption Under Mandatory Car Service Rules

It appearing, That there is an emergency movement of military impediments from Culbertson, Pennsylvania, to Leland, North Carolina; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Western Maryland Railway Company, the railroads designated by the Car Service Division are authorized to move to, and the Western Maryland Railway Company is authorized to accept, assemble, and load not to exceed two hundred (200) empty cars with military impediments from Culbertson, Pennsylvania, to Leland, North Carolina, regardless of the provisions of Car Service Rules 1(b), 2(c), 2(d), or 2(e).

Effective June 3, 1974.
Expires July 31, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL]
R. D. PFAHLER,
Agent.

[FR Doc. 74-14191 Filed 6-19-74; 8:45 am]
FEDERAL REGISTER

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**FEDERAL REGISTER, VOL. 39, NO. 120—THURSDAY, JUNE 20, 1974**
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Nondiscrimination on the Basis of Sex
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary [45 CFR Part 86]

EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR benefitS FROM FEDERAL FINANCIAL ASSISTANCE

Nondiscrimination on the Basis of Sex

The Office of Civil Rights of the Department of Health, Education, and Welfare proposes to add Part 86 to the Departmental Regulation to effectuate Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), except sections 904 and 906 thereof (20 U.S.C. 1684 and 1686), with regard to Federal financial assistance administered by the Department. Title IX provides that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance," with certain exceptions. Title IX is similar to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) except that Title IX applies to nonrecipients of Federal funds based on sex, is limited to educational programs and activities, and includes employment. Subpart A of these proposed regulations (§§ 86.1 through 86.9) includes definitions and provisions concerning: remedial and affirmative actions, required assurances, dissemination of information policies, and other general matters related to discrimination on the basis of sex. The Subpart also explains the effect of state or local laws and other requirements.

Subpart B (§§ 86.11 through 86.16) describes the educational institutions and other entities, whether public or private, which are covered in whole or in part by the proposed regulations. It also includes exemptions as to admissions for certain educational institutions, as set forth in the statute, but it should be noted that these exemptions are limited to admissions to professional, graduate, and public undergradaute schools. This Subpart also describes a provision concerning "medial and affirmative actions," and describes certain educational institutions which are eligible to submit transition plans designed to convert their single-sex admissions processes to nonsex discriminated processes over a stated period of time not to exceed seven years from the date of enactment of Title IX (i.e. by June 24, 1979).

Subpart C (§§ 86.21 through 86.23) sets forth the general and particular prohibitions with respect to nondiscrimination based on sex in admissions policies and admission preferences, including requirements regarding recruitment of students. The regulatory requirements regarding treatment of students and employees (Subparts D and E) are applicable to all educational institutions which receive Federal financial assistance, including those whose admissions are exempt under Subpart C.

Subpart D (§§ 86.31 through 86.38) sets forth the general rules with respect to prohibited educational programs and activities. The specific subject matter covered in Subpart D includes discrimination on the basis of sex in academic research, extracurricular and other offerings, housing, facilities, access to programs and activities, financial and employment assistance to students, financial aid benefits for students, physical education and instruction, athletics, and discrimination based on the marital or parental status of students.

Subpart E (§§ 86.41 through 86.51) sets forth the general rules with respect to employment in educational programs and activities. The specific subject matters covered are discrimination on the basis of sex in hiring and employment criteria, recruitment, compensation, job classification and structure, promotions and termination, fringe benefits and leave, advertising, pre-employment inquiries, and discrimination with respect to marital or parental status. It also includes provisions for exemptions where appropriate.

Subpart F (§§ 86.61 through 86.65) sets forth the procedures which would govern the implementation of the proposed regulations, including procedures for conducting hearings, rendering decisions and issuing notices. It also includes provisions concerning the applicability of administrative and judicial review. Section 86.11, in Subpart A, provides that the regulations apply "to each education program or activity which receives or benefits in any way from Federal financial assistance administered by the Department. Under analogous cases involving constitutional prohibitions against racial discrimination, the courts have held that a school district's or college's education functions include any service, facility, activity or program which it operates or sponsors, including athletics and other extracurricular activities. These precedents have been followed with regard to sex discrimination; see Brenden v. Independent School District 742, 477 F. 2d 1063, 1078-79 (8th Cir. 1973).

Section 86.12 provides that each recipient of Federal financial assistance to submit to the Director an assurance that each of its educational programs and activities receiving or benefitting from such assistance will be conducted in compliance with the regulations.

Section 86.13 of the regulation provides that all public and private military schools that are recipients of Federal financial assistance will be covered by the regulations. This Subpart also provides that unless the school is not a Federal entity, that the school must provide written assurance that it will not discriminate in any manner or activity which it operates or sponsors, including athletics and other extracurricular activities.

Section 86.14 of the regulation provides that a school or other institution which is considered to be a separate unit for the purpose of determining whether its admissions are covered by the regulation shall be considered as a separate unit for the purposes of determining whether its admissions are to be covered by the regulation.

Section 86.15 of the regulation provides that the institution which is considered to be a separate unit for the purpose of determining whether its admissions are covered by the regulation shall be considered as a separate unit for the purposes of determining whether its admissions are to be covered by the regulation.

Section 86.16 of the regulation provides that the institution which is considered to be a separate unit for the purpose of determining whether its admissions are covered by the regulation shall be considered as a separate unit for the purposes of determining whether its admissions are to be covered by the regulation.

The statute covers admissions only in certain institutions: vocational, professional, graduate, and public undergraduate institutions, except such of the latter as from their founding have been

In 22228 PROPOSED RULES

Instruction of Taylor County, Florida v. Finch, 414 F. 2d 1065, 1078-79 (6th Cir. 1969).

A more detailed discussion of various sections in each of the Subparts of the proposed Title IX regulations is set forth in the following paragraphs. In certain cases, major issues and the reasons for the proposed decision are discussed.

Subpart A. Section 86.2 generally provides definitions. Of particular note is § 86.2(a) which provides that where an educational institution is composed of more than one school, department or college, admission to which is independent of the admissions to any other component, each such school, department or college is considered as a separate unit for the purposes of determining whether its admissions are covered by the regulation. Thus, if a private institution is composed of an undergraduate and a graduate college, admissions to the undergraduate college are exempt (see discussion under Subpart B below). Admissions to the graduate school are not.

Section 86.3(a) requires remedial action to overcome the effects of previous discrimination based on sex of previously federally assisted educational program or activity. Remedial action pursuant to § 86.3(a) is restricted to areas of a recipient's educational program or activity which are not exempt from coverage. Section 86.3(b) permits, but does not require, affirmative action to overcome the effects of conditions which have resulted in limited participation of members of either sex. The Department will not require imposition of quotas under either of these sections.

Section 86.4 requires each recipient of Federal financial assistance to submit to the Director an assurance that each of its educational programs and activities receiving or benefitting from such assistance will be conducted in compliance with the regulations.

Section 86.12 provides that the regulation does not apply to religiously controlled institutions to the extent that such application would be inconsistent with the religious tenets of the controlling organization. An educational institution wishing to claim an exemption on the basis of religious tenets must do so in writing to the Director when it files its assurance of compliance pursuant to § 86.4. The institution would be required to set forth the manner and extent to which application of the regulation would be inconsistent with the religious tenets of its controlling organization.

The statute covers admissions only in certain institutions: vocational, professional, graduate, and public undergraduate institutions, except such of the latter as from their founding have been
traditionally and continually single-sex.

The admissions policies of private undergraduate institutions are exempt. Under the statute and § 86.14, the admissions requirements of private institutions may provide for admissions to public or private vocational schools, whether at the junior high school, high school or post-secondary level, are covered by § 86.14(c) and must be nondiscriminatory. With respect to coverage of admissions to institutions of professional and vocational education, the Secretary has interpreted the statute as excluding admissions coverage of professional and vocational programs offered at private undergraduate schools. Thus, admission to programs leading to first degrees in fields such as teaching, engineering, and architecture at such private colleges will be exempt under § 86.14(d).

Subpart C. Subpart C, § 86.31(b) provides that those institutions which include: discrimination in educational programs and activities on the basis of sex. Generally, § 86.31(a) states that no persons shall, on the basis of such sex, be affected in any manner which discriminates in any federal financial assistance. Subpart C. Subpart C, § 86.31(c) describes the statutory prescription for an institution, and which receives benefits or aid, or is included in the amount of any such aid, benefits, or services to students or employees. Section 86.31(b) requires that an institution, in providing any aid, benefits, or services to students or employees, takes no action which the regulation forbids a recipient from assisting another party which discriminates on the basis of sex in an activity. This section might apply, for example, to financial support by the recipient to a community recreational group or to a professional or social organization. Among the criteria to be considered in each case are the substantiality of the relationship between the recipient subject to the regulation and the party involved, including the financial support by the recipient, and whether the other's activities relate so closely to the recipient's educational program or activity, or to students or employees in that program, that they fairly should be considered as activities of the recipient itself. (Under § 86.6(c), a recipient's obligations are not changed by membership in any league or other organization whose rules require or permit discrimination on the basis of sex.)

Section 86.31(b)(7) prohibits a recipient from assisting another party which discriminates on the basis of sex in serving students or employees of that recipient. This section might apply, for example, to the provision of educational programs or activities by a public or private educational institution to students or employees. For example, a public institution which has a regulations concerning the admission of students or employees to a program or activity operated by another institution would be exempt from the requirements of § 86.14(d).

The regulations in § 86.31(d) for admissions to public traditionally and continually single-sex undergraduate institutions will affect only a few institutions. Likewise, section 86.15 of the regulation, concerning transition by single-sex institutions whose admissions are covered by the statute into institutions with nondiscriminatory admissions practices, will affect relatively few institutions.

Subpart C. Subpart C prescribes the regulations concerning the admission to educational programs and activities. In addition, the regulations provide that if an institution is unable to secure its prompt correction, its students and employees, the college. If the recipient finds that its students and employees, the college is unable to secure its prompt correction, it is required to end its connection with the institution. This section might apply, for example, to financial support by the recipient's educational program or activity. This section might apply, for example, to the provision of educational programs or activities by a public or private educational institution to students or employees. For example, a public institution which has a regulations concerning the admission of students or employees to a program or activity operated by another institution would be exempt from the requirements of § 86.14(d).

Section 86.31(b)(6) forbids a recipient from accepting aid, benefits, or services from an institution which is unable to secure its prompt correction, it is required to end its connection with the operating or sponsoring entity (§ 86.31(c)).

With respect to housing, § 86.32 provides that a recipient may not discriminate in any aspect of the provision of housing except that, as provided in the statute, housing may be separate on the basis of sex. Thus, all rules, fees, and other requirements must discriminate on the basis of sex, and the housing provided by the institution must be equal in quality and cost to the student. More specifically, the regulations concerning off-campus housing (e.g., rules concerning which students
may live off campus) without discrimination. To the extent that it approves, or assists students in obtaining, off-campus housing, it must take whatever steps it believes necessary to assure that the off-campus housing available meets the same standards for all students, that is, when compared to that available to members of the other sex, is proportionate in quantity to the numbers of applicants of each sex as well as comparable in quality and cost.

Separate toilet, locker room and shower facilities on the basis of sex may be provided, but such facilities as are provided must be provided in separate but equal numbers for men and women (§ 663.35).

Section 86.34(a) covers access to course offerings and other aspects of a recipient’s educational program or activity. No course offerings may be conducted separately on the basis of sex including health, physical education, industrial arts, business, vocational, technical, home economics, music, and adult education, and no student may be required to participate or be refused participation in any course offering on the basis of sex. Recipients must certify that local educational agencies, in which admission to individual schools are exempt, nevertheless may not discriminate in admissions to the vocational institutions (see § 86.34(a)). In addition, they may not discriminate in admissions to any other school or educational unit which they operate (e.g. a special high school operated for boys) unless they otherwise make available to students of the sex excluded, pursuant to the same policies and criteria of admission, comparable courses, services and facilities. Section 86.34(d) requires use of nondiscriminatory appraisal and counseling materials.

The Department recognizes that sex stereotyping in curricula and educational materials is a serious problem to which Title IX could well apply, but the Department has concluded that specific regulatory provisions in this area would raise grave constitutional and administrative problems concerning the right of free speech under the First Amendment to the Constitution, and for that reason the Secretary has not covered this subject matter in the proposed regulation. The Department assumes that recipients will deal with this problem in the exercise of their general authority and control over curricula and course content. For its part, the Department will increase its efforts, through the Office of Education, to provide research, assistance and guidance to local education agencies in eliminating sex bias from curricula and educational materials.

Section 86.35 requires that provision of financial aid, assistance in making outside employment available to students, and employment of students by a recipient must be undertaken in a nondiscriminatory manner.

Section 86.35(a) prohibits different amounts and terms of financial aid to members of one sex. Section 86.35(a) prohibits a college or university subject to Title IX from assisting private fellowship or scholarship programs which are limited to members of one sex or for which members of each sex are selected separately. There may be appropriate remedial action in this area, including temporarily considering a student’s sex in awarding financial aid.

Section 86.35(b) applies to a recipient's assistance in the administration of a scholarship or fellowship program established under a foreign will, trust or similar legal instrument, or by a donor’s personal gift, which differentiates between the sexes. The Secretary believes that the statute was not intended to cover such programs. The Secretary is aware of the problems raised by financial aid limited to members of one sex by a domestic bequest, deed of trust, or other instruments and invites comments in this area.

Under § 86.36, recipients may not discriminate in the provision of medical, hospital, accident, or life insurance benefits, services, policies or plans to any of their students, and recipients may not discriminate in policies or plans or otherwise discriminate, in any manner which would violate the employment sections of the regulation (Subpart E). The section does not, however, prohibit recipients from providing any benefits or services which may be used by a different proportion of students of one sex than of the other, including but not limited to family planning services.

Section 86.37 provides generally that recipients may not apply rules concerning student participation in athletics programs, which are integral parts of the educational process, to recipients of Federal financial assistance participating in those athletics programs. The regulation requires recipients to conduct separate athletic programs for men and women (§ 86.36(b)). Section 86.38(a) provides that physical education classes and athletic programs must be operated without discrimination on the basis of sex. Section 86.38(b) requires that participation or selection is premised on factors other than skill may not be conducted separately on the basis of sex. Athletics for which selection is premised on factors other than skill must be conducted separately on the basis of sex.

Section 86.38(c) provides that physical education classes and athletic programs must be operated without discrimination on the basis of sex. Section 86.38(d) requires recipients to provide support and training to enable them to participate in those opportunities (§ 86.38(e)).

Section 86.38(d) requires that a recipient make affirmative efforts to provide athletic opportunities in such sports and through such teams as will most effectively equalize opportunities for members of both sexes, and in so doing consider the determinations of student interest made pursuant to § 86.38(b). The regulation does not require recipients to allocate expenditures for athletics for members of each sex or for equal participation in athletics for members of each sex, but it does require them to allocate expenditures for athletics for members of each sex or for equal participation in athletics for members of each sex (§ 86.38(e)).

Subpart E of Part 86 requires recipients to make affirmative efforts to provide athletic opportunities which generally follow those of the Equal Employment Opportunity Commission (29 CFRPart 1604), and the Department of Labor’s Office of Federal Contract Compliance (41 CFR Part 60). The EEOC administers Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination, and the OFCC is responsible for the coordination of implementation of Executive Order 11240, as amended, which prohibits employment discrimination by Federal contractors. This Department is responsible for administration, pursuant to the OFCC regulations, of the Executive Order as to Federal contractors which are educational institutions. Virtually all recipients subject to Part 86 are also subject to Title VII, and many are also subject to the Executive Order. Where Subpart E of Title IX differs from either the Title VII regulations or the Executive Order § 86.38(h), an employer who complies with this proposed regulation would also be complying with both Title VII and Executive Order, even where the latter provisions differ from each other, with the exception of fringe benefits as discussed in the following paragraph.

Section 86.46(b) (2) of Subpart B follows the Executive Order regulations in requiring that fringe benefit plans provide for either equal periodic benefits to members of each sex, or equal contributions by the employer for members of each sex (§ 86.36 imposes identical requirements for students subject to Title IX). The Title VII regulation differs in that it prohibits payment of unequal periodic benefits on the basis of sex, and precludes employers from justifying unequal periodic benefits on the basis of sex, and precludes it unless it can be shown that the employer cannot reasonably avoid discrimination.

The Title VII regulation requires that it does not, however, prohibit recipients from providing any benefits or services which may be used by a different proportion of students of one sex than of the other, including but not limited to family planning services.

The Department recognizes that sex stereotyping in curricula and educational materials is a serious problem to which Title IX could well apply, but the Department has concluded that specific regulatory provisions in this area would raise grave constitutional and administrative problems concerning the right of free speech under the First Amendment to the Constitution, and for that reason the Secretary has not covered this subject matter in the proposed regulation. The Department assumes that recipients will deal with this problem in the exercise of their general authority and control over curricula and course content. For its part, the Department will increase its efforts, through the Office of Education, to provide research, assistance and guidance to local education agencies in eliminating sex bias from curricula and educational materials.

Section 86.35 requires that provision of financial aid, assistance in making outside employment available to students, and employment of students by a recipient must be undertaken in a nondiscriminatory manner.

Section 86.35(a) prohibits different amounts and terms of financial aid to members of one sex. Section 86.35(a) prohibits a college or university subject to Title IX from assisting private fellowship or scholarship programs which are limited to members of one sex or for which members of each sex are selected separately. There may be appropriate remedial action in this area, including temporarily considering a student’s sex in awarding financial aid.

Section 86.35(b) applies to a recipient’s assistance in the administration of a scholarship or fellowship program established under a foreign will, trust or similar legal instrument, or by a donor’s personal gift, which differentiates between the sexes. The Secretary believes that the statute was not intended to cover such programs. The Secretary is aware of the problems raised by financial aid limited to members of one sex by a domestic bequest, deed of trust, or other instruments and invites comments in this area.

Under § 86.36, recipients may not discriminate in the provision of medical, hospital, accident, or life insurance benefits, services, policies or plans to any of their students, and recipients may not discriminate in policies or plans or otherwise discriminate, in any manner which would violate the employment sections of the regulation (Subpart E). The section does not, however, prohibit recipients from providing any benefits or services which may be used by a different proportion of students of one sex than of the other, including but not limited to family planning services.

Section 86.37 provides generally that recipients may not apply rules concerning student participation in athletics programs, which are integral parts of the educational process of schools and colleges and are full subject to the requirements of Title IX. See Brunell v. Independent School District 742, 477 F. 2d 1293, 1295–96 (8th Cir. 1973); compare Buchanan v. Illinois High School Association, 361 F. Supp. 69 (N.D. Ill. 1972).

Section 86.38(a) provides that physical education classes and athletic programs must be operated without discrimination on the basis of sex. Activities for which participation or selection is premised on factors other than skill may not be conducted separately on the basis of sex. Athletics for which participation or selection is premised on factors other than skill must be conducted separately on the basis of sex. Athletics for which selection is premised on factors other than skill must be conducted separately on the basis of sex.

Section 86.38(b) requires recipients to make affirmative efforts to provide athletic opportunities which generally follow those of the Equal Employment Opportunity Commission (29 CFR Part 1604), and the Department of Labor’s Office of Federal Contract Compliance (41 CFR Part 60). The EEOC administers Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination, and the OFCC is responsible for the coordination of implementation of Executive Order 11240, as amended, which prohibits employment discrimination by Federal contractors. This Department is responsible for administration, pursuant to the OFCC regulations, of the Executive Order as to Federal contractors which are educational institutions. Virtually all recipients subject to Part 86 are also subject to Title VII, and many are also subject to the Executive Order. Where Subpart E of Title IX differs from either the Title VII regulations or the Executive Order § 86.38(h), an employer who complies with this proposed regulation would also be complying with both Title VII and Executive Order, even where the latter provisions differ from each other, with the exception of fringe benefits as discussed in the following paragraph.

Section 86.46(b) (2) of Subpart B follows the Executive Order regulations in requiring that fringe benefit plans provide for either equal periodic benefits to members of each sex, or equal contributions by the employer for members of each sex (§ 86.36 imposes identical requirements for students subject to Title IX). The Title VII regulation differs in that it prohibits payment of unequal periodic benefits on the basis of sex, and precludes employers from justifying unequal periodic benefits on the basis of sex, and precludes it unless it can be shown that the employer cannot reasonably avoid discrimination.

Title VII regulation requires that it does not, however, prohibit recipients from providing any benefits or services which may be used by a different proportion of students of one sex than of the other, including but not limited to family planning services.
the possibility of higher total benefits received by women. (The Department of Labor is currently considering changes in the Executive Order regulations. One of the proposed changes would result in conforming the fringe benefit requirements with those in effect under Title VII. (See 38 FR 35336-38, December 27, 1973.)

The Secretary has considered a third alternative for possible adoption by the Department. That proposal would mandate the use of premium or rate tables which do not differentiate on the basis of sex, and would thus require both equal contributions and equal periodic benefits. The Secretary invites comment specifically on whether § 86.41(b)(2) should adopt the Executive Order approach, as it does presently, that of Title VII, or the third alternative as set forth above.

The regulation applies to part-time employees. § 86.41(a)(2)). The Secretary will interpret the section concerning fringe benefits to require that an institution's female permanent employees are disproportionately part-time or its permanent part-time employees are disproportionately female, and the institution demonstrates that such practices are necessary to provide comparable part-time employees fringe benefits proportionate to those provided full-time employees, that the institution demonstrates that such practice in manner of providing such fringe benefits does not discriminate on the basis of sex. "Permanent" would refer to any employee who is expected to work or has in fact worked at least one academic semester or half-time equivalent. The Secretary seeks comment on the implications of requiring all institutions to provide permanent part-time employees fringe benefits proportionate to those offered full-time employees, regardless of the relative composition of a particular institution's part-time and full-time work forces or of the ratio of part-time and full-time employment among its female employees.

The Secretary sees no reason for treating disabilities relating to pregnancy differently from other temporary disabilities of eductional institutions. Accordingly, § 86.47(b)(2) reflects the more detailed Title VII regulation rather than the Executive Order regulation. Section 86.47(e) also follows the Title VII regulation in requiring not only that disabilities related to pregnancy must be considered a justification for leave, but that where an employer provides for temporary disabilities under its fringe benefit or leave plan, disabilities related to pregnancy must be treated in the same manner as any other temporary disability. Section 86.47(e) provides that an employee may not be required to commence leave related to pregnancy so long as her physician certifies that she is capable of performing her duties, and that she must be afforded to resume work after such a leave no more than two weeks after her physician certifies that she is capable of doing so, or in the case of an employee who is a teacher, at the beginning of the first academic term after such certification is made. These rules are consistent with the recent holding of the Supreme Court in Cleveland Board of Education v. LaFleur, 94 S.Ct. 791 (1974).

Although LaFleur apparently permits an employer to require that every pregnant teacher commence leave "at some unspecified time during her pregnancy," id. at 799, n. 13, there is no clear medical evidence as to what such date might be generally appropriate, and the Secretary believes such individualized determinations based on the employee's own capacities should be required instead.

Section 86.50(a) departs from both the Title VII regulation and Executive Order regulations in prohibiting pre-employment inquiries as to an applicant's marital status, as such inquiries are frequently the predicate for discrimination against women. Section 86.51(c)(4) contains a similar prohibition with regard to pre-admission inquiries. Section 86.51 follows the Title VII and Executive Order regulations in providing for consideration of sex in making employment decisions where sex is a "bona fide occupational qualification." (The Title VII exemption is provided for by the statute; the Executive Order exemption is intended simply to be consistent with that legislation.) Section 86.51 is included only for consistency with those regulations.
PROPOSED RULES

Subpart A—Introduction

§ 86.1 Purpose.

The purpose of this part is to effectuate title IX of the Education Amendments of 1972, which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance.

Subpart B—Coverage

Subpart C—Discrimination on the Basis of Sex in Educational Programs and Activities Prohibited

Subpart E—Discrimination on the Basis of Sex in Employment Programs and Activities Prohibited

Subpart F—Procedures


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§ 86.3 Remedial and affirmative actions.

(a) Remedial action. A recipient which has previously discriminated against persons on the basis of sex in an education program or activity shall take such remedial action as is necessary to overcome the effects of such previous discrimination.

(b) Affirmative action. In the absence of prior discrimination on the basis of sex in an education program or activity, a recipient may take affirmative action to overcome the effects of conditions which resulted in limited participation therein by persons of a particular sex.

§ 86.4 Assurances required.

(a) General. Every application for Federal financial assistance for any education program or activity shall as condition of its approval contain a statement that such assurance will be required of the applicant or recipient's successor in interest, transferees, or successors in interest.

(b) Effect of State or local law or other requirements. The obligation to comply with this part is not obliterated or alleviated by any State or local law, or any other requirement which would render any applicant or student ineligible, or limit the eligibility of any applicant or student, on the basis of sex, to practice any occupation or profession.

§ 86.6 Effect of other requirements.

§ 86.7 Effect of employment opportunities.

§ 86.8 Designation of responsible employees.

Each recipient shall designate an employee to coordinate its efforts to comply with this part, including any investigation of any complaint communicated to such recipient alleging its noncompliance with this part or alleging any actions which would be prohibited by this part.

§ 86.9 Dissemination of policy.

(a) Notification of policy. (1) Each recipient shall implement specific and continuing steps to notify applicants for admission or employment, students, employees, counselors of applicants for admission or employment, and other participants, beneficiaries, and other interested persons, that it does not discriminate on the basis of sex in the education programs or activities which it operates.

(b) Publications. (1) Each recipient shall make the initial notification required by paragraph (a) (1) within 90 days of the effective date of this part or of the date this part first applies to such recipient, which ever comes later, in which notification shall include publication in: (i) local newspapers; (ii) newspapers and magazines operated by such recipient or by student, alumni, or alumni groups or for in connection with such recipient; and (iii) memos, memos and other written communications distributed to every student and employee of such recipient.
the policy of nondiscrimination described in paragraph (a) of this section, and require such representatives to adhere to such policy.

Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682

§ 86.11 Application.

Except as provided in this subpart, this Part 88 applies to every recipient and to each education program or activity operated by such recipient which receives or benefits from Federal financial assistance.

§ 86.12 Educational institutions controlled by religious organizations.

(a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

(b) Exception. An educational institution which wishes to claim the exemption set forth in § 86.12(a) of this section, shall so in writing to the Director when filing the assurance required by § 86.4, setting forth the extent of the requested exemption and enclosing a statement of the religious tenets under which the exemption is claimed and any other information which might aid the Director in determining whether the institution qualifies for such exemption.

Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682

§ 86.13 Military and merchant marine educational institutions.

This part does not apply to an educational institution whose primary purpose is the training of individuals for a military service of the United States or for the merchant marine.

Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682

§ 86.14 Admissions.

(a) Administratively separate units. For the purposes only of this section, §§ 86.15 and 86.16, and subpart C, each administratively separate unit shall be deemed to be an educational institution.

(b) Application of subpart C. Except as provided in paragraphs (c) and (d) of this section, subpart C applies to each recipient. A recipient to which subpart C applies shall not discriminate on the basis of sex in admission or recruitment in violation of subpart C.

(c) Educational institutions. Except as provided in paragraph (d) of this section as to recipients which are educational institutions, subpart C applies only to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education.

(d) Public institutions of undergraduate higher education. Subpart C does not apply to any public institution of undergraduate higher education which traditionally and continually from its establishment has had a policy of admitting only students of one sex.

Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682

§ 86.15 Educational institutions eligible to submit transition plans.

(a) Application. This section applies to each educational institution to which subpart C applies which:

(1) Admitted only students of one sex as regular students as of June 23, 1972; or

(2) Admitted only students of one sex as regular students as of June 23, 1965, but thereafter admitted as regular students, students of the other sex not admitted prior to June 23, 1965.

(b) Provision for transition plans. An educational institution to which this section applies shall not discriminate on the basis of sex in admission or recruitment in violation of subpart C unless it is carrying out a transition plan approved by the United States Commissioner of Education as described in § 86.16, which plan provides for the elimination of such discrimination by the earliest practicable date and in no event later than June 23, 1972.

Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682

§ 86.16 Transition plans.

(a) Submission of plans. An institution to which § 86.15 applies and which is composed of more than one administratively separate unit may submit either a single transition plan applicable to all such units, or a separate transition plan applicable to each such unit.

(b) Content of plans. In order to be approved by the United States Commissioner of Education, a transition plan shall:

(1) State the name, address, and Federal Interagency Committee on Education (FICE) of the educational institution submitting such plan, the administrative separate units to which the plan is applicable, and the number, address, and telephone number of the person to whom notices containing the plan may be addressed. The person who submits the plan shall be the chief administrator or president of the institution, or another individual legally authorized to bind the institution to all actions set forth in the plan.

(2) State whether the institution or administratively separate unit admits students of both sexes, as regular students, and if so, when it began to do so.

(3) Identify and describe with respect to the educational institution or administratively separate unit any obstacles to admitting students without discrimination on the basis of sex.

(4) Describe in detail the steps necessary to eliminate those obstacles so as to make the school or institution directly responsible for their implementation.

(5) Include estimates of the number of students; by sex; expected to apply for, be admitted to, and enroll in each class during the period covered by the plan.

Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682

§ 86.11 Application. This section applies to each educational institution to which subpart C applies which:

(1) Admitted only students of one sex as regular students as of June 23, 1972; or

(2) Admitted only students of one sex as regular students as of June 23, 1965, but thereafter admitted as regular students, students of the other sex not admitted prior to June 23, 1965.

(b) Provision for transition plans. An educational institution to which this section applies shall not discriminate on the basis of sex in admission or recruitment in violation of subpart C unless it is carrying out a transition plan approved by the United States Commissioner of Education as described in § 86.16, which plan provides for the elimination of such discrimination by the earliest practicable date and in no event later than June 23, 1972.

Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682

§§ 86.15–86.20 [Reserved]

Subpart C—Discrimination on the Basis of Sex in Admission and Recruitment Prohibited

§ 86.21 Admission.

(a) General. No person shall, on the basis of sex, be denied admission, or be subjected to discrimination in admission, by any recipient to which this subpart applies, except as provided in §§ 86.15 and 86.16.

(b) Specific prohibitions. (1) In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this subpart applies shall not:

(i) give preference to one person over another on the basis of sex, by ranking applicants separately on such basis, or otherwise;

(ii) apply numerical limitations upon the number or proportion of persons of either sex who may be admitted; or

(iii) otherwise treat one individual differently from another on the basis of sex.

(2) A recipient shall not administer or operate any test or other criterion for admission which adversely affects any person on the basis of sex unless use of such test or criterion is shown to predict invalidly successful completion of the education program or activity in question.

(c) Prohibitions relating to marital or parental status. In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this subpart applies:

(i) shall not impose any rule concerning the actual or potential parental, family, or marital status of a student or applicant which treats persons differently on the basis of sex;

(ii) shall not discriminate against or exclude any person on the basis of preferential assistance.
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nancy, childbirth, miscarriage, abortion, or recovery therefrom, or establish or follow any rule or practice which so discriminates or excludes:

(3) shall treat disabilities related to pregnancy, childbirth, miscarriage, abortion, or recovery therefrom, in the same manner and under the same polices as any other temporary disability or physical condition; and

(4) shall not make pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is "Mr.," "Miss," or "Mrs."

A recipient may make pre-admission inquiry as to the sex of an applicant for admission, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)
§ 86.22 Preference in admission.

A recipient to which this subpart applies shall not give preference to applicants for admission, on the basis of attendance at any educational institution or other school or entity which admits as students only or predominantly members of one sex, if the giving of such preference has the effect of discriminating on the basis of sex in violation of this subpart.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)
§ 86.23 Recruitment.

(a) Comparable recruitment. A recipient to which this subpart applies shall make comparable efforts to recruit members of each sex, except that such recipient may be required to undertake additional recruitment efforts as remedial action pursuant to § 86.34(a), and may choose to undertake such efforts as affirmative action pursuant to § 86.33(b).

(b) Recruitment at certain institutions. A recipient to which this subpart applies shall not recruit predominantly or exclusively at educational institutions, schools or entities which admit as students only or predominantly members of one sex, if such actions have the effect of discriminating on the basis of sex in violation of this subpart.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)
§§ 86.24—86.30 [Reserved].

Subpart D—Discrimination on the Basis of Sex in Education Programs and Activities Prohibited

§ 86.31 Education programs and activities.

(a) General. Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity operated by a recipient which receives or benefits from Federal financial assistance. This subpart does not apply to actions of a recipient in connection with admission of its students to an education program or activity of (1) a recipient to which subpart C does not apply, or (2) an entity, not a recipient, to which subpart C would not apply if the entity were a recipient.

(b) Specific prohibitions. Except as provided in this subpart, in providing any aid, benefit, or service to a student a recipient shall not, on the basis of sex:

(1) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;

(2) Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;

(3) Deny any person any such aid, benefit, or service;

(4) Subject any person to separate or different rules or behavior or other treatment;

(5) Discriminate against any person in the application of any rules of appearance;

(6) Apply any rule concerning the domicile or residence of a student or applicant;

(7) Aid or perpetuate discrimination against any person by assisting any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees; or

(8) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

(c) Programs not operated by recipient. (1) This paragraph applies to any recipient which requires participation by any applicant, student, or employee in any education program or activity not operated wholly by such recipient, or which facilitates, permits, or considers such participation as part of or equivalent to an education program or activity operated by such recipient, including participation in educational consortia and cooperative employment and student-teaching assignments.

(2) Such recipient:

(i) Shall develop and implement a procedure designed to ensure that the operator or sponsor of such other education program or activity takes no action affecting any applicant, student, or employee of such recipient which this part would prohibit such recipient from taking; and

(ii) Shall not facilitate, require, permit, or consider such participation if such action occurs.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)
§ 86.32 Housing.

(a) Generally. A recipient shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits to students of one sex, than provided by such recipient to students of the other sex, when compared to that provided to students of the other sex, as a whole:

(i) Proportionate in quantity to the number of students of that sex applying for or recovering such housing; and

(ii) Comparable in quality and cost to the student.

(b) Other housing. (1) A recipient shall not, on the basis of sex, apply different polices or practices concerning occupancy by its students of housing other than provided by such recipient.

(2) A recipient which, through solicitation, listing, approval of housing, or otherwise, assists any agency, organization, or person in making housing available to any of its students, shall take such action as may be necessary to ensure that such housing as is provided to students of one sex, when compared to that provided to students of the other sex, is as a whole:

(i) Proportionate in quantity and comparable in quality and cost to the student. A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)
§ 86.33 Comparable facilities.

A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374)
§ 86.34 Access to education program or activity.

(a) Course offerings. A recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therefrom by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

(b) Educational agencies. A recipient which is a local educational agency shall not, on the basis of sex, exclude any person from admission to:

(1) any institution of vocational education operated by such recipient; or

(2) any other school or educational unit operated by such recipient, unless such recipient otherwise make available programs, services, and facilities comparable to each course, service, and facility offered in or through such schools.

(c) Appraisal and counseling materials. A recipient which uses testing or other materials for appraising or counseling students shall not use different materials for different students on the basis of their sex or use materials which permit or require different treatment of students on such basis.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)
§ 86.35 Financial and employment assistance to students, and related activities.

(a) Financial assistance.

(1) In providing financial assistance to any of its students a recipient shall not:

(i) On the basis of sex provide different amounts or types of such assistance, limit eligibility for such assistance in a way that is of any particular type or source, apply different criteria, or otherwise discriminate; or

(ii) Through solicitation, listing, approval, provision of facilities, or other services assist any foundation, trust, agency, organization, or person which provides assistance to any of such recipient's students in a manner which discriminates on the basis of sex.

(b) Assistance in making available employment.

A recipient which assists any agency, organization, or person in making employment available to any of its students:

(1) shall take such action as may be necessary to assure that such employment is made available without discrimination on the basis of sex; and

(2) shall render such services to any agency, organization, or person which discriminates on the basis of sex in so making available such employment.

(c) Employment of students.

A recipient which employs any of its students shall not do so in a manner which violates subpart E.

(See Secs. 901, 902, Education Amendments of 1972, 88 Stat. 373, 374; 20 U.S.C. 1681, 1682)

(d) Assistance related to athletics.

Notwithstanding the provisions of this section, separate financial assistance for members of each sex may be provided as part of separate athletic teams for members of each sex to the extent consistent with § 86.38.

§ 86.36 Health and insurance benefits and services.

In providing a medical, hospital, accident, or life insurance benefit, service, policy, or plan to any of its students, a recipient shall not discriminate on the basis of sex, or provide such benefit, service, policy, or plan in a manner which would violate subpart E if it were provided to employees of the recipient. This section shall not prohibit a recipient from providing any service which may be used by a different proportion of students of one sex than of the other, including family planning services.

(See Secs. 901, 902, Education Amendments of 1972, 88 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.37 Marital or parental status.

(a) Status generally.

A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

(b) Pregnancy and related conditions.

(1) A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, miscarriage, abortion, or recovery therefrom, unless:

(i) The student requests voluntarily to participate in a different such program or activity;

(ii) The student's physician certifies to the recipient that such different participation is necessary for her physical, mental, or emotional well being.

(2) A recipient shall treat disabilities related to pregnancy, childbirth, false pregnancy, miscarriage, abortion, or recovery therefrom in the same manner and under the same policies as any temporary disability in any medical or hospital benefit, service, plan, or policy which such recipient administers, operates, offers, or participates with regard to students admitted to the entity.

(c) Education in making available employment.

A recipient which assists any agency, organization, or person in making employment available to any of its students:

(1) shall select persons to be offered employment opportunities in a manner which furthers equal employment opportunity regardless of sex, and shall not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.

(2) A recipient shall make all employment decisions in any education program or activity operated by such recipient in a manner which furthers equal employment opportunity regardless of sex, and shall not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.

(3) A recipient shall not enter into any contractual or other relationship with any entity which directly or indirectly has the effect of subjecting individuals to discrimination prohibited by this subpart, including relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of the recipient.

(d) Application. The provisions of this subpart apply to:

(1) Recruitment, advertising, and the process of application for employment;

(2) Hiring, upgrading, promotion, consideration for and award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation, and changes in compensation;

(4) Job assignments, classifications and structure, including position descriptions, lines of progression, and seniority lists;

(5) The terms of any collective bargaining agreement;

(6) Grants and return from leaves of absence, pregnancy leave, leave for persons of either sex to care for children, or dependents, or any other leave;

§ 86.39—§ 86.40 [Reserved]

Subpart E—Discretion on the Basis of Sex in Employment in Education Programs and Activities Prohibited

§ 86.41 Employment.

(a) General. (1) No person shall, on the basis of sex, be excluded from participation in, or be denied the benefits of, or be subject to discrimination in employment or recruitment, consideration, or selection therefor, whether full-time or part-time, under any education program or activity operated by a recipient which receives or benefits from Federal financial assistance.

(b) Determination of student interest.

A recipient which operates or sponsors separate teams for members of each sex shall not discriminate on the basis of sex therein in the provision of necessary equipment or supplies for each team, or in any other manner.

(c) Expenditures.

Nothing in this section shall be interpreted to require equal aggregate expenditures for athletics for members of each sex.

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§ 86.42 Employment criteria.

A recipient shall not administer or operate any test or other criterion for any employment opportunity which adversely affects any person on the basis of sex unless:

(a) Use of such test or other criterion is shown to predict validly successful performance in the position in question; and

(b) Alternative tests or criteria for such purpose, which do not have such adverse effect, are shown to be unavailable.

(See, 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.43 Recruitment.

(a) Comparable and affirmative recruiting. If a recipient recruits applicants for employment, either generally or for particular positions, it shall make comparable efforts to recruit members of each sex in all such recruiting, except that a recipient shall make such affirmative attempts to recruit members of a sex which previously had limited employment participation as are necessary to overcome the effects of such limited participation.

(b) Recruitment patterns. A recipient shall not recruit primarily or exclusively at an institution which furnishes as applicants only or predominantly members of one sex if such actions have the effect of discriminating on the basis of sex in violation of this subpart.

(See, 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.44 Compensation.

A recipient shall not make or enforce any policy or practice which, on the basis of sex:

(a) Makes distinctions in rates of pay or other compensation;

(b) Requires any person to perform duties for which compensation is lower than that for performance in a different position;

(1) Entailing similar duties or,

(2) The position description for which is limited to similar duties or

(c) Makes any person subject to a position description under which compensation is lower than that for performance:

(1) Under a different position description which is limited to similar duties, or

(2) In a different position entailing duties similar to those set forth in such position description.

(See, 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.45 Job classification and structure.

A recipient shall not:

(a) Classify a job as being for males or for females;

(b) Maintain or establish separate lines of progression, seniority lists, career ladders, or tenure systems based on sex; or

(c) Maintain or establish separate lines of progression, seniority systems, career ladders, or tenure systems for similar jobs, position descriptions, or job requirements which operate to classify persons on the basis of the sex, unless sex is a bona-fide occupational qualification for the positions in question as set forth in § 86.51.

(See, 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.46 Fringe benefits.

(a) "Fringe benefits" defined. For purposes of this part, "fringe benefits" means any medical, hospital, accident, life insurance or retirement benefit, service, or privilege of employment.

(1) Administer, operate, offer, or participate in a fringe benefit plan which discriminates in rates of pay or service, or benefit to members of one sex pursuant to a State or local law or other requirement which imposes prohibitions or limits upon employment of members of one sex which are not imposed upon members of the other sex;

(2) Administer, operate, offer, or participate in a pension or retirement plan which includes temporary disability for all job-related purposes, including commencement, duration and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit program which previously had limited employability.

(b) Prohibitions.

A recipient shall not:

(1) Discriminate on the basis of sex with regard to making fringe benefits available to employees or make fringe benefits available to spouses, families, or dependents of employees differently upon the basis of the employee's sex;

(2) Administer, operate, offer, or participate in a fringe benefit plan which does not provide either for equal periodic contributions for members of each sex, or for equal contributions to the plan by such recipient for members of each sex; and

(3) Administer, operate, offer, or participate in a pension or retirement plan which establishes an optional or service of employment not subject to the provisions of § 86.44.

(c) Alternative tests or criteria for pregnancy.

If the recipient (Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682) makes any person subject to a job classification or structure which so discriminates or excludes. For the purpose of this subpart, "pregnancy" means the entire process of pregnancy, childbirth, and recovery therefrom, and includes from pregnancy, miscarriage, and abortion.

(d) Pregnancy leave. In the case of a recipient whom does not maintain a temporary disability policy for its employees, or in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, a recipient shall treat pregnancy as a justification for a leave of absence without pay for a reasonable period of time, as the close of the employee's final trimester, and the employee shall be reinstated to her original job or to a comparable position, without decrease in rate of compensation or other rights or benefits, or any other right or privilege of employment.

(1) Inception of and return from pregnancy leave. In complying with this section, a recipient shall not require any employee to:

(1) Begin leave related to pregnancy so long as the employee's physician certifies in writing that she is physically capable of performing her duties, provided that a pregnant employee shall notify her employer in writing of her expected date of delivery, at least 120 days prior to such date; or

(2) Return to her employment after a leave related to pregnancy later than two weeks after the employee's physician certifies in writing that she is physically capable of performing her duties.

(2) Return to her employment after a leave related to pregnancy later than the beginning of the first full academic term commencing after such certification is made.

(See, 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.47 Marital or parental status.

(a) General. A recipient shall not apply any policy or take any employment action:

(1) Concerning the potential marital, parental, or family status of an employee or applicant for employment which treats persons differently on the basis of sex; or

(2) Which is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

(b) Pregnancy. A recipient shall not discriminate against or exclude from employment any employee or applicant for employment on the basis of pregnancy, or establish or follow any policy or practice which so discriminates or excludes. For the purpose of this subpart, "pregnancy" means the entire process of pregnancy, childbirth, and recovery therefrom, and includes from pregnancy, miscarriage, and abortion.

(c) Pregnancy as a temporary disability. A recipient shall treat disabilities caused or contributed to by pregnancy as temporary disabilities for all job-related purposes, including commencement, duration and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment.

§ 86.48 Effect of State or local law or other requirements.

(a) Prohibitory requirements. The obligation to comply with this subpart is not abated or alleviated by the existence of any State or local law or other requirement which imposes prohibitions or limits upon employment of members of one sex which are not imposed upon members of the other sex.

(b) Benefits. A recipient which provides any compensation, service, or benefit to members of one sex pursuant to a State or local law or other requirement shall provide the same compensation, service, or benefit to members of the other sex.

(See, 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)
to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

c) Access to sources of information. Each recipient shall permit access by the Director to such of its books, records, accounts, and other sources of information, and its facilities, and shall permit the Director to make copies of any such written information, and may be permitted to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and such agency, institution or person fails or refuses to furnish such information to the Director, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information. Asserted considerations of privacy or confidentiality may not operate to bar the Department from evaluating or seeking to enforce compliance with this part.

§ 86.51 Sex as a bona-fide occupational qualification.

A recipient may take action otherwise prohibited by this part provided it is shown that sex is a bona-fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section which is based upon alleged comparative employment characteristics or stereotyped characteristics of one or the other sex, or upon preference based on sex of the applicant for employment, including whether such applicant is "Ms., Miss, or Mrs.”

§ 86.52-86.60 [Reserved]

Subpart F—Procedures

§ 86.61 Compliance information.

(a) Cooperation and assistance. The Director will to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and will provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) Compliance reports. Each recipient shall keep such records and submit to the Director timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the Director may designate as necessary. No recipient shall refuse to furnish an assurance required under this section or requested by the Department except to the extent that giving an assurance or other statement is inconsistent with the interpretation of the law provided by the Department.

§ 86.62 Conduct of investigations.

(a) Periodic compliance reviews. The Director will from time to time review the practices of recipients to determine whether they are complying with this part.

(b) Complaints. Any person who believes himself or herself or any specific class of individuals to be subjected to discrimination prohibited by this part may be himself or herself or by a representative file with the Director a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Director, or unless the alleged discrimination took place after June 30, 1972, but prior to the effective date of this part. The Director shall notify each complainant promptly, in writing, that the complaint has been received.

(c) Investigations. The Director will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and the extent of any noncompliance and the determination as to whether the recipient has failed to comply with this part.

(d) Resolution of matters. (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the Director will so inform the recipient and the complainant, if any, and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 86.63.

(2) If, after an investigation pursuant to paragraph (c) of this section, it appears that action pursuant to paragraph (d) of this section is warranted, the Director will so inform each complainant, in writing, and will give each complainant the opportunity to submit additional information, orally or in writing. The Director will, promptly and the Director will notify the complainant, in writing, of what action appears to be warranted in light of the information.

(3) If after an investigation pursuant to paragraph (c) of this section or after action required by paragraph (d) of this section, it appears that action pursuant to paragraph (d) of this section is not warranted, the Director will so inform the recipient and each complainant, in writing.

(e) Intimidatory or retaliatory acts prohibited. Each recipient shall permit, the Director to interview any of its students or employees without a representative of such recipient being present. No recipient or other person shall threaten, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 901 of the Education Amendments of 1972 or this part, or because he or she has made a complaint, testified, or otherwise participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants will be kept confidential by the Department except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising from thereunder, or where otherwise required by law.

§ 86.63 Procedure for enforcing compliance.

(a) General. If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to award or continue Federal financial assistance in accordance with the procedures of paragraph (c) of this section or by any other means authorized by law.

(b) Noncompliance with § 86.4. If an applicant or recipient fails or refuses to furnish an assurance required under § 86.4 or otherwise fails or refuses to
comply with a requirement imposed by or pursuant to that Section, Federal fi-
nancial assistance may be refused in ac-
cordance with the procedures of para-
graph (c) of this Section. The Depart-
ment will not be obligated to provide as-
sistance in such a case during the pendi-
ency of the administrative proceedings
under such paragraph except that the
Department will continue assistance dur-
ing the pendency of such proceedings
where such assistance is due and pay-
able pursuant to an application therefor
approved prior to the effective date of
this part.
(c) Termination of or refusal to grant
or to continue Federal financial assist-
ance. No order suspending, terminating
or refusing to award or continue Federal fi-
nancial assistance will become effec-
tive until (1) the Director has advised
the applicant or recipient of its failure to
comply and has determined that com-
pliance cannot be secured by voluntary
means, (2) 30 days have expired after
the mailing of such notice to the record,
after opportunity for hearing, of
a failure by the applicant or recipient
to comply with a requirement imposed by
or pursuant to this part, and (3) 30 days
have expired after the mailing of such
notice to each individual complainant,
organization, or group which has been
filed a complaint on behalf of one or
more individuals pursuant to § 86.62(b),
and each such complainant, organiza-
tion, or group will be advised of the time
and place of the hearing. An applicant
or recipient may waive a hearing and
submit written information and argu-
ment for the record. The failure of an
applicant or recipient to request a hearing
within the prescribed time period shall be
deemed to be a waiver of the right to
a hearing under section 902 of the Edu-
cation Amendments of 1972 and § 85.53
of this part to the making of a decision on
the basis of such information as may be filed as the record.
(b) Time and place of hearing. Hear-
ings will be held before an administra-
tive law judge designated in accordance
with 5 U.S.C. 3105 and 3344. Hearings
will be held at the offices of the Depart-
ment in Washington, D.C., at a time
determined by the Director. In the absence
of an administrative law judge, the
Director or a duly designated
commissioner shall conduct the
hearing. The hearing officer may
exclude irrelevant, immaterial, or
unduly repetitious evidence. All docu-
ments and other evidence offered or taken
for the record shall be submitted by
the parties and opportunity shall be
given to refute facts and arguments
advanced on either side of the issues.
A transcript shall be made of the oral evi-
dence except to the extent the substance
thereof is stipulated for the record. All
decisions shall be based upon the hearing
record and written findings shall be
made in accordance with § 86.55.
(1) Consolidated or joint hearings. In
cases in which the same or related facts
are asserted to constitute noncompli-
ance with this part with respect to two
or more programs to which this part ap-
plies, or noncompliance with this part
and the regulations of one or more other
Federal departments or agencies issued
under title IX, the Director may, by
agreement with such other departments
or agencies where applicable, provide
for the conduct of consolidated or joint
hearings, and for the application to such
hearing of rules of procedure and evidence
consistent with this part. Final decisions
in such cases, insofar as this regulation
is concerned, shall be made in accord-
ance with § 86.55.
(2) Technical rules of evidence shall not
apply to hearings conducted pur-
pose or pursuant to § 86.62 or 86.63.
§ 86.63 Decisions and notices.
(a) Decisions by administrative law
judges. Within 30 days after a hearing
is held by an administrative law judge
such administrative law judge shall either
make an initial decision, if so authorized,
or certify the entire record including his
or her recommended findings and a pro-
posed decision to the reviewing author-
ity for a final decision, and a copy of such
initial decision or certification shall be
mailed to the applicant or recipient and
to the complainant, if any. Where the
initial decision referred to in this para-
graph or in paragraph (c) of this sec-
tion is made by the administrative law
judge, the applicant or recipient or the
Department may within 20 days after is-

suance of the initial decision, file with the reviewing authority exceptions to the initial decision, with his or her reasons therefor. Upon filing of such exceptions the reviewing authority shall review the initial decision and issue its own decision including the reasons therefor. In the absence of exceptions the initial decision of the reviewing authority shall be final, subject to the provisions of paragraph (c) of this section.

(b) Decisions on record or review by the reviewing authority. Whenever a record is certified to the reviewing authority for decision or if it reviews the decision of an administrative law judge pursuant to paragraph (a) or (c) of this section, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of its contentions, and a copy of the final decision of the reviewing authority shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) Decisions on record where a hearing is waived. Whenever a hearing is waived pursuant to § 88.64(a) the reviewing authority shall make its final decision on the record or refer the matter to an administrative law judge for an initial decision to be made on the record. A copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) Rulings required. Each decision of an administrative law judge or reviewing authority shall set forth a ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements of this part with which it is found that the applicant or recipient has failed to comply.

(e) Review in certain cases by the Secretary. If the Secretary has not personally made the final decision referred to in paragraph (a), (b), or (c) of this section, a recipient or applicant or the Department may, within 30 days after issuance of the final decision by the reviewing authority, request the Secretary to review such decision. Such review is not a matter of right and will be granted only where the Secretary determines that there are special and important reasons therefor. The Secretary's decision to undertake such review will be communicated in writing within 30 days after the issuance of the reviewing authority's decision, to each party, including amicus curiae, if any. The Secretary may grant or deny such request in whole or in part. He or she may also review such a decision upon his or her own motion in accordance with rules of procedure issued by the Director. The Secretary's decision to undertake such review will be communicated in writing within 30 days after the issuance of the reviewing authority's decision, to each party, including amicus curiae. Failure to file an exception within the time period prescribed herein or to request review under this paragraph shall not be deemed a failure to exhaust administrative remedies for the purpose of obtaining judicial review.

Final agency action for purposes of judicial review. (1) Except as provided in paragraph (f) of this section, a decision under section 703 of this title, unless the Secretary determines that the final decision of the Department and will constitute final agency action within the meaning of section 704 of title 5 of the United States Code in the following manner:

(I) A decision by an administrative law judge pursuant to paragraph (a) of this section will become final on the 30th day after such decision is made, unless prior to such day a request for review by the reviewing authority has been requested.

(II) A decision by the reviewing authority pursuant to paragraph (b) of this section will become final on the 31st day after such decision is made, unless prior to such day review by the Secretary is requested.

(III) A decision of the Secretary under paragraph (c) of this section will become final on the 30th day following its issuance.

(2) A decision to terminate or to refuse to grant or continue Federal financial assistance, which would otherwise constitute the final decision of the Department and will constitute final agency action under paragraph (e) of this section, unless the Secretary determines that the final decision of the Department and will constitute final agency action under paragraph (e) of this section will become final on the 31st day following its issuance.

(3) A decision to terminate or to refuse to grant or continue Federal financial assistance, which would otherwise constitute the final decision of the Department and will constitute final agency action under paragraph (e) of this section, unless the Secretary determines that the final decision of the Department and will constitute final agency action under paragraph (e) of this section will become final on the 31st day following its issuance.

(g) Content of orders. The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, to which this part applies, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of title IX and this part, including provisions designed to assure that no Federal financial assistance to which this part applies will thereafter be extended to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part unless and until it corrects its noncompliance and satisfies the Director that it will fully comply with this part.

(1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section may at any time request the Director to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (e) of this section, unless the Secretary determines that those requirements have been satisfied, he or she will restore such eligibility.

(2) If the Director denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereafter be given an expedited hearing, with a decision on the record, in accordance with rules of procedure issued by the Director. The applicant or recipient will be restored to such eligibility if it proves at such hearing that it satisfied the requirements of paragraph (e) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

(3) If the Director denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereafter be given an expedited hearing, with a decision on the record, in accordance with rules of procedure issued by the Director. The applicant or recipient will be restored to such eligibility if it proves at such hearing that it satisfied the requirements of paragraph (e) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

(4) The pendency of any proceeding under this paragraph shall not lift or stay the sanctions imposed by the order issued under paragraph (f) of this section.

§ 86.66 Judicial review.

Action taken pursuant to section 902 of the Education Amendments of 1972, subject to judicial review is provided in section 903 of the Amendments.