federal register

TUESDAY, APRIL 2, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 64

Pages 11965–12079

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federal register

Area Code 202 Phone 523–5240

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

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Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—PHASE IV PRICE REGULATIONS

PART 152—PHASE IV PAY REGULATIONS

Exemption of the Aerospace Industry

The purposes of these amendments are: (1) To exempt prices charged by manufacturers of aerospace products as described in the Standard Industrial Classification Manual, 1972 edition, under Group Nos. 372 (Aircraft and Parts) and 376 (Guided Missiles and Space Vehicles and Parts); (2) to exempt retail sales of general aviation aircraft and related services such as maintenance and flight instruction; and (3) to add a parallel exemption to the pay regulations.

The aerospace industry is composed of manufacturers of products used for military, CAB-certified commercial transport and general aviation purposes. The military and commercial transport segment of the aerospace industry is essentially characterized by products produced under long-term contracts. These products often require a lead-time of several years, particularly when an item is going into initial production. Thus, decontrol should have little impact on prices charged for commercial or military erospace products delivered in 1974 since most of them were contracted for some time ago.

The Federal government account for about 73 percent of the purchases of aerospace products. These government purchases are subject to procurement regulations (particularly the Armed Forces Procurement Regulations since the Department of Defense is the primary source of government contracts in this area), the Renegotiation Act of 1951 and the regulations of the Renegotiation Board. Thus, costs and profits for the largest segment of aerospace industry sales will still be subject to government scrutiny and review even after prices become exempt from Phase IV regulations. This regulatory pattern will be similar to the one affecting public utility rates which are exempt from Phase IV price controls, but are still subject to the jurisdiction of various Federal and state regulatory commissions.

The impact of decontrol will be further minimized by the fact that approximately two-thirds of all commercial aircraft orders are export sales which are already exempt. Also, additional commercial aircraft purchases are being adversely affected by uncertainties in airline schedules and travel plans caused by the energy situation and by present excess capacity. Finally, government spending on space programs is being reduced. Together, these factors should contribute to reasonable price performance in the military and commercial use segment of the aerospace industry.

"General aviation" refers to aircraft used for business, personal and general utility purposes (such as crop-dusting) and government-owned planes that are not CAB-certified or intended for military use. Demand for general aviation aircraft is highly elastic since purchases for business and personal use are discretionary or subject to changes in economic conditions. At present, demand has substantially diminished because of fuel shortages, higher fuel costs and the current downward trend in the economy.

The recent exemption of certain sales at the retail level excluded retail sales of general aviation aircraft. However, most retail general aviation aircraft firms have been exempt under the small business exemption. In view of this fact and the decontrolled status of both the aerospace industry and the retail trade generally it appears appropriate at this time to extend exempt status to retail sales of general aviation aircraft. Similarly, this exemption is extended to the sale of general aviation aircraft maintenance services and flight instruction since these services are so closely related to the products involved and since most firms which provide these services are exempt under the small business exemption.

These facts, coupled with the generally competitive character of this industry, suggest that price increases following decontrol should generally not be substantially in excess of price increases which would be permissible under controls. The Council therefore deems it appropriate to extend decontrol to the aerospace industry at this time.

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

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the aerospace industry. The exemption is set forth in new § 152.39g. "Establishment in the aerospace industry" is defined as an establishment classified in the Standard Industrial Classification Manual, 1972 edition under Group No. 372 (Aircraft and Parts) or 376 (Guided Missiles and Space Vehicles and Parts) and primarily engaged in the manufacture of products classified under such Group. The term also includes establishments primarily engaged in making retail sales, or providing maintenance services, conducting flight school activities, and performing related services with respect to aircraft used in general aviation, excluding military and commercial transport certified by the Civil Aeronautics Board. The exemption is inapplicable to any industry employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemption is also inapplicable to any such employee whose duties and responsibilities are not of a type exclusively performed in or related to the aerospace industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within this or another exempted industry. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25% or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment engaged in activities exempted under Subpart D. In cases of uncertainty of application, inquiries concerning the scope or coverage of the pay exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

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

The Council retains the authority to reestablish price and wage controls in

these industries if price or wage behavior is inconsistent with the goals of the Economic Stabilization Program. The Council also has the authority, under §§ 150.-162 and 152.6, to require firms to file special or separate reports setting forth information relating the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1743; E.O. 11730; 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing 6 CFR Parts 150 and 152 are amended as set forth herein, effective March 29, 1974.

Issued in Washington, D.C., on March 29, 1974.

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

1. In 6 CFR Part 150, § 150.58 is amended to add a paragraph (e) to read as follows:

§ 150.58 Additional price adjustments.

* * * * *

(e) *Aerospace Industry.* The prices which manufacturers of the following products charge for those products are exempt: aerospace products listed in the Standard Industrial Classification Manual, 1972 Edition, under Group Nos. 372 and 376. In addition, the prices charged for retail sales of general aviation aircraft and the prices charged for general aviation flight instruction and general aviation aircraft maintenance services, excluding instruction and maintenance services for military aircraft and commercial carriers certified by the Civil Aeronautics Board, are exempt.

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.-39g to read as follows:

§ 152.39g Aerospace industry.

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

(b) *Establishment in the aerospace industry.* For purposes of this section, "Establishment in the aerospace industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Group No. 372 (Aircraft and Parts) or 376 (Guided Missiles and Space Vehicles and Parts) and primarily engaged in the manufacture of products classified under such Group. Such term also means an establishment primarily engaged in making retail sales, providing maintenance services, conducting flight school activities, or providing related services with respect to aircraft used in general aviation, excluding military and commercial transport certified by the Civil Aeronautics Board.

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

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

(1) An employee who receives an item of incentive compensation subject to the provisions of §§ 152.124, 152.125, or 152.-126.

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

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

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

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

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

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after March 29, 1974.

[FR Doc.74-7651 Filed 3-29-74;3:35 pm]

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Clarification of Retail Trade Exemption

Part 152 is amended in § 152.40m to make certain clarifying changes in the retail trade exemption.

Section 152.40m is amended with respect to pay adjustments affecting employees in the food industry by adding new paragraphs (d) (5) and (6) to make clear that the exemption is not applicable to pay adjustments that are the subject of a report, challenge, or request for approval filed with the Council prior to February 1, 1974, or to pay adjustments that are scheduled to be effective prior to such date, for which a report or request for approval is required under the special rules applicable to the food industry, including pay adjustments for which a report is required pursuant to § 152.76(c) (2). If a contract is negotiated on or after February 1, 1974, which provides for pay adjustments affecting employees in the food industry scheduled to be effective prior to such date, a report or request for approval shall be filed with the Council in accordance with the provisions set forth in Subpart H of Part 152. New paragraph (d)(7) makes clear that the wage exemption is also inapplicable to pay adjustments affecting employees in the food industry if such pay adjustments are the subject of a decision and order of the Council.

Because the immediate implementation of Executive Order No. 11730 is required and because the purpose of these regulations is to provide immediate guidance as to Cost of Living Council decisions, the Council finds that publication in accordance with normal rule making procedures is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit comments regarding these amendments. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

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

In consideration of the foregoing, Part 152 of 6 CFR is amended as set forth herein, effective February 1, 1974.

Issued in Washington, D.C., March 29, 1974.

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

In 6 CFR Part 152, § 152.40m is amended by adding new paragraphs (d) (5), (6), and (7) to read as follows:

§ 152.40m Retail trade.

* * * * *

(d) *Limitations.* * * *

(5) Pay adjustments with respect to which a report or request for approval has been filed or a challenge has been made or issued prior to February 1, 1974, pursuant to the provisions of Subpart F of Part 130 of this Chapter, or Subpart H of this part, the special rules applicable to the food industry;

(6) Pay adjustments scheduled to be effective prior to February 1, 1974, for which a report or request for approval is required pursuant to the provisions of Subpart H of this part, including pay adjustments with respect to which a report is required pursuant to § 152.76(c) (2); or

(7) Pay adjustments with respect to an appropriate employee unit which is

subject to a decision and order of the Council or its delegate—

(i) Issued prior to February 1, 1974; or

(ii) Issued on or after February 1, 1974, with respect to pay adjustments which are the subject of a report, request for approval, or challenge described in paragraphs (d) (5) or (6) of this section.

The limitation set forth in this subparagraph shall be applicable for the period covered by such decision and order.

* * * * *

[FR Doc.74-7652 Filed 3-29-74;3:36 pm]

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

MISCELLANEOUS AMENDMENTS TO REGULATED AREAS

This document amends the supplemental regulation which lists regulated areas for purposes of the Federal Witchweed Quarantine by removing a total of nine properties from the regulated areas in Harnett, Lee, and Lenoir Counties in North Carolina and Chesterfield County in South Carolina; by changing from generally infested to suppressive all or portions of previously regulated areas in the following counties: Duplin, Harnett, Hoke, Johnston, Lenoir, Pender, Scotland, and Wayne Counties in North Carolina and Darlington, Florence, Horry, and Marlboro Counties in South Carolina; and by adding a total of 25 previously nonregulated properties in the following previously regulated counties: Columbus, Duplin, Jones, Lenoir, Moore, Onslow, and Wayne Counties in North Carolina and Chesterfield and Marlboro Counties in South Carolina.

In regard to areas removed from regulations, the provisions of the regulations with respect to the interstate movement of regulated articles from regulated areas in quarantined States will not apply to the interstate movement of such articles from the specified areas, but the provisions with respect to the interstate movement of regulated articles from nonregulated areas in the quarantined States will be applicable.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.80-2 of the Witchweed Quarantine regulations, 7 CFR 301.80-2a is hereby amended by deleting therefrom and adding thereto the references to the following areas listed therein as generally infested and suppressive regulated areas:

§ 301.80-2a [Amended]

1. In § 301.80-2a relating to the State of North Carolina under (1) Generally infested area, in Hoke County the property description for Games Preserve Plot No. 16 is deleted, and the entire description for Hoke County is redescribed as follows:

Hoke County. All of Hoke County lying south of Buffalo Creek, Roads 1203, 211, and 401.

2. In § 301.80-2a relating to the State of North Carolina under (2) suppressive area, in Columbus County the following properties are added in alphabetical order as follows:

The Long, J. M., farm located on the southwest side of State Secondary Road 1113 and 0.4 mile northwest of its junction with State Secondary Road 1108.

The McLamb, H. M., farm located on the southwest side of State Secondary Road 1113 and 0.5 mile northwest of its junction with State Secondary Road 1108.

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The Spivey, O. M., farm located in the northeast corner of the intersection of U.S. Highway 701 and Gum Swamp.

3. In § 301.80-2a relating to the State of North Carolina under (1) Generally infested area, the entire descriptions for Duplin, Harnett, Johnston, Lenoir, Pender, Scotland, and Wayne Counties are deleted.

4. In § 301.80-2a relating to the State of North Carolina under (2) Suppressive area, the following counties are redescribed or added in alphabetical order as follows:

Duplin County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Duplin-Sampson County line, thence extending north along said county line to its intersection with State Secondary Road 1337, thence northeast along said road to its junction with State Highway 50, thence northwest along said highway to its junction with State Secondary Road 1355, thence northeast along said road to its junction with State Secondary Road 1332, thence northeast along said road to its junction with State Secondary Road 1304, thence north along said road to its junction with State Highway 403, thence northeast along said highway to its junction with State Secondary Road 1368, thence south along said road to its junction with State Secondary Road 1367, thence southeast along said road to its junction with State Secondary Road 1365, thence northeast along said road to its junction with State Secondary Road 1004, thence southeast along said road to its junction with State Secondary Road 1503, thence northeast along said road to its intersection with State Secondary Road 1500, thence southeast along said road to its intersection with State Secondary Road 1507, thence north along said road to its junction with State Secondary Road 1526, thence northeast along said road to its junction with State Secondary Road 1519, thence southeast along said road to its intersection with State Secondary Road 1502, thence north along said road to its intersection with the Duplin and Wayne County line, thence northeast along said county line to its junction with the Duplin and Lenoir County line, thence southeast along said county line to its intersection with State Secondary Road 1005, thence south along said road to its junction with State Secondary Road 1733, thence west State Secondary Road 1733, thence west along said road to its junction with State Secondary Road 1732, thence south along said road to its junction with State Secondary Road 1735, thence south along said road to its junction with State Secondary Road 1700, thence west along said road to its intersection with Cabin Creek, thence south along said creek to its junction with Limestone Creek, thence south along said creek to its intersection with State Highway 24, thence east along said highway to its junction with State Secondary Road 1962, said junction being 0.7 mile west of Beulaville, thence south along State Secondary Road 1962 to its junction with State Secondary Road 1724, thence southwest along said road to its junction with State Secondary Road 1800, thence northwest along said road to its junction with State Secondary Road 1961, thence west along said road to its intersection with the Northeast Cape Fear River, thence northwest along said river to its junction with Grove Creek, thence west along said creek to its junction with the Kenansville city limits, thence southwest along said city limits to its intersection with State Highway 11, thence south along said highway to its junction with State Secondary Road 1922, thence southwest along said road to its junction with State Secondary Road 1909, thence south along said road to its junction with State Secondary Road 1912, thence west along said road to its intersection with the Magnolia city limits, thence south, west, and north along said city limits to its intersection with State Secondary Road 1003, thence southwest along said road to its junction with State Secondary Road 1101, thence southeast along said road to its intersection with State Secondary Road 1102, thence southwest along said road to its junction with State Secondary Road 1126, thence west along said road to its intersection with State Secondary Road 1100, thence southeast along said road to its junction with State Highway 41, thence southwest along said highway to its intersection with the Duplin and Sampson County line, thence northwest and northeast along said county line to the point of beginning.

The Bostic, F. J., farm located on the west side of State Highway 50, at the junction of said highway and State Secondary Road 1730.

The Crow, T. C., farm located on the south side of State Secondary Road 1321 and 0.8 mile west of the junction of said road with State Secondary Road 1302.

The Faison, I. R., farm located on the east side of State Secondary Road 1301 and 1.4 miles north of its junction with State Secondary Road 1335.

The Green, Willie, farm located on both sides of State Secondary Road 1971, and 0.6 mile southwest of the junction of said road and State Highway 50.

The Jackson, Emmitt, farm located on the east side of State Secondary Road 1301 and 1.3 miles north of its junction with State Secondary Road 1335.

The Johnson, C. M., farm located on the southwest side of State Secondary Road 1139 and 0.6 mile northwest of the junction of said road with State Secondary Road 1133.

The Kalmar, J. N., farm located on the south side of State Highway 403 and 0.5 mile west of its junction with State Secondary Road 1304.

The Kennedy, Sidney J., farm located on the east side of State Secondary Road 1718 and 0.2 mile south of the junction of said road and State Highway 41.

The King, W. R., farm located on the east side of State Secondary Road 1302 and 0.1 mile south of the junction of said road and State Secondary Road 1308.

The Kissner, Henry, farm located on the southwest side of State Secondary Road 1139 and 0.7 mile northwest of its junction with State Secondary Road 1133.

The Precythe, Harold, farm located on the east side of U.S. Highway 117 and 0.1 mile south of the junction of said road and State Secondary Road 1354.

The Summerlin, Oliver, farm located on the south side of State Highway 403 and 0.1 mile east of the corporate limits of the town of Faison.

The Wilson, Mammie, farm located on the east side of State Highway 111 and 1.0 mile south of the intersection of said highway and State Secondary Road 1700.

Harnett County. That area bounded by a line beginning at a point where the Harnett-Lee County line and State Secondary Road 1209 intersect and extending southeast along said road to its junction with State Highway 27, thence east along said highway to its junction with State Secondary Road 1117, thence south along said road to its junction with State Secondary Road 1128, thence east along said road to its junction with State Highway 210, thence northeast along said highway to its junction with State Secondary Road 2030, thence southeast along said road to its junction with State Secondary Road 2031, thence south along said road to its intersection with the Harnett-Cumberland County line, thence west along said county line to its junction with the Harnett-Moore County line, thence northwest and northeast along the Moore-Harnett County line to its junction with the Moore-Harnett-Lee County line, thence northeast along the Harnett-Lee County line to the point of beginning.

The Blalock, Clarence J., farm located at the end of a dirt road and 0.4 mile northwest of the junction of said road with State Secondary Road 1540, said junction being 0.4 mile northeast of the junction of said secondary road with State Secondary Road 1542.

The Blalock, F. P., farm located on the northeast side of State Highway 55 and 0.2 mile northwest of the intersection of said highway with State Secondary Road 1006.

The Edwards, Charles, farm located on the north side of State Secondary Road 1128, and 0.9 mile southwest of the junction of said road with State Secondary Road 1130.

The Harrington, Luke, farm located on both sides of State Highway 27 and 0.4 mile west of the junction of said highway with State Secondary Road 1242.

The Harrington, Redin, farm located at the end of a dirt road and 0.8 mile north of the junction of said road with State Highway 27, and said junction being 1 mile west of the junction of said highway with State Secondary Road 1242.

The Jenkins, Cecil, farm located on both sides of State Secondary Road 1251 and 1 mile south of the junction of said road with State Secondary Road 1291.

The Johnson, Sr., Jonah C., farm located at the junction of State Secondary Road 1553 and 1555. The farm lies in the northeast portion of this junction.

The McLeod, Carl, farm located on both sides of State Highway 27 and 0.8 mile west of the junction of said highway and State Secondary Road 1242.

The Morgan, Robert, farm located on the south side of State Secondary Road 1291 and 0.4 mile east of the junction of said road with State Secondary Road 1251.

The Parker, E. O., farm located on the north side of State Secondary Road 2034 and 0.7 mile west of the junction of said road with U.S. Highway 401.

The Parrish, Eddie L., farm located on both sides of State Secondary Road 1532 and 0.1 mile west of the junction of said road with State Secondary Road 1547.

Hoke County. That area bounded on the south by Buffalo Creek, Roads 1203, 211, and 401 and on the north by the Fort Bragg Military Reservation.

Games Preserve Plot No. 16 located on the east side of King Road and 0.7 mile northwest of its junction with Plank Road lying within the Fort Bragg Military Reservation.

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Jones County. The Greene, Earl F., farm located on both sides of State Secondary Road 1127 and 0.9 mile northwest of the junction of said road and State Highway 41.

The Greene Estate, L. T., farm located on the east side of State Secondary Road 1123 and 0.5 mile south of the junction of said road and State Secondary Road 1124.

The Haddock, A. J., farm located at the end of State Secondary Road 1126 and 0.8 mile south of the junction of said road with State Secondary Road 1124.

The McDaniel, W. F., farm located on the south side of State Secondary Road 1122 at a point 0.8 mile southwest of the junction of said road and State Highway 58, said junction being 1.2 miles northwest of Olive Cross Roads.

The Philyaw, Wilford, farm located on the north side of State Secondary Road 1116 and 3.2 miles west of the junction of said road with State Secondary Road 1115.

The Simpson, Eugene T., farm located on the south side of State Secondary Road 1116 and 2.5 miles west of the junction of said road and State Secondary Road 1115.

The Simpson, W. W., farm located on the south side of State Secondary Road 1116 and 2.5 miles west of the junction of said road and State Secondary Road 1115.

The Wiley, Mrs. Bettie, farm located on the east side of State Secondary Road 1146 and 0.5 mile south of the Jones-Lenoir County line.

Lee County. The McIntyre, James, farm located on both sides of State Secondary Road 1188 and 0.4 mile east of the junction of said road with State Secondary Road 1001.

Lenoir County. That area bounded by a line beginning at a point where State Secondary Road 1311 and State Secondary Road 1002 junction, and extending northeast along State Secondary Road 1311 to its junction with State Secondary Road 1309, thence north along said road to its junction with State Secondary Road 1324, thence southeast along said road to its junction with State Secondary Road 1331, thence north along said road to its junction with State Secondary Road 1332, thence east along said road to its junction with State Secondary Road 1333, thence north along said road to its junction with State Secondary Road 1330, thence east along said road to its junction with State Secondary Road 1336, thence southeast along said road to its junction with State Secondary Road 1324, thence southwest along said road to Whitelace Creek, thence east and south along said creek to State Secondary Road 1161, thence west along said road to its junction with State Highway 55, thence southwest along said road to Squirrel Creek, thence north and northwest along said creek to the Neuse River, thence west along said river to Dallys Creek, thence south and west along said creek to its intersection with State Highway 55, thence west along said highway to State Secondary Road 1002, thence north along said road to the point of beginning.

The Barwick, Wilson, farm located on the northwest junction of State Secondary Roads 1333 and 1332.

The Braxton, Clyde, Estate located on both sides of State Secondary Road 1802 and 0.9 mile northeast of the junction of State Secondary Road 1802 and State Highway 11.

The Carter, Ephrom, farm located on the south side of State Secondary Road 1116 and 1.5 miles east of its junction with State Highway 11.

The Chambers, Eugene, farm located on the northeast side of the junction of State Secondary Road 1167 and State Secondary Road 1143.

The Davis, Earl R., farm located on the south side of State Secondary Road 1143 and 0.8 mile west of the town of Deep Run.

The Edwards, Kate, farm located on the southeast side of the junction of State Secondary Roads 1143 and 1145.

The Foss, Reginal D., farm located on the north side of State Secondary Road 1316 and 1.2 miles northwest of its junction with State Secondary Road 1311.

The Grady, J. D., farm located on the south side of State Secondary Road 1143 and the east side of State Secondary Road 1154 at Wootens Crossroads.

The Herring, Ben D., farm located on the north side of State Secondary Road 1330 and 0.2 mile west of the junction of State Secondary Roads 1330 and 1331.

The Howard, Clarence, farm located on the south side of State Secondary Road 1105 and 0.1 mile east of its intersection with State Secondary Road 1118.

The Jones, Edward S., farm located on the west side of U.S. Highway 258 and 0.3 mile north of its junction with State Secondary Road 1116.

The Rouse, Forrest, farm located on the northeast side of State Secondary Road 1143 and 2.9 miles northwest of its intersection with State Secondary Road 1154.

The Rouse, George R., farm located on the southwest intersection of State Secondary Roads 1143 and 1167.

The Rouse, Jim W., farm located on the northeast side of State Secondary Road 1143 and 2.8 miles northwest of its intersection with State Secondary Road 1154.

The Smith, Nick, farm located on the south side of State Secondary Road 1163 and 0.1 mile west of its junction with State Secondary Road 1111.

The Sutton, Prentice, farm located on the south side of State Secondary Road 1503 and 0.3 mile southeast of its intersection with State Secondary Road 1327.

The Sutton, Woodrow W., farm located on the north side of State Secondary Road 1331 and 0.5 mile west of its junction with State Secondary Road 1333.

The Waters, Thomas, estate located on the west side of State Secondary Road 1318 and 0.3 mile north of its junction with State Secondary Road 1317.

The Whiefield, James A., farm located on the south side of State Secondary Road 1300 and 0.1 mile east of the junction of State Secondary Roads 1300 and 1305.

The Whitfield, James A., farm located on the northwest side of State Secondary Road 1154, at its junction with State Secondary Road 1155.

The Whitfield, William R., farm located on the north side of State Highway 55 and 0.2 mile west of the junction of State Secondary Road 1300 and State Highway 55.

The Wood, C. W., farm located on the northwest side of State Secondary Road 1311 and 0.7 mile southwest of its junction with State Secondary Road 1318.

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Moore County. The Barker, T. M., farm located on both sides of State Secondary Road 2026 and 0.7 mile east of the junction of sad road with U.S. Highway 1.

The Black, Walter, farm located at the end of State Secondary Road 1289 and 0.4 mile north of the junction of said road with State Secondary Road 1216.

The Bryant, R. E., farm located on both sides of State Secondary Road 1815 and 0.5 mile southwest of the junction of said road with U.S. Highway 15–501.

The Burwell, Sam, farm located on the south side of State Secondary Road 2023 and 0.4 mile southwest of the junction of said road with State Secondary Road 1853.

The Faulk, Elijah, farm located at the end of State Secondary Road 2016 and 0.4 mile east of the junction of said road with State Secondary Road 2014.

The Green, David, Est. farm located on the southwest side of State Secondary Road 2074 and 0.8 mile west of the junction of said road and State Secondary Road 2075.

The Hardister, George K., farm located on the north side of Highway 211 and 1.0 mile

west of the junction of said highway and State Secondary Road 2075.

The Hardy, N. W., farm located on both sides of State Secondary Road 2007 and 0.2 mile southeast of the junction of said road with State Secondary Road 2005.

The Jones, Martin, farm located on the north side of State Secondary Road 2016 and 0.2 mile east of its junction with State Secondary Road 2014.

The Laton, William A., farm located on the east side of State Secondary Road 1004 and 0.3 mile north of the intersection of said road with State Secondary Road 1113.

The Marks, E. M., farm located on the south side of State Secondary Road 2019 and 2.5 miles east of the junction of said road and State Secondary Road 2018.

The McLaurin, Hattie J., farm located on the north side of N.C. Highway 211 and 0.5 mile west of the junction of said highway with State Secondary Road 2075.

The McSwain, Carl, farm located on the east side of U.S. Highway 1 and 0.7 mile northeast of the junction of said highway with U.S. Highway 1A.

The Page, Jack, farm located on the south side of State Secondary Road 2026 and 0.9 mile east of the junction of said road with U.S. Highway 1.

The Thomas, Claude and Ted, farm located on the west side of State Secondary Road 1128 and 0.5 mile northwest of the junction of said road with State Secondary Road 1122.

Onslow County. The Bryant, Ira, farm located on the north side of State Secondary Road 1425, 0.8 mile west of its junction with State Secondary Road 1434.

The Freeman, John E., farm located on the southwest side of State Secondary Road 1434 and 1.1 miles northwest of its junction with State Secondary Road 1425.

The Henderson, Bill, farm located on the east side of State Secondary Road 1528 and on the north side of State Secondary Road 1518 at the junction of said roads.

The Henderson, Charles, farm located on the east side of State Secondary Road 1528 and 0.2 mile north of the junction of said road with State Secondary Road 1518.

The McAllister, Henry, farm located on both sides of State Secondary Road 1316 and 1.0 mile southwest of said road and its junction with State Secondary Road 1308.

The Melville, John, Sr., farm located on the east side of State Secondary Road 1434 and 0.4 mile south of its junction with State Secondary Road 1428.

The Morton, Leo E., farm located on the south side of State Secondary Road 1435 and 0.7 mile west of its junction with State Secondary Road 1434.

Pender County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Pender-Bladen County line, and extending northeast along said county line to its junction with Black River, thence east along said river to its junction with Colvines Creek, thence north and northwest along said creek to its intersection with State Secondary Road 1201, thence east along said road to its intersection with the Atlantic Coast Line Railroad, thence southeast along said railroad to its intersection with State Secondary Road 1125, thence northeast along said road to its intersection with Moores Creek, thence northeast and northwest along said creek to its intersection with State Secondary Road 1128, thence southwest along said road to its junction with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1208, thence west along said road to its junction with State Secondary Road 1206, thence northeast along said road to its intersection with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1209, thence east along said road to its intersection with U.S. Highway 421, thence southeast along said highway to its intersection with State Secondary Road 1113, thence southwest along said road to its intersection with the Atlantic Coast Line Railroad, thence northwest along said railroad to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1103, thence southeast along said road to its junction with State Secondary Road 1104, thence southwest and northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1517, junctions with U.S. Highway 117, and extending northwest along said highway to its intersection with State Secondary Road 1412, thence east along said road to its junction with State Secondary Road 1411, thence southwest along said road to its intersection with Pike Creek, thence southeast along said creek to its junction with the Northeast Cape Fear River, thence south along said river to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1518, thence southeast along said road to its junction with State Secondary Road 1517, thence west along said road to the point of beginning.

The Armstrong, Willie, farm located 0.5 mile west of State Secondary Road 1408 and 0.3 mile south of the junction of said road with State Highway 210.

The Eakins, Cecil, farm located on the northwest side of State Secondary Road 1217 and 0.2 mile north of the junction of said road with State Secondary Road 1209.

The Kea, Nora, farm located 0.1 mile west of the end of State Secondary Road 1108.

The Shaw, Katy, farm located on the east side of State Secondary Road 1520 and 8.6 miles north of the junction of said road and State Highway 210.

The Stringfield Estate, John, located on the southwest side of State Secondary Road 1517 and 1.4 miles east of the junction of said road and U.S. Highway 117.

The Taylor, G. S., farm located on the northwest side of State Secondary Road 1408 and 0.2 mile southwest of the junction of said road and State Highway 210.

The Williams, John H., and Heirs, farm located on the east side of State Secondary Road 1520 and 2.7 miles north of the junction of said road and State Highway 210.

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Scotland County. That area bounded by a line beginning at a point where U.S. Highway 15–401 intersects the North Carolina-South Carolina State line and extending northeast along said highway to its junction with U.S. Highways 15A–401A, thence north along said highway to its junction with U.S. Highway 501, thence north along said highway to its intersection with U.S. Highway 15–401, thence southwest along said highway to its intersection with State Secondary Road 1300, thence northwest along said road to its junction with State Secondary Road 1116, thence northwest along said road to its junction with State Secondary Road 1324, thence north along said road to its junction with State Secondary Road 1345, thence northwest along said road to its intersection with State Secondary Road 1341, thence northeast along said road to its junction with State Secondary Road 1328, thence north along said road to its intersection with the southern boundary of the Sandhills Game Management Area, thence east along said boundary to its intersection with U.S. Highway 15–501, thence north along said highway to its intersection with the Scotland-Hoke County line, thence southeast along said county line to the Scotland-Robeson County line, thence south and southwest along said county line to the North Carolina-South Carolina State line, thence northwest along said State line to the point of beginning, excluding the area within the corporate limits of the city of Laurinburg and the town of East Laurinburg.

The Bunch, Archie W., farm located at the intersection of State Secondary Roads 1323 and 1001.

The Butler, Luther, farm located on the south side of State Secondary Road 1154 and 0.2 mile east of the junction of said road with State Secondary Road 1155.

The Calhoun, L. E., farm located on the south side of State Highway 79 and 0.3 mile west of its junction with State Secondary Road 1118.

That area on the Camp Mackall Military Reservation (Fort Bragg Military Reservation) known as the Game Reserve Plot located on the west side of the Rhine-Luzon jump zone.

The King, J. Lloyd, farm located on the northwest side of State Secondary Road 1128 and 0.3 mile southwest of its junction with State Secondary Road 1101.

The Morgan, J. D., farm located on the east side of State Secondary Road 1346 and 0.5 mile north of the junction of said road with State Secondary Road 1343.

The Morgan, J. D., farm located on both sides of State Secondary Road 1345 and 0.1 mile northwest of its junction with State Secondary Road 1342.

The Newton, Peter F., farm located at the intersection of State Secondary Roads 1334, 1336, and 1345.

The Odoms, Hobson, farm located on both sides of State Secondary Road 1108 and 0.4 mile west of its juncton with State Secondary Road 1100.

The Steele, J. D., farm located on both sides of State Secondary Road 1351 and 0.9 mile northwest of the junction of said road with State Secondary Road 1346.

Wayne County. That area bounded by a line beginning at a point where U.S. Highway 70 and the Wayne-Lenoir County line intersect and extending south along said county line to its junction with the Wayne-Duplin County line, thence southwest and west along said county line to its intersection with State Secondary Road 1937, thence north on said road to its intersection with Buck Swamp Creek, thence westward along said creek to its intersection with U.S. Highway 117, thence northward along said highway to its junction with State Secondary Road 1929, thence east along State Secondary Road 1929 to its intersection with State Secondary Road 1926, thence north along said road to its junction with 1918, thence northeastward along said road to its junction with State Secondary Road 1915, thence southeast and south along said road to its junction with State Secondary Road 1120, thence east along a line projected from a point at the junction of State Secondary Roads 1120 and 1915 to the junction of said line with a point located at the junction of Sleepy Creek and Neuse River, thence east along the Neuse River to its intersection with State Highway 111, thence north along said highway to its junction with U.S. Highway 70, thence southeast along said highway to the point of beginning.

The Brock, Odell, farm located on the north side of State Secondary Road 1210 and 0.3 mile east of its junction with State Secondary Road 1209.

The Carraway, Ethel, farm located on the east side of State Secondary Road 1915 and 0.1 mile north of the junction of said road and State Secondary Road 1120.

The Casey, Emma E., farm located 7 miles east of Goldsboro on the north side of U.S.

Highway 70 and 0.4 mile east of the junction of State Secondary Road 1721 and said highway.

The Daly, J. B., farm located on the west side of State Highway 111 and 0.6 mile south of the junction of said highway with State Secondary Road 1730.

The Dawson, L. A., farm located on the west side of State Highway 111 and 0.5 mile south of the junction of said highway and State Secondary Road 1730.

The Grant, Maggie, estate located on the west side of N.C. Highway 111 and 1.1 miles south of the junction of State Secondary Road 1730 with said highway.

The Griffin, Oliver H., farm located 0.6 mile north of Dudley and 0.2 mile west of U.S. Highway 117.

The Gurley, Clara Lee, farm located on the south side of State Secondary Road 1330 and 0.1 mile west of the junction of said road and State Secondary Road 1332.

The Ham, George E., farm located southeast of Seymour Johnson Air Base on the south side of State Secondary Road 1909 and 0.7 mile west of the junction of said road with State Secondary Road 1910.

The Herring, Thel, farm located on the west side of State Secondary Road 1711, and 0.4 mile north of its junction with U.S. Highway 70A.

The Hines, J. D., farm located on both sides of State Secondary Road 1236, and 0.8 mile east of the intersection of said road with State Highway 581.

The Hollaman, R. J., farm located on the northwest corner of State Secondary Road 1125 and 0.7 mile north of the junction of said road and State Secondary Road 1122.

The Hollowell, D. Virgil, farm located on the southeast side of State Secondary Road 1008 and 0.2 mile northeast of the junction of said road with State Secondary Road 1214.

The Hollowell, H. M. and J. C., farm located at the northwest end of State Secondary Road 1240.

The Hollowell, Mrs. Mattie, farm located on the east side of State Secondary Road 1214 and 0.4 mile south of its junction with State Secondary Road 1008.

The Johnson, J. R., farm located on the south side of State Secondary Road 1330 and 0.1 mile west of the junction of said road and State Secondary Road 1332.

The Lane, M. Duffey, farm located on the north side of State Secondary Road 1007 and 0.1 mile west of its intersection with the Southern Railway.

The Lofton, C. L., Estate located on the southwest side of State Secondary Road 1003 and 0.4 mile southeast of the junction of said road and State Secondary Road 1720.

The McClenny, G. A., farm located on the south side of State Secondary Road 1007 and 0.1 mile west of the junction of said road with State Highway 581.

The McClenny, G. A., No. 2, farm located on both sides of State Secondary Road 1332 and 0.1 mile north of junction of said road and State Secondary Road 1830.

The Murray, D. J., farm located north of and at the junction of State Secondary Roads 1120 and 1122.

The Neal, N. E., farm located on both sides of State Secondary Road 1008 and 0.5 mile east of the junction of State Secondary Road 1211 with said road.

The Oliver, Estella J., farm located on the west side of U.S. Highway 117 and 0.8 mile north of Brogden School.

The Oliver, H. H., farm located on the south side of State Secondary Road 1219 and 0.4 mile east of its junction with State Secondary Road 1218.

The Parker, Worth W., farm located on the west side of State Secondary Road 1130 and 1 mile south of the intersection of said road with U.S. Highway 13.

The Perkins, Joe D., farm located on the northwest side of State Secondary Road 1711 and 0.2 mile southwest of the intersection of said road with U.S. Highway 70 Bypass.

The Raynor, A. B., farm located on the south side of U.S. Highway 13 and 0.1 mile east of its junction with State Secondary Road 1207.

The Raynor, Early No. 1, farm located on the south side of U.S. Highway 13 and 0.3 mile east of its junction with State Secondary Road 1207.

The Raynor, Early No. 2, farm located on the north side of State Secondary Road 1101 and 0.7 mile east of its intersection with State Secondary Road 1105.

The Raynor, Elester, farm located on the east side of State Secondary Road 1105 and 0.8 mile south of its intersection with U.S. Highway 13.

The Rogers, Charlie, farm located on both sides of State Secondary Road 1710 and 0.9 mile southwest of the junction of said road with U.S. Highway 70A.

The Smith, Alfred, farm located on the north side of State Secondary Road 1330 and 0.9 mile west of junction of said road and North Carolina Highway 581.

The Smith, Olivia, farm located on the southeast side of State Secondary Road 1122 and both sides of State Secondary Road 1124.

The Stevens, J. M., farm located on the east side of State Secondary Road 1105 and 0.9 mile south of its intersection with U.S. Highway 13.

The Tart, John No. 1, farm located on the south side of U.S. Highway 13 and 0.7 mile east of its intersection with State Secondary Road 1105.

The Tart, John No. 2, farm located on the north side of U.S. Highway 13 and 0.1 mile east of its junction with State Secondary Road 1207.

The Thornton, S. E., farm located on the southeast junction of State Secondary Roads 1210 and 1209.

The Uzzell, Brantley, farm located on the north side of U.S. Highway 70 and 0.8 mile east of the intersection of said highway and State Secondary Road 1719.

The Weaver, Luby W., farm located on both sides of State Secondary Road 1106 and 0.2 mile east of its junction with State Secondary Road 1101.

The Whitfield, James Weston, farm located on the north side of U.S. Highway 70 and 0.7 mile east of the intersection of said highway and State Secondary Road 1719.

The Whitley, Maude and Sarah, farm located on State Hospital farm road 1.2 miles west and north of its junction with State Secondary Road 1008, said junction being 1.3 miles southwest of the junction of State Highway 581 and State Secondary Road 1008.

The Williams, Eddie, farm located on the north side of State Highway 581 and the east side of State Secondary Road 1236 at the junction of said roads.

The Wise, Ella, farm located on the south side of State Secondary Road 1208 and 1.0 mile west of its junction with State Secondary Road 1209.

* * * * *

5. In § 301.80–2a relating to the State of South Carolina under (1) Generally infested area, in Horry County the following properties are deleted: The Alford, Alex, farm; the Atkinson, John S., farm; the Cooper, James E., farm; the Frye, L. C., farm; the Graham, Bud Neals, farm; the Johnson, Sam, farm; the Jordan, Blease, farm; the Lewis, J. T., farm; the Richardson, Talmage, farm; the Sarvis, Ida B., farm No. 1; and the Sarvis, Ida B., farm No. 2.

6. In § 301.80–2a relating to the State of South Carolina under (2) Suppressive area, in Chesterfield County the property description for the Holdbrook, Alton, farm is deleted and the following property is added in alphabetical order as follows:

The Streater, Lonnie, farm located on both sides of State Secondary Highway 337 and 0.5 mile southeast of its junction with State Secondary Highway 144, said junction being 0.5 mile southeast of the intersection of State Secondary Highway 22 with State Secondary Highway 144.

7. In § 301.80–2a relating to the State of South Carolina under (1) Generally infested area, the entire descriptions for Darlington, Florence, and Marlboro Counties are deleted.

8. In § 301.80–2a relating to the State of South Carolina under (2) Suppressive area, the following counties are redescribed or added in alphabetical order as follows:

Darlington County. That area bounded by a line beginning at a point where State Secondary Highway 29 and State Secondary Highway 133 junction, thence extending north along State Secondary Highway 133 to its junction with State Secondary Highway 524, thence east along said highway to 's intersection with the Atlantic Coast Line Railroad, thence south along said railroad to its intersection with State Secondary Highway 29, thence east along said highway to its intersection with Hurricane Branch, thence northeast along said branch to its junction with Byrds Island, thence south along a line projected due south from said junction to the intersection of the projected line and State Primary Highway 34, thence west along said highway to its intersection with a dirt road, said intersection being 0.9 mile east of Mechanicsville, thence south along said dirt road to its intersection with the Darlington-Florence County line, thence west and south along said county line to its intersection with State Secondary Highway 173, thence northwest along said highway to its junction with State Secondary Highway 228, thence northwest along said highway to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to its intersection with State Secondary Highway 29, thence west along said highwry to the point of beginning.

The Barr, Minnie C., farm located on the north side of State Secondary Highway 179 and 1.7 miles east of its intersection with State Secondary Highway 35.

The Carrigan, L. F., estate located on the east side of U.S. Highway 52 and 0.2 mile southwest of its junction with State Secondary Highway 133.

The Cooper, Robert, farm located 0.1 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The Cooper, William, farm located 0.25 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The County Prison Farm located on the south side of State Primary Highway 34 and 1 mile west of the junction of said highway and State Secondary Highway 42.

The Daly, Sarah, farm located on the south side of a dirt road and 0.8 mile northwest of its junction with State Secondary Highway 133, said junction being 0.8 mile north-

east of the junction of said highway and State Secondary Highway 29.

The Flowers, William M., farm located on the north side of State Secondary Highway 14 and 1.4 miles east of its intersection with State Secondary Highway 13.

The Grandy, B. L., farm located on the south side of a dirt road and 0.9 mile northwest of the junction with State Secondary Highway 133, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 29.

The Griggs, Bobby, farm located on the northwest side of State Secondary Highway 23 and 1 mile northeast of its intersection with State Primary Highway 102.

The Jackson, McLendon, farm located on the west side of U.S. Highway 52 and 0.2 mile south of its junction with State Secondary Highway 397.

The Johnson, William, farm located on the north side of a dirt road and 0.6 mile northwest of its junction with State Secondary Highway 133, said junction being 2 miles south of the intersection of said highway and State Secondary Highway 41.

The Pickett, James and J. W., farm located on the north side of State Secondary Highway 179 and 1.5 miles east of its intersection with State Secondary Highway 35.

The Pickett, Liston J., farm located on the west side of a dirt road and 0.2 mile north of its junction with State Secondary Highway 179, said junction being 1 mile southeast of the junction of said highway and State Secondary Highway 35.

The Robinson, Charlie, farm located on the east side of a dirt road and 0.6 mile southeast of its intersection with State Primary Highway 34, said intersection being 0.9 mile northeast of State Secondary Highway 35 and State Primary Highway 34.

The Sanderson, Rebecca F., farm located on the north side of State Secondary Highway 14 and 1.2 miles east of its intersection with State Secondary Highway 13.

Florence County. That area bounded by a line beginning at a point where State Secondary Highway 925 and State Secondary Highway 24 junction and extending east and southeast along State Secondary Highway 24 to its junction with State Secondary Highway 13, thence along a line projected due east from said junction to its intersection with the Great Pee Dee River, thence south along said river to its junction with Barfield's Old Mill Creek, thence northwest and west along said creek to its intersection with State Secondary Highway 57, thence north along said highway to its junction with State Secondary Highway 893, thence west and southwest along State Secondary Highway 893 to its junction with State Secondary Highway 70, thence northwest along said highway to its junction with State Secondary Highway 897, thence southwest and south along said highway to its junction with State Primary Highway 51, thence west and northwest along said highway to its intersection with State Primary Highway 327, thence northwest and west along said highway to its junction with State Secondary Highway 552, thence north along said highway to its junction with State Secondary Highway 551, thence northwest along a dirt road to its junction with a second dirt road, said junction being 0.1 mile east of Goodland School, thence northeast along said second dirt road to its junction with State Secondary Highway 57, thence southeast along said highway to its intersection with the Seaboard Air Line Railroad, thence northwest along said railroad to its intersection with State Secondary Highway 13, thence east along said highway to its junction with State Secondary Highway 918, thence north and northeast along said highway to its junction with State Primary Highway 327, thence north along said highway to its intersection with U.S. Highway 76, thence west along said highway to its junction with State Secondary Highway 925, thence north along said highway to the point of beginning, excluding the area within the unincorporated limits of the town of Hyman.

That area bounded by a line beginning at a point where State Secondary Highway 794 and State Secondary Highway 72 junction and extending south along State Secondary Highway 72 to its intersection with State Secondary Highway 46, thence northeast along said highway to its intersection with State Secondary Highway 34, thence southeast along said highway to its junction with State Secondary Highway 360, thence northeast along said highway to its junction with a dirt road, said junction being 1.6 miles northeast of the junction of State Secondary Highways 34 and 360, thence southeast along said dirt road for a distance of 1.2 miles to its junction with a second dirt road, thence southwest along said dirt road to its junction with State Secondary Highway 34, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its junction with State Secondary Highway 47, thence northwest and west along said highway to the corporate limits of the town of Scranton, thence north and west along the east and north perimeter of said corporate limits to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to the corporate limits of the town of Coward, thence north along the each perimeter of the town of Coward to its intersection with State Secondary Highway 794, thence northeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Highway 66 and the Seaboard Air Line Railroad intersect and extending southeast along said railroad to its intersection with State Secondary Highway 57, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its intersection with Deep Creek, thence southwest along said creek to its junctions with Lynches River, thence west along said river to its junction with Little Swamp, thence north along said swamp to its intersection with State Secondary Highway 66, thence east along said highway to the point of beginning.

The Alford, A. A., farm located on both sides of State Secondary Highway 164 and 0.1 mile south of its intersection with Cypress Branch.

The Benjamin, Willie, farm located on the south side of a dirt road and 0.6 mile west of its junction with State Secondary Highway 136, said junction being 1.4 miles north of the intersection of State Secondary Highways 136 and 35.

The Braddy, Elnoreah, farm located on the west side of State Secondary Highway 633 and 0.15 mile south of its intersection with State Secondary Highway 58.

The Burch, Corine Cherry, farm located on the north side of a dirt road and 0.9 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile north of the intersection of State Secondary Highways 136 and 35.

The Carroway, Hattie, farm located on the south side of State Secondary Highway 72 and 1 mile southwest of its intersection with U.S. Highway 52.

The Carroway, Luther, farm located on both sides of State Primary Highway 51 and 0.1 mile northwest of the intersection of said highway and State Secondary Highway 46.

The Drayfus Development Corp., farm located on the west side of State Secondary Highway 64 and 0.2 mile north of its intersection with Black Creek.

The Edwards, R. L., farm located on the east side of State Primary Highway 51 and 1.1 miles northwest of its junction with State Secondary Highway 86.

The Gause, L. J., farm located on the south side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Gause, Luther, farm located on the north side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Hall, James, farm located on both sides of a dirt road and 0.6 mile south of its junction with State Secondary Highway 501, said junction being 1.5 miles southeast of the junction of said highway and U.S. Highway 301.

The Ham, Ralph, farm located on the east side of a dirt road and 1.7 miles northwest of its junction with U.S. Highway 301, said junction being 0.7 mile northeast of the junction of said highway and State Secondary Highway 45.

The Hannah, Bert, farm located on the south side of a dirt road and 1 mile west of its junction with State Secondary Highway 633, said junction being 0.1 mile south of the junction of said highway and State Secondary Highway 58.

The Holliday, Henry, farm located on the west side of State Primary Highway 51 and 1.6 miles north of its intersection with State Secondary Highway 66.

The Kelly, Boyd, estate farm located on the west side of State Secondary Highway 136 and 1.2 miles northwest of its intersection with State Secondary Highway 35.

The Langston, Jimmy, farm located on the west side of a dirt road and 0.7 mile west of its junction with State Secondary Highway 136, said junction being 1.4 miles north of the intersection of State Secondary Highways 136 and 35.

The Lyde, Mamie, farm located on the east side of State Secondary Highway 72 and 0.5 mile south of its junction with State Secondary Highway 794.

The McPherson, R. F., farm located on the south side of State Secondary Highway 57 and 1.5 miles southeast of the intersection of said highway and State Primary Highway 51.

The Nowlin, Ed, farm located on the north side of a dirt road and 0.8 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile north of the intersection of State Secondary Highways 136 and 35.

The Poston, Mrs. J. J., farm located on the west side of State Secondary Highway 164 and 0.8 mile northwest of its junction with State Secondary Highway 86.

The Rogers, F. B., farm located on the east side of State Secondary Highway 26 and 2.1 miles northeast of its intersection with Black Creek.

The Turner, V. A., farm located on the west side of State Secondary Highway 633 and 0.1 mile south of its junction with State Secondary Highway 58.

The Yarborough, S. L., farm located on both sides of State Secondary Highway 95 and 1.7 miles southeast of Sardis.

Harry County. The Alford, Alex, farm located on the south side of a dirt road and being 2 miles southwest and west of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Atkinson, John A., farm located on the east side of a dirt road and being 1 mile north of the junction of said dirt road with U.S. Highway 378 and State Secondary Highway 63.

The Cooper, James E., farm located on the south side of a dirt road and 0.5 mile east of its junction with State Secondary Highway 78, said junction being 1.25 miles northwest of the junction of said highway and U.S. Highway 378.

The Frye, L. C., farm located on the south side of a dirt road and 1 mile west of the junction of State Secondary Highways 24 and 62, said junction being in the Dog Bluff community.

The Graham, Bud Neals, farm located at the end of a dirt road and 0.6 mile east of its junction with a second dirt road, said junction being 0.75 mile south of the junction of the second dirt road and State Secondary Highway 78, said second junction being 0.75 mile southeast of Juniper Bay Church.

The Johnson, Sam, farm located on the north side of a dirt road and 1 mile east of its junction with State Secondary Highway 78, said junction being 1.9 miles northwest of the junction of said highway and U.S. Highway 378.

The Jordan, Blease, farm located on the north side of a dirt road and 0.6 mile east of its junction with State Secondary Highway 78, said junction being 1.9 miles northwest of the junction of said highway and U.S. Highway 378.

The Lewis, Boyd, farm located on the north side of a dirt road and 0.75 mile west of the intersection of said dirt road and State Secondary Highway 24, sad intersection being in the Dog Bluff community.

The Richardson, Talmage, farm located on the north side of a dirt road and 1 mile southwest of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Sarvis, Ida B., farm located on the northwest side of State Secondary Highway 109 and 1.5 miles northeast of its junction with State Secondary Highway 79.

The Sarvis, Ida B., farm located on the southwest side of a dirt road and 0.1 mile northwest of its junction with State Secondary Highway 109, said junction being 1.5 miles northeast of the junction of said highway and State Secondary Highway 79.

Marlboro County. That portion of the county lying south and east of U.S. Highway 15, excluding the area within the corporate limits of the towns of Bennettsville, McColl, and Tatum.

The Bass, Phillip, farm located on the west side of State Secondary Highway 257 and 0.5 mile northeast of its intersection with State Secondary Highway 165.

The Bell, Nettie, farm located on the south side of the South Carolina-North Carolina State line and 0.4 mile east of its intersection with State Primary Highway 177.

The Bowen, Gus, farm located on the south side of the junction of State Secondary Highways 22 and 48, said junction being 2.9 miles northwest of Tatum.

The Caulk, C. C., farm located on the north side of State Secondary Highway 283 and 0.3 mile east of the junction of said highway and State Primary Highway 38.

The Caulk, C. C., farm located on the northwest side of State Secondary Highway 209 and 0.1 mile northeast of its intersection with State Primary Highway 9.

The Chavis, Graham Lee, farm located on the northwest side of State Secondary Highway 209 and 0.2 mile northeast of its intersection with State Primary Highway 9.

The Chavis, Homer, farm located in the north corner of the intersection of State Secondary Highway 209 with State Primary Highway 9.

The Conwell, Hossie, farm located on both sides of a dirt road and 1.3 miles northeast from the junction of said dirt road and State Secondary Highway 30, said junction being 0.5 mile northwest from the intersection of said State Secondary Highway 30 and State Secondary Highway 165.

The Croft, Lucille, farm located on the east side of State Primary Highway 79 and 0.3 mile south of its junction with State Secondary Highway 345.

The Fletcher, Oscar J., farm located on the southwest side of State Secondary Highway 28 and 0.6 mile northwest of the junction of said highway and U.S. Highway 15.

The Hamer, Lois P., farm located on both sides of a dirt road and 0.1 mile north of the junction of said dirt road and U.S. Highway 15, said junction being 0.1 mile northwest of the intersection of U.S. Highway 15 and State Secondary Highway 22 at Tatum.

The Holmes, T. H., farm located on the south side of the South Carolina-North Carolina State line and 0.5 mile east of its intersection with State Primary Highway 177.

The Joseph, James, farm located on the southeast side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The McCall, Jim, Estate farm located on the south side of a dirt road and 0.4 mile west of its junction with State Secondary Highway 257, said junction being 0.4 mile northeast of the intersection of said highway and State Secondary Highway 165.

The McColl, D. D., Estate farm located on the northeast side of State Primary Highway 9 and 0.6 mile southeast of its junction with State Secondary Highway 283.

The McEachern, Lula, farm located on the north side of U.S. Highway 15 at the intersection of said highway and the South Carolina-North Carolina State line.

The McKay, Cleveland, farm located on the north side of State Secondary Highway 54 and the west side of State Secondary Highway 30 at the intersection of said highways.

The McQueen, Mable N., farm located on the northwest side of State Secondary Highway 17 and 0.6 mile northeast of its junction with State Secondary Highway 22.

The Odom, Ina, farm located on the northwest side of a dirt road and 0.4 mile northeast of its junction with State Secondary Highway 30, said junction being 0.3 mile northeast of the intersection of said highway and State Secondary Highway 54.

The Oxendine, Kay Frances, farm located on the east side of State Primary Highway 79, 0.3 mile south of the junction of said highway and State Secondary Highway 345.

The Parker, D. M., farm located on the northeast side of State Secondary Highway 28 and 0.2 mile northwest of its junction with U.S. Highway 15.

The Pearson, Archie, farm located on the east side of a dirt road and 0.5 mile southwest of the junction of said dirt road and State Primary Highway 79, said junction being 0.3 mile south of the intersection of said highway and State Secondary Highway 71.

The Pearson, Daniel J., farm located on the west side of State Primary Highway 79, 1 mile south of the intersection of said highway and State Secondary Highway 71.

The Pearson, Queen, farm located on the east side of a dirt road and 0.7 mile southwest of its junction with State Primary Highway 79, said junction being 0.3 mile south of the intersection of said highway and State Secondary Highway 71.

The Rainwater, D. C., farm located on the west side of State Primary Highway 79 at the junction of said highway and State Secondary Highway 345.

The Rogers, John B., farm located on both sides of State Secondary Highway 48 and 1.4 miles northeast of its intersection with State Secondary Highway 47.

The Rogers, T. R., farm located on the east side of State Secondary Highway 257 and 0.5 mile northeast of its intersection with State Secondary Highway 165.

The Rosser, Tony, farm located on the east side of a dirt road and 0.6 mile northeast of the junction of said dirt road and State Secondary Highway 30, said junction being 0.3 mile north of the junction of said highway and State Secondary Highway 54.

The Smith, James Tyson, farm located on the northwest side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The Spears, James, farm located on the east side of State Primary Highway 79 and 0.3 mile south of its junction with State Secondary Highway 345.

The Steele, Pauline, farm located on the north side of State Secondary Highway 63 and the east side of Crooked Creek at the intersection of said highway and creek.

The Strong, Marvin, farm located on the south side of the South Carolina-North Carolina State line and 1.3 miles east of its intersection with State Primary Highway 177.

The Talbert, B. F., farm located on the north side of the intersection of State Primary Highway 9 and State Secondary Highway 165.

The Walker, R. W., farm located on the southeast side of State Secondary Highway 17 and 0.7 mile northeast of its intersection with State Primary Highway 79.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477; 38 FR 19140; 7 CFR 301.80-2, as amended.)

Effective date. This amendment shall become effective April 2, 1974.

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that the witchweed has been found or there is reason to believe it is present in the civil divisions and parts of civil divisions listed above as regulated areas or that it is necessary to regulate such areas because of their proximity to witchweed infested localities. Further, the Deputy Administrator has found that facts exist as to the pest risk involved in the areas removed from the list of regulated areas which make it safe to relieve the requirements of the quarantine as provided herein. He has also determined that the areas designated as suppressive and generally infested areas are eligible for such designation under § 301.80-1, as amended.

The Deputy Administrator has also determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, has adopted and is enforcing a quarantine or regulation which imposes restrictions on intrastate movement of the regulated articles which are substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of witchweed. Therefore, such civil divisions and parts of civil divisions listed above are designated as witchweed regulated areas.

To the extent that this revision relieves certain restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are being relieved. To the extent that this revision imposes restrictions, they are necessary in order to prevent the spread of witchweed, and should be made effective promptly to accomplish

their purpose in the public interest. Also, it does not appear that additional information would be made available to the Department by public participation in rulemaking proceedings on this amendment.

Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of March, 1974.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.74-7531 Filed 4-1-74;8:45 am]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

EXEMPTED ARTICLES

This document amends the supplemental regulations which lists articles exempted from certification, permit, and other requirements under the witchweed quarantine by deleting the conditions for cleaning soybeans and by adding the condition that soybeans be free of any stems or soybean hulls. Various other changes are made.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.80-2 of the Witchweed Quarantine regulations (7 CFR 301.80-2 as amended), the supplemental regulation exempting certain articles from specified requirements of the regulations, 7 CFR 301.80-2b, is hereby amended as set forth below. The Deputy Administrator of Plant Protection and Quarantine Programs has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.80-2b Exempted articles.[1]

(a) The following articles are exempt from the certification and permit and other requirements of this subpart if they meet the applicable conditions prescribed in pargaraph (a) (1) through (7) of this section and have not been exposed to infestation after cleaning or other handling as prescribed in said paragraph:

(1) Small grains, if harvested in bulk or into new or treated containers, and if the grains and containers for the grains have not come in contact with the soil or if they have been cleaned at a designated facility.[2]

(2) Soybeans, other than for seed purposes, if harvested in bulk or into new or treated containers and if the beans and containers for the beans did not come in contact with the soil and if such beans are moving forthwith to a designated oil mill or facility [2] for crushing or cleaning; or if they are free of any stems or soybean hulls.

(3) Pickling cucumbers, string beans, and field peas, if washed free of soil with running water.

(4) Unshucked ear corn, if harvested without coming in contact with the soil.

(5) Root crops, such as turnips, carrots, and sweet potatoes, if moving to a designated processing plant.[2]

(6) Used farm tools, if cleaned free of soil.

(7) Used mechanized cultivating equipment and used mechanized soil-moving equipment, if cleaned and repainted.

(b) The following article is exempt from the certification and permit requirements of § 301.80-4 under the applicable conditions as prescribed in paragraph (b) (1):

(1) Seed cotton, if moving to a designated gin.[2]

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477; 38 FR 19140; 35 FR 10553, 7 CFR 301.80-2)

Effective date. This amendment will become effective April 2, 1974, when it shall supersede the list of exempted articles in 7 CFR 301.80-2b which became effective July 1, 1970.

This amendment relieves certain restrictions heretofore imposed, and should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions that are being relieved. Also, it does not appear that additional information would be made available to the Department by public participation in rulemaking proceedings on the amendment. Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of March 1974.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.74-7530 Filed 4-1-74;8:45 am]

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

[2] Information as to designated facilities, gins, oil mills, and processing plants may be obtained from an inspector. Any facility, gin, oil mill, or processing plant is eligible for designation under this subpart if the operator thereof enters into a compliance agreement (as defined in § 301.80-1(b)).

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

[Valencia Orange Regulation 458]

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

Minimum Size Regulation

This regulation sets a minimum size requirement of 2.20 inches in diameter applicable to the handling of Valencia oranges grown in the production areas of California and Arizona during the period April 5 through May 3, 1974. Such action is necessary to satisfy current and prospective market demand for fresh shipments of California-Arizona Valencia oranges. The specified minimum size requirement is consistent with the size composition and available supply of the developing crop of Valencia oranges.

§ 908.758 Valencia Orange Regulation 458.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the 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 hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The minimum size requirement specified herein reflects the Department's appraisal of the crop and current and prospective marketing conditions during the period April 5 through May 3, 1974. The 1973-74 season crop of Valencia oranges is currently estimated at 49,000 carlots. The demand in regulated market channels will require about 43 percent of this volume, and the remaining 57 percent will be available for utilization in export, processing and other outlets. The volume and size composition of the crop are such that ample supplies of the more desirable sizes are available to satisfy the demand in regulated channels. Equivalent fresh on-tree returns for California-Arizona Valencia oranges averaged $2.02 per carton for the season through February 1974 or 79 percent of the equivalent parity price. The regulation herein specified is designed to permit shipment of ample supplies of fruit of the more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions, provide consumer satisfaction and guard against the shipment of undesirable sizes of Valencia oranges which tend to demoralize the market for later ship-

ments of such fruit. The regulation therefore is consistent with the objective of the act of promoting orderly marketing, maintaining grower returns, and protecting the interest of consumers.

(3) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when 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, 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 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 March 19, 1974.

(b) *Order.* (1) During the period April 5, 1974, through May 3, 1974, no handler shall handle any Valencia oranges grown in the production area which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

(2) As used in this section, "handle", "handler", and "production area" shall have the same meaning as when used in said amended marketing agreement and order.

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

Dated, March 28, 1974, to become effective April 5, 1974.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-7534 Filed 4-1-74;8:45 am]

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

[Docket Nos. AO–14–A53, etc.; Milk Order Nos. 1, 2, 4, 15, 33, 36, 40, 49]

MILK IN THE BOSTON REGIONAL AND CERTAIN OTHER MARKETING AREAS

Order Amending Orders

7 CFR Part	Marketing area	Docket No.
1001	Boston Regional	AO 14–A53.
1002	New York-New Jersey	AO 71–A68.
1004	Middle Atlantic	AO 160–A51.
1015	Connecticut	AO 305–A31.
1033	Ohio Valley	AO 166–A44.
1036	Eastern Ohio-Western Pennsylvania.	AO 179–A39.
1040	Southern Michigan	AO 225–A28.
1049	Indiana	AO 319–A22.

FINDINGS AND DETERMINATIONS

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

The following findings are hereby made with respect to each of the aforesaid orders:

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

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

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective April 3, 1974. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued March 27, 1974. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 3, 1974, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

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

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

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

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

ORDER RELATIVE TO HANDLING

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

PART 1001—MILK IN THE BOSTON REGIONAL MARKETING AREA

1. The introductory text of § 1001.61 (b) preceding the table is revised as follows:

§ 1001.61 Class prices.

* * * * *

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price for the month computed pursuant to paragraph (b) (1) through (3) of this section: *Provided,* That from the effective date hereof through July 1974, the price computed pursuant to paragraph (b) (1) through (3) of this section shall not be the Class II price.

* * * * *

2. In § 1001.64, a new paragraph (j) is added as follows:

§ 1001.64 Computation of value of fluid milk products at class prices.

* * * * *

(j) Deduct for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of producer milk classified as Class II milk and used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1001.61(b) (1) through (3).

PART 1002—MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

1. The introductory text of § 1002.50a (c) preceding the table is revised as follows:

§ 1002.50a Class prices.

* * * * *

(c) Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to paragraph (c) (1) through (3) of this section: *Provided,* That from the effective date hereof through July 1974, the price computed pursuant to paragraph (c) (1) through (3) of this section shall not be the Class II price.

* * * * *

2. In § 1002.70, the introductory text is revised and a new paragraph (f) is added as follows:

§ 1002.70 Net pool obligation of handlers.

Each handler's net pool obligation for milk received at each plant and unit shall be computed separately pursuant to paragraphs (a) through (d) of this section and then combined into one total to be adjusted by any credit applicable pursuant to paragraphs (e) and (f) of this section to determine the handler's total net pool obligation.

* * * * *

(f) Deduct for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of pool milk classified as Class II milk and used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1002.50a(c) (1) through (3).

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. The introductory text of § 1004.50 (b) preceding the table is revised as follows:

§ 1004.50 Class prices.

* * * * *

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to paragraph (b) (1) through (3) of this section: *Provided,* That from the effective date hereof through July 1974, the price computed pursuant to paragraph (b) (1) through (3) of this section shall not be the Class II price.

* * * * *

2. In § 1004.60, a new paragraph (f) is added as follows:

§ 1004.60 Pool obligation of each pool handler.

* * * * *

(f) Deduct for each of the months from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1004.50(b) (1) through (3).

3. In § 1004.61, paragraph (b)(1)(i) is revised as follows:

§ 1004.61 Computation of weighted average price and uniform prices for base milk and excess milk.

* * * * *

(b) * * *

(1) * * *

(i) Multiply the quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price less 5 cents: *Provided,* That for each month from the effective date hereof through July 1974, there shall be deducted from the value of such excess milk an amount determined pursuant to § 1004.60(f) of this part that is not in excess of an amount determined by multiplying the quantity of excess milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1004.50(b) (1) through (3);

* * * * *

PART 1015—MILK IN THE CONNECTICUT MARKETING AREA

1. The introductory text of § 1015.61(b) preceding the table is revised as follows:

§ 1015.61 Class prices.

* * * * *

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to paragraph (b) (1) through (3) of this section: *Provided,* That from the the effective date hereof through July 1974 the price computed pursuant to paragraph (b) (1) through (3) of this section shall not be the Class II price.

* * * * *

2. In § 1015.63, paragraph (g) is revised and a new paragraph (h) is added as follows:

§ 1015.63 Value of each handler's fluid milk products.

* * * * *

(g) Add together the values resulting from the computations described in paragraphs (a) through (e) of this section and subtract therefrom the values resulting from the computations described in paragraphs (f) and (h) of this section. The remainder shall be known as the value of fluid milk products.

(h) Deduct from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1015.61(b) (1) through (3).

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

1. The introductory text of § 1033.51(c) is revised as follows:

§ 1033.51 Class prices.

* * * * *

(c) *Class III price.* The Class III price shall be the basic formula price for the month, but not to exceed an amount computed as follows: *Provided,* That from the effective date hereof through July 1974, the price computed pursuant to paragraph (c) (1) through (3) of this section shall not be the Class III price:

* * * * *

2. In § 1033.60, a new paragraph (h) is added as follows:

§ 1033.60 Computation of the net pool obligation of each handler.

* * * * *

(h) Deduct for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of producer milk classified as Class III milk and used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1033.51(c) (1) through (3).

PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. The introductory text of § 1036.50 (c) is revised as follows:

§ 1036.50 Class prices.

* * * * *

(c) *Class III price.* The Class III price shall be the basic formula price for the month, but not to exceed an amount computed as follows: *Provided,* That from the effective date hereof through July 1974, the price computed pursuant to paragraph (c) (1) through (3) of this section shall not be the Class III price:

* * * * *

2. In § 1036.60, a new paragraph (f) is added as follows:

§ 1036.60 Handler's value of milk for computing uniform price.

* * * * *

(f) Deduct for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of producer milk clas-

sified as Class III milk and used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1036.50(c) (1) through (3).

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

1. The introductory text of § 1040.50 (c) is revised as follows:

§ 1040.50 Class prices.

* * * * *

(c) *Class III price.* The Class III price shall be the basic formula price, but not to exceed an amount computed as follows: *Provided,* That from the effective date hereof through July 1974, the price computed pursuant to paragraph (c) (1) through (3) of this section shall not be the Class III price:

* * * * *

2. In § 1040.60, a new paragraph (h) is added as follows:

§ 1040.60 Handler's value of milk for computing uniform price.

* * * * *

(h) Subtract for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of producer milk classified as Class III milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1040.50(c) (1) through (3).

3. In § 1040.61, paragraph (d) is revised as follows:

§ 1040.61 Computation of uniform prices for base milk and excess milk (including uniform price and adjusted uniform price).

* * * * *

(d) The excess milk price which shall be the Class III price pursuant to § 1040.50(c): *Provided,* That for each month from the effective date hereof through July 1974, the excess milk price shall be determined as follows:

(1) Multiply the total pounds of excess milk for the month by the Class III price;

(2) Subtract the amount determined pursuant to § 1040.60(h) that is not in excess of an amount determined by multiplying the quantity of excess milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1040.50(c) (1) through (3); and

(3) Divide the resultant value by the total hundredweight of excess milk. The resultant hundredweight price shall be the uniform price of excess milk of 3.5 percent butterfat content.

PART 1049—MILK IN THE INDIANA MARKETING AREA

1. The introductory text of § 1049.50 (b) is revised as follows:

§ 1049.50 Class prices.

* * * * *

(b) *Class II price.* The Class II price shall be the basic formula price computed pursuant to § 1049.51, but not to exceed an amount computed as follows: *Provided,* That from the effective date hereof through July 1974, the price computed pursuant to paragraph (b) (1) through (3) of this section shall not be the Class II price:

* * * * *

2. In § 1049.60, a new paragraph (f) is added as follows:

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

* * * * *

(f) Deduct for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of producer milk classified as Class II used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1049.50(b) (1) through (3).

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

Effective date: April 3, 1974.

Signed at Washington, D.C., on March 29, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74–7667 Filed 4–1–74;8:45 am]

[Docket Nos. AO 361, A11, etc.; Milk Order Nos. 7, 30, 32, 50, 60, 61, 63, 64, 65, 68, 76, 78, 79, 90, 97, 98, 104, 106, 108]

MILK IN GEORGIA AND OTHER MARKETING AREAS

Order Amending Orders

7 CFR Part	Marketing area	Docket No.
1030	Chicago Regional	AO 361–A11.
1007	Georgia	AO 366–A11.
1032	Southern Illinois	AO 313–A25.
1050	Central Illinois	AO 355–A16.
1060	Minnesota-North Dakota	AO 360–A9.
1061	Southeastern Minnesota-Northern Iowa.	AO 367–A8.
1063	Quad Cities-Dubuque	AO 105–A39.
1064	Greater Kansas City	AO 23–A46.
1065	Nebraska-Western Iowa	AO 86–A31.
1068	Minneapolis-St. Paul, Minn	AO 178–A31.
1076	Eastern South Dakota	AO 260–A20.
1078	North Central Iowa	AO 272–A23.
1079	Des Moines, Iowa	AO 295–A28.
1090	Chattanooga, Tenn	AO 266–A18.
1097	Memphis, Tenn	AO 219–A29.
1098	Nashville, Tenn	AO 184–A35.
1104	Red River Valley	AO 298–A23.
1106	Oklahoma Metropolitan	AO 210–A36.
1108	Central Arkansas	AO 243–A27.

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

The following findings are hereby made with respect to each of the aforesaid orders:

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

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

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending each of the aforesaid orders effective not later than April 3, 1974. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing areas.

The provisions of this order are known to handlers.

The decision of the Assistant Secretary containing all amendment provisions of this order was issued March 28, 1974. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending each of the aforesaid orders effective April 3, 1974, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553

(d), Administrative Procedure Act, 5 U.S.C. 551–559)

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

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

(2) The issuance of this order, amending each of the specified orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders as hereby amended;

(3) The issuance of the order amending each of the specified orders, except Memphis and North Central Iowa is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the respective marketing areas; and

(4) The issuance of the order amending the Memphis and North Central Iowa orders is approved or favored by at least three-fourths of the producers who during the representative period were engaged in the production of milk for sale in the respective marketing areas.

ORDER RELATIVE TO HANDLING

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

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. In § 1030.70 add a new paragraph (g) as follows:

§ 1030.70 Computation of the net pool obligation of each handler.

* * * * *

(g) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

1. In § 1032.70 add a new paragraph (g) as follows:

§ 1032.70 Computation of the net pool obligation of each pool handler.

* * * * *

(g) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1007—MILK IN THE GEORGIA MARKETING AREA

1. In § 1007.60 add a new paragraph (g) as follows:

§ 1007.60 Computation of the net pool obligation of each handler.

* * * * *

(g) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

2. In § 1007.61a, paragraph (c) is revised as follows:

§ 1007.61a Computation of uniform prices for base milk and excess milk.

* * * * *

(c) Determine the total value of excess milk by assigning such milk in series beginning with Class II to the hundredweight of milk in each class as determined pursuant to paragraph (a) of this section, multiplying the quantities so assigned by the respective class prices and adding together the resulting amounts: *Provided,* That for each month from the effective date hereof through July 1974, there shall be deducted from the value of such excess milk an amount determined pursuant to § 1007.60(g) that is not in excess of an amount determined by multiplying the quantity of excess milk by the rate computed pursuant to § 1007.60(g);

* * * * *

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

1. In § 1050.70 add a new paragraph (g) as follows:

§ 1050.70 Computation of the net pool obligation of each pool handler.

* * * * *

(g) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1060—MILK IN THE MINNESOTA-NORTH DAKOTA MARKETING AREA

1. In § 1060.70 add a new paragraph (g) as follows:

§ 1060.70 Computation of the net pool obligation of each pool handler.

* * * * *

(g) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the cur-

rent month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1061—MILK IN THE SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

1. In § 1061.70 add a new paragraph (g) as follows:

§ 1061.70 Computation of the net pool obligation of each handler.

* * * * *

(g) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butterpowder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1063—MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

1. In § 1063.70 add a new paragraph (f) as follows:

§ 1063.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butterpowder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1064—MILK IN THE GREATER KANSAS CITY MARKETING AREA

1. In § 1064.70 add a new paragraph (f) as follows:

§ 1064.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butterpowder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

1. In § 1065.70 add a new paragraph (f) as follows:

§ 1065.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butterpowder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under paragraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

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

1. In § 1068.70 add a new paragraph (e) as follows:

§ 1068.70 Computation of the net pool obligation of each pool handler.

* * * * *

(e) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butterpowder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

1. In § 1076.70 add a new paragraph (f) as follows:

§ 1076.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butterpowder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1078—MILK IN THE NORTH CENTRAL IOWA MARKETING AREA

1. In § 1078.70 add a new paragraph (f) as follows:

§ 1078.70 Net obligation of handlers.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butterpowder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the

current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1079—MILK IN THE DES MOINES MARKETING AREA

1. In 1079.70 add a new paragraph (f) as follows:

§ 1079.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1090—MILK IN THE CHATTANOOGA, TENN., MARKETING AREA

1. In § 1090.70 add a new paragraph (f) as follows:

§ 1090.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

2. In § 1090.72 paragraph (a)(3) is revised as follows:

§ 1090.72 Computation of uniform prices for base milk and excess milk.

* * * * *

(a) * * *

(3) Add together the resulting amounts: *Provided*, that for each month from the effective date hereof through July 1974, there shall be deducted from the value of such excess milk an amount determined pursuant to § 1090.70(f) that is not in excess of an amount determined by multiplying the quantity of excess milk by the rate computed pursuant to § 1090.70(f);

* * * * *

PART 1097—MILK IN THE MEMPHIS, TENN., MARKETING AREA

1. In § 1097.70 add a new paragraph (e–1) as follows:

§ 1097.70 Net obligations of handlers.

* * * * *

(e–1) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

2. In § 1097.72 paragraph (b) is revised as follows:

§ 1097.72 Computation of the uniform prices for base and excess milk for handlers.

* * * * *

(b) Compute the value of excess milk received by such handler as producer milk and bulk milk from a cooperative association in its capacity as a handler pursuant to § 1097.10(c), by multiplying the quantity of such milk not in excess of the total quantity of Class II milk for such handler pursuant to § 1097.70(a) by the Class II price less 5 cents; multiply the remaining excess milk by the Class I price less 5 cents, and add together the resulting amounts: *Provided*, that for each month from the effective date hereof through July 1974, there shall be deducted from the value of such excess milk an amount determined pursuant to § 1097.70(e–1) that is not in excess of an amount determined by multiplying the quantity of excess milk by the rate computed pursuant to § 1097.70(e–1);

* * * * *

PART 1098—MILK IN THE NASHVILLE, TENNESSEE, MARKETING AREA

1. In § 1098.70 add a new paragraph (f) as follows:

§ 1098.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

2. In § 1098.72 paragraph (a)(3) is revised as follows:

§ 1098.72 Computation of uniform prices for base milk and excess milk.

* * * * *

(a) * * *

(3) Add together the resulting amounts: *Provided*, that for each month from the effective date hereof through July 1974, there shall be deducted from the value of such excess milk an amount determined pursuant to § 1098.70(f) that is not in excess of an amount determined by multiplying the quantity of excess milk by the rate computed pursuant to § 1098.70(f);

* * * * *

PART 1104—MILK IN THE RED RIVER VALLEY MARKETING AREA

1. In § 1104.70 a new paragraph (g) is added as follows:

§ 1104.70 Computation of the net pool obligation of each pool handler.

* * * * *

(g) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price (pursuant to Part 1106) exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1106—MILK IN THE OKLAHOMA METROPOLITAN MARKETING AREA

1. In § 1106.70 a new paragraph (g) is added as follows:

§ 1106.70 Computation of the net pool obligation of each pool handler.

* * * * *

(g) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1108—MILK IN THE CENTRAL ARKANSAS MARKETING AREA

1. In § 1108.70 add a new paragraph (f) as follows:

§ 1108.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Subtract for each month from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds a butter-powder formula price determined as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

2. In § 1108.72 paragraph (b)(3) is revised as follows:

§ 1108.72 Computation of uniform prices for base milk and excess milk.

* * * * *

(b) * * *

(3) Add together the resulting amounts: *Provided*, That for each month from the effective date hereof through July 1974, there shall be deducted from the value of such excess milk an amount determined pursuant to § 1108.70 (f) that is not in excess of an amount determined by multiplying the quantity of excess milk by the rate computed pursuant to § 1108.70(f);

* * * * *

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

Effective date: April 3, 1974.

Signed at Washington, D.C., on March 29, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74-7668 Filed 4-1-74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1430—DAIRY PRODUCTS

Price Support Program for Milk

The United States Department of Agriculture has announced a price support program for milk for the marketing year April 1, 1974, through March 31, 1975, through purchases by Commodity Credit Corporation (CCC) of dairy products as provided herein. Accordingly, § 1430.282 is revised to read as follows:

§ 1430.282 Price support program for milk.

(a) (1) The general levels of prices to producers for milk will be supported from April 1, 1974, through March 31, 1975, at $6.57 per hundredweight for manufacturing milk.

(2) Price support for milk will be through purchases by CCC of butter, nonfat dry milk, and Cheddar cheese, offered subject to the terms and conditions of purchase announcements issued by the Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(3) Commodity Credit Corporation may, by special announcements, offer to purchase other dairy products to support the price of milk.

(4) Purchase announcements setting forth terms and conditions of purchase may be obtained upon request from:

United States Department of Agriculture, Agricultural Stabilization and Conservation Service, Commodity Operations Division, Washington, D.C. 20250,
or
United States Department of Agriculture, Agricultural Stabilization and Conservation Service, ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minnesota, 55435.

(b) (1) CCC will consider offers of butter, Cheddar cheese, and nonfat dry milk in bulk containers meeting specifications in the announcements at the following prices:

[Cents per pound]

Commodity and location	Produced before Apr. 1, 1974	Produced on or after Apr. 1, 1974
Butter: *U.S. Grade A or Higher*		
New York, N.Y., and Jersey City, Newark, and Secaucus, N.J.	62.00	62.00
Alaska, Hawaii, Arizona, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, and South Carolina	61.00	61.00
Seattle, Wash., San Francisco, Calif.; California, Idaho, Oregon, and Washington	[1] 61.00	59.00
U.S. Grade B: No longer purchased under the price support program.		
Cheddar cheese: (Standard moisture basis, 37.8–39.0%)[2]	65.00	70.75
Nonfat dry milk, spray process: 50-pound bags with sealed closures [3]	41.40	56.60

[1] Purchase price for Idaho not specifically announced.
[2] For cheese which is offered on a "dry" basis (less than 37.8 percent moisture) the price per pound shall be as indicated in Form ASCS-150. Copies are available in offices listed in (a)(4).
[3] If upon inspection Type II bags with stitched bottom and top closures do not fully comply with specifications for such closures, the price paid will be subject to a discount of .25 cent (¼ cent) per pound of nonfat dry milk.

(2) Offers to sell butter at any location not specifically provided for in this section will be considered at the price set forth in this section for the designated market (New York, San Francisco, or Seattle) named by the seller, less 80 percent of the lowest published domestic railroad carlot freight rate per pound gross weight for a 60,000 pound carlot, in effect on April 1, 1974, from such other point to the designated market named by the seller. In the area consisting of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, CCC will purchase only bulk butter produced in that area; butter produced in other areas is ineligible for offering to CCC in these States. Butter produced in the area of California, Idaho, Oregon and Washington is ineligible for offering to CCC outside that four-state area.

(c) The butter shall be U.S. Grade A or higher. The nonfat dry milk shall be U.S. Extra Grade, except moisture content shall not exceed 3.5 percent. The Cheddar cheese shall be U.S. Grade A or higher.

(d) The products shall be manufactured in the United States from milk produced in the United States, shall be located in the United States and shall not have been previously owned by CCC.

(e) Purchases will be made in carlot weights specified in the announcements. Grades and weights shall be evidenced by inspection certificates issued by the U.S. Department of Agriculture.

(Sec. 201, 401, 63 Stat. 1052, 1054, as amended; Sec. 4(d), 62 Stat. 1070, as amended; 7 U.S.C. 1446, 1421, 15 U.S.C. 714b(d).)

Signed at Washington, D.C., on: March 25, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-7502 Filed 4-1-74;8:45 am]

PART 1468—MOHAIR

Subpart—Payment Program for Mohair (1974–1977)

Part 1468 is revised to read as follows:

PROGRAM OPERATIONS

1468.1 General.
1468.2 Administration.
1468.3 Support price.
1468.4 Definitions.
1468.5 Price support payments.
1468.6 Eligibility for payments.
1468.7 Marketing within a specified marketing year.
1468.8 Rate of payment.
1468.9 Computation of payment.
1468.10 Preparation of application.
1468.11 Contents of sales documents.

GENERAL PROVISIONS

1468.12 Filing application for payment.
1468.13 Signature of applicant.
1468.14 Joint applicants.
1468.15 Disability.
1468.16 Payment.
1468.17 Deductions for promotion.
1468.18 Set off.
1468.19 Liens on goats or mohair.
1468.20 Requests for reconsideration and appeals.
1468.21 Assignments.
1468.22 Records and inspection thereof.
1468.23 Violations of program.
1468.24 Forms.
1468.25 Authorization by Executive Vice President, CCC, or other official.
1468.26 Expiration of time limitations.

AUTHORITY: Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702–708, 63 Stat. 910–912, as amended, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306, sec. 201, 79 Stat. 1188, 82 Stat. 996, sec. 301, 84 Stat. 1362; sec. 1(7), 87 Stat. 224; 15 U.S.C. 714b, 714c, 7 U.S.C. 1781–1787, as amended.

PROGRAM OPERATIONS

§ 1468.1 General.

This subpart sets forth the policies, procedures, and requirements governing price support payments by the Commodity Credit Corporation (referred to in this subpart as "CCC") for mohair for the 1974, 1975, 1976, and 1977 marketing years.

§ 1468.2 Administration.

The program will be carried out by the Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS") under the general supervision and direction of the Executive Vice President of CCC. In the field, the program will be administered through the ASCS State and county offices. ASCS State and county offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto unless the power to modify or waive is expressly included in the pertinent provision.

§ 1468.3 Support price.

In accordance with section 703 of the National Wool Act of 1954, as amended by the Agricultural Act of 1970 (Pub. L. 91–524), and the Agriculture and Consumer Protection Act of 1973 (Pub. L. 93–86), for each of the four marketing years 1974, 1975, 1976, and 1977, the support price for mohair shall be 80.2 cents a pound, grease basis. The Department of Agriculture will, to the extent practicable, give publicity to the support price for mohair sufficiently in advance of each marketing year as will permit producers to plan their production for such marketing year.

§ 1468.4 Definitions.

As used in the regulations in this subpart and in the forms and documents related thereto, the following terms shall have the meanings assigned to them in this section:

(a) "Financing agency" means any bank, trust company, or Federal lending agency. It also included any other financing institution which customarily makes loans or advances to finance production of goats or mohair.

(b) "Goat" means an Angora goat and the term also includes a kid of an Angora goat.

(c) "Joint producers" means two or more producers who are joint owners of mohair, or who are producers of mohair under a caretaking agreement pursuant to which one producer owns the goats and the other producer furnishes labor in connection with mohair production in return for which he is entitled to share either in the mohair produced or in the proceeds from the sale of such mohair.

(d) "Joint owners" means two or more persons who own the mohair in question, regardless of the special nature of their relationship or how it came into being, and shall include owners in common.

(e) "Local shipping point" means the point at which the producer delivers his mohair to a common carrier for further transportation or, if his mohair is not delivered to a common carrier, the point at which he delivers it to his marketing agency or a purchaser. The term "common carrier" includes any carrier that serves the public in transporting goods for hire whether or not he is required to be licensed by some Government authority to do so.

(f) "Marketing agency" with reference to mohair means a person who sells a producer's mohair for his account.

(g) "Marketing year" means the period beginning January 1 and ending the following December 31, both dates inclusive.

(h) "Mohair" means the hair of the Angora goat and also includes the hair of a kid of an Angora goat.

(i) "Person" means an individual, partnership, association, business trust, corporation, or any organized unincorporated group of individuals, and includes a State and any subdivision thereof.

(j) "Producer" of mohair means a person who either owns, individually or jointly, the goat from which the mohair is shorn or is a joint producer of the mohair under a caretaking agreement described in paragraph (c) of this section.

(k) "Sales document" means the account of sale, bill of sale, invoice, and any other document evidencing the sale by the producer of mohair.

(l) "Specified marketing year" is the marketing year as to which the Department of Agriculture has announced that marketings of mohair by a producer during that year will entitle him to a payment under this program.

§ 1468.5 Price support payments.

Price support on mohair will be furnished for each specified marketing year in accordance with the provisions of this subpart by means of payments to the producer on the mohair he markets in that specified marketing year. Payments will not be made on marketings of the pelts of goats or on the marketings of mohair removed from such pelts.

§ 1468.6 Eligibility for payments.

Before payments under this subpart can be approved pursuant to any application for payment covering any lot or lots of mohair, the following requirements must be satisfied:

(a) Except as provided in § 1468.15, the applicant must be the producer, and in the case of a joint application each applicant must be a producer, of the mohair which must have been marketed during the specified marketing year.

(b) The mohair must have been shorn in the United States.

(c) The producer, or in the case of joint producers at least one of the producers, must have owned the mohair at the time of shearing and must have owned in the United States the goats from which the mohair was shorn for not less than 30 days at any time prior to the filing of the application. Ownership of mohair or goats as used in this paragraph does not include the ownership which in some States is held by a person having a security interest, such as a mortgage or other lien.

(d) Beneficial interest in the mohair must always have been in the producer from the time the mohair was shorn up to the time of its sale. A producer has beneficial interest in mohair (1) when he owns it and has not authorized any other person to sell or otherwise dispose of it, or (2) when he has, by transfer of legal title to such other person or otherwise, authorized another person to sell of otherwise dispose of the mohair but continues to be entitled to the proceeds from any such sale or other disposition

thereof. Such beneficial interest is not changed by a mortgage or other lien on the mohair.

(e) Payments under this subpart shall only be made on bona fide marketings in a specified marketing year.

§ 1468.7 Marketing within a specified marketing year.

(a) Marketing shall be deemed to have taken place in a specified marketing year if, pursuant to a sale or contract to sell in the process of marketing, the last of the following three events, in whatever order they occur, was completed in that marketing year: (1) Title passed to the buyer; (2) the mohair was delivered to the buyer (physically or thorough documents which transfer control to the buyer); and (3) the last of the factors (price per pound, weight, etc.) needed to determine the total purchase price payable by the buyer is known to the applicant's marketing agency, if he markets through a marketing agency, or is known to the applicant, if the markets directly. In addition the full amount due the producer in connection with the marketing of his mohair must be paid to him in cash, merchandise, or services rendered before the producer may include it in his application for payment.

(b) A promissary note or other promise to pay, as well as a check not honored for any reason, shall not be considered a payment to the producer unless the Deputy Administrator, Programs, ASCS, makes a determination that (i) the producer acted in good faith in the marketing of his mohair, (ii) the mohair was not returned to the producer, (iii) the producer was not aware and did not suspect that the document tendered in payment for the mohair was not worth its face value at the time he accepted the document as payment for the mohair, and (iv) the producer has made a diligent effort to obtain payment for his mohair from the purchaser. This determination shall be deemed to constitute a determination that the acceptance of such a document as payment for the mohair is consistent with the purposes of the National Wool Act. Notwithstanding the provisions of this paragraph (b), the price utilized for the purpose of computing the net sales proceeds pursuant to § 1468.9 shall not exceed the fair market value of the mohair as determined by CCC.

(c) A sale by one producer to another shall not constitute a bona fide marketing unless (1) the selling producer usually markets his mohair in that way, or (2) the buying producer is also engaged in the business of buying and selling mohair and buys the mohair in the course of that business. An exchange of mohair between the producers thereof or a sale of mohair conditioned on the acquisition by the selling producer from the buyer of the same mohair or other mohair shall not constitute a bona fide marketing. A sale of mohair by a producer to a person not previously engaged in the business of buying mohair also shall not constitute such a marketing unless evidence is submitted to the satisfaction of CCC that there was a bona fide sale. Any document representing a sale, transfer, or other arrangement with respect to the mohair which is fictitious or not legally binding or solely a scheme or device for obtaining a price support payment shall not constitute evidence of a bona fide marketing. Examples of such schemes are sales of mohair wherein a part or all of the purchase price is returned to the purchaser in the form of money, merchandise, or otherwise either directly from the seller or through other persons.

(d) The exchange of mohair for merchandise or services (for instance, sharing) will be considered a marketing, provided a definite price for the mohair is established by the parties to the exchange. Such price, or whatever other price CCC determines is the fair market value for such mohair, whichever is lower, shall be utilized for the purpose of computing the net sales proceeds pursuant to § 1468.9 upon which payment under this subpart is based.

(e) Delivery of mohair on consignment to a marketing agency to be sold for the producer's account does not constitute a marketing, whether or not a minimum sales price is guaranteed or an advance against the prospective sales price is given by the consignee, except that the mohair is deemed marketed if the marketing agency has guaranteed a minimum sales price, is unable to sell the mohair for more, and with the producer's consent takes it over at the minimum sales price. The producer shall be deemed to have consigned the mohair when he transfers to a marketing agency title to his mohair and provides that such agency shall market the mohair and that he shall be entitled to the proceeds of such marketing.

§ 1468.8 Rate of payment.

At the end of a specified marketing year and after the Department of Agriculture has determined the national average price for mohair received by producers in that marketing year, the Department will announce the rate of the payment under this subpart. The rate of payment will be the percentage of the national average price per pound received by producers in a specified marketing year which is required to bring such national average price up to the support price for mohair.

§ 1468.9 Computation of payment.

(a) The amount of the payment due to a producer shall be computed by applying the rate of payment to the net sales proceeds for the mohair marketed during the specified marketing year.

(b) Except as provided in § 1468.11 (a)(6) with respect to a guaranteed minimum sales price, the net sales proceeds shall be determined by deducting from the gross sales proceeds of the mohair all marketing expenses, such as any charges paid by or for the account of the producer for transportation, handling (including commissions), grading, scouring, or carbonizing. The figure so arrived at will express the net proceeds received by the producer at his farm, ranch, or local shipping point. Charges for furnishing bags or storing the mohair, as well as any other charges not directly related to the marketing of the mohair, such as interest on advances, shall not be considered marketing charges.

(c) All applications filed by a producer in the same county office for payments due on mohair marketed during the specified marketing year shall be considered together for the purpose of determining the total amount of payment due him. All such applications filed in different county offices may be considered together in determining such total payment.

§ 1468.10 Preparation of application.

(a) *Preparation.* The application for payment on the sale of mohair shall be prepared on Form CCC–1155, "Application for Payment (National Wool Act)." Marketing agencies may assist producers in filling out applications by inserting the information on sales of mohair and sending the sales documents to the appropriate ASCS county office, but the producer must sign the application and is responsible for the requirements as to the time and manner of filing his application. If the producer paid marketing charges not shown on the sales document, such charges shall be considered with the marketing charges shown on the sales document in arriving at the net proceeds.

(b) *Supporting documents.* The application shall be supported by the original sales documents covering the mohair sold.

(c) *Original sales document retained.* If the applicant does not wish the original sales document to remain with the ASCS county office, he may submit a photostat, carbon or other copy of the original document. However, he must show the original document to the ASCS county office where the statements on the copy will be confirmed by comparison with the original. The original sales document will be appropriately stamped or marked to indicate that it had been used in support of an application for payment under this program and will be returned to the applicant, who shall retain it in accordance with § 1468.22.

(d) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm preparing the sales document to furnish a carbon or other copy to the seller in the place of the original, the producer may submit that copy in support of his application, provided the copy bears a signature, in accordance with § 1468.11(a)(10), of the person or of the representative of the firm preparing the original sales document. Such copy shall be treated as an original for the purposes mentioned in this section.

(e) *Lost or destroyed sales document.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the buyer or the applicant's marketing agency, and such

certified copy shall be treated as an original for the purposes mentioned in this section.

§ 1468.11 Contents of sales documents.

The sales documents attached to each application for payment must contain a final accounting and meet the requirements of paragraph (a) or (b) of this section, for the mohair covered by the sales document. Contracts to sell as well as tentative or pro forma settlements will not be acceptable as sales documents meeting such requirements. Except as provided in § 1468.15, sales documents must cover mohair sold by the producer.

(a) *Sales other than at farm, ranch, or local shipping point.* Each sales document, except a document covering an outright sale at the producer's farm, ranch, or local shipping point, must be prepared by the purchaser or the applicant's marketing agency and must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale. In case the producer's shipment to a marketing agency is sold in parts within a marketing year, the date when final settlement is made within that marketing year for the mohair that was sold within that marketing year may be shown on the sales document as the date of sale instead of the various dates on which the sales actually took place.

(3) Net weight of mohair sold. If the mohair was sold as scoured mohair, the original grease weight must be shown as well as the scoured weight.

(4) Except as otherwise provided in paragraph (a)(5) of this section, the gross sales proceeds or sufficient information from which the gross sales proceeds can be determined.

(5) Marketing deductions, if any (see § 1468.9(b)), except as otherwise provided in this subparagraph. The marketing deductions may be itemized or they may be shown on the sales document as a composite figure for all marketing charges with an explanation of what services are included in that figure. If it is the practice of a marketing agency to show, on the sales document, only the net proceeds after marketing deductions, the gross sales proceeds and the amount of the marketing deductions need not be shown, provided the sales document contains a statement reading substantially as follows: "The net sales proceeds after marketing deductions shown herein were computed by deducting from the gross sales proceeds charges for the following marketing services: _____. Details of these charges will be furnished on request." All the services for which deductions are made shall be enumerated in the blank space indicated. If a sales document shows charges without specifying their nature, they will be considered marketing charges and will thus diminish the net proceeds on which the payment is computed. Association dues are to be considered marketing deductions if they include compensation for marketing services.

(6) Net proceeds after marketing deductions. If a sales document contains a figure for net proceeds after marketing deductions computed for a location other than the producer's farm, ranch, or local shipping point, the person preparing the sales document shall show thereon the name of the location for which the net proceeds have been computed. If a marketing agency has guaranteed a minimum sales price for the mohair, is unable to sell the mohair for a higher price, and therefore settles with the producer on the basis of such guaranteed minimum price, the sales document should be on the basis of such guaranteed minimum price, regardless of a lower price at which the agency may sell the mohair. In such a case, the marketing agency may indicate on the sales document that the price is the guaranteed minimum sales price.

(7) Additional deductions, such as charges for bags, storage, interest, association dues which do not include compensation for marketing services, or other charges not directly related to the marketing of the mohair.

(8) Amount paid to the seller.

(9) Name and address of the purchaser or marketing agency, whichever issues the sales document.

(10) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(11) A sales document issued by a marketing agency and covering sales made on various dates within a specified marketing year shall contain a statement that the mohair was marketed during that marketing year.

(12) A sales document covering mohair exchanged for merchandise or services (§ 1468.7(d)), shall contain a clear statement that the transaction is an exchange rather than a cash sale.

(b) *Sales at farm, ranch, or local shipping point.* Each sales document covering on outright sale at the producer's farm, ranch, or local shipping point, and attached to an application for payment shall be prepared by the purchaser and must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale.

(3) Net weight of mohair sold.

(4) Net amount received by the seller for the mohair at his farm, ranch, or local shipping point.

(5) Any applicable nonmarketing deductions, such as charges for bags, storage, interest, association dues which do not include compensation for marketing services, or other charges not directly related to the marketing of the mohair.

(6) Name and address of the purchaser.

(7) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(8) A sales document covering mohair exchanged for merchandise or services (§ 1468.7 (d)) shall contain a clear statement that the transaction is an exchange rather than a cash sale.

GENERAL PROVISIONS

§ 1468.12 Filing application for payment.

(a) *Place of filing.* Applications for payment shall be filed by the applicant with the ASCS county office serving the county where the headquarters of the producer's farm or ranch, as the case may be, is located. If the producer has more than one farm or ranch, with headquarters in more than one county, separate applications for payments shall be filed with the ASCS county office serving each such headquarters covering only the mohair produced at each such farm or ranch, except that if the producer sells his entire clip of mohair in a single sale or if his entire clip is sold for his account by one marketing agency, he may file his application(s) for payment on mohair in any one of those ASCS county offices. In the event the producer conducts all his business transactions from his residence or office and his farm or ranch has no other headquarters, his office or residence may be considered the farm or ranch headquarters.

(b) *Time of filing.* An application for payment shall be filed as soon as possible after completion of the producer's sales of mohair in a specified marketing year, but in no event shall an application be filed later than three years after the end of that specified marketing year.

§ 1468.13 Signature of applicant.

No payment will be made unless an application for payment on mohair is signed. Each person who signs an application for payment in a representative or fiduciary capacity as agent, attorney-in-fact, officer, executor, etc., must be properly authorized to sign in such capacity.

§ 1468.14 Joint applicants.

When the applicant for a mohair payment is a joint producer of the mohair, all of the joint producers (except those who sign a release as provided below in this section) must sign an application based on the sale of such mohair regardless of whether the mohair was divided among such producers prior to sale or was sold without division. CCC will not be responsible for a division among the applicants of a payment made to all of them jointly. When the application shows such joint production, and one or more of the joint producers refuses to join in the application, if each such joint producer signs a form prescribed by CCC releasing CCC from any obligation to make a payment to him, CCC shall make payment of the amount due the remaining joint producers who sign the application. Such release(s) shall be attached to the application. When any joint producer is entitled to join in an application but fails to do so, and the application

does not show his interest as a joint producer, he shall have no claim against CCC for any portion of the payment made pursuant to the application.

§ 1468.15 Disability.

(a) If a producer who is otherwise eligible to receive a payment under this subpart dies, disappears, or is declared incompetent, before marketing the mohair or before filing an application, his successors or representatives authorized to receive payment in the order of precedence set forth in Part 707 of this title may complete the eligibility requirements and make application for such payment on Form CCC–1155. The applicant shall also file Form ASCS–325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," in accordance with Part 707 of this title.

(b) If a producer who earned a payment under this subpart and filed an application therefor dies, disappears, or is declared incompetent, either before CCC has issued a draft in payment or after CCC has issued a draft in payment but before the draft is negotiated, his successors or representatives authorized to receive such payment in the order of precedence set forth in Part 707 of this title may apply therefor on Form ASCS–325, in accordance with Part 707 of this title.

(c) If an Indian who is incompetent earned a payment under this subpart, an application therefor may be filed on his behalf by the Superintendent of the Indian Field Service of the reservation on which the Indian resides or by the authorized representative of such Superintendent. Such application for payment will be filed in the ASCS county office where the headquarters of the Indian's farm or ranch is located.

(d) In all other cases of disability, including bankruptcy and dissolution, payments will be made to a representative only in accordance with specific directions issued by CCC.

§ 1468.16 Payment.

(a) Payment will be made under this subpart after the ASCS county office has reviewed the application and attached supporting documents and has approved payment in whole or in part, and after the appropriate rate of payment for the specified marketing year has been announced by the Department of Agriculture.

(b) Payments under this subpart shall be made only on the basis of the net sales proceeds received for mohair. No payment shall be made on that part of any sale which has been canceled or on the basis of prices or weights which have been fraudulently increased for the purpose of obtaining higher payments. No payment shall be made on sales to a mohair growers association (as distinguished from a cooperative marketing association) by its producer-members on the basis of net sales proceeds in excess of the fair market value of the mohair (grease basis) as determined by CCC.

(c) If it is determined by the ASCS State or county office that an applicant knowingly made a false statement in his application, no payment shall be made to him with respect to such application.

(d) If CCC subsequently determines that available evidence does not sustain the applicant's right to all or any part of the payment made, the amount of the payment not so sustained shall immediately become due and repayable to CCC, and CCC may, without limitation upon any of the Government's rights in the matter, deduct such amount from any other payment due the applicant under this subpart. If the right to such amount becomes involved in a lawsuit between the Government and the applicant or his assignee, he or his assignee shall have the burden of proving that he was entitled to such amount.

(e) If the ASCS county office rejects in whole or in part an application for payment on mohair, or, after a payment has been made, determines that the available evidence does not sustain the applicant's right to the payment or any part thereof, the ASCS county office shall mail a notice to the applicant, or, in the case of a joint application, to each applicant, that the application has been rejected, specifying the reason therefor, or that the available evidence does not sustain the applicant's right to the payment or any part thereof, as the case may be.

§ 1468.17 Deductions for promotion.

If the Department of Agriculture has approved deductions for an advertising and sales promotion program in accordance with section 708 of the National Wool Act of 1954, as amended, the rate of such deductions for the specified marketing year will be announced and the appropriate deduction will be made from each payment due under this subpart for such specified marketing year.

§ 1468.18 Set off.

If the county office records show that the producer is indebted to CCC, to any other agency within the United States Department of Agriculture, or to any other agency of the United States, such indebtedness will be set off against the payment due to the producer in accordance with Part 13 of this title.

§ 1468.19 Liens on goats or mohair.

If a producer grants a lien on his goats or mohair, such lien shall not be deemed to extend to payments made to the producer pursuant to this subpart.

§ 1468.20 Requests for reconsideration and appeals.

Any applicant who is notified that his application has been rejected in whole or in part or that any other action has been taken by the ASCS county office which unfavorably affects a payment to him may obtain reconsideration and review of the determination in accordance with Part 780 of this title. In the request for reconsideration, the applicant shall identify the application by number and date. When a joint application is involved, the request for reconsideration and review may be filed by all applicants jointly or by any of the applicants, in which case it shall be considered a request in behalf of all the joint applicants.

§ 1468.21 Assignments.

(a) *Form.* An assignment of a payment due or to become due under this subpart on mohair may be given to a financing agency or a mohair marketing agency as security for cash advanced or to be advanced on goats or mohair. The assignee shall not reassign such payments. An assignment may only include payments due or to become due on the sale of mohair for a specified marketing year and must include all such payments due and to become due for that specified marketing year. The assignment shall be executed by the producer, or in the case of joint producers by all such producers, on Form CCC–1157 "Assignment of Payment Under the National Wool Act of 1954," and shall be null and void unless it is freely made and is either executed in the presence of an attesting witness, who shall not be an employee or agent of, or by consanguinity or marriage related to, the assignee, or acknowledged before a notary public, a member of the ASC county committee, the ASCS county executive director, or a designated employee of such committee.

(b) *Payment.* CCC will make payment pursuant to an accepted assignment unless the ASCS county office is furnished evidence that the assignment is released by the assignee.

§ 1468.22 Records and inspection thereof.

(a) The applicant for a payment under this subpart, as well as his marketing agency and any other person who furnishes evidence to such applicant for use in connection with the application, shall maintain books, records, and accounts pertaining to the marketing of the mohair on which the application is based, for three years following the end of the specified marketing year during which the marketing took place. The applicant shall maintain books, records, and accounts pertaining to the production and shearing of mohair, with respect to which he applies for payment, for three years following the end of the specified marketing year during which the marketing took place.

(b) With respect to any application for payment filed after the end of the specified marketing year, instead of maintaining the books, records, and accounts for the time specified in paragraph (a) of this section, such books, records, and accounts shall be maintained for three years following the date on which the application is filed.

(c) At all times during the regular business hours, CCC shall have access to the premises of the applicant, of his marketing agency, and of the person who furnished evidence to an applicant for use in connection with the application, in order to inspect, examine and make copies of the books, records, and accounts, and other written data as specified in paragraphs (a) and (b) of this section.

§ 1468.23 Violations of program.

(a) Whoever issues a false sales document or otherwise acts in violation of the provisions of this program so as to enable an applicant to obtain a payment to which he is not entitled, shall become liable to CCC for any payment which CCC may have made in reliance on such sales document or as a result of such other action.

(b) The issuance of a false sales document or the making of a false statement in an application for payment or other document, for the purpose of enabling the applicant to obtain a payment to which he is not entitled, will subject the person issuing such document or making such statement to liability under applicable Federal civil and criminal statutes.

§ 1468.24 Forms.

Form CCC–1155, "Application for Payment (National Wool Act)," Form CCC–1157, "Assignment of Payment Under the National Wool Act of 1954," Form ASCS–325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompentent," and other forms issued by the U.S. Department of Agriculture for use in connection with this program may be obtained from ASCS county offices.

§ 1468.25 Authorization by Executive Vice President, CCC, or other official.

If the applicant is unable to furnish the documentary evidence of sale required by this subpart, the Executive Vice President, CCC, or the Deputy Administrator, Programs, ASCS, may authorize the submission of any other evidence which establishes to the satisfaction of the authorizing official the information required by § 1468.11.

§ 1468.26 Expiration of time limitations.

Whenever the final date for filing an application falls on a Saturday, Sunday, national holiday, or State holiday, or on any other day on which the appropriate ASCS State or county office is not open for the transaction of business during normal working hours, the time for filing the application shall be extended to the close of business on the next working day. If the filing is by mail, it shall be considered timely if it is postmarked by midnight of such next working day.

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

Effective date. This part shall become effective on April 2, 1974.

Signed at Washington, D.C., on March 25, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74–7507 Filed 4–1–74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

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

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

Area Quarantined

This amendment quarantines an additional portion of El Paso County in Texas because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined area.

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

In § 82.3, in paragraph (a) (1) relating to the State of Texas, subdivision (i) relating to El Paso County is amended to read:

§ 82.3 Areas quarantined.

(a) * * *

(1) *Texas.* (i) That portion of El Paso County bounded by a line beginning at the junction of Copia Street and the United States-Mexico International boundary line; thence, following Copia Street in a northeasterly direction to Interstate Highway Loop 110; thence, following Interstate Highway Loop 110 in a northeasterly direction to Interstate Highway 10; thence, following Interstate Highway 10 in a southeasterly direction to the El Paso-Hudspeth County line; thence, following the El Paso-Hudspeth County line in a southwesterly direction to the United States-Mexico International Boundary line; thence, following the United States-Mexico International Boundary line in a northwesterly direction to its junction with Copia Street.

* * * * *

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

Effective date. The foregoing amendment shall become effective on March 27, 1974.

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

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

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

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–7500 Filed 4–1–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 13593; Amdt. 39–1811]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell-Douglas DC–10 Series Airplanes

Pursuant to the authority of the Federal Aviation Act, delegated by the Administrator, an airworthiness directive (AD) was adopted on March 7, 1974, and made effective immediately as to all known United States operators of McDonnell-Douglas DC–10 series airplanes, because of an apparent in-flight depressurization which may have been associated with an improperly secured cargo door. The telegraphic AD of March 7, 1974, required certain modifications of airplanes not already incorporating them, prior to further flight. In addition, that telegraphic AD requires that certain checks for proper security of the cargo doors be accomplished by a flight crewmember prior to each flight (paragraph 2.), and requires immediate depressurization of the airplane and landing at the nearest suitable airport, upon the observation of any abnormalities in pressurization in flight (paragraph 3.). Subsequent to the issuance of that telegram, the FAA determined that further corrective action was required. Accordingly, pursuant to authority delegated by the Administrator, a telegraphic amendment of the AD was adopted on March 22, 1974, and made effective immediately as to all known U.S. operators of DC–10 series airplanes. That telegraphic amendment requires further modifications of DC–10 series airplanes.

Since the issuance of the telegram dated March 7, 1974, the FAA has determined that the requirement contained in paragraph 3. of that telegram that pertains to depressurizing the airplane requires clarification. That paragraph, in pertinent part, requires immediate depressurization of the airplane if any abnormalities in pressurization of the airplane are observed during flight. Literal interpretation of that requirement could result in the crew depressurizing the airplane in any phase of flight, including high altitude cruise conditions, regardless of the reason for the abnor-

mality. Since the FAA had determined that an improperly secured cargo door would manifest itself during the initial phases of pressurization following takeoff, this need not be required by the AD. Accordingly, the AD is revised to clearly state that the AD requires depressurization of the airplane only if an abnormality in pressurization is observed during the initial phases of pressurization. Furthermore, the FAA has determined that the requirements contained in paragraph 2. of the March 7, 1974 telegram that pertain to checking of the cargo doors for security before each flight are unnecessarily restrictive. Compliance with paragraph 2. requires the opening of cargo doors that need not otherwise be opened and that have previously been checked for security in compliance with the AD. Accordingly, paragraph 2. of the AD is amended to require that doors known not to have been opened since last checked need only be checked from the outside before subsequent flights. Finally, a number of non-substantive editorial changes have been made. Since these amendments clarify requirements or relax unintended restrictions, notice and public procedure thereon are unnecessary and good cause exists for making them effective in less than 30 days.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the AD and the amendment of the AD effective immediately as to all known U.S. operators of McDonnell-Douglas DC–10 series airplanes by individual telegrams dated March 7, 1974, and March 22, 1974. These conditions still exist and the AD, as amended, is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of the Federal Aviation Regulations to make it effective as to all persons.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

MCDONNELL-DOUGLAS. Applies to all McDonnell-Douglas DC–10 Series Airplanes

Compliance required as indicated:

To prevent possible in-flight depressurization of the airplane that might result from the opening of an improperly secured cargo door, accomplish the following:

1. Prior to further flight, unless already accomplished, perform the modifications and functional checks referenced below as follows:

(A) Install inspection ports and placards in all cargo doors and perform functional check of door systems and operation in accordance with McDonnell-Douglas Alert Service Bulletin A52–35 dated June 19, 1972, or later FAA-approved revisions.

(B) Modify all cargo door latch actuator wiring in accordance with McDonnell-Douglas Service Bulletin 52–27 dated May 30, 1972, or later FAA-approved revisions.

(C) Except for those aircraft which have been modified in accordance with McDonnell-Douglas Service Bulletin 52–49 dated October 25, 1973, or later FAA-approved revisions, replace the strike plate and adjust the switches on all forward, center, and aft cargo doors and install a support and plate on the aft cargo door in accordance with McDonnell-Douglas Service Bulletin 52–37 dated July 3, 1972, or later FAA-approved revisions.

2. Prior to each flight, a flight crewmember shall—

(A) Check each cargo door that has been opened since last checked, for proper security as follows:

(1) Ensure that the cargo restraint curtain is in proper position.

(2) Ensure that no foreign matter is in the exposed door locking mechanisms.

(3) Ensure that locking mechanisms are in proper positions.

(4) Ensure proper locking pin placement by visual check through inspection ports;

(B) Check each cargo door known not to have been opened since last checked in compliance with paragraph 2.(A) of this AD, for proper security as follows:

(1) Ensure that locking mechanisms are in proper positions.

(2) Ensure proper locking pin placement by visual check through inspection ports; and

(C) Ensure all cargo door warning lights are extinguished prior to taxi.

3. If any abnormality in pressurization of the airplane is observed during the initial phases of pressurization, initiate descent and depressurization of the airplane and land at the nearest suitable airport.

4. The checks required by this AD are to be accomplished by a flight crewmember notwithstanding any other requirements of the Federal Aviation Regulations.

5. Notwithstanding the requirements set forth in paragraph 1. of this AD the airplane may be flown in accordance with § 21.197 of the Federal Aviation Regulations to a base where the modifications can be performed.

6. Within the next 30 days after the effective date of this AD accomplish the cargo door warning system wiring changes in accordance with McDonnell-Douglas Service Bulletins 52–43 dated October 5, 1972, and 52–44, Revision 1, dated August 14, 1973, or later FAA-approved revisions.

7. On or before July 1, 1974, accomplish the cargo door latching mechanism and warning system rework in accordance with McDonnell-Douglas Service Bulletin 52–49, Revision 1, dated March 15, 1974, or later FAA-approved revisions.

8. On or before July 1, 1974, install cargo door limit switch covers in accordance with McDonnell-Douglas Service Bulletin 52–54 revision 1, dated April 14, 1973, or later FAA-approved revisions.

9. In lieu of compliance with the provisions of any of the above requirements, operators may comply with requirements approved by the Chief, Aircraft Engineering Division, FAA Western Region.

NOTE.—Simultaneous with the issuance of the AD, principal air carrier operations inspectors assigned to U.S. DC–10 operators will initiate action to amend the approved air carrier training programs to assure that required flight crewmembers are thoroughly familiar with, and indoctrinated in, the operation of locking cargo doors including:

A. Observation of operation of locking mechanism from the interior.

B. Method of visual check to ensure engagement of locking pins through exterior inspection ports and related mechanism.

This amendment is effective April 2, 1974, as to all persons except those persons to whom certain provisions of this amendment were made immediately effective by the telegrams dated March 7, 1974 and March 22, 1974, and the provisions of this amendment not included in those telegrams are effective as to those persons April 2, 1974.

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

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc.74–7594 Filed 4–1–74;8:45 am]

[Airworthiness Docket No. 74–WE–8–AD; Amdt. 39–1804]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC–10 Series

The agency has received a report, that during an emergency evacuation after a DC–10 landing accident, a forward R.H. passenger door failed to operate. In another case, during a routine pneumatic function check of the L.H. forward passenger door, the door handle could not be moved into the emergency position, preventing operation of the door in the emergency mode. Deformation of the forward passenger door emergency air bottle actuating crank stop bracket caused the failure of the door. This condition allowed the air bottle actuating crank to move past its normal stop position, allowing a malfunction in door operation.

Since the condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require certain inspections and/or rework, tests and/or replacement of defective parts.

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

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

MCDONNELL DOUGLAS. *Applies to DC–10 Series Airplanes, Fuselage Numbers 1 through 92.*

Compliance required as indicated.

To assure proper alignment of, and detect deformed stop bracket P/N ABA8048–41/–42, accomplish the following:

(a) Within 100 hours' time in service after the effective date of this AD, unless already accomplished, inspect all forward passenger door air bottle assemblies. If the stop bracket is bent open more than 5 degrees from its normal 90 degree right angle position, replace with a serviceable stop bracket and conduct a door pneumatic functional check before further flight.

(b) Reinspect forward passenger door air bottle assemblies per (a) above, following any resetting and charging of forward passenger door air bottles.

(c) Within 1500 hours' additional time in service after the effective date of this AD, unless already accomplished, replace stop bracket P/N ABA8048–41/–42 with a new stop bracket not subject to deformation. The

Chief, Aircraft Engineering Division, FAA Western Region, must approve the design and installation of the new bracket.

NOTE: The new bracket is now under development by the manufacturer.

(d) Aircraft may be flown to a base for performance of the maintenance required per this AD in accordance with FAR's 21.197 and 21.199.

This amendment becomes effective April 4, 1974.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on March 22, 1974.

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

[FR Doc.74-7476 Filed 4-1-74;8:45 am]

[Airspace Docket No. 74-NW-07]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Ephrata, Washington Control Zone so the effective hours of the Control Zone may vary with the operating hours of the Ephrata Flight Service Station.

The Ephrata, Washington Control Zone is based upon communications and weather observation provided by the Ephrata FSS. Thus, if the hours of the FSS operation change, the effective hours of the Control Zone would change.

Since this alteration is minor in nature and imposes no additional burden on the public, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, in § 71.171 (39 FR 354) the description of the Ephrata, Washington Control Zone is amended by adding the following:

* * * This control zone is effective during specific dates and times established in advance by Notice to Airmen. The effective date and time will, thereafter, be continuously published in Airman's Information Manual.

Effective date. This amendment shall be effective 0901 G.m.t. April 5, 1974.

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

Issued in Seattle, Washington on March 25, 1974.

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

[FR Doc.74-7477 Filed 4-1-74;8:45 am]

[Airspace Docket No. 74-WE-1]

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

Alteration of Transition Area

On February 8, 1974 a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 4928) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Red Bluff, California transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., May 23, 1974.

This amendment is issued under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on March 22, 1974.

ROBERT O. BLANCHARD,
Acting Director,
Western Region.

RED BLUFF, CALIF.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Redding Municipal Airport (latitude 40°-30'35" N., longitude 122°17'30" W.), within 2 miles W and 4 miles E of the Redding VOR 192° radial, extending from the 5-mile radius area to 10 miles S of the VOR, within 2 miles each side of the Redding ILS localizer N course, extending from the 5-mile radius area to 8 miles N of the threshold of Runway 16, excluding the portions within a 1-mile radius of Redding Sky Ranch Airport (latitude 40°30'00" N., longitude 122°22'35" W.), and Enterprise Sky Park (latitude 40° 34'26" N., longitude 122°19'30" W.), and within 2 miles each side of the Red Bluff VORTAC 347° radial extending from the VORTAC to 11.5 miles N of the VORTAC, that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Red Bluff VORTAC, within 9 miles each side of the Red Bluff VORTAC 291° radial, extending from the 20-mile radius area to 52 miles W of the VORTAC; within 9 miles W and 10 miles E of the Red Bluff VORTAC 342° radial, extending from the 20-mile radius area to 67 miles N of the VORTAC, within 10 miles W and 6 miles E of the Red Bluff VORTAC 015° radial, extending from the 20-mile radius area to 56 miles N of the VORTAC. That airspace NW of Red Bluff within an arc of a 30-mile radius circle centered on Red Bluff VORTAC, extending from the N edge of V-195 to the W edge of the V-23 and that airspace north of Redding within an arc of a 23-mile radius circle centered on Redding VOR, extending from the E edge of V-23 to the W edge of V-25.

[FR Doc.74-7474 Filed 4-1-74;8:45 am]

[Airspace Docket No. 74-SO-21]

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

Alteration of Transition Area

On March 6, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 8632), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Hattiesburg, Miss., transition area.

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

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

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

"* * * 8.5-miles northwest of the RBN * * *" is deleted and "* * * 8.5 miles northwest of the RBN; within an 8.5-mile radius of Pine Belt Regional Airport (latitude 31°28'03" N, longitude 89°20'11.6" W); within 3 miles each side of the Hattiesburg VORTAC 182° radial, extending from the 8.5-mile radius area to 8.5 miles south of the VORTAC * * *" is substituted therefor.

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

Issued in East Point, Ga., on March 22, 1974.

DUANE W. FREER,
Acting Director,
Southern Region.

[FR Doc.74-7475 Filed 4-1-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-841; Amdt. No. 12]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Transport-Related Revenues and Expenses

By circulation of EDR-252, dated August 28, 1973, (Docket 25837) and published at 38 FR 24223[1] the Board gave notice that it had under consideration an amendment to Part 241 of the Economic Regulations (14 CFR Part 241) which would revise the accounting and reporting requirements for operating revenues: (1) To provide for gross reporting of all operating revenues and expenses; (2) to change the name of the present functional classification "4900 Nontransport Revenues" to "4900 Transport-Related Revenues"; (3) to establish a new functional expense classification "7100 Transport-Related Expenses"; (4) to eliminate the present subclassifications "4100 Federal Subsidy" and "4600 Incidental Revenues-Net"; (5) to provide fuller disclosure of some of the items presently included in the incidental revenues subclassification; and (6) to reclassify two of the items presently included in the incidental items to other functional classifications.

Comments in response to the notice were submitted by Braniff Airways, Inc. (Braniff), Northwest Airlines, Inc. (Northwest), Pacific Airmotive Corpora-

[1] September 6, 1973.

tion (Pacific) and Southwest Airmotive Company (Southwest). Upon consideration of the comments filed, we have determined to adopt the amendments to Part 241 as proposed with only slight technical revisions to the text and Exhibits.

Braniff and Northwest generally oppose the proposed amendment, although Braniff agrees that certain changes set forth under the proposal may be necessary. For the most part, the comments object that: (1) Eliminating the netting provision is unnecessary and would bring about the distortion the Board is attempting to eliminate, (2) the existing presentation of data on Schedule P–4 of CAB Form 41 provides for full disclosure and gives the necessary breakdown needed by the Board, and (3) the changes proposed would be administratively costly.

We find these objections unpersuasive. One of the reasons for the proposed rule was that we had noted significant increases in recent years in activities which have not been separately disclosed in CAB Form 41, and it had become apparent to the Board that greater disclosure of these activities is necessary. Therefore, we proposed the transport-related classification in the contemplated rule and also decided that since the amounts related thereto were material, and the activities being performed were an important part of air carrier operations, the transport-related revenues and expenses should be appropriately disclosed on the income statement in gross amounts, as the other operating revenues and expenses are now presented. Such disclosure of gross amounts on the income statement is consistent with Form 41 reporting and will enhance the value of Schedule P–1 by making it more informative and useful to the Board and the general public in the analysis of financial statements.

While we realize that Schedule P–4 does give a breakdown of the transport-related revenues and expenses presented on Schedule P–1, it should be noted that the data are not identical in presentation and that the purpose of the former schedule is to support some of the informatiton indicated on the income statement. Users of the Form 41 reports, in our opinion, would be more inclined to refer to the income statement for overall use since it is the primary source of revenue and expense data.

We turn next to the comments of Pacific and Southwest regarding the aircraft and engine maintenance services performed by some of the carriers. These respondents point out that many of the carriers are not fully allocating the overhead costs related to these services and are therefore not being fully reimbursed, since only a portion of the burden is included in their pricing formulas. Because of the apparent magnitude of this phase of business, Pacific and Southwest question whether the maintenance service can be considered as "incidental." Instead, they indicate that this activity may be within the scope of a separate business, and suggest that the Board should therefore give consideration to requiring greater disclosure of the revenues and expenses of maintenance service on Form 41 reports. Without passing on the validity of these comments, we do not consider them because they are beyond the scope of this proposal.

Finally, Northwest correctly pointed out that EDR–252 did not provide for the present transport revenue categories of account 04, "Security Charge," or 19, "Other Operating Revenues."[2] These omissions were inadvertent. Moreover, additional accounts 52, "Incremental Security Costs," and a liability account 2161, "Unearned Security Charges," which, like account 04, were newly established pursuant to Board Order 73–3–46, dated March 14, 1973, were also omitted by inadvertence. All of the foregoing omissions are corrected in the attached final rule.

Finally, in EDR–252 we proposed to change the name of the present functional classification "4900 Nontransport Revenues" to "4900 Transport-Related Revenues." In addition to this name change, we have also decided to renumber this new functional classification to "4800 Transport-Related Revenues." Also, Schedules P–1.1, P–1.2 and P–1(a) have been further revised to permit the separate presentation of amounts relating to "Section 406 subsidy."

This rule is being made effective March 31, 1974, so that it will be applicable to reports due May 10, 1974, for the quarter ended March 31, 1974. This should provide adequate time for achieving compliance with the rule, given the length of time between its date of publication and the prescribed due date for the quarterly report.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective March 31, 1974, as follows:

1. Amend the Table of Contents of the Uniform System of Accounts and Reports so that the table in pertinent part reads:

Sec.
11 Functional Classification—Operating Expenses of Group II and Group III Air Carriers.
12 Objective Classification—Operating Revenues and Expenses.
13 [Reserved]

2. Amend Section 1—*Introduction to System of Accounts and Reports*, by revising paragraphs (a) and (b) of section 1–6—Accounting entities, to read as follows:

Sec. 1–6 Accounting entities.

(a) Separate accounting records shall be maintained for each air transport entity for which separate reports to the Civil Aeronautics Board are required to be made by sections 21(i) or 31(h), as applicable, and for each separate corporate or organizational division of the air carrier. For purposes of this Uniform System of Accounts and Reports, each nontransport entity conducting an activity which is not incidental to the air carrier's transport activities and each transport-related activity or group of activities qualifying as a nontransport venture pursuant to paragraph (b) of this section, whether or not formally organized within a distinct organizational unit, shall be treated as a separately operated organizational division.

(b) As a general rule, any activity or group of activities comprising a transport-related service provided for in transport-related revenue and expense accounts 09 through 18 shall be considered a separate nontransport venture under circumstances in which either: (1) A separate corporate or legal entity has been established to perform such services, (2) the aggregate annual revenue rate, as determined in section 2–1(d), during either of the prior two years exceeds the greater of $1 million per annum or one percent of the air carrier's total annual transport revenues, or (3) the aggregate annual expense rate, as determined in section 2–1(d), during either of the prior two years exceeds the greater of $1 million or one percent of the carrier's total annual operating expenses: *Provided*, That revenues and expenses from in-flight sales, section 406 subsidy, interchange sales, and mutual aid assistance shall be considered related to air transportation and accounted for accordingly, regardless of the revenue or expense standard set forth above.

* * * * *

3. Amend Section 2—*General Accounting Policies*, by revising paragraphs (c) and (d) of Section 2—1, *Basis of allocation between entities*, to read as follows:

Sec. 2–1 Basis of allocation between entities.

* * * * *

(c) For purposes of this section, investments by the air carrier in resources or facilities used in common by the regulated air carrier activity and those transport-related revenue services defined as separate nontransport ventures under section 1–6(b) shall not be allocated between such entities but shall be reflected in total in the appropriate accounts of the entity which predominately uses the facility or resource. Where the entity of predominate use is a nontransport venture, the air carrier shall reflect the investment in account 1520, Advances to Nontransport Divisions.

(d) For purposes of this Uniform System of Accounts and Reports, all revenues shall be assigned to or apportioned between accounting entities on bases which will fully recognize the services provided by each entity, and expenses, or costs, shall be apportioned between accounting entities on such bases as will re-

[2] Northwest's comments also include a general objection to the Board's adoption of accounting and reporting requirements for which "no essential need" has been found. In fact, the Board is careful to base every reporting requirement on a finding of actual regulatory need, and we thus cannot agree that Northwest's objection is well taken.

sult: (1) With respect to transport-related services, in the assignment thereto of proportionate direct overheads, as well as direct labor and materials, of the applicable expense functions prescribed by this system of accounts and reports, and (2) with respect to separate ventures, in the assignment thereto of proportional general and administrative overheads as well as the direct overheads, labor, and materials.

* * * * *

4. Amend Section 3—*Chart of Balance Sheet Accounts*, the amended chart to read in pertinent part as follows:

Section 3—Chart of Balance Sheet Accounts

Name of account	General classification
* * * * *	* *
	Operating / Non-operating
* * * * *	* *
	General classification
* * * * *	* *
Current liabilities:	
* * * * *	* *
Unearned transportation revenue	2160
Unearned security charges	2161
Other current liabilities	2190
Noncurrent liabilities:	
* * * * *	* *

5. Amend Section 6—*Objective Classification of Balance Sheet Elements* by inserting the following account following account 2160 and before account 2190:

2161 Earned Security Charges.

(a) Record here balances representing the value of any assessed security charges which are unused at the end of each month.

(b) Earned security charges shall be consistently and periodically cleared by debit to this account and credited to profit and loss revenue account 04 Security Charges.

6. Amend Section 7—*Chart of Profit and Loss Accounts*, the amended chart to read in pertinent part as follows:

PROFIT AND LOSS CLASSIFICATION

Section 7—Chart of Profit and Loss Accounts

Objective classification of profit and loss elements	Functional or financial activity to which applicable (00)		
	Group I carriers	Group II carriers	Group III carriers
OPERATING REVENUES AND EXPENSES			
Transport revenues:			
01 Passenger.			
01.1 Passenger—first class	31, 32	31, 32	31, 32.
01.2 Passenger—coach	31, 32	31, 32	31, 32.
02 United States mail.			
02.1 Priority	31, 32	31, 32	31, 32.
02.2 Nonpriority	31, 32	31, 32	31, 32.
03 Foreign Mail	31, 32	31, 32	31, 32.
04 Security Charges	31, 32	31, 32	31, 32.
06 Property.			
06.1 Express	31, 32	31, 32	31, 32.
06.2 Freight	31, 32	31, 32	31, 32.
06.3 Excess passenger baggage	31, 32	31, 32	31, 32.
07 Charter and special.			
07.1 Passenger	32	32	32.
07.2 Property	32	32	32.
19 Other Operating Revenues.			
19.1 Reservation cancellation fees	31, 32	31, 32	31, 32.
19.9 Miscellaneous operating revenues	31, 32	31, 32	31, 32.
Transport-related revenues and expenses:			
08 Section 406 subsidy	48	48	48.
09 In-flight sales.			
09.1 Liquor and food—gross revenues	48	48	48.
09.2 Movies and stereo—gross revenues	48	48	48.
09.3 Other—gross revenues	48	48	48.
09.4 Liquor and food—depreciation expense	71	71	71.
09.5 Liquor and food—other expense	71	71	71.
09.6 Movies and stereo—depreciation expense	71	71	71.
09.7 Movies and stereo—other expense	71	71	71.
09.8 Other—depreciation expense	71	71	71.
09.9 Other—expense	71	71	71.
10 Restaurant and food service (Ground).			
10.1 Gross revenues	48	48	48.
10.2 Depreciation expense	71	71	71.
10.3 Other expenses	71	71	71.
11 Rents			
11.1 Gross revenues	48	48	48.
11.2 Depreciation expense	71	71	71.
11.3 Other expenses	71	71	71.
12 Limousine service.			
12.1 Gross revenues	48	48	48.
12.2 Depreciation expense	71	71	71.
12.3 Other expenses	71	71	71.
13 Interchange Sales.			
13.1 Associated companies—gross revenues	48	48	48.
13.2 Outside—gross revenues	48	48	48.
13.3 Associated companies—depreciation expense	71	71	71.
13.4 Associated companies—other expense	71	71	71.
13.5 Outside—depreciation expense	71	71	71.
13.6 Outside—other expense	71	71	71.

Objective classification of profit and loss elements	Functional or financial activity to which applicable (00)		
	Group I carriers	Group II carriers	Group III carrier
14 General service sales.			
14.1 Associated companies—gross revenues	48	48	48.
14.2 Outside—gross revenues	48	48	48.
14.3 Associated companies—depreciation expense	71	71	71.
14.4 Associated companies—other expense	71	71	71.
14.5 Outside—depreciation expense	71	71	71.
14.6 Outside—other expense	71	71	71.
15 Mutual aid.			
15.1 Receipts	48	48	48.
15.2 Payments	71	71	71.
16 Substitute (replacement) service.			
16.1 Gross revenues	48	48	48.
16.2 Expense	71	71	71.
17 Air cargo service.			
17.1 Gross revenues	48	48	48.
17.2 Depreciation expense	71	71	71.
17.3 Other expense	71	71	71.
18 Other transport related items.			
18.1 Gross revenues	48	48	48.
18.2 Depreciation expense	71	71	71.
18.3 Other expense	71	71	71.
* * *	*	*	* *
Transport expenses:			
21 General management personnel	53, 69	53, 55, 64, 67, 68	53, 55, 61, 62, 63, 65, 66, 68.
23 Pilots and copilots	51	51	51.
24 Other flight personnel	51, 69	51, 55	51, 55.
25 Maintenance labor.			
25.1 Labor—airframes		52	52.
25.2 Labor—aircraft engines		52	52.
25.3 Labor—other flight equipment		52	52.
25.6 Labor—flight equipment	52		
25.9 Labor—ground property and equipment	52, 53	52, 53	52, 53.
* * *	*	*	* *
75.9 General ground property	70	70	70.
76 Foreign exchange fluctuation adjustments	68	68	68.
77 Uncleared expense credits.			
* * *	*	*	* *
28 Trainees, instructors and unallocated shop labor.			
28.1 Trainees and instructors	51, 53, 69	51, 53, 55, 64, 67, 68.	51, 53, 55, 61, 62, 63, 65, 66, 68.
28.2 Unallocated shop labor	53	53	53.
30 Communications personnel	53, 69	53, 55, 64, 67, 68	53, 55, 61, 62, 63, 65, 66, 68.
31 Recordkeeping and statistical personnel	53, 69	53, 55, 64, 67, 68	53, 55, 61, 62, 63, 65, 66, 68.
32 Lawyers and law clerks	69	68	68.
33 Traffic solicitors	69	67	65.
34 Purchasing personnel	53, 69	53, 68	53, 68.
35 Other personnel	53, 69	53, 55, 64, 67, 68	53, 55, 61, 62, 63, 65, 66, 68.
36 Personnel expenses	51, 53, 69	51, 53, 55, 64, 67, 68.	51, 53, 55, 61, 62, 63, 65, 66, 68.
37 Communications purchased	53, 69	53, 55, 64, 67, 68	53, 55, 61, 62, 63, 65, 66, 68.
38 Light, heat, power, and water	53, 69	53, 55, 64, 67, 68	53, 55, 61, 62, 63, 65, 66, 68.
39 Traffic commissions	69		
39.1 Commissions—passenger		67	65.
39.2 Commissions—property		67	65.
40 Legal fees and expenses	69	68	68.
41 Professional and technical fees and expenses	51, 53, 69	51, 53, 55, 64, 67, 68.	51, 53, 55, 61, 62, 63, 65, 66, 68.
42 General services purhcased—associated companies.			
42.1 Airframe repairs—associated companies		52	52.
42.2 Aircraft engine repairs—associated companies		52	52.
42.3 Other flight equipment repairs—associated companies.		52	52.
42.6 Flight equipment repairs—associated companies.	52		
42.7 Aircraft interchange charges—associated companies.	51, 52	51, 52	51, 52.
42.8 General interchange service charges—associated companies.	52, 69	52, 55, 64, 67, 68	52, 55, 61, 62, 63, 65, 66, 68.
42.9 Other services—associated companies	52, 53, 69	52, 53, 55, 64, 67, 68.	52, 53, 55, 61, 62, 63, 65, 66, 68.
43 General services purchased—outside.			
43.1 Airframe repairs—outside		52	52.
43.2 Aircraft engine repairs—outside		52	52.
43.3 Other flight equipment repairs—outside		52	52.
43.6 Flight equipment repairs—outside	52		
43.7 Aircraft interchange charges—outside	51, 52	51, 52	51, 52.
43.8 General interchange service charges—outside	52, 69	52, 55, 64, 67, 68	52, 55, 61, 62, 63, 65, 66, 68.
43.9 Other services—outside	52, 53, 69	52, 53, 55, 64, 67, 68.	52, 53, 55, 61, 62, 63, 65, 66, 68.
44 Landing fees	69	64	61.
45 Aircraft fuels and oils	51		
45.1 Aircraft fuels		51	51.
45.2 Aircraft oils		51	51.
46 Maintenance materials:			
46.1 Airframes		52	52.
46.2 Aircraft engines		52	52.
46.3 Other flight equipment		52	52.
46.6 Flight equipment	52		
46.9 Ground property and equipment	52, 53	52, 53	52, 53.
47 Rentals	51, 53, 69	51, 53, 55, 64, 67, 68.	51, 53, 55, 61, 62, 63, 65, 66, 68.

Objective classification of profit and loss elements	Functional or financial activity to which applicable (00)		
	Group I carriers	Group II carriers	Group III carriers
49 Shop and servicing supplies	53, 69	53, 64	53, 61.
50 Stationery, printing, and office supplies	53, 69	53, 55, 64, 67, 68	53, 55, 61, 62, 63, 65, 66, 68.
51 Passenger food expense	69	55	55.
52 Incremental security costs	69	64	62.
53 Other supplies	51, 53, 69	51, 53, 55, 64, 67, 68.	51, 53, 55, 61, 62, 63, 65, 66, 68.
54 Inventory adjustments	53, 69	53, 55	53, 55.
* * *	*	*	* *

7. Amend Section 8—*General*, by changing paragraphs (d) (1) and (d) (2) to read:

(1) *Operating Revenues.* (i) This primary classification shall include revenues of a character usually and ordinarily derived from the performance of air transportation and air transportation-related services, which relate to services performed during the current accounting year, and adjustments of a recurrent nature applicable to services performed in prior accounting years. (See section 2–7.)

(ii) Operating revenues shall be subclassified in terms of functional activities as provided in section 9.

(2) *Operating Expenses.* (i) This primary classification shall include expenses of a character usually and ordinarily incurred in the performance of air transportation and air transportation-related services, which relate to services performed during the current accounting year, and adjustments of a recurring nature attributable to services performed in prior accounting years. (See section 2–7.)

(ii) Operating expenses shal be sub-

(ii) Operating expenses shall be subclassified in terms of functional activities as provided in sections 10 and 11.

* * * * *

8. Amend Section 9—*Functional Classification-Operating Revenues*, by deleting function 4900 and adding a new function 4800, to follow function 3900, the new function and text tc read as follows:

4800 Transport-related revenues.

(a) This classification is prescribed for all air carrier groups and shall include all revenues from the United States Government as direct grants or aids for providing air transportation facilities and all revenues from services which grow from and are incidential to the air transportation services performed by the air carrier.

(b) Revenues related to services of a magnitude or scope beyond an incidental adjunct to air transportation services shall not be included in this classification (see section 1–6(b)). Revenues applicable to such services shall be included in profit and loss classification 8100, Nonoperating Income and Expense-Net, and the accounting modified to conform with that of a nontransport division whether or not the service is organized as a nontransport division.

4900 [Deleted]

9. Amend Section 10 — *Functional Classification-Operating Expenses of Group I Air Carriers*, and Section 11—*Functional Classification-Operating Expenses of Group II and Group III Air Carriers*, by adding to each such section a new function 7100, to follow function 7000 in each such section, the new function to read as follows:

7100 Transport-related expenses.

(a) This function shall include all expense items applicable to the generation of transport-related revenues included in section 9, Function 4800.

(b) Such expense related to services of a magnitude or scope beyond an incidental adjunct to air transportation services shall not be included in this function (see section 1–6(b)). Expenses applicable to the generation of such revenues shall be included in profit and loss classification 8100, Nonoperating Income and Expense-Net, and the accounting modified to conform with that of a nontransport division whether or not the service is organized as a nontransport division.

(c) This function shall also include expenses representing increases in costs incurred in common with the air transport service, to the extent such increases result from the added transport-related services, as well as a pro rata share of the costs incurred by the air carrier in operating facilities which are used jointly with others. As a general rule, this function shall not include those expenses, other than joint facilities costs, which would remain as an essential part of the air transport services if the transport-related services were terminated.

(d) In accordance with the provisions of sections 22(d) and 32(d), as applicable, each air carrier shall file with the Civil Aeronautics Board a statement of accounting procedures setting forth methods used in assigning or prorating expenses between transport-related services and transport operations.

Section 12—Objective Classification-Operating Revenues and Expenses

10. Amend Section 12—*Objective Classification-Operating Revenues*, as follows:

A. By revising the section heading to read as set forth above.

B. By revising account 00 to read:

00 General Instructions.

(a) Basic objective accounts, applicable to all air carrier groups, are established for recording all revenue and expense elements. These basic accounts are in certain areas subdivided to provide greater detail for indicated air carrier groups.

(b) Each air carrier shall credit the gross revenues accruing from services ordinarily associated with air transportation and transportation-related services to the appropriate account established for each revenue source. Expenses incident to transport and transport-related services shall be charged to the accounts established in this section in accordance with the objectives served by each expenditure. However, direct costs of forwarding traffic as a result of interrupted trips, and refunds of sales, shall be charged to the applicable revenue account.

(c) To the end that the integrity of the prescribed objective accounts shall not be impaired, each air carrier shall: (1) Charge the appropriate account prescribed for each service purchased or expense element incurred expressly for the benefit of the air carrier regardless of whether incurred directly by the air carrier or through an agent or other intermediary, and (2) except as provided in objective account 77, Uncleared Expense Credits, credit or charge, as appropriate, the account prescribed for each expense element which may be involved in distributions of expenses between (i) separate operating entities of the air carrier, (ii) transport-related services and transport services, or transport functions, (iii) balance sheet and profit and loss elements, and (iv) the air carrier and others, when the expenses are incurred initially by or for the benefit of the air carrier. At the option of the air carrier, standard rates applicable to each objective account comprising a particular pool of expenses subject to assignment between two or more activities, may be established for proration purposes, provided the rates established are predicated upon the experience of the air carrier and are reviewed and modified as appropriate at least once each year.

C. By inserting the following subheading between accounts 00 and 01:

TRANSPORT REVENUES

D. By inserting account 04, *Security Charges:*

04 Security Charges.

Record here the gross revenues from charges assessed each passenger to cover the cost of screening and inspection in connection with federally directed security programs.

E. By revising paragraph (b) of account 07, *Charter and Special*, to read:

07 Charter and Special.

* * * * *

(b) This account shall not include revenues or fees received from other air carriers for flight facilities furnished or operated by the accounting air carrier where the remuneration paid by the party receiving transportation accrues directly to, and the responsibility for providing transportation is that of other

air carriers. Such revenues and related expenses shall be included in profit and loss accounts 11, Rents; 13, Interchange Sales; or 18, Other Transport-Related Revenues and Expenses.

* * * * *

F. By inserting the following subheading before account 08, Section 406 Subsidy:

TRANSPORT-RELATED REVENUES AND EXPENSES

G. By deleting account 09, Foreign Exchange Fluctuations Adjustments, and inserting the following account.

09 In-Flight Sales.

(a) Record here revenues from and expenses related to transport-related services performed while in flight.

(b) This account shall be subdivided as follows by all air carrier groups:

09.1 Liquor and food—gross revenues.
09.2 Movies and stereo—gross revenues.
09.3 Other—gross revenues.
09.4 Liquor and food—depreciation expense.
09.5 Liquor and food—other expense.
09.6 Movies and stereo—depreciation expense.
09.7 Movies and stereo—other expense.
09.8 Other—depreciation expense.
09.9 Other—expense.

H. By revising account 10, *Hotel, Restaurant and Food Service*, to read:

10 Restaurant and Food Service (Ground).

(a) Record here revenues from and expenses related to the operation of restaurants and similar facilities, and from sales of food. (See section 12–51.)

(b) This account shall be subdivided as follows by all air carrier groups:

10.1 Gross revenues.
10.2 Depreciation expense.
10.3 Other expense.

I. By revising the caption and paragraphs (a) and (c) of account 13, *Interchange Sales—Associated Companies*, the revised account 13 to read, in part:

13 Interchange Sales.

(a) Record here the revenues or fees from and the expenses related to services provided associated companies and other than associated companies by the air carrier under aircraft interchange agreements. This account shall be charged and the applicable operating expense objective accounts shall be credited, except as provided in operating expense objective account 77, Uncleared Expense Credits, with the expenses attaching to services provided all companies under aircraft interchange agreements.

* * * * *

(c) This account shall be subdivided as follows by all air carrier groups:

13.1 Associated companies—gross revenues.
13.2 Outside—gross revenues.
13.3 Associated companies—depreciation expense.
13.4 Associated companies—other expense.
13.5 Outside—depreciation expense.
13.6 Outside—other expense.

J. By revising account 14, *General Service Sales—Associated Companies*, the revised account 14 to read:

14 General Service Sales.

(a) Record here the revenues, commissions or fees from and expenses related to other than air transportation and aircraft interchange services provided to associated and outside companies by the air carrier. This account shall include the contractual fees or other revenues from and expenses related to services provided to associated and other companies in the operation of facilities which are used jointly with associated and other companies as well as revenues from and the costs related to the sale of supplies, parts and repairs sold directly or furnished as a part of services to associated and other companies.

(b) This account shall not include consideration received from sales of property, equipment, materials or supplies when disposed of as a part of a program involving retirement of property and equipment as opposed to routine sales and services to associated and other companies unless such disposition is conducted as a normal part of the incidental sales activity. Such retirement gain or loss shall be included in capital gains and losses accounts. Maintenance parts, materials or supplies sold as a service to others shall be charged to this account at cost without adjustment of related obsolescence or depreciation reserves.

(c) This account shall be subdivided as follows by all air carrier groups:

14.1 Associated companies—gross revenues.
14.2 Outside—gross revenues.
14.3 Associated companies—depreciation expense.
14.4 Associated companies—other expense.
14.5 Outside—depreciation expense.
14.6 Outside—other expense.

K. By deleting account 15, *Interchange Sales—Outside*, and inserting the following account:

15 Mutual Aid.

(a) Record here the receipts and payments under agreements with other air carriers providing for mutual financial assistance in the case of work stoppages. Gross amounts shall be recorded.

(b) This account shall be subdivided as follows by all air carriers:

15.1 Receipts.
15.2 Payments.

L. By deleting account 16, *General Service Sales—Outside*, and inserting the following account:

16 Substitute (replacement) Service.

(a) Record here revenues from and expenses related to substitute service. This account shall include as revenues all monies received from substitute carriers and as expense all monies paid to substitute carriers.

(b) This account shall be subdivided as follows by all air carrier groups:

16.1 Gross revenue.
16.2 Expense.

M. By revising the caption and paragraphs (a) and (b) of account 18, *Other Incidental Revenues*, the revised account 18 to read, in part:

18 Other Transport-Related Revenues and Expenses.

(a) Record here revenues from and expenses related to transport-related services not provided for in profit and loss accounts 10 through 17, inclusive, such as revenues and expenses incident to the operation of flight facilities by the accounting air carrier, except those operated under aircraft interchange agreements, where the remuneration paid by the party receiving transportation accrues directly to, and the responsibility for providing transportation is that of, other air carriers; and the revenues and expenses incident to vending machines, parcel rooms, storage facilities, etc.

(b) [Reserved]

* * * * *

11. Amend Section 13—*Objective Classification—Operating Expenses*, as follows:

A. By deleting the section heading and inserting the following subheading after Section 12, account 19:

TRANSPORT EXPENSES

00 [Deleted]

B. By deleting account 00, General Instructions.

C. By revising account 51, Passenger Food Expenses, to read:

51 Passenger Food Expense.

(a) Record here the cost of food and refreshments served passengers except food costs arising from interrupted trips.

(b) If the air carrier prepares its own food, the initial cost and expenses incurred in the preparation thereof shall be accumulated in a clearly identified clearing account through which the cost of food shall be cleared to this account, to profit and loss account 36, Personnel Expenses, and to profit and loss account 10, Restaurant and Food Service (Ground), on bases which appropriately allocate the cost of food served passengers, the cost of food provided employees without charge and the cost of food sold.

D. By inserting a new account 76, *Foreign Exchange Fluctuation Adjustments*, between accounts 75 and 77, as follows:

76 Foreign Exchange Fluctuation Adjustments.

Record here gains or losses from transactions involving currency conversions resulting from normal, routine, day-to-day fluctuations in rates of foreign exchange in accordance with provisions of section 2–3. Gains or losses of a nonroutine abnormal character shall not be entered in this account but in a profit and loss account 85, Foreign Exchange Adjustments.

E. By inserting, following the entire text of section 12, as herein revised, a

caption indicating that section 13 has been deleted and reserved, as follows:

Section 13 [Reserved]

12. Amend Section 22—*General Reporting Instructions*, as follows:

A. By revising paragraph (a), in pertinent part, to read:

Section 22—General Reporting Instructions

(a) * * *

Schedule No.	Schedule title	Filing frequency
*	*	*
P-4	Transport-Related Revenues and Expenses; Explanation of Special Items, Explanation of Deferred Federal Income Tax Adjustments, Dividends Declared and Retained Earnings Adjustments.	Do.
*	*	*

B. By revising paragraph (d)(10) to read:

(d) * * *

(10) Procedures for assigning or prorating expenses between transport-related services and transport operations, as prescribed by section 10–7100 or 11–7100.

* * * * *

13. Amend Section 24—*Profit and Loss Elements*, by revising the hearing and paragraphs (a) through (e) of the Schedule P–4 section, to read as follows:

* * * * *

Schedule P–4—*Transport-Related Revenues and Expenses; Explanation of Special Items; Explanation of Deferred Federal Income Tax Adjustments, Dividends Declared and Retained Earnings Adjustments*

(a) This schedule shall be filed by all route air carriers.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Transportation-related operations shall be reported in this schedule in conformance with instructions in section 9–4800, Transport-Related Revenues, and sections 10–7100 and 11–7100, Transport-Related Expenses.

(d) [Reserved].

(e) The totals of transport-related gross revenues and gross expenses reported in this schedule shall agree with the corresponding amounts reported for classifications 4800 and 7100 on Schedule P–1.

* * * * *

14. Amend Section 32—*General Reporting Instructions*, as follows:

A. By revising paragraph (a), in pertinent part, to read:

(a) * * *

Schedule No.	Schedule title	Filing frequency
*	*	*
P-3.1	Transport Revenues	Do.
P-4	Transport-Related Revenues and Expenses; Explanation of Special Items; Explanation of Deferred Federal Income Tax Adjustments, Dividends Declared and Retained Earnings Adjustments.	Do.
*	*	*

B. By revising paragraph (d)(9) to read:

(d) * * *

(9) Procedures for assigning or prorating expenses between transport operations and transport-related operations, as prescribed by section 10–7100 or 11–7100.

* * * * *

15. Amend Schedules B–1, P–1.1, P–1.2, P–1(a), P–2(a), P–3, P–6, P–7, and P–8 of Form 41 to reflect the foregoing changes in accounting, as shown in Exhibits A, B, C, D, E, F, H, I, and J.[3]

16. Amend Schedule P–4 of Form 41 to provide more detailed disclosure of transport-related revenues and expenses, as shown in Exhibit G.[3]

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 766; 49 U.S.C. 1324, 1377).

By the Civil Aeronautics Board.

Effective: March 31, 1974.

Adopted: February 27, 1974.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

NOTE: The reporting requirements herein have been approved by the General Accounting Office in accordance with the Federal Reports Act of 1942, as amended.

[FR Doc.74–7550 Filed 4–1–74;8:45 am]

[3] Exhibits A–J are filed as part of the original document.

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 923—COASTAL ZONE MANAGEMENT PROGRAM DEVELOPMENT GRANTS, ALLOCATION OF FUNDS TO STATES

Notice is hereby given of the establishment of rules and regulations regarding allocation of coastal zone program development grants to State governments pursuant to section 305(e) of the Coastal Zone Management Act of 1972 (Public Law 92–583; 86 Stat. 1280).

Under section 305 of the Act, the Secretary of Commerce is authorized to make annual grants to any coastal State for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone. Such grants shall not exceed 66⅔ percent of the costs of the program in any one year and no State shall be eligible to receive more than three annual grants under section 305. In addition, no grant may be made under this section in excess of 10 percent nor less than 1 percent of the total amount appropriated under this section.

Section 305(e) of the Act states in part:

Grants under this section shall be allocated to the States based upon rules and regulations promulgated by the Secretary * * *

The rules and regulations set forth below establish the policy and means of allocating grant funds under section 305 to the coastal States and are intended to fulfill the above requirements of section 305(e). Such rules and regulations are intended primarily for allocation of funds made available for grants under Section 305 in Fiscal Year 1974. Allocations to States in subsequent fiscal years may reflect changes in these rules and regulations; such changes, if made, will be duly published.

THEODORE P. GLEITER,
Assistant Administrator for Administration.

Sec.

923.1 Purpose of rules and regulations.
923.2 Definitions.
923.3 Basis of allocation.
923.4 Allocation of non-distributed funds.
923.5 State allocation computation example.
923.6 State allocation.
923.7 Duration of allocation.

§ 923.1 Purpose of rules and regulations.

Twelve million dollars has been appropriated by the Congress for Fiscal Year 1974 to implement the Coastal Zone Management Act of 1972 (P.L. 92–583). Of this amount, $7.2 million has been made available for coastal zone management program development grants-in-aid to the 34 coastal States and territories under section 305 of that Act. It is the purpose of this part to establish the rules and regulations for allocation of grant-in-aid funds under section 305 of the Costal Zone Management Act of 1972 (Public Law 92–583; 86 Stat. 1280) pursuant to the requirements of section 305(e) which states:

Grants under this section shall be allocated to the States based on rules and regulations promulgated by the Secretary: *Provided, however,* That no management program development grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

§ 923.2 Definitions.

As used in this part, the following terms shall have the meanings indicated below:

(a) The term "Act" means the Coastal Zone Management Act of 1972, Public Law 92-583, 86 Stat. 1280.

(b) "Secretary" means the Secretary of Commerce or his designee.

(c) "Coastal State" means a State of the United States in, or bordering on, the Atlantic, Pacific or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. The term also includes specifically Puerto Rico, the Virgin Islands, Guam and American Samoa. This definition is interpreted as including the following States and territories:

1. Alabama
2. Alaska
3. American Samoa
4. California
5. Connecticut
6. Delaware
7. Florida
8. Georgia
9. Guam
10. Hawaii
11. Illinois
12. Indiana
13. Louisiana
14. Maine
15. Maryland
16. Massachusetts
17. Michigan
18. Minnesota
19. Mississippi
20. New Hampshire
21. New Jersey
22. New York
23. North Carolina
24. Ohio
25. Oregon
26. Pennsylvania
27. Puerto Rico
28. Rhode Island
29. South Carolina
30. Texas
31. Virginia
32. Virgin Islands
33. Washington
34. Wisconsin

(d) "Shoreline" means, in tidal waters, the length of "tidal shoreline" as defined by the National Ocean Survey, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, and published in that agency's brochure, "The Coastline of the United States." For purposes of computation of the nation's total "tidal shoreline", figures for the Canal Zone, Navassa, Swan Islands, and Baker, Howland, Jarvis, Johnston, Midway, Palmyra, and Wake Islands shall not be included. "Shoreline", in Great Lakes States, shall mean the length of shoreline as established by the Lake Survey Center, National Ocean Survey, NOAA, U.S. Department of Commerce, and contained in an unpublished manuscript entitled, "Shoreline of the Great Lakes and Connecting Rivers" by Robert Hagen and P. H. Judd, dated 1948, with additions made in 1952 by G. E. Ropes and E. F. Kulp, Jr. The total "shoreline" of the United States shall be the sum of the tidal shoreline and Great Lakes shoreline, as defined above.

(e) "Coastal counties" means those counties or parishes which appear, in the judgment of the Director, Office of Coastal Environment, NOAA, to abut upon coastal waters. A listing of such counties is available for inspection at the Office of Coastal Environment, NOAA, U.S. Department of Commerce, Rockville, Maryland 20852.

§ 923.3 Basis of allocation.

(a) Funds available under section 305 will be allotted to the 34 coastal States and territories on the following basis:

(1) *Uniform allocation.* Each State will initially be allotted the legal minimum of 1 percent of funds available, regardless of size, length of coastline, population, or other factors.

(2) *Variable allocation.* The amount remaining after allocation of the uniform amount will be allocated as follows:

(i) *Shoreline criterion.* Forty percent will be allocated to the coastal States and territories on the basis of shoreline. Each State or territory will receive a shoreline allotment equal to the total amount available under this criterion multiplied by a factor equal to the ratio of that State or territorial shoreline divided by the total national shoreline (including Great Lakes).

(ii) *Population criterion.* Forty percent will be allocated to the coastal States and territories on the basis of coastal population. It is the intent of the Office of Coastal Environment to include that population which is included within the "coastal zone" as defined in section 304 (a) of the Act and as used in the allocation system for grants under section 306 as described in section 306(b). However, since no State or territory has as yet formally identified its "coastal zone" pursuant to the Act, the Office will initially utilize the population of the coastal zone as recorded in the 1970 decennial U.S. Census contained within coastal counties (or parishes) as defined in § 923.3. Since this designation is judgmental, it is subject to change in subsequent fiscal years, based upon the inclusion or exclusion of certain counties, or upon definition of the coastal zone by a State.

(iii) *Needs criterion.* Twenty percent will be reserved for additional allocation to the coastal States and territories at the discretion of the Director, Office of Coastal Environment, based upon demonstration of need for such funds in order to assure completion of work designated by the State or territory as necessary to the timely completion of a coastal zone management program. Examples of such need may include, but need not be limited to:

(a) States or territories which have a legislative mandate, or express a strong desire to complete development of their programs in less than three years and specifically require such funds.

(b) States or territories which contain geographic coastal areas with particularly pressing developmental problems whose resolution in a management program would be materially assisted by additional funds.

(c) States or territories which propose particularly creative or innovative elements in the management program development phase where there is apparent national applicability.

(d) States or territories where special institutional conditions exist which require additional funds and for which adequate account is not made in the shoreline and/or population criteria.

(b) Coastal States and territories have been notified individually by mail of the minimum amount of funds that will be available to them for Fiscal Year 1974, in the event they:

(1) Choose to participate in the program,

(2) Can provide the necessary matching funds,

(3) Submit a satisfactory application and work program pursuant to the conditions set forth in 15 CFR Part 920, and

(4) Otherwise meet the applicable requirements of the Coastal Zone Management Act of 1972.

This minimum figure is the sum of the uniform allocation, and the shoreline and population criteria of the variable allocation only; it does not include any allocation under the needs criterion. States need not utilize nor be limited by the minimum amount allocated and applications may be made for any amount deemed appropriate, provided that the statutory maximum or minimum of 1 percent and 10 percent of all appropriations, respectively, is not exceeded.

§ 923.4 Allocation of non-distributed funds.

Those funds allocated to coastal States and territories which choose not to participate in the program, as well as those funds which are allocated but which States or territories choose not to utilize, will be added to those funds to be distributed to the States and territories on the basis of the needs criterion, as will any amounts in excess of the 10 percent maximum limitation.

§ 923.5 State allocation computation examples.

The following computation indicates the procedure by which a State's minimum allocation is derived. As an example, the State of Massachusetts was selected.

Basic information:
U.S. shoreline: 95,223 miles.
Massachusetts shoreline: 1,519 miles.
U.S. coastal population: 84,090,333.
Massachusetts coastal population: 2,858,516.
Total funds available for Sec. 305 grants in fiscal year 1974: $7,200,000.

National allocation by criteria:	
Uniform allocation: 1% × $7,200,000 × 34 States	$2,448,000
Variable allocation:	
Shoreline criterion: 40% × ($7,200,000—2,448,000)	1,900,800
Population criterion: 40% × ($7,200,000—2,448,000)	1,900,800
Needs criterion: 20% × ($7,200,000—2,448,000)	950,400
Total	7,200,000

State allocation (Massachusetts):	
Uniform allocation: 1% × $7,200,000	$72,000
Variable allocation:	
Shoreline criterion: $\frac{1,519 \text{ miles}}{95,223 \text{ miles}} \times \$1,900,800$	30,223
Population criterion: $\frac{2,858,516}{84,090,333} \times \$1,900,800$	64,627
Massachusetts minimum allocation	$166,850

To this minimum allocation may be added an appropriate amount from the needs criterion funds.

§ 923.6 State allocations.

Using the method described in § 923.5 above, minimum allocations (excluding needs criterion funds) for each eligible State and territory follow:

1. Alabama	$92,719
2. Alaska (max.)	720,000
3. American Samoa	75,041
4. California	495,879
5. Connecticut	126,934
6. Delaware	91,958
7. Florida	362,062
8. Georgia	125,033
9. Guam	75,992
10. Hawaii	110,206
11. Illinois	206,007
12. Indiana	89,677
13. Louisiana	260,179
14. Maine	151,833
15. Maryland	187,569
16. Massachusetts	166,850
17. Michigan	246,683
18. Minnesota	81,124
19. Mississippi	84,545
20. New Hampshire	77,892
21. New Jersey	227,105
22. New York	441,896
23. North Carolina	150,833
24. Ohio	144,611
25. Oregon	126,553
26. Pennsylvania	138,338
27. Puerto Rico	147,462
28. Rhode Island	101,082
29. South Carolina	139,098
30. Texas	205,816
31. Virginia	166,470
32. Virgin Islands	76,752
33. Washington	189,469
34. Wisconsin	131,685
Subtotal	[1] 6,215,353
Needs criterion allocation	[2] 984,597
Total	7,200,000

[1] Figures may not be exact due to rounding.
[2] Includes $34,197 excess over 10% limit in Alaska.

§ 923.7 Duration of allocation.

The allocations as determined and computed above are published for the distribution of coastal zone management program development grants during Fiscal Year 1974, which is the first year for which these funds are available. NOAA will monitor the progress of States under this program and make an assessment during Fiscal Year 1974 of the relative financial needs of the States. This assessment may lead to alterations in the method of allocation and the allocation figures for fiscal years subsequent to Fiscal Year 1974. Such revisions will be duly published.

[FR Doc.74-7596 Filed 3-29-74;11:05 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2075]

PART 13—PROHIBITED TRADE PRACTICES

Reader's Digest Association, Inc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modifying order, Reader's Digest Association, Inc., New Castle, N.Y., Docket C-2075, March 5, 1974]

In the Matter of Reader's Digest Association, Inc., a Corporation

Order reopening proceeding and modifying cease and desist order, 79 FTC 696, 36 FR 22824, by deleting the requirement to disclose the approximate numerical odds of winning each prize awarded in its promotional contests or the approximate number of recipients to whom the offer is directed if the numerical odds are not reasonably capable of calculation.

The modified order is as follows:

The Commission, on January 22, 1974, having issued an order against respondent to show cause why the proceedings herein should not be reopened for the purpose of modifying the consent order to cease and desist entered on November 2, 1971; and

Respondent having answered that it has no objection to the reopening of the proceedings and the modification of the consent order, as set forth in the order to show cause.

Accordingly, it is ordered, That the matter be reopened, and that the order herein be modified so that subsection 1 A(1) will read:

A. (1) Failing to disclose clearly and conspicuously the total number of prizes which will be awarded, the nature of the prizes, and the approximate value of each prize.

and, further, to modify the order herein so that subsection I B(4) will be deleted.

By the Commission.

Issued: March 5, 1974.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74-7523 Filed 4-1-74;8:45 am]

[Docket C-2060]

PART 13—PROHIBITED TRADE PRACTICES

Reuben H. Donnelley Corp.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modifying order, The Reuben H. Donnelley Corporation, New York, New York, Docket C2060, March 5, 1974]

In the Matter of the Reuben H. Donnelley Corporation, a Corporation

Order reopening proceeding and modifying cease and desist order, 79 F.T.C. 599, 36 FR 22148, by deleting two paragraphs of the order which require respondent to disclose the approximate numerical odds of winning each prize awarded in its promotional contests or the approximate number of recipients to whom the offer is directed if the numerical odds are not reasonably capable of calculation.

The modifying order is as follows:

The Commission, on January 22, 1974, having issued an order against respondent to show cause why the proceedings herein should not be reopened for the purpose of modifying the consent order to cease and desist entered on October 8, 1971; and

Respondent having answered that it has no objection to the reopening of the proceedings and the modification of the consent order, as set forth in the order to show cause.

Accordingly, it is ordered, That the matter be reopened, and that the order herein be modified in the following manner: strike section A(2); renumber sections A(3), A(4), A(5), and A(6) as, respectively, A(2), A(3), A(4), and A(5); strike section B(3); renumber sections b(4) and B(5) as, respectively, B(3) and B(4).

By the Commission.

Issued: March 5, 1974.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74-7522 Filed 4-1-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION]

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-74-264]

MORTGAGE INSURANCE

Revised Processing Procedures

Pursuant to section 211 of the National Housing Act (12 U.S.C. 1713, 1715b), and the Secretary's delegation of authority (36 FR 5006), Parts 207, 213, 221, 232, 234, 235, 236 and 244 of the regulations are amended to revise the processing procedures in the insured multifamily mortgage, nursing home and group practice facility programs. The purposes of the new procedures are to accelerate processing decisions by rescheduling some "front end" requirements and scheduling technical processing and underwriting decisions so they are made only once, at the appropriate time and with finality. One-third ($1 per $1,000) of the total commitment fee of $3 per $1,000 of mortgage amount will be collected for the initial stage of processing—the site appraisal and market analysis stage.

Certain modifications of these processing requirements have been implemented and tested on an experimental basis pursuant to prior notices in the FEDERAL REGISTER (36 FR 15678, 37 FR 6417, 37 FR 23468, 38 FR 4529, 38 FR 18052 and 38 FR 31460). These prior experiments led to the determination that processing in three stages, with collection of fees at each stage, will provide an orderly and efficient procedure with savings of time and costs for sponsors, lenders and HUD. However, in order to provide opportunity for comment by persons not previously proposed to be affected by these changes, and to afford maximum notice to all individuals interested in participating in this rulemaking, the Department is deferring the effective date of this amendment for a period of 30 days, at the end of which time these amendments shall become effective un-

less notice is given to the contrary. Interested persons are invited to submit data, views, or statements with respect to these amendments which may be changed in light of comments received. Communications should identify the subject matter by title and docket number and should be filed with the Rules Docket Clerk, Office of the General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Copies of comments will be available for examination during business hours at the above address.

Accordingly 24 CFR Parts 207, 213, 221, 232, 234, 235, 236 and 244 are amended to read as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. The table of contents to Part 207 is amended to read as follows:

Sec.
207.1 Application, SAMA letter, commitments and required fees.

2. Section 207.1 of Part 207 is amended to read as follows:

§ 207.1 Application, SAMA letter, commitments and required fees.

(a) *Application.* An application for the issuance of a site appraisal and market analysis (SAMA) letter must be submitted by the project sponsor. An application for a conditional or firm commitment for insurance of a mortgage on a project shall be submitted by the sponsor and an approved mortgagee. Such application shall be submitted to the local HUD field office on FHA approved forms. No application shall be considered unless accompanied by the exhibits required by the form. An applicant may initially elect to submit an application for a SAMA letter, a conditional commitment or a firm commitment depending upon the completeness of the drawings, specifications and other required exhibits; however, an applicant may not elect to omit the conditional commitment processing stage if he has begun with the SAMA stage initially.

(1) *Application fee—SAMA letter.* An application fee of $1 per thousand dollars of the requested mortgage shall accompany the application for a SAMA letter.

(2) *Application fee—conditional commitment.* An application-commitment fee of $1 per thousand dollars of the requested mortgage amount shall accompany the application for conditional commitment in cases in which the application fee for an unexpired SAMA letter has been collected. A fee of $2 per one thousand dollars of the requested mortgage amount shall accompany the application for conditional commitment in cases in which the SAMA application fee has been paid but the SAMA letter has expired or in cases in which a SAMA application fee has not been paid.

(3) *Application fee—firm commitment.* An application for firm commitment shall be accompanied by an application-commitment fee which, when added to prior fees received in connection with applications for a SAMA letter or a conditional commitment, will aggregate $3 per thousand dollars of the requested mortgage amount to be insured. The payment of an application-commitment fee shall not be required in connection with an insured mortgage involving the sale by the government of housing or property acquired, held or contracted, pursuant to the Atomic Energy Community Act of 1955, as provided in § 207.31(b)(4).

(b) *Effect of SAMA letter, conditional and firm commitment*—(1) *SAMA letter.* The issuance of a SAMA letter indicates completion of the site appraisal and market analysis stage to determine initial acceptability of the site and recognition of a specific market need. The SAMA letter is not a commitment to insure a mortgage for the proposed project and does not bind the Commissioner to issue a firm commitment to insure. The SAMA letter precedes the later submission of acceptable plans and specifications for the proposed project and is limited to advising the applicant as to the following determinations of the Commissioner, which shall not be changed to the detriment of an applicant, if the application for a conditional commitment is received before expiration of the SAMA letter:

(i) The land value fully improved (with offsite improvements installed).

(ii) The acceptability of the proposed project site, the proposed composition, number and size of the units and the market for the number of proposed units. Where the application is not acceptable as submitted, but can be made acceptable by a change in the number, size, or composition of the units, the SAMA letter may establish the specific lesser number of units which would be acceptable and any acceptable alternative plan for the composition and size of units.

(iii) The acceptability of the unit rents proposed. Where rent levels are unacceptable, the SAMA letter may establish specific rents which are acceptable.

(iv) The applicable land use intensity number, from which may be determined the maximum floor area and minimum acceptable recreational, parking, living and open space areas acceptable to the Commissioner for the proposed project.

(2) *Conditional commitment.* The issuance of a conditional commitment indicates completion of technical processing involving the estimated cost of the project, the "as is" value of the site, the detailed estimates of operating expenses and taxes, the supportable cost, the financial and credit capacity of the sponsorship, financial requirements and the mortgage amount.

(3) *Firm commitment and types of firm commitment.* The issuance of a firm commitment evidences the Commissioner's approval of the application for insurance and sets forth the terms and conditions upon which the mortgage will be insured. The firm commitment may provide for the insurance of advances of mortgage money made during construction or may provide for the insurance of the mortgage upon completion of the improvements.

(c) *Term of SAMA letter, conditional commitment and firm commitment*—(1) *SAMA letter.* A SAMA letter shall be effective for whatever term is specified in the letter.

(2) *Conditional commitment.* A conditional commitment shall be effective for whatever term is specified in the text of the commitment.

(3) *Firm commitment.*—(i) Insurance of advances: A firm commitment to insure advances shall be effective for a period of not more than 60 days from the date of issuance.

(ii) Insurance upon completion: A firm commitment to insure upon completion shall be effective for a designated term within which the mortgagor is required to begin construction and, if construction is begun as required, the commitment shall be effective for such additional period as the Commisioner estimates is necessary for the completion of construction and for obtaining sustaining occupancy.

(iii) The term of either a SAMA letter, or conditional or firm commitment may be extended in such manner as the Commissioner may prescribe.

(d) *Rejection of an application.* A significant deviation in an application from the terms or findings arrived at in an earlier stage, as evidenced by the SAMA letter or conditional commitment, shall be grounds for rejection of an application for conditional or firm commitment, respectively. The fees paid to such date shall be considered as having been earned notwithstanding such rejection.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

3. The table of contents to Part 213 is amended in part as follows:

Sec.
213.2 Application, SAMA letter and commitments.

4. Section 213.2 is revised to read as follows:

§ 213.2 Application, SAMA letter and commitments.

(a) *Application.* An application for the issuance of a site appraisal and market analysis (SAMA) letter must be submitted by the project sponsor. An application for a conditional or firm commitment for insurance of a mortgage on a project shall be submitted by the sponsor and an approved mortgagee. Such applications shall be submitted to the local HUD field office on FHA approved forms. No application shall be considered unless accompanied by the exhibits required by the form. An applicant may initially elect to submit an application for a SAMA letter, a conditional commitment or a firm commitment depending upon the completeness of the drawings, specifications and other required exhibits; however, an applicant may not elect to omit the conditional commitment processing stage if he has begun with the SAMA stage initially.

(b) *Effect of SAMA letter, conditional and firm commitment*—(1) *SAMA let-*

ter. The issuance of a SAMA letter indicates completion of the site appraisal and market analysis stage to determine initial acceptability of the site and recognition of a specific market need. The SAMA letter is not a commitment to insure a mortgage for the proposed project and does not bind the Commissioner to issue a firm commitment to insure. The SAMA letter precedes the later submission of acceptable plans and specifications for the proposed project, and is limited to advising the applicant as to the following determinations of the Commissioner, which shall not be changed to the detriment of an applicant, if the application for a conditional commitment is received before expiration of the SAMA letter:

(i) The land value fully improved (with offsite improvements installed).

(ii) The acceptability of the proposed project site, the proposed composition, number and size of the units and the market for the number of proposed units. Where the application is not acceptable as submitted, but can be made acceptable by a change in the number, size or composition of the units, the SAMA letter may establish the specific lesser number of units which would be acceptable and any acceptable alternative plan for the composition and size of units.

(iii) The acceptability of the carrying charges proposed. Where such charges are unacceptable, the SAMA letter may establish specific charges which are acceptable.

(iv) The applicable land use intensity number, from which may be determined the maximum floor area and minimum acceptable recreational, parking, living and open space areas acceptable to the Commissioner for the proposed project.

(2) *Conditional commitment.* The issuance of a conditional commitment indicates completion of technical processing involving the estimated cost of the project, the "as is" value of the site, the detailed estimates of operating expenses and taxes, the supportable cost, the financial and credit capacity of the sponsorship, financial requirements and the mortgage amount.

(3) *Firm commitment and types of firm commitment.* The issuance of a firm commitment evidences the Commissioner's approval of the application for insurance and sets forth the terms and conditions upon which the mortgage will be insured. The firm commitment may provide for the insurance of advances of mortgage money made during construction or may provide for the insurance of the mortgage upon completion of the improvements.

(c) *Term of SAMA letter, conditional commitment and firm commitment*—(1) *SAMA letter.* A SAMA letter shall be effective for whatever term is specified in the letter.

(2) *Conditional commitment.* A conditional commitment shall be effective for whatever term is specified in the text of the commitment.

(3) *Firm commitment*—(i) Insurance of advances: A firm commitment to insure advances shall be effective for a period of not more than 60 days from the date of issuance.

(ii) Insurance upon completion: A firm commitment to insure upon completion shall be effective for a designated term within which the mortgagor is required to begin construction, and, if construction is begun as required, the commitment shall be effective for such additional period as the Commissioner estimates is necessary for the completion of construction and for obtaining sustaining occupancy.

(iii) The term of either a SAMA letter, or conditional or firm commitment may be extended in such manner as the Commissioner may prescribe.

5. Section 213.3 is amended to read as follows:

§ 213.3 Fees required by Commissioner.

(a) *Application for SAMA letter, conditional commitment and firm commitment*—(1) *Application fee—SAMA letter.* An application fee of $1 per thousand dollars of the amount of the mortgage requested shall accompany the application for a SAMA letter.

(2) *Application fee—conditional commitment.* An application-commitment fee of $1 per thousand dollars of the requested mortgage amount shall accompany the application for conditional commitment in cases in which the application fee for an unexpired SAMA letter has been collected. A fee of $2 per one thousand dollars of the requested mortgage amount shall accompany the application for conditional commitment in cases in which the SAMA application fee has been paid but the SAMA letter has expired or in cases in which a SAMA application fee has not been paid.

(3) *Application fee—firm commitment.* An application for firm commitment shall be accompanied by an application-commitment fee which when added to prior fees received in connection with applications for a SAMA letter or a conditional commitment will aggregate $3 per thousand dollars of the requested mortgage amount to be insured.

(b) *Rejection of an application.* A significant deviation in an application from the terms or findings arrived at in an earlier stage, as evidenced by the SAMA letter or conditional commitment, shall be grounds for rejection of an application for conditional or firm commitment, respectively. The fees paid to such date shall be considered as having been earned notwithstanding such rejection.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

6. The table of contents to Part 221 is amended in part as follows:

Sec.
221.503 Application fees.
221.504 Rejection of an application.

* * * * *

SAMA LETTER AND COMMITMENT

221.509 Effect and term of SAMA letter, conditional and firm commitment.

7. Section 221.502 is revised to read as follows:

§ 221.502 Application.

(a) An application for the issuance of a site appraisal and market analysis (SAMA) letter must be submitted by the project sponsor. An application for a conditional or firm commitment for insurance of a mortgage on a project shall be submitted by an approved mortgagee and by the sponsor of such project. Such application shall be submitted to the local HUD field office on FHA approved forms.

(b) No application shall be considered unless the following applicable requirements are met:

(1) All of the exhibits required by the application form are submitted to the Commissioner.

(2) In a case involving a mortgage which is to bear interest at the below market rate provided in § 221.518(b), the Commissioner shall have issued a memorandum evidencing allocation of funds to the proposed project.

(c) An applicant may initially elect to submit an application for a SAMA letter, a conditional commitment or a firm commitment depending upon the completeness of the drawings, specifications and other required exhibits; however, an applicant may not elect to omit the conditional commitment processing stage if he has begun with the SAMA stage initially.

8. Section 221.503 is revised to read as follows:

§ 221.503 Application fees.

(a) *Application fee—SAMA letter.* An application fee of $1.00 per thousand dollars of the requested mortgage amount shall accompany the application for a SAMA letter.

(b) *Application fee—conditional commitment.* An application-commitment fee of $1 per thousand dollars of the requested mortgage amount shall accompany the application for conditional commitment in cases in which the application fee for an unexpired SAMA letter has been collected. A fee of $2 per one thousand dollars of the requested mortgage amount shall accompany the application for conditional commitment in cases in which the SAMA application fee has been paid but the SAMA letter has expired or in cases in which a SAMA application fee has not been paid.

(c) *Application fee—firm commitment.* An application for firm commitment shall be accompanied by an application-commitment fee which, when added to prior fees received in connection with applications for a SAMA letter or a conditional commitment, will aggregate $3 per thousand dollars of the requested mortgage amount to be insured.

9. Section 221.504 is revised to read as follows:

§ 221.504 Rejection of an application.

A significant deviation in an application from the terms or findings arrived at in an earlier stage, as evidenced by the SAMA letter or conditional commitment, shall be grounds for rejection of an application for conditional or firm commitment, respectively. The fees paid to such date shall be considered as having been earned notwithstanding such rejection.

10. Section 221.509 and the heading therefor are revised to read as follows:

SAMA LETTER AND COMMITMENT

§ 221.509 Effect and term of SAMA letter, conditional and firm commitment.

(a) *Effect of SAMA letter, conditional and firm commitment* — (1) *SAMA letter.* The issuance of a SAMA letter indicates completion of the site appraisal and market analysis stage to determine initial acceptability of the site and recognition of a specific market need. The SAMA letter is not a commitment to insure a mortgage for the proposed project and does not bind the Commissioner to issue a firm commitment to insure. The SAMA letter precedes the later submission of acceptable plans and specifications for the proposed project, and is limited to advising the applicant as to the following determinations of the Commissioner, which shall not be changed to the detriment of an applicant, if the application for a conditional commitment is received before expiration of the SAMA letter:

(i) The land value fully improved (with offsite improvements installed).

(ii) The acceptability of the proposed project site, the proposed composition, number and size of the units and the market for the number of proposed units. Where the application is not acceptable as submitted, but can be made acceptable by a change in the number, size or composition of the units, the SAMA letter may establish the specific lesser number of units which would be acceptable and any acceptable alternative plan for the composition and size of units.

(iii) The acceptability of the unit rents proposed. Where rent levels are unacceptable, the SAMA letter may establish specific rents which are acceptable.

(iv) The applicable land use intensity number, from which may be determined the maximum floor area and minimum recreational, parking, living and open space area acceptable to the Commissioner for the proposed project.

(2) *Conditional commitment.* The issuance of a conditional commitment indicates completion of technical processing involving the estimated cost of the project, the "as is" value of the site, the detailed estimates of operating expenses and taxes, the supportable cost, the financial and credit capacity of the sponsorship, financial requirements and the mortgage amount.

(3) *Firm commitment and types of firm commitment.* The issuance of a firm commitment evidences the Commissioner's approval of the application for insurance and sets forth the terms and conditions upon which the mortgage will be insured. The firm commitment may provide for the insurance of advances of mortgage money made during construction or may provide for the insurance of the mortgage upon completion of the improvements.

(b) *Term of SAMA letter, conditional commitment and firm commitment.*—(1) *SAMA letter.* A SAMA letter shall be effective for whatever term is specified in the letter.

(2) *Conditional commitment.* A conditional commitment shall be effective for whatever term is specified in the text of the commitment.

(3) *Firm commitment*—(i) Insurance of advances: A firm commitment to insure advances shall be effective for a period of not more than 60 days from the date of issuance.

(ii) Insurance upon completion: A firm commitment to insure upon completion shall be effective for a designated term within which the mortgagor is required to begin construction, and, if construction is begun as required, the commitment shall be effective for such additional period as the Commissioner estimates is necessary for the completion of construction and for obtaining sustaining occupancy.

(iii) The term of either a SAMA letter, or conditional or firm commitment may be extended in such manner as the Commissioner may prescribe.

(c) *Reopening of expired commitments.* An expired commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. If the reopening request is not received by the Commissioner within the required 90-day period, a new application, accompanied by an application fee, must be submitted.

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

11. The table of contents to Part 232 is amended in part as follows:

Sec.
232.10 Application-commitment fees.
232.11 Rejection of an application.

* * * * *

SAMA LETTER AND COMMITMENT

232.50 Effect and term of SAMA letter, conditional and firm commitment.

12. Section 232.5 is revised to read as follows:

§ 232.5 Application.

An application for the issuance of a site appraisal and market analysis (SAMA) letter must be submitted by the project sponsor. An application for a conditional or firm commitment for insurance of a mortgage on a project shall be submitted by an approved mortgagee and by the sponsor of such project. Such application shall be submitted to the local HUD field office on FHA-approved forms. No application shall be considered unless accompanied by the exhibits required by the form. An applicant may initially elect to submit an application for a SAMA letter, a conditional commitment or a firm commitment depending upon the completeness of the drawings, specifications and other required exhibits; however, an applicant may not elect to omit the conditional commitment processing stage if he has begun with the SAMA stage initially.

13. Section 232.10 is revised to read as follows:

§ 232.10 Application-commitment fees.

(a) *Application fee—SAMA letter.* An application fee of $1.00 per thousand dollars of the requested mortgage amount shall accompany the application for a SAMA letter.

(b) *Application fee—conditional commitment.* An application-commitment fee of $1.00 per thousand dollars of the requested mortgage amount shall accompany the application for conditional commitment in cases in which the application fee for an unexpired SAMA letter has been collected. A fee of $2 per one thousand dollars of the requested mortgage amount shall accompany the application for conditional commitment in cases in which the SAMA application fee has been paid but the SAMA letter has expired or in cases in which a SAMA application fee has not been paid.

(c) *Application fee—firm commitment.* An application for firm commitment shall be accompanied by an application-commitment fee which, when added to prior fees received in connection with applications for a SAMA letter or a conditional commitment, will aggregate $3 per thousand dollars of the requested mortgage amount to be insured.

(d) The payment of an application-commitment fee shall not be required in connection with an insured mortgage involving the sale by the government of housing or property acquired, held or contracted, pursuant to the Atomic Energy Community Act of 1955, as provided in § 207.31(b)(4) of this chapter.

14. Section 232.11 is revised to read as follows:

§ 232.11 Rejection of an application.

A significant deviation in an application from the terms or findings arrived at in an earlier stage, as evidenced by the SAMA letter or conditional commitment, shall be grounds for rejection of an application for conditional or firm commitment, respectively. The fees paid to such date shall be considered as having been earned notwithstanding such rejection.

15. Section 232.50 and the heading therefor are amended to read as follows:

SAMA LETTER AND COMMITMENT

§ 232.50 Effect and term of SAMA letter, conditional and firm commitment.

(a) *Effect of SAMA letter, conditional and firm commitment*—(1) *SAMA letter.*

The issuance of a SAMA letter indicates completion of the site appraisal and market analysis stage to determine initial acceptability of the site and recognition of a specific market need. The SAMA letter is not a commitment to insure a mortgage for the proposed project and does not bind the Commissioner to issue a firm commitment to insure. The SAMA letter precedes the later submission of acceptable plans and specifications for the proposed project and is limited to advising the applicant as to the following determinations of the Commissioner, which shall not be changed to the detriment of an applicant, if the application for a conditional commitment is received before expiration of the SAMA letter:

(i) The land value fully improved (with offsite improvements installed).

(ii) The acceptability of the proposed project site, the proposed number of beds and the market for the number of proposed beds. Where the application is not acceptable as submitted, but can be made acceptable by a change in the number of beds, the SAMA letter may establish the specific lesser number of beds which would be acceptable and any acceptable alternative plan.

(iii) The acceptability of the monthly bed rates proposed. Where monthly bed rate levels are unacceptable, the SAMA letter may establish specific monthly bed rates which are acceptable.

(2) *Conditional commitment.* The issuance of a conditional commitment indicates completion of technical processing involving the estimated cost of the project, the "as is" value of the site, the detailed estimates of operating expenses and taxes, the supportable cost, the financial and credit capacity of the sponsorship, financial requirements and the mortgage amount.

(3) *Firm commitment and types of firm commitment.* The issuance of a firm commitment evidences the Commissioner's approval of the application for insurance and sets forth the terms and conditions upon which the mortgage will be insured. The firm commitment may provide for the insurance of advances of mortgage money made during construction or may provide for the insurance of the mortgage upon completion of the improvements.

(b) *Term of SAMA letter, conditional commitment and firm commitment—*(1) *SAMA letter.* A SAMA letter shall be effective for whatever term is specified in the letter.

(2) *Conditional commitment.* A conditional commitment shall be effective for whatever term is specified in the text of the commitment.

(3) *Firm commitment*—(i) Insurance of advances: A firm commitment to insure advances shall be effective for a period of not more than 60 days from the date of issuance.

(ii) Insurance upon completion: A firm commitment to insure upon completion shall be effective for a designated term within which the mortgagor is required to begin construction, and, if construction is begun as required, the commitment shall be effective for such additional period as the Commissioner estimates is necessary for the completion of construction.

(iii) The term of either a SAMA letter, or conditional or firm commitment may be extended in such manner as the Commissioner may prescribe.

(c) *Reopening of expired commitments.* An expired commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. If the reopening request is not received by the Commissioner within the required 90-day period, a new application, accompanied by an application fee, must be submitted.

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

16. The following technical amendment is made to the exceptions to the incorporation by reference contained in § 234.501:

§ 234.501 Incorporation by reference.

* * * * *

Sec.
207.1 Application, SAMA letter, commitments and required fees.

* * * * *

17. Section 234.506 is amended to read as follows:

§ 234.506 Application, filing and approved fees.

All of the provisions of § 207.1 of this chapter relating to the filing of an application for insurance and the fees to be paid to the Commissioner apply to cases involving mortgages to be insured under this subpart, except:

(a) In all cases the combined application, commitment, and inspection fees shall aggregate no less than the following amounts:

(1) $50 per dwelling unit, in a case involving new construction,

(2) $40 per dwelling unit, in a case involving rehabilitation, and

(b) The reference in § 207.1(b)(1)(iii) to "rents" and "rent" shall be changed to "sales prices" and "sales price" respectively.

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

18. The following technical amendments are made to the exceptions to the incorporation by reference contained in § 235.501 because none of the new SAMA processing procedures apply to Part 235, Subpart D—Eligibility Requirements—Rehabilitation Sales Projects:

§ 235.501 Incorporation by reference.

* * * * *

Sec.

* * * * *

221.503 Application fees.
221.504 Rejection of an application.

* * * * *

Sec.
221.509 Effect and term of SAMA letter, conditional and firm commitment.

* * * * *

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

§ 236.1 [Amended]

19. Section 236.1 is amended by deleting the reference to § 221.504 *Commitment fee.*

20. Section 236.3 is amended to read as follows:

§ 236.3 Application, commitment and inspection fees.

All of the provisions of §§ 221.503 and 221.505 of this chapter governing application, commitment and inspection fees shall apply to mortgages insured under this part, except that such fees shall not be required in either of the following instances:

* * * * *

21. Section 236.5 is revised to read as follows:

§ 236.5 Application.

(a) An application for the issuance of a site appraisal and market analysis (SAMA) letter must be submitted by the project sponsor. An application for a conditional or firm commitment for insurance of a mortgage on a project shall be submitted by an approved mortgagee and by the sponsor. Such applications shall be submitted to the local HUD field office on FHA-approved forms.

(b) No application shall be considered unless the following requirements are met:

(1) All of the exhibits called for in the application form are submitted to the Commissioner.

(2) The Commissioner has allocated to the project contract authority for interest reduction payments.

(c) An applicant may initially elect to submit an application for a SAMA letter, a conditional commitment or a firm commitment depending upon the completeness of the drawings, specifications and other required exhibits; however, an applicant may not elect to omit the conditional commitment processing stage if he has begun with the SAMA stage initially.

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES [TITLE XI]

22. The table of contents to Part 244 is in part follows:

APPLICATION, SAMA LETTER, COMMITMENTS, FEES AND CHARGES BY MORTGAGEE

Sec.
244.10 Application, SAMA letter, commitments and fees.

23. Section 244.10 is amended to read as follows:

APPLICATION, SAMA LETTER, COMMITMENTS, FEES AND CHARGES BY MORTGAGE

§ 244.10 Application, SAMA letter, commitments and fees.

(a) *Application.* An application for the issuance of a site appraisal and market analysis (SAMA) letter must be submitted by the project sponsor. An application for a conditional or firm commitment for insurance of a mortgage on a group practice facility shall be submitted by an approved mortgagee and by the sponsor. Such applications shall be submitted to the local HUD field office on FHA-approved forms. No application shall be considered unless accompanied by the exhibits required by the form. An applicant may initially elect to submit an application for a SAMA letter, a conditional commitment or a firm commitment depending upon the completeness of the drawings, specifications and other required exhibits; however, an applicant may not elect to omit the conditional commitment processing stage if he has begun with the SAMA stage initially.

(b) *SAMA letter, conditional and firm commitment*—(1) *SAMA letter.* The issuance of a SAMA letter indicates completion of the site appraisal and market analysis stage to determine initial acceptability of the site and recognition of a specific market need. The SAMA letter is not a commitment to insure a mortgage for the proposed project and does not bind the Commissioner to issue a firm commitment to insure. The SAMA letter precedes the later submission of acceptable plans and specifications for the proposed project, and is limited to advising the applicant as to the following determinations of the Commissioner, which shall not be changed to the detriment of an applicant, if the application for a conditional commitment is received before expiration of the SAMA letter:

(i) The land value fully improved (with offsite improvements installed).

(ii) The acceptability of the proposed project site, the proposed composition of the group practice and the market for the proposed services. Where the application is not acceptable as submitted, but can be made acceptable by a change in composition or type of service, the SAMA letter may establish acceptable alternative plans.

(2) *Conditional commitment.* The issuance of a conditional commitment indicates completion of technical processing involving the estimated cost of the project, the "as is" value of the site, the detailed estimates of operating expenses and taxes, the supportable cost, the financial and credit capacity of the sponsorship, financial requirements and the mortgage amount.

(3) *Firm commitment and types of firm commitment.* The issuance of a firm commitment evidences the Commissioner's approval of the application for insurance and sets forth the terms and conditions upon which the mortgage will be insured. The firm commitment may provide for the insurance of advances of mortgage money made during construction or may provide for the insurance of the mortgage upon completion of the improvements.

(c) *Term of SAMA letter, conditional commitment and firm commitment*—(1) *SAMA letter.* A SAMA letter shall be effective for whatever term is specified in the letter.

(2) *Conditional commitment.* A conditional commitment shall be effective for whatever term is specified in the text of the commitment.

(3) *Firm commitment*—(i) Insurance of advances: A firm commitment to insure advances shall be effective for a period of not more than 60 days from the date of issuance.

(ii) Insurance upon completion: A firm commitment to insure upon completion shall be effective for a designated term within which the mortgagor is required to begin construction, and, if construction is begun as required, the commitment shall be effective for such additional period as the Commissioner estimates is necessary for the completion of construction.

(iii) The term of either a SAMA letter, or conditional or firm commitment may be extended in such manner as the Commissioner may prescribe.

(d) *Fees*—(1) *Application fee—SAMA letter.* An application fee of $1 per thousand dollars of the requested mortgage amount shall accompany the application for a SAMA letter.

(2) *Application fee—conditional commitment.* An application-commitment fee of $1 per thousand dollars of the requested mortgage amount shall accompany the application for conditional commitment in cases in which the application fee for an unexpired SAMA letter has been collected. A fee of $2 per one thousand dollars of the requested mortgage amount shall accompany the application for conditional commitment in cases in which the SAMA application fee has been paid but the SAMA letter has expired or in cases in which a SAMA application fee has not been paid.

(3) *Application fee—firm commitment.* An application for firm commitment shall be accompanied by an application-commitment fee which, when added to prior fees received in connection with applications for a SAMA letter or a conditional commitment, will aggregate $3 per thousand dollars of the requested mortgage amount to be insured.

(4) *Rejection of an application.* A significant deviation in an application from the terms or findings arrived at in an earlier stage, as evidenced by the SAMA letter or conditional commitment, shall be grounds for rejection of an application for conditional or firm commitment, respectively. The fees paid to such date shall be considered as having been earned notwithstanding such rejection.

* * * * *

(f) *Fees on increases*—(1) *Increase in firm commitment prior to endorsement.* An application, filed prior to initial endorsement (or prior to endorsement in a case involving insurance upon completion), for an increase in the amount of an outstanding firm commitment shall be accompanied by a combined additional application-commitment fee. This combined additional fee shall be in an amount which will aggregate $3 per thousand dollars of the amount of the requested increase. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount computed at the same dollar rate per thousand dollars of the amount of increase in commitment as was used for the inspection fee required in the original commitment. When insurance of advances is involved, the additional inspection fee shall be paid at the time of initial endorsement. When insurance upon completion is involved, the additional inspection fee shall be paid prior to the date construction is begun or if construction has begun, it shall be paid with the application for increase.

(2) *Increase in mortgage between initial and final endorsement.* Upon an application, filed between initial and final endorsement, for an increase in the amount of the mortgage, either by amendment or by substitution of a new mortgage, a combined additional application and commitment fee shall accompany the application. This combined additional fee shall be in an amount which will aggregate $3 per thousand dollars of the amount of the increase requested. If an inspection fee was required in the original commitment, an additional inspection fee shall accompany the application in an amount not to exceed $5 per thousand dollars of the amount of the increase requested.

* * * * *

(g) *Reopening of expired commitments.* An expired commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. If the reopening request is not received by the Commissioner within the required 90-day period, a new application, accompanied by an application fee, must be submitted.

* * * * *

(Sec. 7(d), Department of Housing and Urban Development Act; (42 U.S.C. 3535(d)))

Effective date. These amendments will be effective as of May 1, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner.

[FR Doc.74-7499 Filed 3-29-74;11:29 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

[Docket No. FI-233]

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
New Jersey	Monmouth	Avon-by-the-Sea, borough of.				Mar. 29, 1974, Emergency.
Pennsylvania	Butler	Butler, township of.				Do.
Do.	Cambria	Westmont, borough of.				Do.
Do.	Carbon	Palmerton, borough of.				Do.
Wisconsin	Waupaca	Fremont, village of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 22, 1974.

CHARLES W. WIECKING,
Acting, Federal Insurance Administrator.

[FR Doc.74-7401 Filed 4-1-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-31R]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Fifth Coast Guard District; Correction

In FR Doc. 74-5144 appearing at pages 8613-4 in the issue for Wednesday, March 6, 1974, in the last two lines of § 3.25-20(b), the phrase reading "thence easterly along the South Carolina-Georgia boundary to the sea" should read "thence easterly along the South Carolina-North Carolina boundary to the sea."

Dated: March 26, 1974.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.74-7494 Filed 4-1-74;8:45 am]

[CGD 73-48R]

PART 110—ANCHORAGE REGULATIONS

Special Anchorage Areas, Milwaukee Harbor, Wisconsin

This amendment to the anchorage regulations of Milwaukee Harbor, Wisconsin enlarges the two existing special anchorage areas and establishes an additional special anchorage area. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

This amendment is based on a notice of proposed rulemaking published in the Monday, March 19, 1973, issue of the FEDERAL REGISTER (38 FR 7240) and a public notice issued by the Commander, Ninth Coast Guard District.

Six comments were received in response to the notice of proposed rulemaking. Five responses agreed with the terms of the proposal. The other response and two of favorable responses requested that consideration be given to the establishment of an access fairway through area (a), McKinley Park.

The comments pointed out that in this area, heavy vessel traffic, from the municipal launch ramps, municipal slips and a yacht club to the breakwater gap near the North Entrance Light, creates a need for an access channel to facilitate safe travel. Whenever possible, it is desirable to have local control of a special anchorage area by the appropriate municipality. The Milwaukee Harbor Master, being the "local control", should be contacted regarding an access channel. If an access channel is deemed necessary, and it is determined that the channel should be marked, private aids to navigation may be installed, being ultimately documented by Commander (oan), Ninth Coast Guard District.

In consideration of the foregoing, 33 CFR Part 110 is amended by revising § 110.80 to read as follows:

§ 110.80 Milwaukee Harbor, Milwaukee, Wis.

(a) *McKinley Park.* The water area east of McKinley Park enclosed by a line beginning at McKinley Park Jetty Light; thence 090° 500 feet to a point on the breakwater; thence northerly and northwesterly following the breakwater, piers, jetty and natural shoreline to the point of beginning.

(b) *South Shore Park.* The water area northeast of South Shore Park enclosed by a line beginning at the northeast corner of the jetty at latitude 43°00'07.5" N., longitude 87°53'08" W.; thence to latitude 43°00'05" N., longitude 87°53'01" W.; thence to latitude 42°59'55" N., longitude 87°52'53" W.; thence to latitude 42°59'40" N., longitude 87°52'33.5" W.; thence to a point of the shoreline at latitude 42°59'34" N., longitude 87°52'43.5" W.; thence following the shoreline to the point of beginning.

(c) *Bay View Park.* The water area east of Bay View Park enclosed by a line beginning on the shoreline at latitude 42°59'28.5" N., longitude 87°52'35" W.; thence to latitude 42°59'35.5" N., longitude 87°52'27" W.; thence to latitude 42°59'08" N., longitude 87°51'37" W.; thence to a point on the shoreline at latitude 42°58'59" N., longitude 87°51'46" W.; thence following the shoreline to the point of beginning.

NOTE.—An ordinance of the City of Milwaukee, Wisconsin requires the approval of the Milwaukee Harbor Master for the location

and type of moorings placed in these special anchorage areas.

(Rule 9, 28 Stat. 647, as amended, (33 U.S.C. 258); sec. 6(g)(1)(C) 80 Stat. 937, (49 U.S.C. 1655(g)(1)(C)); 49 CFR 1.46(c)(3))

Effective date. This amendment will become effective on May 1, 1974.

Dated: March 26, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.74-7496 Filed 4-1-74;8:45 am]

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

4,6-Dinitro-o-Cresol and Its Sodium Salt

In response to a petition (PP 1E1067) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the Agricultural Experiment Stations of California, Idaho, Oregon, Utah, and Washington; the U.S. Department of Agriculture; and the Northwest Horticultural Council, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of February 4, 1974 (39 FR 4486), proposing establishment of a tolerance of 0.02 part per million for negligible residues of 4,6-dinitro-o-cresol and its sodium salt as plant regulators in or on apples from application to apple trees at the blossom stage as a fruit-thinning agent and that § 180.319 *Interim tolerances* be amended by deleting the item: "4,6-Dinitro-o-cresol and its sodium salt * * *" from the list of items in the table. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 180 is amended as follows:

§ 180.319 [Amended]

1. In § 180.319 *Interim tolerances*, by deleting the item "4,6-Dinitro-o-cresol and its sodium salt * * *" from the list of items in the table.

2. In Subpart C, by adding the following new section:

§ 180.344 4,6-Dinitro-o-cresol and its sodium salt; tolerance for residues.

A tolerance of 0.02 part per million is established for negligible residues of the plant regulators 4,6-dinitro-o-cresol and its sodium salt in or on the raw agricultural commodity apples from application to apple trees at the blossom stage as a fruit-thinning agent.

Any person who will be adversely affected by the foregoing order may at any time on or before May 2, 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 April 2, 1974.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: March 27, 1974.

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

[FR Doc.74-7516 Filed 4-1-74;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

PART 206—APPLICATION, DETERMINATION OF ELIGIBILITY AND FURNISHING ASSISTANCE, PUBLIC ASSISTANCE PROGRAM

Probable Fraud Cases

Notice of proposed regulations to provide an exception to the timely notice requirement in certain situations involving probable fraud was published in the FEDERAL REGISTER on August 15, 1973 (38 FR 22042). This proposed rule would have permitted the States to dispense with timely notice (10 days) in probable fraud cases if the agency had clear evidence indicating that assistance should be discontinued, suspended, terminated, or reduced because of criminal fraud; the facts had, where possible, been verified through collateral sources; the agency did not have the evidence early enough to send timely notice before the next payment was to be made; and immediate hearing was made available to the recipient.

A total of 57 written responses were received from various sources including State and local public welfare agencies, State district attorneys, legal aid groups, recipient organizations, other organizations and individuals.

Over 85 percent of the respondents expressed support for the proposed regulations. Several supportive letters were received from indiivduals who are professionally engaged in the investigation and prosecution of fraud.

In the comments directed to specific aspects, the following substantive observations were made. Clear definition should be given to the requirement dealing with evidence "verified through collateral sources". More careful consideration should be given to the due process implications of the proposal in the light of the Supreme Court's Goldberg v. Kelly decision. Several State agencies contended that the requirement for immediate hearings imposes an administrative burden.

Those expressing opposition spoke mainly to their feelings that the regulation would encourage abuses through subjective interpretations by State and local agencies and that, as proposed, the regulation denies due process.

In Goldberg v. Kelly (397 U.S. 254 (1970)), the Supreme Court held that "when welfare is discontinued, only a pretermination evidentiary hearing provides the recipient with procedural due process". The Court also said that "[w]e are not prepared to say that the seven-days notice currently provided by New York City is constitutionally insufficient per se, although there may be cases where fairness would require that a longer time be given". The general ten-day notice provision under Federally-aided public assistance programs (45 CFR 205.10(a)(4)(i)(A)) is based upon that statement.

But the ordinary situations to which the ten-day notice period applies differ markedly from the fraud situation; fraud is an invidious attack on the public assistance system itself. It is therefore necessary for the protection of the public assistance programs that situations involving probable fraud be dealt with quickly and effectively. Thus, the rule set forth below provides for only a five-day, rather than a ten-day notice in instances of probable fraud. Since a seven day notice is not constitutionally insufficient in general, a five-day notice should not be insufficient in cases of probable fraud in particular. The requirement for verifying the facts through collateral sources wherever possible has been retained to prevent abuse.

Technical amendments to §§ 205.10 and 206.10 clarify the definition of "timely" to reinstate a State's ability to prorate payments due recipients during the notice period; clarify procedures relating to hearings under the work incentive program (WIN); and reinstate a requirement previously contained in 45 CFR 205.20, revoked effective October 15, 1973 (38 FR 20008, August 15, 1973).

Chapter II, Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 205.10 is amended by revising paragraph (a)(4)(i)(A), and adding a new subdivision (iv), and by revising paragraph (a)(5)(v) and (11) as set forth below:

§ 205.10 Hearings.

(a) * * *

(4) In cases of intended action to discontinue, terminate, suspend or reduce assistance:

(i) The State or local agency shall give timely and adequate notice, except as provided for in paragraphs (a)(4)(ii), (iii), or (iv) of this section. Under this requirement:

(A) "Timely" means that the notice is mailed at least 10 days before the date of action, that is, the date upon which the action would become effective.

* * * * *

(iv) When the agency obtains facts indicating that assistance should be discontinued, suspended, terminated, or reduced because of the probable fraud of the recipient, and, where possible, such facts have been verified through collateral sources, notice of such grant adjustment shall be timely if mailed at least five (5) days before action would become effective.

* * * * *

(5) * * *

(v) The agency may deny or dismiss a request for a hearing where it has been withdrawn by the claimant in writing, where the sole issue is one of State or Federal law requiring automatic grant adjustments for classes of recipients, where a decision has been rendered after a WIN hearing before the manpower agency that a participant has, without good cause, refused to accept employment or participate in the WIN program, or has failed to request such a hearing after notice of intended action for such refusal, or where it is abandoned. Abandonment may be deemed to have occurred if the claimant, without good cause therefor, fails to appear by himself or by authorized representative at the hearing scheduled for such claimant.

* * * * *

(11) In respect to title XIX, when the appeal has been taken on the basis of eligibility determination, the agency responsible for the determination of eligibility for medical assistance, if different from the single State agency administering the medical assistance plan, shall participate in the conduct of the hearing. In respect to Title IV–C, when the appeal has been taken on the basis of a disputed WIN registration requirement, exemption determination or finding of failure to appear for an appraisal interview, a representative of the local WIN manpower agency shall, where appropriate, participate in the conduct of the hearing.

* * * * *

2. Section 206.10(a)(2) is revised to read as follows:

§ 206.10 Application, determination of eligibility and furnishing of assistance.

(a) *State plan requirements.*

* * * * *

(2)(i) Applicants shall be informed about the eligibility requirements and their rights and obligations under the program. Under this requirement individuals are given information in written form, and orally as appropriate, about coverage, conditions of eligibility, scope of the program, and related services available, and the rights and responsibilities of applicants for and recipients of assistance. Specifically developed bulletins or pamphlets explaining the rules regarding eligibility and appeals in simple, understandable terms, are publicized and available in quantity.

(ii) Procedures shall be adopted which are designed to assure that recipients make timely and accurate reports of any change in circumstances which may affect their eligibility or the amount of assistance.

* * * * *

(Sec. 1102, 49 Stat. 64 (42 U.S.C. 1302))

Effective date. These regulations shall become effective on June 3, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.754, Public Assistance—Social Services and No. 13.761, Public Assistance—Maintenance Assistance (State Aid) and No. 13.714, Medical Assistance Program.)

Dated: January 15, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: March 25, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74–7484 Filed 4–1–74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Corrected 3d Rev. S.O. 1121, Amdt. 2]

PART 1033—CAR SERVICE

Demurrage and Free Time at Ports

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of March 1974.

Upon further consideration of Corrected Third Revised Service Order No. 1121 (38 FR 18660 and 26805), and good cause appearing therefor:

It is ordered, That: Section 1033.1121, corrected Third Revised Service Order No. 1121 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 6:59 a.m., July 1, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 6:59 a.m., April 1, 1974.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–7560 Filed 4–1–74;8:45 am]

[S.O. 1154, Amdt. 1]

PART 1033—CAR SERVICE

St. Louis-San Francisco Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of March, 1974.

Upon further consideration of Service Order No. 1154 (38 FR 28292), and good cause appearing therefor:

It is ordered, That:

Section 1033.1154 *Service Order No. 1154,* St. Louis-San Francisco, Railroad Company Authorized to operate over tracks of the Alabama Great Southern Railroad Company be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 1, 1974.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–7561 Filed 4–1–74;8:45 am]

[S. O. 1175-A]

PART 1033—CAR SERVICE

Substitution of Refrigerator Cars for Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of March, 1974.

Upon further consideration of Service Order No. 1175 (39 FR 9831), and good cause appearing therefor:

It is ordered, That:

Section 1033.1175 *Service Order No. 1175* (Substitution of refrigerator cars for boxcars) be, and it is hereby, vacated and set aside.

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

It is further ordered, That this order shall become effective at 11:59 p.m., March 31, 1974; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

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

[FR Doc.74-7562 Filed 4-1-74;8:45 am]

[Ex Parte No. MC-67 (Sub-No. 2)]

SUBCHAPTER B—PRACTICE AND PROCEDURE

PART 1131—TEMPORARY AUTHORITY APPLICATIONS UNDER SECTION 210 a(a) OF THE INTERSTATE COMMERCE ACT

State Registration of Emergency Temporary and Temporary Authority

Upon consideration of the record in the above-entitled proceeding, and of joint petition of The National Association of Regulatory Utility Commissioners and The Indiana Public Service Commission, filed February 6, 1974, for postponement of the effective date of the order of December 17, 1973, and good cause appearing therefor:

It is ordered, That the effective date of the order entered December 17, 1973, in said proceeding, be, and it is hereby, fixed as May 31, 1974.

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

Dated at Washington, D.C., this 22nd day of February, 1974.

By the Commission, Chairman Stafford.

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

NOTE.—This corrected order is entered to reflect that order refers to Part 1131 of Title 49, Chapter X, Sub-Chapter B of the Code of Federal Regulations which was inadvertently referred to as Part 1341 (39 FR 2771, Jan. 24, 1974, corrected at 39 FR 11192, Mar. 26, 1974).

[FR Doc.74-7559 Filed 4-1-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Price Increases To Reflect Increases in Non-Product Costs

Part 212 of the Federal Energy Office regulations is amended to permit resellers, reseller-retailers, and retailers to increase their prices beginning with April 1974 on certain covered products to reflect non-product cost increases in the marketing of those products. This amendment recognizes that many sellers have been faced with increased marketing costs in addition to increased product costs.

To implement this change, § 212.93(b) is amended to allow a one-quarter cent per gallon increase in the wholesale price of gasoline, or, if the seller had total sales of covered products of less than 100 million gallons in 1973, a one-half cent per gallon increase. Price increases on middle distillates of one cent per gallon at retail and one-quarter cent at wholesale (one-half cent for wholesale sellers with 1973 sales of less than 100 million gallons) are permitted. With respect to residual fuel oil, price increases of three-fourths cent per gallon at retail and one-fourth cent per gallon at wholesale are permitted and, with respect to propane, a one cent per gallon increase at retail and one-half cent per gallon increase at wholesale are permitted. These prices were determined by the Federal Energy Office to be reasonable and necessary based on the data available to it and through meetings with advisory groups, such as the Wholesale Petroleum Advisory Group.

Section 212.82(b)(2) has also been amended to permit a refiner to include in the definition of "allowable costs" increased non-product costs, in the amounts specified above, which are attributable to the marketing of these products. A price increase justified by the amended § 212.82(b)(2) still may only be implemented by a refiner after it has been prenotified in accordance with the provisions of Subpart I of Part 212.

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

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order 47, 39 FR 24)

In consideration of the foregoing, Part 212 of 10 CFR Chapter II, is amended as set forth below, effective April 1, 1974.

Issued in Washington, D.C., April 1, 1974.

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

1. Section 212.31 is amended to add definitions of "aviation turbine fuels," "middle distillates," "No. 1 heating oil," "No. 1–D diesel fuel," "No. 2 heating oil," "No. 2–D fuel oil," "No. 4–D diesel fuel," and "residual fuel oil" in the appropriate alphabetical order, to read as follows:

§ 212.31 Definitions.

* * * * *

"Aviation turbine fuels" means aviation fuels, Jet A, Jet A–1, and Jet B as defined in American Society for Testing and Materials (ASTM) D910–70 and D1655–73.

* * * * *

"Middle distillates" means Nos. 1 and 2 heating oils, Nos. 1–D, 2–D, and 4–D diesel fuels, No. 4 fuel oil, kerosene and aviation turbine fuel.

* * * * *

"No. 1 heating oil" means heating oil grade No. 1 as defined in American Society for Testing and Materials (ASTM) D396–71.

"No. 1–D diesel fuel" means diesel fuel grade No. 1 as defined in American Society for Testing and Materials (ASTM) D975–71.

"No. 2 heating oil" means heating oil grade No. 2 as defined in American Society for Testing and Materials (ASTM) D396–71.

"No. 2 –D diesel fuel" means diesel fuel grade No. 2 as defined in American Society for Testing and Materials (ASTM) D975–71.

"No. 4 fuel oil" means fuel oil grade No. 4 as defined in American Society for Testing and Materials (ASTM) D396–71.

"No. 4–D diesel fuel" means diesel fuel grade No. 4 as defined in American Society for Testing and Materials (ASTM) D975–71.

"Residual fuel oil" means those fuel oils commonly known as Nos. 5 and 6 fuel oils, Bunker C and all other fuel oils which have a fifty percent boiling point over 700° F. in the ASTM D 86 standard distillation test.

2. Section 212.82 is amended in paragraph (b)(2)(ii) by deleting the period at the end of the paragraph and inserting in lieu thereof a semicolon followed by the word "and".

3. Section 212.82 is further amended in paragraph (b)(2) by adding subdivisions (iii), (iv), (v), and (vi) to read as follows:

§ 212.82 Price rule.

* * * * *

(b) *Price increases.* * * *

(2) * * *

(iii) Beginning with April 1974, non-product costs attributable to the non-retail marketing of gasoline may be included as allowable costs to the extent that those costs allow an increase in the prices of gasoline above the prices otherwise permitted to be charged for such products pursuant to the provisions of this section including paragraph (b)(2)(i) of this section by an amount not in excess of one-quarter cent per gallon with respect to all sales other than retail sales; and

(iv) Beginning with April 1974, non-product costs attributable to the marketing of middle distillates may be included as allowable costs to the extent that those costs allow an increase in the prices of midde distillates above the prices otherwise permitted to be charged for such products pursuant to the provisions of this section including paragraph (b)(2)(i) of this section by an amount not in excess of one cent per gallon with respect to retail sales and not in excess of one-quarter cent per gallon with respect to all other sales; and

(v) Beginning with April 1974, non-product costs attributable to the marketing of residual fuel oil may be included as allowable costs to the extent that those costs allow an increase in the prices of residual fuel oil above the prices otherwise permitted to be charged for such products pursuant to the provisions of this section by an amount not in excess of three-fourths cent per gallon with respect to retail sales and one-fourth cent per gallon with respect to all other sales; and

(vi) Beginning with April 1974, non-product costs attributable to the marketing of propane may be included as allowable costs to the extent that those costs allow an increase in the prices of propane above the prices otherwise permitted to be charged for such products pursuant to the provisions of this section by an amount not in excess of one cent per gallon with respect to retail sales and one-half cent per gallon with respect to all other sales.

4. Section 212.93 is amended in paragraph (b)(1) by redesignating subdivision (iii) as subdivision (iv) and adding a new subdivision (iii), and by redesignating paragraph (b)(2) as paragraph (b)(6) and adding subparagraphs (2), (3), (4), and (5) to read as follows:

§ 212.93 Price rule.

* * * * *

(b) * * *

(1) * * *

(iii) Beginning with April 1974, with respect to all sales of gasoline other than retail sales, a seller that had a total sales volume of covered products in calendar year 1973 of less than 100 million gallons may charge one-half cent per gallon of gasoline in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section including paragraph (b)(1)(i) of this section to reflect non-product cost increases which the seller incurred after May 15, 1973, and a seller that had a total sales volume of covered products in calendar year 1973 of 100 million gallons or more may charge one-quarter cent per gallon of gasoline in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, including paragraph (b)(1)(i) of this section to reflect non-product cost increases which the seller incurred after May 15, 1973.

* * * * *

(2) With respect to middle distillates beginning with April 1974: In retail sales, a seller may charge one cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, including paragraph (b)(1)(i) of this section, to reflect non-product cost increases which the seller incurred after May 15, 1973; and, with respect to all other sales, a seller that had a total sales volume of covered products in calendar year 1973 of less than 100 million gallons may charge one-half cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, including paragraph (b)(1)(i) of this section, to reflect non-product cost increases which the seller incurred after May 15, 1973, and a seller that had a total sales volume of covered products in calendar year 1973 of 100 million gallons or more may charge one-quarter cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this sec-

tion, including paragraph (b)(1)(i) of this section, to reflect non-product cost increases which the seller incurred after May 15, 1973.

(3) With respect to residual fuel oil beginning with April 1974: in retail sales, a seller may charge three-fourths cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, to reflect non-product cost increases which the seller incurred after May 15, 1973; and, with respect to all other sales, a seller may charge one-fourth cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, to reflect non-product cost increases which the seller incurred after May 15, 1973.

(4) With respect to propane beginning with April 1974: in retail sales, a seller may charge one cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section to reflect non-product cost increases which the seller incurred after May 15, 1973; and, with respect to all other sales, a seller may charge one-half cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section to reflect non-product cost increases which the seller incurred after May 15, 1973.

[FR Doc.74-7781 Filed 4-1-74;1:09 pm]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Consignee-Agents Commissions

This amendment to the regulations is to allow a refiner that increases the commissions paid to its consignee-agents with respect to the distribution of covered products, to pass through the amount by which the commission is increased, provided the increase does not exceed ten percent of the amount of the commission that was in effect on May 15, 1973.

A consignee agent is defined in a new provision of the regulations to mean a firm which distributes covered products to purchasers under a contractual arrangement with a refiner, under which the refiner retains title to the covered products and specifies the prices to be paid by the purchaser, and under which the refiner pays the consignee agent a commission based on the volume of covered products distributed by the consignee agent.

Consignee agents perform much the same function in the distribution of covered products as do jobbers, who buy covered products and resell them. Jobbers and consignee agents have experienced increases in non-product costs. The FEO has amended its price rules with respect to resellers, and this has permitted jobbers to make specified price increase with respect to certain covered products in order to recover increased non-product costs. In the case of consignee agents, however, the sale price of the products they distribute and the commission they receive with respect to sales made through them are determined by the refiner. Accordingly, the FEO's reseller price rules have no applicability to the consignee agent's commissions.

The FEO has concluded, however, that in view of the similar functions performed by consignee agents and jobbers in the national distribution system, steps should be taken to insure that consignee agents receive some increased revenues in order to help them recover increased non-product costs.

Today's amendment to the rules will permit refiners to make a ten percent increase in the amount of the commission paid per unit of volume to their consignee agents, and to pass through the ten percent increment in commissions in the form of higher prices for covered products. It should be noted in this regard that the price increases that have been permitted to enable jobbers to recover increased non-product costs have been applied directly to their sale prices of covered products.

The amount of the commissions paid to consignee agents which can be passed through by a refiner, beginning with April 1974, is limited with respect to each product and each consignee agent to ten percent of the dollar amount of the commission paid to that consignee agent on that product on May 15, 1973. Thus, if a consignee agent received a commission of $.02 per gallon of gasoline on May 15, 1973 the refiner may, if it pays in April 1974 a commission of $.022 per gallon or more, pass through an amount of not more than $.002 per gallon of gasoline.

This regulation, it should be noted, applies with respect to the dollar amount of commissions. If a consignee agent has a commission schedule based on a percentage of the selling price, such a percentage must be translated into a dollar amount per unit of volume in order to make the computations under the new regulations.

Any refiner that has already increased the amount of commission per unit of volume paid to its consignee agents may pass through the amount of such increases to the extent permitted by the new regulations, but may do so only with respect to commissions incurred in April 1974, or thereafter.

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

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order 47, 39 FR 24)

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

Issued in Washington, D.C., April 1, 1974.

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

1. Section 212.31 is amended to add a definition of "consignee agent" in the appropriate alphabetical order to read as follows:

§ 212.31 Definitions.

* * * * *

"Consignee agent" means a firm which distributes covered products to purchasers pursuant to a contractual arrangement with a refiner under which the refiner retains title to the covered products and specifies the prices to be paid by the purchaser and under which the refiner pays the consignee agent a commission based on the volume of covered products distributed by the consignee agent.

* * * * *

2. Section 212.83 is amended in paragraph (c)(2) to revise the definition of the term "$G_i{}^t$" and to insert a definition of the term "$L_i{}^t$" between the definitions of the terms "$K_i{}^t$" and "$H_i{}^u$" to read as follows:

§ 212.83 Allocation of refiner's increased product costs.

* * * * *

(c) *Allocation of increased costs.*

* * * * *

(2) *General formulae.*

* * * * *

$$G_i{}^t = J_i{}^t - K_i{}^t + L_i{}^t$$

$L_i{}^t$ = The total dollar amount of non-product costs attributable to includable amounts of commissions incurred during the period "t" (the month of measurement) beginning with April 1974 with respect to sales through consignee agents of the product or products of the type "i." The includable amount of commission incurred with respect to each item sold through each consignee agent is the dollar amount per unit of volume by which the commission in the period "t" (the month of measurement) exceeds the commission in effect on May 15, 1973, provided that the includable amount shall not exceed ten percent of the May 15, 1973 commission per unit of volume with respect to the sale of that item by that consignee agent.

* * * * *

[FR Doc.74-7783 Filed 4-1-74;1:09 pm]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Refiner's Price Adjustment

This amendment to the regulations is made in view of the price disparity that is developing with respect to retail sales of gasoline produced by a refiner, depending upon whether the gasoline is sold through service stations operated by employees of the refiner or through service stations operated by independent dealers. The FEO has previously amended its regulations to permit price increases with respect to the retail sale of gasoline totalling $.03 per gallon, in order to reflect increased non-product costs. Although most resellers have implemented this price increase, refiners have not because the increase may be implemented by refiners only after prenotification under Subpart I of Part 212. The retail price of gasoline produced by a refiner and sold through independent dealer-operated service stations is therefore generally three cents per gallon, or more, above the price of that gasoline when it is sold through a refiner-operated service station.

This amendment to the refiner's formula for allocating increased product costs to special products (§ 212.83(c)(2)) will permit a refiner to allocate an additional three cents of its increased product costs to the prices charged for gasoline sold through refiner-operated stations, provided that a corresponding reduction in the amount of increased product costs allocated to the price of gasoline sold through independent dealer-operated stations is made.

This change in the regulations does not change the total amount of increased product costs which can be passed through by a refiner, but it permits an adjustment in the allocation of those costs which should result in an equalization of the price charged for the gasoline produced by the refiner at the retail level.

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

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order 47, 39 FR 24)

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

Issued in Washington, D.C., April 1, 1974.

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

1. Section 212.83 is amended in paragraph (c)(2) in the definition of "$d_i{}^u$" to read as follows:

§ 212.83 Allocation of refiner's increased product costs.

* * * * *

(c) *Allocation of increased-costs.*

* * * * *

(2) *General formulae.*

* * * * *

$d_i{}^u$ = The dollar increase that may be applied in the period "u" (the current month) to the May 15, 1973, selling price of the special product or products of the type "i" to each class of purchaser to compute the

base price to each class of purchaser, except that the dollar increase that may be applied in the period "u" to the May 15, 1973, selling price of gasoline to compute the base prices to the classes of purchaser which purchase gasoline at retail from a refiner at service stations operated by employees of the refiner may be "$d_i u$" plus a maximum of $.03 per gallon of gasoline provided that, in computing "$d_i u$" the numerator of the formula in clause (i) of this subparagraph is reduced by an amount equal to the product of the actual amount of cents per gallon increase added to "d_i" above multiplied by the estimated number of gallons of gasoline to be sold during the period "u" at retail through service stations operated by employees of the refiner. The formula for special products must be computed separately for i=1 (No. 2 heating oil and No. 2-D diesel fuel) and for i=2 (gasoline).

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[FR Doc.74-7782 Filed 4-1-74;1:09 pm]

Proposed Rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO–377]

RYEGRASS SEED GROWN IN OREGON

Recommended Decision and Opportunity To File Written Exceptions Regarding Proposed Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision of the Department, with respect to a proposed marketing agreement and order (hereinafter referred to collectively as the proposed "order") regulating the handling of ryegrass seed grown in Oregon. Any order that may result from this proceeding will be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business May 22, 1974. They should be filed in quadruplicate. All such written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. A public hearing, on the record of which the proposed order was formulated, was held in Albany, Oregon, January 30, 31 and February 1, 1973, pursuant to a notice thereof which was published in the January 10, 1973, issue of the FEDERAL REGISTER (38 FR 1197). Such notice set forth a proposed marketing agreement and order prepared and presented with a petition for a hearing thereon by the Oregon Ryegrass Growers Association. The presiding officer announced at the hearing that all proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing, should be filed with the Hearing Clerk, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, and postmarked not later than March 19, 1973. Due to a delay in the mails in making the transcript of the testimony and a copy of the exhibits available for examination by any interested persons, an extension of time for filing proposed findings and conclusions, and written arguments or briefs was granted by the presiding officer until May 9, 1973.

Purpose of the proposed order. The proponents of the proposed order provided information in the proposal and the hearing record that it is their desire to establish and maintain orderly marketing conditions for ryegrass seed grown in Oregon, and to establish and maintain such production research, marketing research, and development projects as will help to effectuate orderly marketing of such ryegrass seed. The proponents set forth that they propose to accomplish such purpose through the proposed order by: (1) Allotting, or providing methods for allotting, the amount of ryegrass seed, or quality thereof, which each handler may purchase from or handle on behalf of any and all producers thereof, during any specified period(s); and (2) establishing or providing for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and use or efficient production of such ryegrass seed.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the proposed order;

(4) The identity of the persons, and the marketing transactions to be regulated; and

(5) The specific terms and provisions of the proposed order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, and duties of a committee which shall be the local administrative agency for assisting the Secretary in administration of the proposed order;

(c) The incurring of expenses and the levying of assessments on handlers to obtain revenue for paying such expenses;

(d) The method of regulating the handling of ryegrass seed grown in the production area, including the establishment of base quantities and allocations and other terms and provisions relating to volume regulations;

(e) The establishment of requirements for reporting and recordkeeping on marketing transactions;

(f) The requirements of compliance with all provisions of the proposed order and with regulations issued pursuant thereto; and

(g) Additional terms and conditions of miscellaneous provisions published (38 FR 1197) as §§ 70 through 81 which are common to marketing orders and other terms and conditions published as §§ 82 through 84 which are common to marketing agreements only.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

Ryegrass seed is an agricultural commodity to which marketing orders may be issued pursuant to the act. The proposed order should regulate the handling of ryegrass seed (annual and perennial) by restricting the quantity of ryegrass seed (annual and perennial) which may be freely handled by handlers. It should provide a method for allotting the quantity of ryegrass seed (separately for annual and perennial) from any crop year among handlers based on amounts sold by growers during a representative period determined by the Secretary to the end that the total quantity to be handled from such crop year will be apportioned equitably among the growers. This is for the purpose of carrying out the declared policy of the act by establishing and maintaining orderly marketing conditions and increasing returns to growers for ryegrass seed so to approach the parity price.

(1) Ryegrass seed (annual and perennial) is harvested and cleaned by growers and sold to dealers for shipment throughout the United States and the world. Almost 100 percent of the 264 million pounds (production in 1971) of the ryegrass seed grown in the United States was produced in Oregon. The record indicates that normally over 90 percent of the ryegrass seed produced in Oregon is shipped for use in other states and foreign countries. The domestic market for ryegrass seed grown in Oregon is the entire United States. A considerable quantity is also exported to foreign countries.

Therefore it is concluded that the handling of ryegrass seed produced in Oregon is in the current of interstate or

foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in such commodity to such an extent as to make necessary the regulation of ryegrass seed grown in Oregon and handled for use in intrastate commerce as well as for use in interstate and foreign commerce.

It is determined from substantial evidence in the record of hearing on which these findings and conclusions are based that the right to exercise federal jurisdiction in the handling of ryegrass seed produced in Oregon is proper and appropriate under the act and the proposed marketing order hereinatfer set forth.

(2) The need for the proposed regulatory program for ryegrass seed is supported by substantial evidence in the record of hearing.

Prices received by growers averaged $15.90 per hundredweight from sales of 36.5 million pounds of perennial ryegrass seed and $5.50 per hundredweight from sales of 201.4 million pounds of annual ryegrass seed of the 1972 crop. The January 1973 parity price for all the ryegrass seed was $10.19 for annual and perennial ryegrass combined. Average prices received by growers from sales of all ryegrass seed of the 1972 crop amounted to $7.10 per hundredweight or 70 percent of the January 1973 parity price.

Price fluctuations for ryegrass seed were shown to be the second highest for grasses grown in Oregon. The price range during the last fourteen years was from $5.05 in 1962 to $15.90 in 1972 for perennial and from $3.42 in 1960 to $7.30 in 1969 for annual ryegras seed. Significant price fluctuations have continued through the years. During these years, costs of operation have increased. Testimony showed that in 1951 growers paid about $1.00 per hour for labor and $6,000 for a combine and received an average of $9.00 per hundredweight for annual ryegrass seed. In 1971 growers paid about $2.00 per hour for labor; a comparable combine would have cost over $12,000, and growers received about $5.00 per hundredweight for annual ryegrass seed.

An average gross return of $63.85 per acre for the preceding 14-year period was below the reported average cost of production for the same period. This operating loss has caused a decline in the number of growers each year.

The record further indicated that the two most important factors influencing the price received by growers for ryegrass seed are: (a) the carryover from previous years and (b) the current year's production. Of these two factors, the impact on price of carryover of annual ryegrass seed from previous years is greater than the impact of the current year's production.

Growers frequently finance production and harvesting costs with borrowed capital. Growers' assets are affected by the returns received from ryegrass seed. Associated industries, such as credit agencies, manufacturers, and dealers in fertilizer, insecticides, machinery, etc., are directly affected by the wide price fluctuations growers receive for ryegrass seed.

Growers' motivations for increasing or decreasing production of ryegrass seed (annual or perennial) during any given season are influenced by prices received. Growers tend to plant in response to previous year's prices. Growers frequently are unable to accurately estimate their share of an indefinite or unknown annual supply and, therefore, plant in excess of the amount necessary to provide the market with a supply that would avoid low returns to producers.

The record evidence shows that ryegrass growers, both individually and collectively, have been unable to cope with the industry-wide problem of balancing supply with demand. The favorable effects on price of reductions in production and sales of ryegrass seed by some individual producers have been negated by increases in production and sales by other producers.

According to the record, adduced at the hearing, growers of ryegrass seed in Oregon may expect that, in the absence of a program such as proposed, conditions will likely continue to alternate between supplies in excess of demand, resulting in depressed prices and a period of relatively small supplies with sharply higher prices. The record confirmed that need exists to regulate marketings by making allotments to growers which specify the maximum quantity of ryegrass seed a handler may purchase or handle from a grower, and thereby stabilize supplies, promote orderly marketing, and tend to cause prices to rise toward parity. The interests of consumers would be served by maintaining an adequate supply of ryegrass seed at more stable prices, and excessive price rises would be discouraged by removing all limitations on production and sales of ryegrass seed at the end of any crop year when prices to growers have reached parity.

The need for a regulatory program, such as the proposed order, to better balance the supply of ryegrass with demand is clearly established in the record. Further, the terms and provisions of the proposed order which are authorized by the act would serve as a means of establishing and maintaining orderly marketing conditions for this commodity.

(3) Certain terms and provisions in the proposed order should be initially defined and explained therein for the purpose of designating specifically their applicability and limitations whenever they are thereafter used.

Accordingly, "Ryegrass" is defined as the seed of annual and perennial ryegrass identified as all species of the Genus Lolium. The inclusion of all species under the Genus Lolium is necessary to effectively control the volume of marketing of ryegrass seed in the production area. Any exclusion of a strain, variety or generation of ryegrass seed from the proposed order would offer a means to avoid volume controls and therefore interfere and possibly defeat the purpose and effect of the proposed order. Any variety, strain or generation of ryegrass seed could be produced and marketed under the proposed order. However, the record shows that some handlers contracted with growers prior to the time this proposed order was announced for the production of certain varieties of ryegrass seed over a period of one or more future years. The regulation of the handling of ryegrass seed produced under the terms of prior contracts could work an undue hardship on both the growers and the handlers. Therefore, it is concluded that all grower contracts for the production of proprietary varieties of ryegrass seed outstanding at the time of this recommended decision should be exempt from such order as may be issued during the life of such contracts or for the ensuing four years, whichever period of time is shorter, provided that an application for such exemption is filed with the Committee within 60 days from the effective date of any such order and a satisfactory showing of such facts is made to the Committee. (See § ——.43 of the proposed order.)

"Production Area" means the locale where the ryegrass seed grown is subject to the terms and provisions of the marketing order. Growers in the State of Oregon produce almost 100 percent of the ryegrass seed grown in the United States. Some shifts in production have occurred among parts of the State and other shifts may occur in the future, as it is possible to produce ryegrass seed generally throughout the State. Ryegrass seed is now produced commercially in each hereinafter named district of the State. Therefore, it is determined that the State of Oregon constitutes the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act and the production area should be so defined.

(4) The term "grower" should be deemed to be synonymous with producer and should be defined to mean any person engaged in a proprietary capacity in the production of ryegross seed in the production area for market.

Growers include individuals, partnerships, corporations, or any other business units which in any way own all or a portion of the ryegrass seed produced. The term "grower" would include a husband and wife, who together produce ryegrass seed.

In sharecropping arrangements, each person receiving a share of the crop would be a grower. A cash renter of ryegrass acreage who produces ryegrass seed thereon and has the full right of disposition of the crop, would be the grower. For purposes of nominating grower members, conducting elections and carrying out the proposed order, the Committee should establish a list of registered growers. Every person engaged in a proprietary capacity in the commercial production of ryegrass seed for market should be included on the list of registered growers.

"Handle" should be defined to mean the act or function, or both, of placing ryegrass seed in the current of commerce within the production area or between the production area and any point outside thereof. It should include

the purchase of ryegrass seed from a grower, or the acquisition of ryegrass seed from a grower by any means, if the ryegrass seed is viable seed. However, if ryegrass seed is ground into meal, heated, or otherwise had its viability completely destroyed, the marketing of such product should not be termed handling ryegrass seed.

Handle should also mean to sell, consign, ship or transport ryegrass seed, except as a common or contract carrier, of ryegrass owned by another person. The transporting of ryegrass seed within the production area by growers for cleaning and storage should not be construed as handling by such growers. However, if a grower sells, consigns, or otherwise places ryegrass seed into marketing channels, except through a registered handler, then the grower himself must be considered to be a handler. Handle should not include the transaction where one grower sells or loans ryegrass seed to another grower in order to enable the latter to fulfill his allotment.

"Handler" should be defined to identify the persons who would be subject to regulation. It should mean any person who handles ryegrass seed. In order to facilitate administration of the proposed order, to obtain nominations and conduct elections of handler members of the Committee, to keep handlers informed of regulatory actions and monitor the quantity of ryegrass seed handled, all handlers should be registered with the Committee.

Any act by any person whereby he purchases cleaned ryegrass seed from a producer, or he sells or transports cleaned ryegrass seed within the production area or between the production area and any point outside thereof is handling.

The definition of "person" should be the same as that term is set forth in the act.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the proposed order. These terms should be defined in the proposed order for the purpose of designating specifically their applicability and establishing appropriate limitations of their respective meanings wherever they are used.

The definition of "Act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program is to be operative.

Section 8c(7)(c) of the act (7 U.S.C. 608c(7)(c) provides for an administrative agency for effective operation of an order. It is desirable to establish such an agency to administer this proposed order, as an aid to the secretary in carrying out the purposes of the order and the declared policy of the act. The term "Ryegrass Administrative Committee" is a proper identification of the agency and reflects the character thereof.

"Crop year" should be defined to mean the period July 1 through June 30 inclusive, as this period begins shortly before the beginning of harvest of ryegrass seed and continues for 12 consecutive months. It establishes an operation period for the levying of assessments, other financial operations, regulatory provisions and recordkeeping under the proposed order.

"Districts" should be defined as the geographical divisions of the production area which delineate the producing sections generally in accordance with industry understanding of subdivisions of the production area and to assure equitable representation of such subdivisions on the committee.

The terms "Foundation Seed, Registered Seed, and Certified Seed" should be defined because they are terms relating to quality of seed and the proposed order makes provision for using quality limitation as well as quantity limitation to aid in improving and stabilizing the market for ryegrass seed. The terms should be defined as specified in the regulations under the Federal Seed Act (7 U.S.C. 1551 et al.).

"Proprietary interest" is construed to mean the assumption of the risk or sharing the risk of loss in production and marketing of a crop of ryegrass seed. Each party to a joint venture should be considered a grower in proportion to the share of his proprietary interest; for instance, each party to a 50-50 joint venture should be considered the grower of half of the ryegrass seed sold.

Since there are so many possible sharing arrangements by growers, rather than to try to cover them all in the proposed order, it is appropriate that the proposed order should provide for regulations recommended by the administrative committee and approved by the Secretary to cover such sharing arrangements as the necessity therefor arises.

"Proprietary Variety" should be defined as any variety of ryegrass (annual or perennial) over which a person has exclusive ownership or control. Some growers have contracted to produce proprietary varieties of ryegrass and sell the seed produced to the person owning or controlling the contract.

"Secretary" should be defined to include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the U.S. Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

"Quantity" of ryegrass seed should be defined to mean the weight of cleaned ryegrass seed in pounds. It is customary for a grower to clean his ryegrass, or have it cleaned, before it is sold by him. Therefore the application of the term "quantity" to the ryegrass after it is cleaned is the customary way in which this term is used.

(5) (b) Ryegrass Administrative Committee—Record evidence shows that a committee of 9 members, with representation as hereinafter provided in §——.20, with a like number of alternates, should be a workable, equitable, representative committee providing adequate industry representation and assuring recommendations of marketing regulations reflective of the general consensus of the industry and should also be adequate for the discharge of the other various committee duties and responsibilities.

Since a declared policy of the act is to assist producers, it is appropriate that a preponderance of committee members should be producers. Seven of the nine committee members should be growers of ryegrass seed for market at the time of their selection and during their term of office in the respective districts as hereinafter defined, or who are officers or employees of corporate producers in the respective districts. For purposes of committee membership a grower is a handler if the quantity of ryegrass seed handled by him exceeds the quantity produced by him. Two handler members and their alternates, selected from the production area at large, who are currently handling ryegrass seed and who handled ryegrass seed during the previous crop year, should complement the producer membership, providing balanced judgments and a broad perspective of the production area ryegrass seed marketing situation.

Grower representation on the committee should be distributed among such districts on the basis of their past record of acreage and production in each district. This basis should provide equitable representation on the committee and should also provide the separate districts with reasonable representation. This should be accomplished by allowing District No. 1, consisting of Linn County, Oregon with 70 percent of the production, 4 grower members; District No. 2, comprising Benton and Lane Counties, Oregon, with 20 percent of the production, 2 grower members; and District No. 3, embracing all other counties of Oregon, with under 10 percent of the production, 1 grower member.

The proposed order should provide for reapportionment and redistricting so that the Secretary, may upon recommendation of the committee, give consideration to adjustments and to make adjustments when warranted in committee representation in the event of significantly changing conditions in the future, such as major shifts in production within the production area.

Provisions should be included for growers in each district to nominate persons for each committee member and alternate position to represent them on the committee. It would be desirable to hold one or more public meetings to nominate the initial committee members and their alternates. However, if this procedure might cause undue delay, the Secretary should have the flexibility of accepting nominations obtained in an appropriate alternative manner.

If nominations cannot be obtained by the use of one or more public meetings, or by other means, without undue delay, the Secretary is authorized to select the committee without regard to nomination. Such selection should, of course, be on the basis of the representation provided in the order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in his position.

Provisions should be set forth in the proposed order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

The proposed order should provide that an alternate member shall be selected for each member of the committee in order to insure that each district has representation at meetings. Each alternate who is selected shall have the same qualifications for membership as the member for whom he is alternate, so that during the member's absence or in the event that the member should die, resign, be removed from office, or be disqualified, the district representation on the committee will remain unchanged. In such cases, the alternate should serve until a successor to such member has been selected and qualified.

A 3-year-term, with the election of 3 committee members each year seems reasonable, and will allow the ryegrass seed industry to express its approval or disapproval of committee membership each year. The terms of office of the initial members of the committee should be established by the Secretary so the term of office for 2 grower members and 1 handler member should be the initial crop year, the term of office for 2 grower members and 1 handler member should be the initial crop year plus the succeeding crop year, and the term of office for 3 grower members should be the initial crop year plus the 2 succeeding crop years. The terms of office of each committe member should continue until his successor is selected and has qualified.

With regard to committee meetings and procedure, the evidence of record shows that 6 members, including alternates acting as members, should be necessary to constitute a quorum and any action of the committee will require the concurring vote of at least 5 members.

The committee should have authority to follow procedures which will assure its proper and efficient operation. In order to facilitate the transaction of routine, noncontroversial business where it might be expensive and unreasonable to call an assembled meeting, or in other instances when rapid action may be necessary, the committee should be authorized to conduct meetings by telephone, telegraph or other means of communication. Such possibilities as conference telephone calls or simultaneous meeting of groups of its members in two or more places with direct communications connections should be considered and utilized if advantageous to the operation of the proposed order.

Any votes cast at nonassembled meetings should be confirmed promptly in writing to provide a record of how each member, or the alternate acting in his stead, voted.

It is appropriate that the members and alternates of the committee be reimbursed for necessay expenses incurred when performing authorized committee business, since it would be unfair for them to bear personally such expenses incurred in the interests of all ryegrass seed growers in the production area.

The committee should be given those specific powers which are set forth in section 8c(7)(C) of the act (7 U.S.C. 608c (7)(c)). Such powers are necessary to enable an administrative agency of this character to function properly under the proposed marketing order. The committee's duties as set forth in the order are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this nature.

An annual report should be prepared by the committee as soon as possible after the close of each marketing year to document fully its operations for the season to the industry and the Secretary.

(5)(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for its maintenance and functioning and to enable it to exercise its powers and perform its duties pursuant to the proposed order. The committee should be required to prepare a budget at the beginning of each crop year, and as often as may be necessary thereafter, showing estimates of the income and expenditures necessary for the administration of the proposed order during such period. Each such budget should be submitted to the Secretary with an analysis of its components in the form of a report which should also recommend to the Secretary the rate of assessment believed necessary to secure the income required for that period. While expenses and income cannot be anticipated with exact mathematical certainty, the committee with its knowledge of conditions within the industry will be in a good position to ascertain the necessary assessment rate and make recommendations in this regard. The funds to cover committee expenses should be obtained by levying assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under the order and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses.

As his pro rata share of such expenses, each person who first handles ryegrass seed (annual and perennial) during a crop year should pay assessments to the committee at a rate fixed by the Secretary on all ryegrass seed (annual and perennial) he so handles. In this way, each handler's total payments of assessments during a crop year would be proportional to the quantity of ryegress seed (annual and perennial) handled by such handler and assessments would be levied on the same ryegrass seed only once.

The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or the Secretary may use other available information in addition to that provided by the committee, so as to assure the imposition of such assessments as are consistent with the act. Such rate should be fixed on a unit basis, such as a pound or hundredweight.

Although handling of ryegrass seed from the production area is a continuous 12-month operation, the period near the beginning of the crop year will be one of extra activity, for the committee will be closing out one crop year, auditing its account, preparing the annual report, surveying the crop and marketing situation, developing a marketing policy and holding meetings to develop recommendations for regulations. This means that in all probability a large percentage of the committee's expenses will be incurred before income for the current crop year equals expenses.

In order to provide funds for the administration of this program during the crop year, prior to the time sufficient assessment income becomes available during such period, the committee should be authorized to accept advance payments of assessments from handlers and also, when such action is deemed to be desirable, to borrow money to meet such deficiency. Furthermore, the committee should be authorized to establish a reserve fund which could be used to pay operating expenses until assessments are received from the new crop year in sufficient amount to pay current expenses.

The provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing order programs and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are made in an appreciable amount. Revenue accruing to the committee from assessments later in the season would normally provide the means of repaying any loans.

Should it develop that assessment income during a crop year plus any funds in reserve would not, at the previously fixed rate, provide sufficient income to meet expenses, the funds to cover such expenses should be obtained by increasing the rate of assessment. Circumstances might necessitate amending the budget for the crop year to increase it and such increase would not have been planned in the original assessment rate. Since the act requires that the administrative expenses shall be paid by handlers, this is the only source of income to meet such expenses. The increased assessment rate should be applied to all ryegrass seed handled during the particular crop year, so that the total payments by each handler during each crop year will be proportional to his share of the total volume of ryegrass seed handled by all handlers during that year.

Should the regulatory provisions of the order be suspended during any por-

tion or all of a crop year, it will be necessary to obtain funds to cover expenses during such year unless funds in the reserve are sufficient for such purpose. Thus authorization should be provided to require the payment of assessments to meet any necessary expenses during such years.

The assessment rates under the program would be set at the beginning of the crop year based on an estimate of number of pounds of ryegrass seed to be marketed. Should crop failure or partial crop loss reduce the crop so that assessment income falls below expenses, it might be necessary for handlers to cover the deficit through increased assessments. Since this would impose an extra burden on the industry, it would be equitable and less burdensome for handlers to establish an operating reserve during years of normal production. The reserve fund would be built during years when income exceeds expenses. In order that reserve funds not be accumulated beyond a reasonable amount, however, a limit of not to exceed approximately 1 crop year's expenses should be provided.

Except as necessary to establish and maintain an operating reserve as set forth in the order, handlers who have paid part of any excess should be entitled to a proportionate refund of any excess funds that remain at the end of a crop year.

Upon termination of the proposed order, any funds in the reserve that are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the proposed order be terminated after many years of operation, the precise equities of handlers may be impractical to ascertain. Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances.

Funds received by the committee from assessments should be used solely for the purpose of the proposed order. The committee should, as a matter of good business practice, maintain up-to-date books and records clearly reflecting the operation of its affairs. It should provide the Secretary with periodic reports at appropriate times such as at the end of each crop year or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over activities and operations.

The proposed marketing order should provide authority for production and marketing research, and market development. Such activity could contribute to greater efficiency in production and marketing and stimulate sales and use of ryegrass seed. Since the act contains no authority for paid advertising for ryegrass seed, market development does not include paid advertising.

(d) The declared policy of the act is to establish and maintain such orderly marketing conditions for ryegrass seed (annual and perennial), among other commodities, as will tend to establish parity prices to growers and be in the public interest. The regulation of the handling of ryegrass seed (annual and perennial), as authorized in the order, provides a means for carrying out such policy.

Growers begin to incur production cost shortly after September 1 for the ensuing crop year, and it is desirable to provide them with definite marketing guides as to the quantity of ryegrass seed (annual and perennial) that may be salable so they can adjust their cultural and production plans accordingly. Since the marketing policy meeting is of importance to all segments of the ryegrass seed industry, except as otherwise provided by the Secretary, but no later than September 1, or such earlier date as the committee, with the approval of the Secretary, may establish, the committee should meet and adopt its marketing policy for the ensuing crop year.

In developing a comprehensive marketing policy, the committee should consider the prospective carryin of growers and handlers, the desirable carryout, trade demand, market prices for ryegrass seed and other relevant factors affecting marketing conditions. On the basis of its evaluation of these factors, the committee should recommend to the Secretary the total quantity of ryegrass seed (hereinafter referred to as the "Total Desirable Quantity"), (separately for annual and perennial), that should be alloted for handling during the crop year. If considerations indicate a need for limiting the quantity of ryegrass seed (annual or perennial) marketed, the committee should recommend to the Secretary a total desirable quantity and allotment percentage, hereinafter discussed, for the crop year.

The committee should meet again prior to February 1 of each crop year to review its marketing policy and, if conditions warrant, recommend to the Secretary an appropriate increase in the total desirable quantity and allotment percentage for the ensuing crop year. Any increase should be to assure availability of adequate supplies in view of changes in market conditions that may have taken place. A decrease would not be practical because it could cause undue hardship to the growers who had previously sold all of their allotment for the crop year.

Notice of marketing policy recommendations for a crop year and any later changes should be submitted promptly to the Secretary and also to all growers and handlers. This is necessary so all interested persons will be made aware of the marketing policy and can plan accordingly.

If the Secretary finds, on the basis of the committee's recommendation or other information, that limiting the quantity of ryegrass seed (annual or perennial) that may be freely marketed from a given crop would tend to effectuate the declared policy of the act, he should determine the total desirable quantity of ryegrass seed (annual or perennial) that may be acquired by handlers to meet normal market requirements and establish an annual allotment percentage for the purpose of releasing such total desirable quantity. If market requirements warrant release of supplies in excess of the total of all grower allocation bases, an annual allotment percentage of over 100 percent should be established. The Secretary's action while normally based on the committee's recommendation, may also take into consideration other information which, for example, might include such items as changes in crop or market conditions, the estimated season average price for ryegrass seed (separately for annual and perennial) and legal limitations, if any, that might be applicable. The desirable quantity should be apportioned among growers on the basis of their individual allocation bases as discussed hereinafter. The proposed order should provide that in years when regulations are in effect handlers would be prohibited from handling ryegrass seed (annual and perennial) in excess of the growers allotments (except for any ryegrass seed exempted from provisions of the proposed order).

Operation of the proposed order should provide for apportioning among ryegrass seed growers the total desirable quantity of ryegrass seed (separately for annual and perennial) that may be purchased from them. To equitably apportion this quantity of ryegrass seed, reliance should be based on pounds of sales-history of the growers. The method should rely on the most recent 4 years or such shorter period as is hereinafter described. The evidence of record is that the base for an existing grower should be the average of sales for the crop years 1969, 1970, 1971, and 1972. For growers who produced and sold ryegrass seed in only three years of the base period, a three year average of ryegrass seed sales should be used. Two year averages should be used for those growers with two year record of sales during the years 1969 through 1972. The base for growers who had sales for one year only during the period should be the sales for that year. This formula seems equitable and makes provisions for growers with less than four years sales history to be allowed an allocation base. The use of the average is to moderate the influence of the unusually bountiful year or years of substantial loss for any grower while providing each with a base reflecting his volume of sales.

For subsequent crop years, the allocation base should be recomputed by adding the sales of the preceding year, subtracting the poundage for the smallest year of sales and determining a new average. An allocation base computed on less than four years of sales history should be recomputed by adding the grower's preceding year of sales and dividing by the total years of sales. This method should continue until such time as all growers have recorded a four year sales history. A grower must produce and sell to maintain his allocation base. Non-use of an allocation base for three consecutive years should be cause for cancellation of the base because, if this were not done, non-operators could tie-up a portion of the allotments and thus

impede the proper functioning of the order.

For succeeding crop years, the committee should recommend to the Secretary any adjustment in allocation bases that is required to reflect increased ryegrass seed usage (separately for annual and perennial), entry of new producers, and expansion by existing growers. A limitation of 5 percent of the total allocation bases for the preceding crop year should be used in granting bases for new growers and expansion for existing growers.

To assure equity to new producers, record evidence indicates that new producers should be given priority in granting the first 50 percent of any increase. In the absence of applications from new producers, for any or all of the first 50 percent of any increase, the unallocated portion of the first 50 percent and the second 50 percent of any increases in allocation bases should be distributed to growers with existing allocation bases.

Evidence in the record shows that a maximum of about 10,000,000 pounds of new bases should be available each year within the 5 percent limitation. Evidence in the record further estimated that approximately an additional 10,000,000 pounds is anticipated to be available each year from growers who reduce their sales through retirement, exchange of property, or diversion of land to uses other than ryegrass seed production. Therefore, the record estimate of a maximum of approximately 20,000,000 pounds is anticipated to be available to the committee each year to cover applications for new or expanded bases.

The proponents testified that both tenants and landlords should be protected in circumstances when a change of growers, either by lease or ownership, occurs. Cash tenants would be fully protected because allocation bases are issued to the grower with a proprietary interest in the crop. Questions arose over the position of the landlord in a cash-rent situation or of both landlord and tenant in a share-rent situation. Any landlord and tenant (operating on a share-rent basis), who have potentially drastically lower allocation bases by reason of a change of either tenant or landlord, may apply to the committee for new allocation bases. Likewise, any new tenant may apply for a new allocation base, provided he has not previously been assigned a base. The new allocation, in either case, would be provided from the maximum of 5 percent increase in allocations allowable each year and from the anticipated increases in allocation bases resulting from grower retirement or surrender of their allocation bases for other reasons. Such procedure would tend to provide equal protection for both lessee tenants and land owners.

Administrative procedures required to establish volume limitations during the allocation period under the marketing order are (1) determination of a base quantity for each grower, known as an "allocation base"; and total base quantity for all producers; (2) committee recommendations for and establishment by the Secretary of the total desirable quantity of ryegrass seed (separately for both annual and perennial); (3) computation of a uniform percentage which the total desirable quantity is of total base quantities and (4) application of such uniform percentage to each producer's base quantity to determine his allotment in pounds of cleaned ryegrass seed (separately for both annual and perennial) for the crop year.

Administration of the proposed marketing order will be facilitated by computation of the uniform percentage referred to in (3) and (4) of the above paragraph. This provides a readily available and easily understood expression of the ratio of the total desirable quantity to the total base quantity in the form of a ratio or percentage figure applicable to each grower. The uniform percentage provides each grower with an equitable allotment of the total desirable quantity under a uniform rule. His allotment is readily ascertainable by multiplying his base quantity by the uniform percentage. The resulting number of pounds of cleaned ryegrass seed (separately for both annual and perennial) thereby becomes his allotment.

Provisions should be made for adjustment of a grower's allocation base when it is shown that during the base period, the grower's sales were substantially not representative due to unusual conditions beyond the control of the grower, such as adverse weather, insects, disease or fire.

The proponents proposed a modification of § ____.41 and § ____.42 of the proposal in the notice of hearing which should not be adopted. The modification would allow the establishment of separate allocation based (§ ____.41) and growers allotments (§ ____.42) for the proprietary varieties of perennial ryegrass. Proprietary varieties are defined in the proposed marketing agreement and order § ____.13 as "any variety of ryegrass (annual or perennial) over which a person has exclusive ownership or control." The amount of proprietary varieties grown represents only a small percentage of the total ryegrass seed produced. There are a number of proprietary varieties. The growers of each variety desire to have a separate allocation base and allotments for that variety. Compliance with such a complex request would be unworkable. As the proprietary varieties increase in volume, they will compete directly with the non-proprietary varieties for end use purposes. It would not serve the intended purpose of the proposed order to exclude proprietary varieties from the order. However, some contractual agreements with growers were executed prior to the public hearing on the proposed order. The growers with existing contracts prior to the publication of the recommended decision should be free to fulfill such contracts exempt from the provisions of the order for the life of such contracts or for the ensuing four years, whichever period of time is shorter. The proposed order provides ample opportunity for the expansion of production and marketing of proprietary varieties of both annual and perennial ryegrass seed by entry of new growers expansion of production of existing growers, and substitution of proprietary varieties for some of the older varieties of ryegrass seed by growers with allocation bases and allotments.

Not later than March 15 of each crop year, the committee should establish an allotment of ryegrass seed for each grower who has an allocation base. Growers who sell both perennial and annual ryegrass seed should be given allotments for each kind.

If marketing conditions arise which make it appropriate that total allotments should exceed total allocation base quantities, the resulting uniform percentage should be applied to each grower's base so that his allotment will exceed 100 percent of his allocation base quantity.

Provisions that an allotment be nontransferable except in conjunction with a transfer of an allocation base are in the proposal and, the evidence adduced at the hearing, makes it clear that such provisions should be retained. Transfer of allocation bases should be permitted to facilitate changes in ownership of land and changes in enterprises of growers. An allotment is a percentage of an allocation base; therefore, the transfer of an allotment without accompanying transfer of an allocation base is not practical under the proposed order.

Since ryegrass seed production is not a process which can be precisely adjusted during a growing season to meet needs, it is unlikely that growers will always be able to precisely balance their supplies of ryegrass seed and their allotments. Some growers may produce more than their allotments and other growers may produce less than their allotments. The record evidence was that provision should be made to allow for exchange of ryegrass seed between growers without affecting their allotments, providing the amount of ryegrass seed which all handlers handle from any grower does not exceed his allotment. We believe that such provision is practical, will help to effectuate the purposes of the proposed order, and should be approved. Alternatively, a grower who produces more than his allotment may carry over the excess into the following crop year for handling under a subsequent allotment.

Ryegrass seed (annual or perennial) in the hands of growers upon the effective date of the proposed order should be allowed to be marketed without regard to any allotment. However, growers should make application to the committee requesting such ryegrass seed (separate for annual and perennial) be designated as prior production. The committee may limit the amount certified for handling in any one crop year to not less than 25 percent of such prior production. Such limitation should be applied uniformly among all growers.

Occasionally ryegrass seed is obtained from cleaning another cereal grain or

other seed crop. The record evidence indicates that occasionally one result of cleaning cereal grains or other seed is the removal of ryegrass seed (annual and perennial). Provisions should be made to exempt from the order the handling of a minimum quantity of ryegrass seed (annual and perennial) on behalf of any grower, regardless of whether it was obtained from cleaning or from his own production.

The proponents recommended that contracts on proprietary varieties of perennial ryegrass, existing prior to the effective date of the proposed order, be exempted from the proposed order. This recommendation should not be limited to perennial ryegrass seed but should be made applicable to both annual and perennial ryegrass seed. The application of this provision to perennial only would be discriminatory against growers of proprietary varieties of annual ryegrass seed. Evidence of existing contracts by growers at the time of publication of this recommended decision should be presented to the committee within 60 days from the effective date of the proposed order. This provision should accommodate growers who have previously signed contracts to produce and market proprietary varieties of ryegrass seed (annual and perennial) to fulfill their outstanding contracts. Contracts or proprietary varieties entered into after the date of publication of this recommended decision should be covered under the proposed order.

Provisions should be made to require all ryegrass seed (annual or perennial) to meet the regulations of Federal and State seed acts. The committee should have the authority to recommend and the Secretary to establish higher standards for ryegrass seed handled under the proposed order.

The Federal and State seed acts do not limit the size of a lot of seed. It is possible to have substantial quantities of seed within a large lot which is of lower or higher quality than the lot average. When such large lot is subdivided into smaller lots the quality of some of the smaller lots may be significantly different from the average quality of the large lot. Many buyers prefer to have the quality of each smaller unit equal to that of the large lot average. By regulating both quality and maximum size of lot the marcan be better controlled. The record evidence supports the quality regulatory keting of ryegrass seed on a quality basis provisions of the proposed order. The establishing of higher standards would be made only if it were in the best interest of growers to insure a higher quality supply of seed. Any such proposed change should allow for a two years notice before the change could be made effective, thus allowing ample opportunity for consideration by all interested parties.

The committee should have all necessary information and data for the performance of its functions under the proposed order, including but not limited to that necessary to establish allocation base quantities, allotments, modifications thereof, and verification of compliance with regulations. The industry has routinely maintained adequate information and the requirement that such information be furnished to the committee in the form of reports would not constitute an undue burden. It is difficult to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the order. One report that should be submitted by each handler is the quantity of ryegrass seed (separately for annual and perennial) purchased from growers or the quantity of ryegrass seed (separately for annual and perennial) handled on behalf of each and all growers. Therefore, the committee should have the authority to require, with approval of the Secretary, reports and information from handlers, as needed, of the type set forth in the proposed order, and at such times and in such manner as may be necessary.

All reports and records furnished or submitted pursuant to the proposed order to the committee should be treated as confidential and be disclosed to no person other than the Secretary and persons authorized by the Secretary. The record evidence makes it clear that members of the committee should not have access to confidential information about a handler or a grower. The employees of the committee would have access to such information. The reasons for this provision are sound and should be included in the proposed order. Under certain circumstances, release of information compiled from handlers' reports may be helpful to the committee and the industry generally. However, such reported information should not be released other than on a composite basis, and such releases should not disclose information concerning individual operations. Such prohibition is necessary to prevent the disclosure of information that may affect detrimentally the business operations of the persons who furnish the reports. However, since the operation of this program is inextricably involved with individual growers' allocation base quantities and allotments, such allocation bases and allotments should not be treated as confidential.

Since questions could arise with respect to compliance, it would be appropriate to provide in the order that handlers be required to maintain for each marketing year complete records on their purchases, handling, and disposition of ryegrass seed (separately for annual and perennial). Such records should be retained for not less than 3 years after the termination of the marketing year in which the transaction occurred, so that, if needed in connection with enforcement, or other necessary purposes under the proposed order, the requisite records will be available for the purpose. Such a 3-year period would afford an adequate and reasonable time for access thereto and would not impose an unreasonable or burdensome obligation on handlers, inasmuch as such records are generally retained for similar time for purposes of business operations.

The successful operation of the proposed order depends upon the degree of compliance with its provisions. In this connection, it is necessary that the committee's designees for this purpose be given full authority to examine and verify records and ascertain the quantity of ryegrass seed (annual and perennial) handled. The verification of records and reports and the inspection needed in connection therewith should be performed during reasonable working hours and in such manner that normal operations of the handlers would not be interrupted.

No handler should be permitted to handle ryegrass seed (annual or perennial), the handling of which is prohibited pursuant to the proposed order; and no handler should be permitted to handle ryegrass seed (annual or perennial) except in conformity with the proposed order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

The provisions of §——.71 through §——.81, as hereinafter set forth, are generally similar to those which are included in marketing agreements and orders now operating.

Such provisions are identified by section numbers and headings, as follows: §——.71 *Right of the Secretary;* §——.72 *Effective time;* §——.73 *Termination;* §——.74 *Proceedings after termination;* §——.75 *Effect of termination or amendments;* §——.76 *Duration of immunities;* §——.77 *Agents;* §——.78 *Derogation;* §——.79 *Personal liability;* §——.80 *Separability;* and §——.81 *Amendments;* and are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the proposed order and to effectuate the declared policy of the act. The hearing record supports the inclusion of each such provision in the proposed order.

Provisions should be included requiring the Secretary to terminate the provisions of the proposed marketing agreement and order at the end of any crop year whenever he finds that such termination is favored by a majority of the growers who, during such period, held allotments for more than 50 percent of the volume of all the allotments of all ryegrass seed in the area of production. Such determination should be made on the basis of a referendum conducted by the Secretary to determine whether the requisite number of growers favor termination of the program.

Those provisions which are applicable to the proposed marketing agreement only identified by section number and heading, are as follows: §—.82 *Counterparts;* §—.83 *Additional parties; and* §—.84 *Order with marketing agreement.* Such provisions are also included in marketing agreements now in effect and the record supports inclusion of such provisions in the marketing agreement.

Rulings on briefs of interested parties. At the conclusion of the hearing, the Presiding Officer fixed March 19, 1973, as the deadline for interested parties to file briefs with respect to the evidence adduced at the hearing and the findings and conclusions to be drawn therefrom. The time for filing briefs and recommendations was later extended to May 31, 1973.

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously cited in this decision.

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

(1) The tentative marketing agreement and order, as herein set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said tentative marketing agreement and order authorize regulation of the handling of ryegrass seed (separate for annual and perennial) grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said proposed marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of ryegrass seed (annual or perennial) grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of ryegrass seed (annual and perennial) grown in the production area, as defined in said proposed marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order [1] are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ ____.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ ____.2 Ryegrass.

"Ryegrass" means ryegrass seed of those annual and perennial grasses identified as the species of the Genus Lolium grown in the production area.

§ ____.3 Committee.

"Committee" means the Ryegrass Administrative Committee established pursuant to § ____.20.

§ ____.4 Crop year.

"Crop year" means the 12 months beginning July 1 of any year through June 30 of the following year inclusive, or such other period as the Committee, with the approval of the Secretary, may establish.

§ ____.5 District.

"District" means the applicable one of the following defined subdivisions of the production area or as such subdivisions may be redefined pursuant to § ____.20.

(a) District 1—Linn County, Oregon.

(b) District 2—Benton and Lane Counties, Oregon.

(c) District 3—All other counties in Oregon.

§ ____.6 Foundation Seed, Registered Seed or Certified Seed.

Foundation Seed, Registered Seed or Certified Seed means the class of ryegrass seed (annual or perennial) as defined in § 201.2(cc), § 201.2(dd) or § 201.2(ee) of the regulations under the Federal Seed Act (53 Stat. 1275) (7 U.S.C. 1551 et al.).

§ ____.7 Grower.

"Grower" and "Registered Grower" is synonymous with "producer" and means any person engaged in a proprietary capacity in the commercial production of ryegrass for market. "Registered Grower" means any grower who has been registered as a grower with the Committee pursuant to rules and regulations issued by the Committee.

§ ____.8 Handle.

"Handle" means to purchase ryegrass from the grower thereof, or to sell, consign, ship or transport (except as a common or contract carrier of ryegrass owned by another person) or acquire ryegrass, whether or not of own production, except that (a) the shipment or transportation within the production area of ryegrass by the grower thereof for cleaning or storage therein shall not be construed as "handling", (b) the sale, shipment, or transportation of ryegrass by the grower thereof to a registered handler shall not be construed as handling by the grower; and (c) the transaction where one grower sells or loans ryegrass to another grower in order to enable the latter to fulfill his allotment shall not be construed as "handling".

§ ____.9 Handler.

"Handler" and "registered handler" means any person who handles ryegrass: Provided, however, That with respect to the acquisition of a grower's ryegrass by a person other than a registered handler, the grower shall be the handler of such ryegrass. "Registered handler" means any handler who has been registered as a handler with the Committee pursuant to rules and regulations issued by the Committee.

§ ____.10 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ ____.11 Production area.

"Production area" means the State of Oregon.

§ ____.12 Proprietary Variety.

"Proprietary Variety" means any variety of ryegrass (annual or perennial) over which a person has exclusive ownership or control.

§ ____.13 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may be hereafter delegated to act in his stead.

§ ____.14 Quantity.

"Quantity" means the weight of cleaned ryegrass in pounds.

§ ____.15 through .19. Additional definitions as required.

RYEGRASS ADMINISTRATIVE COMMITTEE

§ ____.20 Establishment and membership.

(a) There is hereby established a Ryegrass Administrative Committee consisting of nine members, each of whom shall have an alternate. Seven of the members and each of their alternates shall be growers or officers or employees of growers, who are not also handlers. Of the grower members, four of them and each of their alternates shall be producers of ryegrass in District 1, two of them and each of their alternates in District 2, and one member and his alternate in District 3. Two of the members and their alternates shall be handlers or officers or employees of handlers who shall be elected from the production area at large. A producer handler who is classified as a handler may serve as handler member or alternate handler member only. For purposes of committee membership a grower is a handler if the quantity of ryegrass seed handled by him exceeds the quantity produced by him.

(b) The Committee, with the approval of the Secretary, may redefine the Districts into which the production area is divided, and reapportion the representation of any District on the Committee: Provided, That any such changes shall reflect, insofar as practicable, shifts in ryegrass production within the Districts and the production area.

§ ____.21 Eligibility.

Each grower member of the Committee and his alternate shall be, at the time

[1] Sections 82, 83, and 84 apply only to the proposed marketing agreement and not to the proposed order.

of his selection and during his term of office, a grower or an officer or employee of a grower in the District for which selected. Each handler member of the Committee and his alternate shall be, at the time of his selection and during his term of office, a handler or an officer or employee of a handler.

§ ____.22 Nominations.

(a) General. Separate nominations shall be made for each member position and the respective alternate member for such position listed in § ____.20. Except as otherwise provided for obtaining initial nominations, nominations shall be certified by the Committee and submitted to the Secretary by June 1 of each crop year, together with information deemed by the Committee to be pertinent or requested by the Secretary. If nominations are not submitted in the specified manner by such date, the Secretary may without regard to nomination, select the members and alternate members of the committee on the basis of the representation provided for in § ____.20.

(b) Grower members. The Committee shall conduct nominations for grower members and their respective alternates in each District through meetings or on the basis of ballots to be mailed by the Committee to all growers of record. Only growers eligible to serve on the Committee from the District in which the nominations are to be held shall be eligible to vote and each such grower shall have one vote for each grower position to be filled. If a grower is also a handler, such grower may vote either as a grower or as a handler, but not both. No grower shall participate in the election of nominees in more than one District regardless of the number of Districts in which such person is a grower. A multidistrict grower may elect the district in which he votes.

(c) Handler nominations. The Committee shall conduct nominations for handler members and their respective alternates through meetings or on the basis of ballots to be mailed by the Committee to all handlers of record. Each handler shall have one vote for each handler position to be filled.

(d) Initial nominations. For the purpose of obtaining the initial nominations, the Secretary shall perform the functions of the Committee as soon as practicable after the effective date of this proposed order.

§ ____.23 Selection.

(a) Selection. Members shall be selected by the Secretary from nominees submitted by the Committee or from among other eligible persons on the basis of the representation provided for in § ____.20.

(b) Term of office. The terms of office of the initial members of the Committee shall be established by the Secretary so that the term of office for two grower members and one handler member shall be the initial crop year, the term of office for two grower members and one handler member shall be the initial crop year plus the succeeding crop year, and the term of office for three grower members shall be the initial crop year plus the two succeeding crop years. Successor members of the Committee shall serve for terms of 3 crop years, except for shorter terms occasioned by the death, removal, resignation, or disqualification of any member, and subject to any such disqualification each member shall serve until his successor is selected and has qualified.

§ ____.24 Acceptance.

Each person selected by the Secretary as a member or alternate member shall qualify by filing a written acceptance with the Secretary as soon as practicable after being notified of his selection.

§ ____.25 Vacancy.

To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate member of the Committee, or in the event of the failure of any person selected as a member to qualify, a successor for the unexpired term or the term shall be nominated and selected in the manner provided in §§ ——.22 and ——.23, so far as applicable, unless a selection is deemed unnecessary by the Secretary.

§ ____.26 Alternates.

(a) An alternate for a member of the Committee shall act in the place and stead of such member during his absence and in the event of the member's removal, resignation, disqualification, or death until a successor for such member's unexpired term has been selected and has qualified.

(b) If a member or his alternate is unable to attend a Committee meeting, the Committee may designate any other alternate from the same group (grower or handler) to serve in the member's place if such alternate is not serving in the place of another member.

§ ____.27 Procedure.

(a) Six members (including alternates acting as members) of the Committee shall constitute a quorum at an assembled meeting of the Committee and any action of the Committee at such meeting shall require the concurring vote of at least five members (including alternates acting as members). At any assembled meeting, all votes shall be cast in person.

(b) All meetings of the Committee shall be public as to all matters affecting growers. For the purpose of handling intra-committee operations or when circumstances do not allow time to call a public meeting, the Committee may provide for voting by mail, telephone, telegraph, or other means of communication upon due notice to all members and any proposition to be so voted upon first shall be explained accurately, fully, and identically. Any such vote other than by mail, telegraph, or other written means of communication shall be promptly confirmed by the member in writing or by telegraph. Seven concurring votes shall be required for approval of a Committee action so voted upon.

(c) Members and alternate members of the Committee shall serve without compensation, but shall be allowed such reasonable expenses as approved by the Committee in attending to authorized Committee business.

§ ____.28 Powers.

The Committee shall have the following powers:

(a) To administer the provision of this order in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this order;

(c) To receive, investigate, and report to the Secretary complaints of violations of this order; and

(d) To recommend to the Secretary amendments to this order.

§ ____.29 Duties.

The Committee shall have among others the following duties:

(a) To select from among its members such officers and adopt such rules or bylaws for the conduct of its meetings as it deems necessary;

(b) To hire employees, appoint such subcommittees and advisory committees as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To keep minutes, books, and records which will reflect all of the acts and transactions of the Committee and which shall be subject to examination at any time by the Secretary;

(d) To submit to the Secretary as soon as practicable after the beginning of each crop year a budget for such period, including a report in explanation of the items appearing therein, and a recommendation as to the rate of assessment for such period;

(e) To prepare quarterly statements of the financial operations of the Committee and to make copies of each such statement available to growers and handlers for examination at the office of the Committee and to send two copies to the Secretary;

(f) To cause the books of the Committee to be audited by a competent accountant (acceptable to the Secretary) at least once each crop year and at such other times as the Committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the office of the Committee by growers and handlers;

(g) To prepare a marketing policy each crop year which policy shall be submitted to the Secretary for his approval;

(h) To act as intermediary between the Secretary and any grower or handler;

(i) To investigate and assemble data on the growing, handling, and marketing conditions with respect to ryegrass;

(j) To submit to the Secretary such available information as he may request or the Committee may deem desirable and pertinent;

(k) To notify growers and handlers of all meetings of the Committee to con-

sider recommendations for regulation; and of all regulatory actions taken affecting growers and handlers;

(l) To give the Secretary the same notice of meetings of the Committee and of meetings of its subcommittees as is given to the applicable membership; and

(m) To investigate compliance and to use means available to the Committee to prevent violations of the provisions of this order.

RESEARCH AND DEVELOPMENT

§ ____.30 Research and development.

The Committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and utilization or efficient production of ryegrass. The expense of such projects shall be paid from funds collected pursuant to §____.56.

MARKETING POLICY

§ ____.35 Marketing policy.

Prior to and as far in advance of each ensuing crop year as it finds feasible, but in any event not prior to the preceding September 1, the Committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for such crop year. Such marketing policy shall set forth the Committee's evaluation of the various factors of supply and demand that will affect the marketing of ryegrass (separately for annual and perennial ryegrass) during the crop year, including:

(a) Carryin: The estimated quantity of ryegrass in all hands (growers, handlers, brokers, and wholesalers) at the beginning (July 1) of the crop year;

(b) Production: The estimated ryegrass production during the crop year;

(c) Trade Demand: The prospective domestic and export trade demand, taking into consideration prospective imports;

(d) Carryout: The quantity in all grower and handler inventories at the end of the crop year;

(e) Market prices for ryegrass; and

(f) Other relevant factors.

On the basis of its evaluation of these factors, the Committee shall recommend to the Secretary the total quantity of ryegrass (hereinafter referred to as the "Total Desirable Quantity") (separately for annual and perennial) that should be allotted for handling during the crop year. If, in the event of subsequent changes in the supply and demand factors, the Committee deems it advisable that the total desirable quantity be increased for such crop year, it shall prepare a new or revised marketing policy and submit a report thereon to the Secretary together with its recommendations for an appropriate revision in the total desirable quantity for such crop year. The Committee shall announce each marketing policy (including new and revised policies), and notice and contents thereof shall be provided to growers and handlers by bulletins, newspapers, or other appropriate media.

VOLUME REGULATION

§ ____.36 Total desirable quantity.

Whenever the Secretary finds, on the basis of the Commitee's recommendation or other available information, that establishing, limiting, or increasing the quantity of ryegrass (annual or perennial) available for handling during a crop year, would tend to effectuate the declared policy of the Act, he shall establish the total desirable quantity for each for such crop year, which all handlers may acquire in the crop year. The Committee shall equitably apportion such quantity of annual ryegrass and such quantity of perennial ryegrass among producers by establishing allocation bases and allotments as provided in §§ ____.41 and ____.42.

§ ____.41 Grower allocation bases.

(a) Upon request of the Committee, each grower desiring an allocation base for ryegrass (annual or perennial or both) shall register with the Committee and furnish to it on forms prescribed by the Committee, a report of the number of pounds of such ryegrass produced by him and sold by him, or on his behalf, during each of the crop years 1969 through 1972, broken down by annual and perennial varieties of ryegrass (including proprietary varities of each), and names of handlers to whom sales were made as may be required by the Committee and approved by the Secretary.

(b) For the crop year which begins in 1973 a separate allocation base shall be established by the Committee for each registered grower for each kind of ryegrass—annual and perennial in accordance with: (1) The average crop year pounds of ryegrass, of the particular kinds produced and sold by him, or on his behalf, during the four crop years 1969 through 1972 if he had production and sales in each of the four crop years; (2) the average crop year pounds of ryegrass of a particular kind produced and sold by him or on his behalf, during any three of the crop years 1969 through 1972 if he had production and sales in only three of the crop years; (3) the average crop year pounds of ryegrass of a particular kind produced and sold by him or on his behalf, during any two of the crop years 1969 through 1972 if he had production and sales in only two of the crop years; (4) the crop year pounds of ryegrass of a particular kind produced and sold by him, or on his behalf, during any one of the crop years 1969 through 1972 if he had production and sales in only one of such crop years.

(c) For each crop year subsequent to the crop year 1973, each allocation base shall be recomputed by the Committee according to the applicable one of the following procedures: (1) The allocation bases computed on a four-crop year basis shall be adjusted by: (i) Adding the grower's preceding crop year's sales of ryegrass of the particular kind to his four crop year's total sales of such ryegrass used in computing his existing allocation base; (ii) subtracting the smallest quantity of sales for a crop year recorded as the sales of such ryegrass during such four-crop years; (iii) recalculating a new four-crop year simple average which shall be the new allocation base. (2) Allocation bases computed on a less than four-crop year basis shall be adjusted by adding the grower's preceding crop year's sales of ryegrass of the particular kind to the total number of pounds used in computing his preceding allocation base and dividing by the number of years of sales of such ryegrass.

(d) The Committee may provide for adjustment of a grower's allocation based upon a showing that such grower's sales in the base period, as provided in § —.41 (c), were not representative due to conditions such as: adverse weather, insects, disease, and fire.

(e) A condition for the continuing validity of an allocation base is production and sale of ryegrass thereunder. If no bona fide effort has been made in reference to the original allocation base, to produce and sell ryegrass thereunder during any 3 consecutive crop years, such allocation base shall be declared invalid due to lack of use and canceled at the end of such third consecutive year of nonproduction and sale.

(f) The Committee shall, for the crop year 1974 and each subsequent year, recommend to the Secretary an adjustment in allocation bases which will reflect (1) increase in usage of ryegrass; (2) desires of new producers to gain entry, and producers with existing allocation bases to expand, as evidenced by application for allocation bases or increased allocation bases; and (3) any additional factors which bear on industry adjustments to new and changing conditions.

(g) (1) Notwithstanding the foregoing provisions of paragraph (f) of this section any increase in the quantity of ryegrass provided for by this order shall be no more than 5 percent of the total of all allocation bases encompassed by this order (separately for annual and perennial) during the previous crop year; Provided, that new producers, if any, shall be accorded priority in granting the first 50 percent of any such increase. In the absence of applications from new producers for any or all of the first 50 percent of any increase, the unallocated portion of the first 50 percent and the second 50 percent of any increases in allocation bases shall be equitably distributed to producers with existing allocation bases.

(2) Any person may apply, under rules and procedures to be established by the Committee with the approval of the Secretary, either for a new allocation base or for an increase in an existing allocation base. Such applications may be submitted each crop year, but must be filed with the Committee not later than January 1 of a crop year in order to be considered for an award of a new allocation base or the adjustment of an existing allocation base to take effect the following crop year.

(h) The Committee recommendations, with justifications, supporting data, and a listing and summary of all applications for new or adjusted allocation bases, shall be submitted to the Secretary no later than March 1 of each crop year.

(1) Not more than 60 days after receipt of the Committee recommendations, the Secretary shall either approve said recommendations or make whatever alterations therein that he deems necessary in the public interest. In the event no such recommendations or listing of applications are received, the Secretary may issue adjustments in allocation bases each crop year. The decision of the Secretary shall be final; and he shall communicate his decision and the reasons therefor to the Committee in writing.

(2) Within 30 days after receipt of the Secretary's decision, the Committee shall notify each applicant of the Secretary's decision and of their allocation bases for the following crop year.

(i) The Committee shall, with the approval of the Secretary, establish rules, guides, bases, or standards to be used in determining allocation base awards or adjustments that are to be recommended to the Secretary taking into account, among other things, the minimum economic enterprise requirements for ryegrass production.

(j) Each allocation base shall be for ryegrass of a particular kind (annual or perennial).

(k) Growers' allocation bases may be transferred to other growers as authorized by regulations recommended by the Committee and approved by the Secretary.

(l) The Committee shall check and determine the accuracy of the information submitted pursuant to this section and is authorized to make a thorough investigation of any application. Whenever the Committee finds an error, omission, or inaccuracy in any such application, it shall correct the same and shall give the grower who submitted the application a reasonable opportunity to discuss with the Committee the factors considered in making the correction. In the event the error, omission, or inaccuracy requires correction of an allocation base, the applicable allotment computed for the grower pursuant to § ——.42 shall be on the basis of the corrected allocation base. All allocation base applications, allocation bases assigned, and adjustments therein, shall be subject to review by the Secretary.

§ ____.42 Grower allotments.

(a) Prior to the beginning of each crop year but no later than March 15, the Committee shall apportion to each grower who has an allocation base for ryegrass of a particular kind an allotment of ryegrass of such kind which handlers may acquire from each grower during the crop year. Each such allotment shall be computed by dividing the total desirable quantity of ryegrass of such kind established pursuant to § ——.36 by the sum of the allocation bases of ryegrass of such kind for all producers and multiplying the grower's allocation base by the resulting percentage. The result shall be the grower's allotment of ryegrass of such kind. Except as otherwise provided, no handler may acquire any quantity of ryegrass of a particular kind (including ryegrass of his own production) which would result in all handlers having acquired a greater quantity of ryegrass with respect to such grower than the grower's applicable allotment. Each allotment shall be expressed in pounds of cleaned ryegrass.

(b) The Committee with the approval of the Secretary may establish by regulation such means of certification or identification with respect to allotments of growers as may be required to effectuate the purposes of any regulation issued under this order.

(c) Growers' allotments shall be nontransferable except in conjunction with the transfer of an allocation base.

§ ____.43 Ryegrass harvested prior to effective date of this order.

(a) Any person in the possession of ryegrass harvested prior to the effective date of this order or other later date as the Committee may determine, but not more than 90 days following the effective date of this order, shall be entitled, upon application to the Committee to have such ryegrass so designated, and upon so doing, the ryegrass may be certified for handling without regard to any allotment; *Provided,* That the amount certified for handling under this paragraph in any one crop year may be limited by the Committee to not less than 25 percent of the total amount originally so designated.

(b) Grower contracts on proprietary varieties of ryegrass in effect as of the date of publication of the Secretary's recommended decision about this order, are exempt from the order for the life of such contracts or for the ensuing four years, whichever period of time is shorter; *Provided,* That holders of the contracts present valid evidence thereof to the Committee within 60 days after the Committee begins to function. Contracts on proprietary varieties of ryegrass entered into after the date of publication of the recommended decision, shall not be exempt from this order.

§ ____.44 Foundation and registered ryegrass seed.

The handling of foundation and registered ryegrass seed shall be subject to this order.

INSPECTION AND IDENTIFICATION

§ ____.46 Quality regulation.

Subject to §§ ——.41 and ——.42 all ryegrass seed shall meet regulations of Federal and State seed acts prior to sale. The Committee with the approval of the Secretary may establish requirements which will prohibit the handling of seed containing viable quack grass, wild garlic, wild onion seed, or any other undesirable seed. No quality regulation requiring change in production practices shall become effective prior to at least 2 crop years following publication. No ryegrass shall be handled unless it meets the quality standards established under this order. The Committee shall have authority to regulate the size of a lot certificated by one certificate in order to control quality.

§ ____.47 Identification.

All ryegrass purchased from growers by handlers must be identified as eligible seed under rules prescribed by the Committee. Adequate records shall be maintained by each handler of all transactions involving ryegrass seed.

§ ____.48 Minimum quantity exemption.

The Committee with the approval of the Secretary may establish a minimum quantity of ryegrass which may be handled on behalf of any grower free from regulations issued pursuant to this order.

EXPENSES AND ASSESSMENTS

§ ____.55 Expenses.

The Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the Committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions hereof. The funds to cover such expenses shall be paid to the Committee by handlers in the manner prescribed in § ____.56.

§ ____.56 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the Committee during a crop year, each handler shall pay to the Committee at the end of each quarter assessments on all ryegrass he handles as the first handler thereof during such period. The payment of assessments for the maintenance and functioning of the Committee may be required under this order throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the uniform rate of assessment to be paid by each handler during a crop year in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund not to exceed 1 crop year's expenses: *Provided,* That such rate of assessment, including any increase thereof, shall not exceed 5 cents per 100 pounds of cleaned ryegrass handled. At any time during or after the crop year, the Secretary, upon recommendation of the Committee, may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall apply to all ryegrass handled during the particular crop year. In order to provide funds for the administration of the provisions of this order during the first part of a crop year before sufficient operating income is

available from assessments, the Committee may accept the payment of assessments in advance and may also borrow money for such purposes.

§ ____.57 Accounting.

(a) If at the end of a crop year the assessments collected are in excess of expenses incurred, the Committee with the approval of the Secretary may carry over such excess into subsequent crop years as a reserve; *Provided*, That funds already in the reserve do not exceed approximately 1 crop year's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this order and (2) to cover necessary expenses of liquidation in the event of termination of this order. If any such excess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom assessments were collected. Upon termination of this order, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate; *Provided*, That to the extent practical such funds shall be returned pro rata to the handlers from whom such funds were collected.

(b) All funds received by the Committee pursuant to the provisions of this order shall be used solely for the purpose specified in this order and shall be accounted for in the manner provided in this order. The Secretary may at any time require the Committee and its members to account for all receipts and disbursements.

REPORTS AND RECORDS

§ ____.60 Reports.

(a) *Inventory.* Each handler shall file with the Committee a certified report showing such information as the Committee may specify with respect to any ryegrass held by him on such dates as the Committee may designate.

(b) *Receipts.* Each handler shall upon request of the Committee file with the Committee a certified report showing for each lot of ryegrass received or handled, the identifying marks, variety, weight, place of production, and the grower's name and address on such date(s) as the Committee may designate.

(c) *Other reports.* Upon the request of the Committee, with the approval of the Secretary, each handler shall furnish to the Committee such other information as may be necessary to enable it to exercise its powers and perform the duties under this order.

§ ____.61 Records.

Each handler shall maintain such records pertaining to all ryegrass acquired from, or handled on behalf of all producers as will substantiate the required reports and such others as may be prescribed by the Committee. All such records shall be maintained for not less than 3 years after the termination of the crop year to which such records relate.

§ ____.62 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by handlers, the Secretary and the Committee through its duly authorized employees shall have access to any premises where applicable records are maintained, where ryegrass is received or held, and at any time during reasonable hours shall be permitted to inspect such handler premises and any and all records of such handlers with respect to matters within the purview of this order.

§ ____.63 Confidential information.

All reports and records furnished or submitted by grower and handlers to or obtained by the employees of the Committee which contain data or information constituting a trade secret or disclose the trade position, financial condition, or business operation of the particular grower or handler from whom received shall be treated as confidential, and the reports and all information obtained from records shall at all times be kept in the custody and under control of one or more employees of the Committee who shall not disclose such information to any member of the Committee nor to any person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ ____.70 Compliance.

Except as provided in this order;

(a) No handler may handle ryegrass, the handling of which has been prohibited under the provisions of this order, and no handler shall handle ryegrass except in conformity with the provisions of this order.

(b) No handler may purchase from or otherwise handle on behalf of a grower any amount of ryegrass that, together with all other marketings of such grower during the crop year, would exceed the allotment of such grower.

§ ____.71 Right of the Secretary.

The members of the Committee (including successors, and alternates), and any agent or employee appointed or employed by the Committee, shall be subject on just cause to removal or suspension at any time by the Secretary. Each and every order, regulation, decision, determination or other act of said Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of the said Committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ ____.72 Effective time.

The provisions of this order shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in § ____.73.

§ ____.73 Termination or suspension.

(a) The Secretary shall, whenever he finds that any or all provisions of this order obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this order or such provision thereof.

(b) The Secretary shall terminate the provisions of this order at the end of the then current crop year whenever he finds that such termination is favored by a majority of growers who, during a representative period determined by the Secretary, have been engaged in the production for market of ryegrass within the production area; *Provided*, That such majority have, during such representative period, produced for market more than 50 percent of the volume of such ryegrass produced or sold in the production area, but such termination shall be effective only if announced at least 30 days prior to the end of the then crop year.

(c) The provisions of this order shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ ____.74 Proceedings after termination.

(a) Upon the termination of the provisions of this order, the members of the Committee then functioning shall continue as joint trustees for the purpose of settling the affairs of the Committee by liquidating all funds and property then in the possession of or under their control, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the trustees.

(b) The trustees shall continue in such capacity until discharged by the Secretary and shall from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Committee and trustees, to such person as the Secretary may direct, and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the joint trustees pursuant to this order.

§ ____.75 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this order or any regulation issued pursuant hereto or the issuance of any amendments to either thereof shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this order or any regulation issued under this order, or (b) release or extinguish any violation of this order or of any regulation issued under this order or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ ____.76 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this order shall cease upon termination of this order, except with respect to acts done under and during the existence of this order.

§ ____.77 Agents.

The Secretary may by designation in writing name any person, including any officer or employee of the Government or any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this order.

§ ____.78 Derogation.

Nothing contained in this order is or shall be construed to be in derogation or modification of the rights of the Secretary or the United States to exercise any powers granted by the Act or otherwise or in accordance with such powers to act in the premises whenever such action is deemed advisable.

§ ____.79 Personal liability.

No member or alternate of the Committee nor any employee or agent thereof may be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent except for acts of dishonesty.

§ ____.80 Separability.

If any provision of this order is declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder of this order or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ ____.81 Amendments.

Amendents to this order may be proposed, from time to time, by the Committee or by the Secretary.

§ ____.82 Counterparts.

This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[2]

§ ____.83 Additional parties.

After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[2]

[2] Applicable only to the proposed marketing agreement.

§ ____.84 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of ryegrass in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the Act such an order.[2]

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C. 20250; or James W. Coddington, Grain Division, USDA, AMS, 6525 Belcrest Road, Hyattsville, Maryland 20782.

Signed at Washington, D.C. on March 28, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74-7335 Filed 4-1-74;8:45 am]

[7 CFR Parts 1001, 1002, 1004, 1015, 1033, 1036, 1040, 1049]

[Docket Nos. AO-14-A53, etc.]

MILK IN THE BOSTON REGIONAL AND CERTAIN OTHER MARKETING AREAS

Notice of Extension of Time for Filing Briefs

7 CFR Part	Marketing area	Docket No.
1001	Boston Regional	AO 14-A53.
1002	New York-New Jersey	AO 71-A68.
1004	Middle Atlantic	AO 160-A51.
1015	Connecticut	AO 305-A31.
1033	Ohio Valley	AO 166-A44.
1036	Eastern Ohio-Western Pennsylvania.	AO 179-A39.
1040	Southern Michigan	AO 225-A28.
1049	Indiana	AO 319-A22.

Notice is hereby given that the time for filing briefs, proposed findings and conclusions on the record of the public hearing held February 20-28, 1974, at Washington, D.C., with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid specified marketing areas pursuant to notice issued on February 14, 1974 (39 FR 5642) is hereby extended to April 15, 1974, for the limited purpose of the appropriate longer-term basis of pricing reserve milk under the eight orders beginning August 1, 1974.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on: March 29, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74-7666 Filed 4-1-74;8:45 am]

[3] Applicable only to the proposed marketing agreement.

Commodity Credit Corporation

[7 CFR Part 1427]

UPLAND COTTON

Proposed Regulations for 1974 Loan Program

The Commodity Credit Corporation is reviewing current regulations which contain the detailed operating provisions necessary to carry out the loan program for upland cotton. Current provisions may be found in Cotton Loan Program Regulations (7 CFR 1427.1-28, as amended by 38 FR 13651, 38 FR 20090, and 38 FR 28065).

Consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Cotton, Rice and Oilseeds Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received not later than April 15, 1974. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 5725 South Building, 14th and Independence Avenue, SW, Washington, D.C.

Signed at Washington, D.C. on March 25, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-7501 Filed 4-1-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 416]

[Regulation No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart M—Suspensions and Terminations

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendment to the regulations set forth in tentative form is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment adds new Subpart M (Suspensions and Terminations) to 20 CFR Part 416. Part 416 comprises the policies and procedures for payment of supplemental security income to aged, blind, or disabled individuals under title XVI of the Social Security Act, as amended by section 301 of the Social Security Amendments of 1972 (Public Law 92-603), approved October 30, 1972, Public Law 93-66, approved July 9, 1973, and Public Law 93-233 approved December 31, 1973.

The proposed regulations deal with events and circumstances for which payment under title XVI of the Act is precluded. The regulations describe the events and circumstances the occurrence of which result in a temporary suspension of payment and the events and circumstances the occurrence of which terminate an individual's eligibility under

the program. When payment has been suspended due to the occurrence of an event or change in circumstances requiring suspension of payment under the regulations, payment may be resumed when all requirements and conditions of eligibility, except the filing of an application, are met. When an event or change of circumstances occurs which results in termination of an individual's eligibility, payment may be resumed no earlier than the month in which a new application is filed, notwithstanding that all other requirements and conditions of eligibility may have been met in an earlier month.

This subpart also contains procedural provisions applicable to suspension or termination (in accordance with this subpart) or reduction (see Subpart D of this part) of benefits occurring after the establishment of initial eligibility and amount of payment. Determination of amount of payment in converting from the Federal-State public assistance programs to SSI is considered to be part of the initial process of establishing eligibility and amount of payment.

The rules set forth in the proposed regulations will be applied by the Social Secuirty Administration in order to administer the Supplemental Security Income program during the period from January 1, 1974, when the new program became effective, until final regulations are adopted.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before May 2, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendment is to be issued under the authority contained in sections 1102, 1611–1615, as amended, and 1631, 49 Stat. 647, as amended, 86 Stat. 1466–1477; 87 Stat. 154; 42 U.S.C. 1302, 1382–1382c, 1383.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: March 25, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 28, 1974.

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

Part 416 of 20 CFR Chapter III is amended by adding thereto Subpart M to read as follows:

Subpart M—Suspensions and Terminations

Sec.
416.1321 Suspensions; general.
416.1323 Suspension due to excess income.
416.1324 Suspension due to excess resources.
416.1325 Suspension due to status as an inmate of an institution.
416.1326 Suspension for failure to accept treatment for drug addiction or alcoholism.
416.1327 Suspension due to absence from the United States.
416.1328 Suspension due to refusal of vocational rehabilitation services.
416.1329 Suspension due to loss of United States residency, United States citizenship, or status as an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law.
416.1330 Suspension due to failure to apply for and obtain other benefits.
416.1331 Termination due to cessation of blindness or disability.
416.1334 Termination due to death of recipient.
416.1335 Termination due to continuous suspension for ineligibility.
416.1336 Notice of proposed adverse action affecting recipient's payment status.

Subpart M—Suspensions and Terminations

§ 416.1321 Suspensions; general.

(a) *When suspension is proper.* Suspension of benefit payments is required when a recipient is alive but no longer meets the requirements of eligibility under title XVI of the Act (see Subpart B of this part) and termination in accordance with §§ 416.1331–416.1335 does not apply. (This subpart does not cover suspension of payments for administrative reasons, as, for example, when mail is returned as undeliverable by the Postal Service and the Administration does not have a valid mailing address for a recipient or when the representative payee dies and a search is underway for a substitute representative payee.)

(b) *Effect of suspension.* When payments are correctly suspended due to the ineligibility of a recipient, payments shall not be resumed until the individual again meets all requirements for eligibility except the filing of a new application. Such recipient, upon requesting reinstatement, shall be required to submit such evidence as may be necessary (except evidence of age, disability, or blindness) to establish that he again meets all requirements for eligibility under this part. Payments to such recipient shall be reinstated effective with the first month such recipient meets all requirements for eligibility except the filing of a new application.

(c) *Actions which are not suspensions.* Payments are not "suspended," but the claim is disallowed, when it is found that:

(1) The claimant was notified in accordance with § 416.230(c) at or about the time he filed application and before he received payment of a benefit that he should file a claim for a payment of the type discussed in § 416.1330 and such claimant has failed, without good cause (see § 416.230(d)), to take all appropriate steps within 30 days after receipt of such notice to file and prosecute an application for such payment;

(2) Upon initial application, payment of benefits was conditioned upon disposal of specified resources which exceeded the permitted amount and the claimant did not comply with the agreed-upon conditions;

(3) Payment was made to an individual faced with a financial emergency who was later found to have been not eligible for payment; or

(4) Payment was made to an individual presumed to be disabled and such disability is not established.

§ 416.1323 Suspension due to excess income.

(a) *Effective date.* Suspension of payments due to ineligibility for benefits because of excess income is effective with the first month in which "countable income" (see § 416.1115) equals or exceeds the amount of benefits otherwise payable for such month (see Subpart D of this part). This rule applies regardless of the month in which the income is received.

(b) *Claims filed late in quarter.* When a claim is filed in the second or third month of a calendar quarter, eligibility for benefits in the quarter of filing is determined on a monthly basis rather than on a quarterly basis. In such case, suspension of payments due to ineligibility for benefits because of excess income is effective with the month in which actual monthly countable income equals or exceeds the amount of the monthly benefit otherwise payable.

§ 416.1324 Suspension due to excess resources.

(a) *Effective date.* Except as specified in §§ 416.1240–416.1242, suspension of benefit payments because of excess resources is required effective with the month in which: (1) ineligibility exists because countable resources (see § 416.1205) are in excess of:

(i) $1,500 for an eligible individual who has no spouse or who has an ineligible spouse who is not living with him, or

(ii) $2,250 for an eligible individual living with his spouse or for an eligible individual and eligible spouse, or

(iii) In the case of an eligible individual (and eligible spouse, if any) who for the month of December 1973 was a recipient of aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Act, the maximum amount of resources specified in such State plan as in effect for October 1972, if greater than the amounts specified in paragraph (a)(1) (i) or (ii), as applicable, of this section; or

(2) After eligibility has been established, payment of benefits was conditioned upon disposal of specified resources which exceeded the permitted amount and the claimant did not comply with the agreed upon conditions. The amount of an individual's or couple's

countable resources is determined as of the first moment of each calendar quarter.

(b) *Claims filed late in quarter.* When a claim is filed in the second or third month of a calendar quarter, eligibility for benefits in the quarter of filing is determined on a monthly basis rather than on a quarterly basis. In such case, suspension of payments due to ineligibility for benefits because of excess resources is effective as of the first month in which countable resources exceed the allowable amount. When countable resources exceed the permitted amount as of such month, the beneficiary is ineligible for such month due to excess resources.

§ 416.1325 Suspension due to status as an inmate of an institution.

Except as provided in § 416.231(a)(2), a recipient is ineligible for benefits for the first full calendar month in which he is an inmate of a public institution (as defined in § 416.231(b)(3)) throughout the calendar month (as defined in §416.231(b)(4)), and his payments are suspended effective with such first full month. Such ineligibility continues for each full calendar month such individual is so institutionalized.

EXAMPLE: R entered a public hospital on May 5. The hospital did not receive title XIX payments (i.e., Medicaid) on his behalf. He remained in the hospital until July 29. R was ineligible for payments for June, and his payments were subject to suspension effective with that month. Such institutionalization would not preclude payment to R for July if he otherwise reestablishes his eligibility as of July.

§ 416.1326 Suspension for failure to accept treatment for drug addiction or alcoholism.

(a) *Suspension effective date.* A disabled recipient who is medically determined to be a drug addict or alcoholic is ineligible for benefits and his payments are subject to suspension effective with the first month in which he does not undergo treatment appropriate for his condition as a drug addict or alcoholic (as the case may be) at an institution or facility approved for such purpose by the Administration when such treatment is made available to him. In addition, such recipient is ineligible for benefits for any month, and his payments are suspended effective with such month, with respect to which it is determined that he is not complying with the terms, conditions, and requirements of the treatment provided or with the requirements established by the Administration to aid in remedying his condition. (See Subpart Q of this part for the treatment requirements.)

EXAMPLE: B had been medically determined to be an alcoholic, but he was in payment status because the approved facility did not have space to care for him. On June 4, B was notified that space had become available and that he was required to report for treatment on June 15. B did not respond and his payments were subject to suspension effective as of June.

(b) *Reestablishing eligibility.* When payments are suspended because a disabled recipient who is medically determined to be a drug addict or an alcoholic is not undergoing the required treatment, such ineligibility continues until he demonstrates compliance by actually undergoing the required treatment and such compliance is verified by the responsible authority at the institution or facility providing the treatment (see Subpart Q of this part). Reinstatement is effective with the first month in which the recipient complies with the required treatment or other direction, provided such compliance is first verified by the responsible official and provided the recipient otherwise establishes his eligibility for benefits for such month.

EXAMPLE: Payments to C, a drug addict, were suspended effective May because C failed to report for treatment. On June 25, C reported for treatment and otherwise established eligibility for benefits. The responsible State official reported on August 2 that C had reported June 25 and was complying with the required treatment. Payments may be resumed effective with June.

§ 416.1327 Suspension due to absence from the United States.

(a) *Suspension effective date.* A recipient is ineligible for benefits for the first full calendar month he is outside the United States, and his payments are subject to suspension for such month. For purposes of this paragraph, "outside the United States" means outside the 50 States and the District of Columbia. After a recipient has been outside the United States for 30 consecutive calendar days, he is considered as remaining outside the United States until he has returned to and remained in the United States for a period of 30 consecutive days. Each calendar day consists of a full 24-hour day.

EXAMPLE 1: S left the United States on July 1 and returned July 31. S was not ineligible for payments based on his 29-day absence from the United States in July.

EXAMPLE 2: T left the United States on January 31 and returned to the United States on March 1. He was absent from the United States 28 full consecutive calendar days. T is ineligible for benefits for February because he was absent from the United States throughout the full calendar month.

EXAMPLE 3: V left the United States on March 1 and returned to the United States on April 1 where he remained. V was physically absent from the United States for 30 full consecutive calendar days; consequently, he is held to have remained outside the United States for 30 additional full consecutive calendar days (i.e., throughout April). V is eligible for the month of March, but not for the month of April. He may, however, reestablish eligibility beginning May if he otherwise is eligible for payment.

EXAMPLE 4: W left the United States on April 15. He returned to the United States on July 1. Since he was absent for more than 30 full consecutive calendar days, he is treated as being absent from the United States for an additional 30 full consecutive days. Thus, W is treated as having left the United States on April 15 and as having returned on July 31. W is ineligible for benefits for May and June; however, he may reestablish eligibility for benefits beginning July if he otherwise is eligible for benefits.

(b) *Reestablishing eligibility for benefits.* If a recipient submits evidence of his eligibility after he returns to and remains in the United States for 30 full consecutive calendar days, he may reestablish eligibility for benefit payments beginning with the first month in which he is considered as being in the United States on any day of such month.

§ 416.1328 Suspension due to refusal of vocational rehabilitation services.

(a) *Suspension effective date.* A recipient who is paid on account of blindness or disability is ineligible for benefits for the first month, and his payments are subject to suspension effective with such first month, in which he refuses, without good cause, to accept appropriate vocational rehabilitation services (see Subpart Q of this part).

(b) *Reestablishing eligibility for benefits.* Eligibility for benefits may be reestablished effective with the first month in which the blind or disabled recipient no longer refuses vocational rehabilitation services, provided such individual ohterwise establishes his eligiiblity for benefits.

§ 416.1329 Suspension due to loss of United States residency, United States citizenship, or status as an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law.

A recipient ceases to be an eligible individual or eligible spouse, under section 1614(a)(1)(B) of the Act, when he ceases to meet the requirements of § 416.202(b) with respect to United States residency, United States citizenship, or status as an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law. Payments are suspended effective with the first month after the last month in which a recipient meets the requirements of § 416.202(b) on one or more calendar days.

§ 416.1330 Suspension due to failure to apply for and obtain other benefits.

A recipient ceases to be an eligible individual or eligible spouse when he fails within 30 days after notice from the Administration of probable eligibility, to take all appropriate steps to apply for and, if eligible, to obtain payment of an annuity, pension, retirement, or disability benefit, including veterans' compensation and pension, workmen's compensation, old-age, survivors, and disability insurance benefit, railroad retirement annuity or pension, or unemployment insurance benefit. Benefit payments are suspended due to such ineligibility effective with the month in which the recipient was notified in writing of the requirement that he file and take all appropriate steps to receive the other benefits (see § 416.230(d)(1)).

§ 416.1331 Termination due to cessation of blindness or disability.

Eligibility for payment of benefits to a recipient who is being paid supplemental security income payments on account of

blindness (see § 416.901(d)) or disability (see § 416.901(b)), who is not age 65 or older and who ceases to be blind or to be disabled and, consequently, ceases to be an eligible individual or eligible spouse, ends with the second month after the month in which such blindness or disability ceases (if such blind or disabled recipient is otherwise eligible for payments during such 2-month period). Payments are terminated effective with the third month after the month in which such blindness or disability ceases.

§ 416.1334 Termination due to death of recipient.

Eligibility for benefits ends with the month in which the recipient dies. Payments are terminated effective with the month after the month of death.

§ 416.1335 Termination due to continuous suspension for ineligibility.

Eligibility for benefits is terminated when 12 calendar months have elapsed after suspension for ineligibility if the beneficiary has not reestablished eligibility for benefits.

§ 416.1336 Notice of proposed adverse action affecting recipient's payment status.

(a) Advance written notice of intent to discontinue payment because of an event requiring suspension, or to reduce (see Subpart D of this part), or terminate payments prior to effectuation of the action will be given in all cases except where:

(1) The Administration has factual information confirming the death of the recipient; or

(2) Amendments to Federal law or an increase in benefits payable under Federal law (other than benefits payable under this part) require automatic suspension, reduction, or termination of benefits under this part; or

(3) Clerical or mechanical error has been made in effectuation of a determination or decision; or

(4) (i) The facts indicating such suspension, reduction, or termination action were supplied by the recipient; and

(ii) The conclusions to be drawn from such facts are not subject to conflicting interpretations; and

(iii) The facts are complete.

(b) Where (1) a suspension, reduction, or termination action is effectuated, and (2) in accordance with the criteria in paragraph (a)(4) of this section the recipient is not given advance notice of intent to effectuate such action, and (3) the recipient, within 30 days following receipt of notice that such action was effectuated (see paragraph (e) of this section) requests review of the determination upon which such action is based and presents information indicating that the criteria in paragraph (a)(4) of this section were not met, payments will be reinstated at that time (or restored to the rate before reduction) effective with the month such payments were suspended, reduced, or terminated and will be continued until such time as a reconsidered determination (or, where the issue upon which the initial determination was based is cessation of disability due to medical improvement, a hearing decision) is rendered and notice thereof is transmitted regarding the appeal to the recipient.

(c) The written notice of intent to suspend, reduce, or terminate payments will allow 30 days from the date of receipt of the notice for the recipient to request the appropriate appellate review (see Subpart N of this part). Payments will be continued for the period of time allowed to request such review and if such review is requested, payments will continue until such time as a reconsidered determination (or, where the issue upon which the initial determination was based is cessation of disability due to medical improvement, a hearing decision) is rendered and notice thereof is transmitted regarding the appeal to the recipient.

(d) Notwithstanding any other provision of this section, the recipient, in order to avoid the possibility of an overpayment of benefits, may waive prior written notice and continuation of payment after having received a full explanation of his rights.

(e) Where advance written notice is not required in accordance with paragraph (a) of this section, notice in accordance with § 416.1404 will nevertheless be sent.

[FR Doc.74-7537 Filed 4-1-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1916]

[Docket No. R-74-262]

FLOOD ELEVATION STUDIES

Procedure for Consultation With Local Officials

Pursuant to the authority contained in section 306(g), 82 Stat. 540; 12 U.S.C. section 1721, the Federal Insurance Administrator is considering the addition of a new 24 CFR Part 1916 as set forth below.

The proposed new Part 1916 would establish an administrative procedure for consulting with local officials on flood elevation studies. The establishment of these procedures is mandated by section 206 of the Flood Disaster Protection Act of 1973, Pub. L. 93-234.

Interested persons are invited to participate in the making of the proposed rule by submitting such written comments or suggestions as they may desire. Communications should identify the subject matter by the above title and area affected and should be submitted in triplicate to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10256, 451 Seventh Street, SW., Washington, D.C. 20410. All communications received by May 1, 1974, will be considered before taking action on the proposal. The proposal contained in this notice may be changed in the light of comments received. A copy of each submission will be available for public inspection during business hours at the above address.

Accordingly, Title 24 is proposed to be amended by adding a new Part 1916, as follows:

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Sec.

1916.1 Purpose of part.
1916.2 Definitions.
1916.3 Establishment of docket.
1916.4 Appointment of consultation coordination officers.
1916.5 General responsibilities of CCO.
1916.6 Duties of CCO prior to commencement of study.
1916.7 Duties of CCO during the study.
1916.8 Notice of citizens.

AUTHORITY: Sec. 306(g), 82 Stat. 540 (12 U.S.C. 1721).

§ 1916.1 Purpose of part.

The purpose of this part is to establish procedures implementing the provisions of section 206 of Flood Disaster Protection Act of 1973, which envisions that the Federal Insurance Administration will:

(a) Specifically request that the community submit pertinent data concerning flood hazards, flooding experience, plans to avoid potential hazards, estimates of economic impact on the community, both historical and prospective, and such other data as shall be deemed appropriate;

(b) Notify local officials of the progress of surveys, studies, and investigations, and of proposed findings, along with information concerning data and methods employed in reaching such conclusions; and

(c) Encourage local dissemination of information concerning surveys, studies, and investigations so that interested persons will have an opportunity to bring relevant data to the attention of the community and to the Administrator.

§ 1916.2 Definitions.

The definitions set forth in § 1909.1 of this subchapter are applicable to this part.

§ 1916.3 Establishment of docket.

A flood elevation study consultation docket shall be established for each community at the time the contract is awarded for a flood elevation study. The docket shall include copies of all correspondence between the Federal Insurance Administration and the community concerning the study; reports of any meetings between the Federal Insurance Administration representatives and officials, residents of the community, study contractors, or other interested persons; correspondence from interested persons; relevant publications and a copy of the completed flood elevation study.

§ 1916.4 Appointment of consultation coordination officers.

The Administrator shall appoint an employee of the Department of Housing and Urban Development as the Consultation Coordination Officer (CCO) for

each community in which a contract for a flood elevation study is awarded on behalf of the Administrator and shall so advise each community in writing.

§ 1916.5 General responsibilities of CCO.

The CCO shall be responsible for arranging consultation between appropriate elected officials of the general purpose local government of a community in which a flood elevation study is being undertaken and the organization undertaking the study. The CCO shall also be responsible for encouraging local officials to disseminate information concerning the study widely within the community.

§ 1916.6 Duties of CCO prior to commencement of study.

Prior to the comencement of the flood elevation study of any community undertaken on behalf of the Administrator, the CCO for the community in which the study is to be conducted, together with a representative of the organization undertaking the study, shall meet with officials of the general purpose local government of the community. At this meeting the CCO shall inform the local officials of the date on which the study will commence, the nature and purpose of the study, the areas involved, the manner in which the study is to be undertaken, the general principles to be applied, and the use to be made of the data obtained.

§ 1916.7 Duties of CCO during the study.

After a flood elevation study has commenced in any community, the CCO for that community shall serve as a liaison between the local officials and the organization undertaking the study. The CCO shall keep the local officials informed as to the progress of the study and shall relay communication from the local officials to the organization undertaking the study.

§ 1916.8 Notice of citizens.

The Federal Insurance Administrator shall advertise in a prominent local newspaper in the community in which the flood elevation study is to be conducted, notifying the residents that a study is to be conducted and advising them that they may forward any information concerning the study to the chief executive officer of the community.

Issued at Washington, D.C., March 27, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-7497 Filed 4-1-74;8:45 am]

[24 CFR Parts 1917, 1918]

[Docket No. R-74-263]

FLOOD ELEVATION DETERMINATIONS

Procedure for Appeals and Hearings

Pursuant to the authority contained in section 306(g), 82 Stat. 540; 12 U.S.C. section 1721, the Federal Insurance Administrator is considering the addition of new 24 CFR parts 1917 and 1918 as set forth below.

The proposed new Part 1917 would establish an administrative procedure for reviewing appeals of flood elevation determinations made in the National Flood Insurance Program. The proposed new Part 1918 would establish procedures for formal administrative hearings on appeals brought under proposed Part 1917. The establishment of these procedures is mandated by section 110 of the Flood Disaster Protection Act of 1973, Pub. L. 93-234.

Interested persons are invited to participate in the making of the proposed rule by submitting such written comments or suggestions as they may desire. Communications should identify the subject matter by the above title and area affected and should be submitted in triplicate to the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10256, 451 Seventh Street SW, Washington, D.C. 20410. All communications received by May 1, 1974, will be considered before taking action on the proposal. The proposals contained in this notice may be changed in the light of comments received. A copy of each submission will be available for public inspection during business hours at the above address.

Accordingly, Title 24 is proposed to be amended by adding new Parts 1917 and 1918, as follows:

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Sec.

1917.1 Purpose of this part.
1917.2 Special definitions.
1917.3 Establishment and maintenance of a flood elevation determination docket (FEDD).
1917.4 Proposed flood elevation determination.
1917.5 Right of appeal.
1917.6 Basis of appeal.
1917.7 Collection of appeal data.
1917.8 Final determination in the absence of an appeal by the community.
1917.9 Procedure in cases of appeal by the community.
1917.10 Notice of final determination.
1917.11 Rates during pendency of final determination.
1917.12 Appeal to District Court.

AUTHORITY: Sec. 306(g), 82 Stat. 540 (12 U.S.C. 1721).

§ 1917.1 Purpose of this part.

The purpose of this part is to establish procedures implementing the provisions of section 110 of Flood Disaster Protection Act of 1973.

§ 1917.2 Special definitions.

The definitions set forth in § 1909.1 of this subchapter are applicable to this part. In addition to those definitions, the following special definitions are applicable to this part:

(a) "Chief Executive Officer of the community" ("CEO") means the official of the community charged with the authority to implement and administer laws, ordinances and regulations for that community, or such local agency as he shall publicly designate.

(b) "Independent scientific body" means a non-federal technical or scientific organization involved in the study of land use planning, flood plain management, hydrology, geology, geography, or any other related field of study concerned with flooding.

(c) "Flood elevation determination" means a determination by the Administrator of the level of the 100-year flood; that is, the level of flooding that has a one percent chance of occurring during any given year.

(d) "General Counsel" means the General Counsel of the U.S. Department of Housing and Urban Development.

§ 1917.3 Establishment and maintenance of a flood elevation determination docket (FEDD).

The Administrator shall establish a docket of all matters pertaining to flood elevation determinations. The docket files shall contain the following information:

(a) The name of the community which is subject to the flood elevation determination;

(b) A copy of the notice of the proposed flood elevation determination to the chief executive officer to the community;

(c) A copy of the notice of the proposed flood elevation determination published in a prominent local newspaper of the community involved;

(d) A copy of the notice of the proposed flood elevation determination published in the Federal Register;

(e) Copies of all appeals by private persons received by the Administrator from the chief executive officer of the community (CEO);

(f) Copies of all comments received by the Administrator on the notice of the proposed flood elevation determination published in the FEDERAL REGISTER;

(g) A copy of the community's appeal or a copy of its decision not to appeal the proposed flood elevation determination;

(h) A copy of the flood insurance study for the community;

(i) A copy of the flood insurance rate map for the community;

(j) Copies of any land use and control laws in effect in the community at the time of the proposed flood elevation determination;

(k) Copies of any and all materials maintained in the flood elevation study consultation docket; and

(l) A copy of the final determination and supporting documents.

§ 1917.4 Proposed flood elevation determination.

The Administrator shall propose flood elevation determinations in the following manner:

(a) Publication of the proposed flood elevation determination for comment in the FEDERAL REGISTER;

(b) Notification by certified mail, return receipt requested, of the proposed flood elevation determination to the CEO; and

(c) Publication of the proposed flood elevation determination in a prominent local newspaper at least twice during the ten day period immediately following the notification of the CEO.

§ 1917.5 Right of appeal.

(a) Any owner or lessee of real property, within a community where a proposed flood elevation determination has been made pursuant to section 1361 of the National Flood Insurance Act of 1968, as amended, who believes his property rights to be adversely affected by the Administrator's proposed determination may file a written appeal of such determination with the CEO within ninety days of the second newspaper publication of the Administrator's proposed determination.

(b) A community, through the CEO, may file a written appeal of a proposed flood elevation determination on behalf of itself or its citizens, or both, within ninety days after the date of the second newspaper publication of the Administrator's proposed determination.

§ 1917.6 Basis of appeal.

The sole basis of an appeal shall be the possession of knowledge or information indicating that the elevations being proposed by the Administrator with respect to an identified area having special flood hazards are scientifically or technically incorrect.

§ 1917.7 Collection of appeal data.

(a) *Appeals by private persons to Chief Executive Officer (CEO).* (1) All appeals by private persons shall be submitted within ninety days following the second publication of the Administrator's proposed flood elevation determination to the CEO or to such agency as he may publicly designate.

(2) Each appeal shall set forth scientific or technical data that tend to negate or contradict the Administrator's finding.

(3) The CEO may specify the form in which appeals by private persons shall be made.

(b) *Filing appeals with the Administrator.* (1) Copies of all individual appeals received by the CEO shall be forwarded, as soon as they are received, to the Administrator for information and placement in the Flood Elevation Determination Docket.

(2) The CEO shall review and consolidate all appeals by private persons and issue a written opinion stating whether the evidence presented is sufficient to justify an appeal on behalf of such persons by the community in its own name.

(3) The decision issued by the CEO on the basis of his review and consolidation of the appeals by private persons shall be filed with the Administrator not later than ninety days after the date of the second newspaper publication of the Administrator's proposed flood elevation determination and shall be placed in the FEDD.

§ 1917.8 Final determination in the absence of an appeal by the community.

(a) If the Administrator does not receive an appeal from the community within the ninety days provided, he shall consolidate and review on their own merits, in accordance with the procedures set forth in § 1917.9, the appeals filed within the community and shall make such modifications of his proposed determinations as may be appropriate, taking into account the written opinion, if any, issued by the community in not supporting such appeals.

(b) The Administrator's final determination shall be in written form, and copies thereof shall be sent both to the chief executive officer of the community and to each individual appellant.

§ 1917.9 Procedure in cases of appeal by the community.

(a) If a community appeals the proposed flood elevation determination, the Administrator shall first attempt to resolve the appeal by consultation with local officials of the community or by seeking the advice of an independent scientific body or an appropriate Federal agency, or both.

(b) If the Administrator determines that the appeal cannot be resolved without an administrative hearing, he shall send the FEDD file to the General Counsel and request that the General Counsel arrange for a hearing under the procedures set forth in part 1918 of this subchapter.

(c) The final determination by the Administrator in cases in which an appeal is filed shall be made within a reasonable time.

§ 1917.10 Notice of final determination.

Notice of the final flood elevation determination for a community shall be sent to the CEO and all individual appellants and shall be published in the FEDERAL REGISTER.

§ 1917.11 Rates during pendency of final determination.

Until such time as a final determination is made and proper notice is given, no person within an eligible community shall be denied the right to purchase flood insurance at the subsidized rate. After the final determination of December 31, 1974, whichever is later, actuarial rates will be charged for new construction.

§ 1917.12 Appeal to district court.

(a) An appellant aggrieved by the final determination of the Administrator may appeal such determination to the United States District Court for the District within which the community is located within sixty days after receipt of notice of determination.

(b) During the pendency of any such litigation, all final determinations of the Secretary shall be effective for the purposes of this title unless stayed by the court for good cause shown.

(c) The scope of review of the appellate court shall be in accordance with the provisions of 5 U.S.C. 706.

PART 1918—APPEALS OF THE ADMINISTRATOR'S PROPOSED FLOOD ELEVATION DETERMINATIONS BY ADMINISTRATIVE HEARINGS

Sec.

1918.1 Purpose of this part.
1918.2 Right of administrative hearings.
1918.3 Administrative law judge.
1918.4 Establishment of docket.
1918.5 Time and place of hearing.
1918.6 Conduct of hearings.
1918.7 Scope of review.
1918.8 Admissible evidence.
1918.9 Burden of proof.
1918.10 Right of administrative law judge to obtain scientific or technical advice.
1918.11 Determination.
1918.12 Relief.

AUTHORITY: Sec. 306(g), 82 Stat. 540; (12 U.S.C. 1721).

§ 1918.1 Purpose of this part.

The purpose of this part is to establish procedures for appeals of the Administrator's proposed flood elevation determinations by administrative hearings pursuant to section 1363(e) of the Act.

§ 1918.2 Right to administrative hearings.

Administrative hearings under this part shall only be held in appeals referred to the General Counsel by the Administrator in accordance with the provisions of section 1917.9 of this subchapter.

§ 1918.3 Administrative law judge.

Each hearing shall be conducted by an administrative law judge (hereinafter "judge") certified by the Civil Service Commission.

§ 1918.4 Establishment of docket.

The General Counsel shall establish a docket for appeals referred to him by the Administrator for administrative hearings. This docket shall include, for each appeal, copies of all materials contained in FEDD file on the matter, copies of all correspondence in connection with the appeal, all motions, orders, statements and other legal documents, a transcript of the hearing, and the judge's final determination.

§ 1918.5 Time and place of hearing.

(a) The time and place of each hearing shall be designated by the judge for that hearing. He shall promptly advise the Administrator and the General Counsel of such designation.

(b) The judge's notice of the time and place of hearing shall be sent by the General Counsel's Flood Insurance Docket Clerk by registered or certified mail, return receipt requested, to all appellants. Such notice shall include a statement indicating the nature of the proceedings and their purpose and all appellants' entitlement to counsel. Notice of the hearing must be sent no less than 30 days before the date of hearing unless such period is waived by all appellants.

§ 1918.6 Conduct of hearings.

(a) The judge shall be responsible for the fair and expeditious conduct of proceedings.

(b) The Administrator shall be represented by the General Counsel or his designee.

(c) All appeals made by appellants in each community shall be consolidated and one administrative hearing shall be held for any one community.

(d) If the appeal is brought by the community, the CEO or his designee shall represent all appellants from that community; provided than any appellant may petition the judge to allow such appellant to enter an appearance on his own behalf. Such a petition shall be granted only upon a showing of good cause.

(e) The Administrator shall assure that a record is made of the proceeding which shall be available for inspection by any appellant. An appellant may order copies of the record directly from the reporter and shall be responsible for payments therefor.

§ 1918.7 Scope of review.

Review at administrative hearings shall be limited to an examination of knowledge or information presented by each appellant indicating that elevations being proposed by the Administrator with respect to an identified area having special flood hazards are scientifically or technically incorrect.

§ 1918.8 Admissible evidence.

(a) Legal rules of evidence shall not be in effect at administrative hearings. However, all evidence shall be relevant to issues within the scope of review under 1918.7.

(b) The community's FEDD file shall be admissible.

(c) Documentary and testimonial evidence shall be admissible.

(d) Admissibility of non-expert testimony shall be within the discretion of the judge.

(e) Where the appeal is by other than a community, the community's statement of reasons for not appealing shall be admissible.

(f) All testimony shall be under oath.

§ 1918.9 Burden of proof.

The burden shall be on appellants to prove that the special flood hazard determination is not scientifically or technically correct.

§ 1918.10 Right of administrative law judge to obtain scientific or technical advice.

The judge may submit conflicting technical or scientific data to an independent scientific body or appropriate Federal agency for advice.

§ 1918.11 Determination.

The judge shall make a written determination on the evidence presented at the hearing within 30 days after the conclusion of the hearing.

§ 1918.12 Relief.

The sole relief which shall be granted under this part is a modification of the Administrator's proposed determination by the judge in accordance with his determination under § 1918.11. This modification shall be binding on the Administrator.

Issued at Washington, D.C. March 27, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-7498 Filed 4-1-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 74-58-a]

[33 CFR Part 117]

COOSAW RIVER, S.C.

Proposed Drawbridge Operation Regulations

The following correction is made to the proposed amendment printed in the FEDERAL REGISTER on March 11, 1974 at 39 FR 9455:

1. On line 3 of 117.245(h)(8)(ii) after "8 p.m." add "Monday through Friday."

Effective date. This correction is effective on April 2, 1974.

Dated: March 27, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-7493 Filed 4-1-74;8:45 am]

[46 CFR Part 10]

[CCGD 73-272]

FIRST AID CERTIFICATES

Amended Licensing Regulations

The Coast Guard is considering amending its officer licensing regulations to provide for the acceptance of First Aid Certificates other than those issued by the Public Health Service.

One of the requirements that must be met by an applicant for an original license as deck, engine, or radio officer in the merchant marine is that he must produce a certificate from the United States Public Health Service which indicates that he has passed a satisfactory examination based on the contents of "The Ship's Medicine Chest and First Aid at Sea." This requirement to produce such a certificate issued only by the United States Public Health Service has, in the past, created problems and inconveniences for a number of applicants in outlying areas far removed from any Public Health facility.

Recent reductions in Public Health Service facilities have created a problem and further reductions which are contemplated could make it very difficult for most applicants to meet the first aid certificate requirements. In view of this, it is necessary to make provisions for accepting first aid certificates from other sources which will meet the minimum requirements deemed necessary.

Discussions with the American Red Cross indicate that certain of their courses which are offered throughout the country meet the minimum requirements deemed necessary for merchant marine officer applicants. It is proposed to amend the regulations to permit the acceptance of a First Aid Certificate from the United States Public Health Service or a current certificate attesting to the satisfactory completion of the "Advanced First Aid and Emergency Course" conducted by or under the auspices of the American Red Cross.

Any interested person may submit written data, views, or arguments concerning this notice to the Executive Secretary, Marine Safety Council (G-CMC/82), Room 8234, U.S. Coast Guard Headquarters, Washington, D.C. 20590. Each written comment should include the docket number (CCGD 73-272) to which the comment is addressed, any specific wording recommended, and the reason and supporting data for any recommended change.

Each comment received before May 15, 1974, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8234, Commandant (G-CMC/82), U.S. Coast Guard Headquarters, Washington, D.C. 20590, both before and after the closing date for the receipt of comments. The proposal may be changed in the light of the comments received.

In view of the foregoing, the Coast Guard proposes to amend 46 CFR Part 10 as follows:

1. By revising § 10.02-5(f) to read:

§ 10.02-5 Requirements for original licenses.

* * * * *

(f) *First Aid Certificate.* No candidate for original license shall be examined until he presents a certificate from the United States Public Health Service that he has passed a satisfactory examination based on the contents of "The Ship's Medicine Chest and First Aid at Sea," or other manual arranged for the purpose and having the approval of the United States Public Health Service, or until he presents a currently valid certificate of successful completion of the American Red Cross course "Advanced First Aid and Emergency Care."

2. By revising § 10.13-13(a) to read:

§ 10.13-13 General requirement for original licenses.

(a) *First Aid Certificate.* No candidate for original license shall be qualified until he presents a certificate from the United States Public Health Service that he has passed a satisfactory examination

based on the contents of "The Ship's Medicine Chest and First Aid at Sea," or other manual arranged for the purpose and having the approval of the United States Public Health Service, or until he presents a currently valid certificate of successful completion of the American Red Cross course "Advanced First Aid and Emergency Care."

* * * * *

3. By revising § 10.16–31(b)(1) to read:

§ 10.16–31 Knowledge requirements.

* * * * *

(b) * * *

(1) Hold a first aid certificate issued by the United States Public Health Service or a currently valid certificate of successful completion of the American Red Cross course "Advanced First Aid and Emergency Care."

* * * * *

(Sec. 1, 86 Stat. 423, as amended (46 U.S.C. 405), 60 Stat. 1097 (46 U.S.C. 224, 224a, 229))

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.74–7495 Filed 4–1–74;8:45 am]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 178]

[Docket No. HM–22; Notice No. 74–4]

CARGO TANKS

Matter Incorporated By Reference

The Hazardous Materials Regulations Board of the Department of Transportation ("the Board") is considering amending §§ 173.33(i), 173.315(i)(13), 178.337–1, 178.337–8, and 173.337–10 of the Hazardous Materials Regulations to update the reference to The Chlorine Institute's standards for valves on chlorine tank motor vehicles. The Chlorine Institute, Inc., has petitioned the Board to effect this change to reflect current standard references and to permit the use of an alternate safety relief valve.

The Board also proposes amending the specifications for MC 331 cargo tanks by changing the ASTM reference in § 178.337–2 from ASTM A–300 to ASTM A–20; The Chlorine Institute, Inc., also has petitioned for this proposed change.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 178 as follows:

1. In § 173.33, paragraph (i)(4) would be amended and paragraph (i)(5) would be added as follows:

§ 173.33 Cargo tank use authorization.

* * * * *

(i) * * *

(4) Angle valves and excess-flow valves on chlorine tank motor vehicles manufactured before (effective date of amendment) must conform to the standards of The Chlorine Institute, Inc. Angle valves must conform with Dwg. 104–4 dated May 5, 1958. Excess-flow valves conforming with Dwg. 101–4, dated May 16, 1969, must be installed under each liquid angle valve, and the excess-flow valves conforming with Dwg. 106–3 dated May 16, 1969, must be installed under each gas angle valve.

(5) Angle valves and excess-flow valves on chlorine tank motor vehicles manufactured on or after (effective date of amendment) must conform to the standards of The Chlorine Institute, Inc. Angle valves must conform with The Chlorine Institute Dwg. 104–5 dated September 1, 1972. An excess-flow valve conforming with Dwg. 101–6 dated September 1, 1973, must be installed under each liquid angle valve and an excess-flow valve conforming to Dwg. 106–5 dated September 1, 1973, must be installed under each gas angle valve.

* * * * *

2. In § 173.315, paragraph (i)(13) would be amended and paragraph (i)(14) would be added as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

* * * * *

(i) * * *

(13) Safety relief valves on chlorine tank motor vehicles manufactured before (effective date of amendments) must be in conformance with the standard of The Chlorine Institute, Inc., Type 1½ JQ225, Dwg. H51970, dated October 7, 1968.

(14) Safety relief valves on chlorine tank motor vehicles manufactured on or after (effective date of amendment) must conform to The Chlorine Institute's Type 1½ JQ225, Dwg. H51970, dated October 7, 1968, or Type 1½ JQ225, Dwg. H50155, Revision A, dated April 28, 1969.

3. Sections 178.337–1(c)(2), 178.337–2(b), 178.337–8(b), 178.337–10(c) would be revised as follows:

§ 178.337–1 General requirements.

* * * * *

(c) * * *

(2) Each chlorine tank must be equipped with a nozzle in the top of the tank. The nozzle must be fitted with a manway cover conforming to The Chlorine Institute's Dwg. 103–4 dated September 1, 1971. There shall be no other opening in the tank.

* * * * *

§ 178.337–2 Material.

* * * * *

(b) *For chlorine tanks.* All plates for tank, manway nozzle, and anchorage must be made of carbon steel meeting the requirements of ASTM Specifications A–612–72a, Grade B or A516–72, Grade 65 or 70 and also meeting the Charpy V-Notch test requirements of ASTM Specification A20–72a. Impact test specimens must meet impact requirements, in both longitudinal and transverse directions of rolling of this specification at a temperature of minus 40° F.

* * * * *

§ 178.337–8 Outlets.

* * * * *

(b) *Chlorine tank valves.* See § 173.33(g)(9), (i)(4), and (5) of this subchapter. Regarding chlorine tank outlets, see also § 178.337–1(c)(2) of this section.

* * * * *

§ 178.337–10 Protection of fittings.

* * * * *

(c) On each chlorine tank there shall be a protective housing and manway cover conforming to The Chlorine Institute Dwg. 137–2, dated September 1, 1971, to permit the use of standard emergency kits for controlling leaks in fittings on the dome cover plate.

* * * * *

Interested persons are invited to give their views in writing on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Communications received on or before June 28, 1974, will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, Room 6215, Buzzards Point Building, Second and V Streets, S.W., Washington, D.C. both before and after the closing date for comments.

Transportation of Explosives Act (18 U.S.C. 831–835); sec. 6 of the Department of Transportation Act (49 U.S.C. 1655).

Issued in Washington, D.C. on March 26, 1974.

ROBERT A. KAYE,
Board Member,
Federal Highway Administration.

[FR Doc.74–7451 Filed 4–1–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 200]

[ONAC 74–02]

NEW MEDIUM AND HEAVY DUTY TRUCKS; NOISE EMISSION STANDARDS

Extension of Comment Period for Advance Notice of Proposed Rule Making

Appearing in FR Doc. 74–4626, pages 7595, 7596, in the issue of Wednesday, February 27, 1974, was an Advanced Notice of Proposed Rule Making regarding Noise Emission Standards for New Medium and Heavy Duty Trucks. The original period allowed for comment extended through March 29, 1974. In response to requests from interested parties desiring additional time for comment, the Environmental Protection Agency here gives notice that the period for comment is extended through April 15, 1974.

Communications should identify the docket number and be submitted with 5 copies to the Office of Noise Abatement and Control, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, Virginia 20460. To be effectively considered, comments should be received at this Environmental Protection Agency address on or before April 15, 1974. Hand delivered submittals will

also be received at Room 1114E, Crystal Mall Building 2, Arlington, Virginia, by the above date.

The original Advanced Notice of Proposed Rule Making and this extension of the comment period are issued under the authority of sections 5 and 6 of the Noise Control Act of 1972 (86 Stat. 1234, Public Law 92574.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.74-7685 Filed 4-1-74;9:01 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19984 RM-2124]

CABOOL, MISSOURI; FM BROADCAST STATION

Table of Assignments

1. Notice of proposed rule making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202 (b) of the Commission's Rules and Regulations) with respect to proposals to assign either Channel 283 or 292A to Cabool, Missouri. The interested parties are Cabool Broadcasting Corporation (Cabool) and Kickapoo Prairie Broadcasting Co., Inc. (Kickapoo), respectively, the applicants for Channel 224A, assigned to Mountain Grove (BPH-7806 and BPH-7903; Docket Nos. 19620 and 19621). Also filing comments is Jeryl L. Smith, President of Radio Company of Texas County (Smith), on behalf of Station KSCM-FM, Houston, Missouri.

2. Cabool, Missouri, population 1,848, is located in Texas County, population 18,320.[1] Cabool does not have any broadcast facilities. Mountain Grove, Missouri, population 3,377, is the largest community in Wright County, population 13,667; daytime only Station KLRS, licensed to Kickapoo, operates at Mountain Grove. The only broadcast facilities in Texas County are located at Houston, population 2,178, the county seat: Station KBTC (daytime only AM) and KSCM-FM, Channel 257A, licensed to Radio Company of Texas County. Cabool and Mountain Grove are approximately 8 miles apart.

3. Cabool and Kickapoo filed a "joint" petition proposing the assignment of Channel 283 to Cabool. In support, information was adduced as to the history, climate, transportation, form of city government, utilities, churches, educational facilities, clubs and organizations, newspaper, population, broadcasting reception, and other like data. Except for population and availability of broadcast services, we need not elaborate. As concerns the available broadcast services at Cabool, we are told that Cabool receives 1 mV/m daytime service from daytime-only AM Stations KBTC, Houston, KLRS-AM, Mountain Grove, and KUKU-AM, Willow Springs, and from the unlimited time Station KWTO-AM, Springfield. A local translator system provides television service from the three Springfield television stations.

4. The petition proposes the assignment of Channel 283 to Cabool as a drop-in assignment. We are told that a Class C Channel 283 operating at 100 kW and an antenna height of 285 feet above ground would provide service to 56,126 persons residing in a 4,417.9 square mile area, 21.3 percent of which it is claimed has no 1 mV/m or better nighttime radio or television service. Kickapoo also filed timely comments counterproposing the assignment of Channel 292A to Cabool urging that a Class A FM assignment is more suitable considering the size of Cabool and that it is neither the largest city in its county nor the county seat and taking issue with the assertions in the joint petition as to the need for a Class C channel at Cabool. In this respect, Kickapoo points to the priorities set out in the Third Report, Memorandum Opinion and Order, 40 F.C.C. 747, 758 (1963), and a number of instances where communities larger than Cabool were refused Class C channels. In part, the petition assests that despite the Commission's policy as to assignment of Class A channels to smaller communities Class B/C channels have been assigned to smaller communities where the small community is in a sparsely settled rural area located far from any metropolitan areas or population centers and the assignment of a higher class channel would allow full-time service to the community and surrounding rural areas which a Class A channel could not.

5. Also filing informal comments are Stations KBTC and KSCM-FM, licensed to Radio Company of Texas County (Smith), Houston, Missouri, to the effect that another channel assignment in the area is unnecessary as inconsistent with the Commission's policy to allocate new channels when there are channels allocated but not in use and there is insufficient advertising revenue in the county to support one radio station. Cabool filed two pleadings in response to these informal comments. The first is a letter, dated March 13, 1973, noting that the assertions in Smith's letter are not documented and there is no proof furnished as to the assignment of Channel 283 being in violation of the Commission's rules, in support of which Cabool submitted a further engineering study. Cabool filed comments on April 10, 1973, of a similar nature with a request for leave to file late. Suffice it to say that underlying the objections of the Houston licensee are the type of economic well-being contentions that generally are disregarded in rule making proceedings even assuming that a more detailed showing as to economic loss was made. See, e.g., *Hattiesburg*, 37 F.C.C. 2d 54, 58 (1972); *Oak Ridge*, 32 F.C.C. 2d 937, 940 (1972); and *Enterprise*, adopted January 23, 1974 (FCC 74-71), —— F.C.C. 2d ——.

6. A sufficient showing has been made that the public interest, convenience, and necessity might be served by an assignment of a channel to Cabool, Missouri. However, a number of questions are posed. The pleadings raise the basic question of whether a Class A or Class C channel should be assigned to Cabool. Either Channel 292A or 283 could be assigned to that community without any changes in FM assignments elsewhere. On the one hand, the assignment of Channel 292A comports more closely with the policy for assignments to communities the size of Cabool (see para. 4 above). However, it will be necessary that an appropriate preclusion study be furnished. However, it is asserted that a Class C channel should be assigned to Cabool. In this respect, it will be necessary to submit both a preclusion study and another study reflecting the criteria of the *Roanoke Rapids* decision (9 F.C.C. 2d 672, 673 (1967)), that is, setting forth not only actual but potential service in the area assuming that all channels assigned within the service area of such a station were on the air and showing the amount of areas which would receive first and second FM aural service. To the extent that the petitioner relies on the line of decisions where the Commission has assigned higher class FM channels to a particular community because of the lack of service generally to an urban area, it will be necessary for a more appropriate showing to be made, which in large measure depends on the *Roanoke Rapids* issue. See, e.g., *Gregory*, 27 R.R. 2d 1612, 1615 (1973). As concerns the assignment of Channel 283 to Cabool, we note that it might be appropriate on the basis that unless so assigned no further use of the channel may be made in that area. See and compare *Hattiesburg*, 37 F.C.C. 2d 54, 55 (1972); and *Pensacola*, adopted January 23, 1974 (FCC 74-71), —— F.C.C. 2d ——. However, the engineering data presented in initial pleadings do not clearly support such a fact. Therefore, comments should be directed to this issue in addition to the preclusion study requested above which will reveal what other communities in the area may use Channel 292A.

7. In view of the foregoing and pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules and Regulations, it is proposed to amend § 73.202(b) of the Commission's Rules and Regulations, the FM Table of Assignments, as concerns Cabool, Missouri, as follows:

City	Channel No.	
	Present	Proposed
Cabool, Mo.		283 or 292A.

8. *Showings required.* Comments are invited upon the proposal discussed and set forth above. Interested parties will be expected to answer the questions raised in the Notice and other questions which may be presented in initial comments. The proponents of the proposed

[1] All population figures cited are from the 1970 U.S. Census unless otherwise indicated.

assignment are expected to file comments even if only to resubmit or incorporate by reference former pleadings. Petitioner should also restate his present intention to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to the denial or dismissal of the request.

9. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) Any petition(s) for rule making which conflict with the proposals in this Notice will be considered as comments in this proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, no consideration will be given to such proposals in connection with the decision herein.

10. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before May 6, 1974, and reply comments on or before May 20, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

11. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street NW., Washington, D.C.

Adopted: March 25, 1974.

Released: March 28, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-7510 Filed 4-1-74;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 423]

CARE LABELING OF TEXTILE WEARING APPAREL

Trade Regulation Rule; Opportunity To Submit Comment and Data

The Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et seq., and the provisions of Subpart B, Part 1 of the Commission procedures and rules of practice, 16 CFR 1.11 et seq., promulgated a Trade Regulation Rule relating to the Care Labeling of Textile Wearing Apparel on December 9, 1971. The Rule (copy attached) became effective on July 3, 1972, 16 CFR Part 423.

The Rule was promulgated on the basis of complaints received about the inability of consumers to cope with routine care of items of wearing apparel. Such items are often composed of several different, newly developed and/or synthetic fibers or fabrics which invariably present numerous care problems to the user. Mistakes made in caring for these items can often cause severe economic injury to the purchaser, including total loss of the use of the garment.

The Commission in January and March 1970, held hearings on several proposed care labeling trade regulation rules. In the process, the Commission received written comments and oral testimony which, when combined, produced a massive public record upon which the final rule was predicated and finally issued in December 1971. The record indicated that consumers need care information in order to make an informed choice between competing items of wearing apparel before purchase and in order to avoid irreparable damage to or loss of garment after purchase.

Aware of the Commission staff's relative inexperience in the administration and enforcement of such a Rule, and recognizing that the divergent textile and cleaning industries had not at that time developed any uniform criteria for proper care of any textile product (to say nothing of wearing apparel for which there was the greatest need for care instructions), the Commission, as a matter of policy, limited the coverage of the Rule to textile items of wearing apparel and set forth very general standards for its accomplishment.

Generally speaking, the Rule requires all textile items of wearing apparel to have a permanent label containing care instructions necessary for their ordinary use and enjoyment. Additionally, the Rule requires all piece goods, used by the consumer to make articles of wearing apparel, to be accompanied at the time of purchase by a label containing appropriate care instructions. Set forth in paragraph (c) of the Rule are two opportunities for exemption (by request) and four general criteria to be used by manufacturers (parties responsible for care instructions under the Rule) in devising care labels and the instructions contained on them. These criteria deal with the instructions themselves, applicable warnings which should be used, the permanency of the labels and the legibility of the instructions on the labels.

In Chapter IA of the Statement of Basis and Purpose for the Rule, the Commission noted that:

> since this Rule has been limited with respect to product coverage, the Commission reserves the right to consider the addition of other products at a later date.

The Commission decided to proceed in stages in the care labeling field (Chapter VIA of the Statement):

> This apparel rule is only a first stage; others may be forthcoming. This decision is based upon an assessment of the inevitable administrative problems which will arise in enforcing even a first stage rule, and the limited resources available to the Commission for dealing with these problems.

Since the Rule's promulgation, numerous issues not well defined in 1971 have become apparent. Most are concerned with various aspects of compliance with the Rule as well as questions involving its interpretation or enforcement. Others involve possible expansion of the Rule's coverage, uniform criteria for terms used in care instructions and/or other changes proposed to make the Rule more specific and thus more responsive to consumers' needs.

The Commission is, therefore, inviting written comment on several current care labeling topics which are outlined below. Phrased in the form of questions, they reflect the Commission's continued concern with the efficacy of the Rule and its desire to keep pace with the needs of consumers, as well as the textile and cleaning industries, in this important area. The list of questions is not intended to be exhaustive and comments need not be specifically in answer to these questions so long as they are generally related to the care labeling field. All comments will be placed in the public record and will be considered by the Commission in formulating changes to the Rule, if changes are found to be needed.

QUESTIONS

I. Are care labels presently affixed to all finished articles of wearing apparel made of textiles as required by the Rule? It not, what categories of apparel have been found not to have care labels? In view of your experience since the Rule was promulgated, do you think that these categories of apparel need care labeling?

II. Are care labels available and being furnished automatically to the consumer-purchaser at the point of retail sale of piece goods used to make wearing apparel as required by the Rule? If not, what categories of piece goods are not accompanied by care labels? In view of your experience since the Rule was promulgated, do you think that these categories of piece goods need care labeling?

III. Is information provided on the labels clear (understandable and non-promotional), accurate and truly informative to the consumer as required by the Rule and by Section 5 of the Federal Trade Commission Act? In other words,

(a) Do you understand the instructions provided on the care labels with which you have been in contact?

(b) If so, is the care information generally accurate, that is, does it prevent or preclude such occurrences as excessive shrinkage, severe color crocking or fading, severe garment deterioration, yellowing, excessive wrinkling on so-called "permanent-press" items, and/or other damage or impairment?

(c) Additionally, is the care information complete or, *e.g.*, are washing instructions given without drying instructions? Are there gaps in the instructions for which no information is given?

Examples of instructions that have been found which do not fulfill these criteria are requested.

Special comment is requested regarding the accuracy and clarity of certain care instructions as follows:

(d) Do general instructions, such as "machine washable," "bleachable" or "drycleanable," appearing alone, supply enough unambiguous information to enable the user to care properly for the items so labeled /or/ should more specific and/or positive direction be given?

Examples:

(1) If a garment properly should be machine washed at a high temperature on a regular setting, is the phrase "machine washable" sufficient to indicate such? Or, should more specific information be required, such as "Machine Wash Hot, Regular Setting"? Should the phrase "machine washable" be used alone when, for example, use of *warm* water on a *delicate* setting is most appropriate?

(2) If a garment should properly be bleached and can be bleached safely with a chlorine bleach, is the phrase "bleachable" sufficient to indicate such? Or, should more specific information be required, such as "Use chlorine bleach"? Should the phrase "bleachable" be used alone when, for example, only oxygen bleach can be used?

(3) If a garment can be drycleaned by any method (either professionally or through use of coin-operated machines), is the phrase "drycleanable" sufficient to indicate such? Or, should more specific information be required, such as "Dryclean using professional or coin-operated establishments"? Should the phrase "drycleanable" be used alone when, for example, only "professional" drycleaning is appropriate?

(e) When the phrase "commercially dryclean only" appears on a garment, which of the following, in your opinion, does it indicate?

(1) Both "professional" and "coin-operated" establishments may be used; or

(2) Only "professional" establishments may be used; or

(3) Only "coin-operated" establishments may be used.

(f) Should drycleaning instructions, in general, be more detailed, i.e., should they include more specific direction regarding such topics as type of solvent, use of the tumbler, temperature variations, use of steam, etc.? Or, should decisions regarding these topics be left to the drycleaner or proprietor of the drycleaning establishment?

IV. Are the labels themselves of such a nature that they will last the useful life of the products to which they are attached? In other words, are they permanent?

V. The Rule presently covers all textile articles of wearing apparel and all piece goods used by the consumer to make such articles. Should the Rule's product coverage be:

(a) Increased to cover more products? If so, what category of products and why?

(b) Further restricted? If so, what category of products should be eliminated and why?

(c) Remain the same?

Special comment is requested regarding the desirability of extending Rule coverage to include the following classes of products, all of which are not now included:

(d) Household furnishings, including upholstery fabrics, draperies, bed linens, carpets, and the like.

(e) Decorative or ornamental items (examples: men's ties, handkerchiefs, belts, patches, some scarves, and "trim").

(f) Leather, fur or suede articles.

(g) Piece goods used to make any textile article.

(h) Piece goods "remnant".

(i) Yarn and/or thread.

(j) Headwear.

(k) Footwear.

(l) Handwear.

(m) So-called "intermediate products" (fabric components which are sold by fabric manufacturers to garment manufacturers for use in making a finished product).

VI. Presently, the requirement to provide care instructions and care labels falls squarely upon the manufacturer of the garment or piece goods. Technically, retailers have no responsibility in this regard. In your opinion, should retailers share any of the responsibility for:

(a) Providing care instructions and/or care labels for finished garments which they sell?

(b) Providing care instructions and/or care labels for piece goods which they sell?

VII. The Rule now requires manufacturers to provide only those regular care instructions "* * * necessary to the ordinary use and enjoyment of the article" to which they are attached. It also requires warnings against the use of regular care procedures which might damage that article. The Rule does not require the manufacturer to define the terms used in care instructions. As such, it is evident that the terms used in care instructions vary in their meaning in direct proportion to the number of manufacturers using them. Each manufacturer subscribes to its own set of definitions for what are often commonly used care procedures. These definitions often differ.

In your opinion, then,

(a) Should the Rule provide specific definitions and/or standards for terms used in care instructions required? If so, what standards or definitions for what terms? (Example; definitions of terms such as hot, high, warm, medium, cold, cool, low, permanent-press, machine washable, drycleanable, bleachable, etc.)

(b) Should the Rule require that items covered be tested according to these standards or definitions before corresponding terms can be used in care instructions for such items?

VIII. Presently, the manufacturer is given leeway to exercise its judgment as to the best single care procedure for a product. The manufacturer is not now required to offer alternative care procedures on its care labels when appropriate. In your opinion:

(a) Should the Rule require care instructions respecting alternative regular care procedures which could be used in refurbishing a product without substantial impairment or damage? (Example: if an article is both machine washable and drycleanable or if it can be bleached using both chlorine and oxygen bleaches, should the manufacturer be required to provide care instructions for both procedures as appropriate?)

(b) Which of the following factors should be considered most important by the manufacturer in providing appropriate care instructions? Least important?

(1) The extent to which the prescribed care affects the utility and/or durability of the item, i.e., how well it "stands up" structurally to continued use and how long it will last.

(2) The extent to which the prescribed care affects the general appearance of the item, i.e., its colorfastness and any other visible deterioration that occurs.

(3) The relationship of the probable cost of the prescribed care to the initial cost of the item.

(4) The ease and convenience of the prescribed care as opposed to a more difficult but perhaps more thorough alternative care procedure.

IX. Presently, the Rule provides two opportunities for exemption of certain products from its requirements so long as certain criteria are met on an individual basis. Paragraph (c)(2) of the Rule allows total exemption of products which:

(a) Are machine washable and driable at hot settings without damage or substantial impairment (including shrinkage out of fit);

(b) Are intended to sell at retail for $3.00 or less per item.

Paragraph (c)(1) of the Rule allows partial exemption (exemption from the requirement of attaching a permanent label and allowance of hang tags as a substitute) of delicate, fragile, oddly shaped or unusually small products whose utility or appearance would be so impaired by a permanently attached label that their marketability would be adversely affected.

(c) Should the above-mentioned exemption criteria;

(1) Remain as presently written?

(2) Be modified? If so, how should the criteria be changed?

(3) Be eliminated entirely?

(d) What proof of the criteria mentioned above should be required of those requesting exemptions, e.g., which of the following should be required to establish the fact that the criteria mentioned above have been met?

(1) A statement to that effect without product samples;

(2) A statement to that effect with product samples;

(3) A sworn affidavit to that effect;

(4) A documented report or certification from any laboratory to that effect;

(5) A documented report or certification from an independent laboratory to that effect.

X. Should the Rule provide for expression of care instructions either in words or in symbols. If so, what symbols should be used for what care procedures?

XI. Presently, the Rule contains no requirement with respect to the abrasive-

ness of the material used in manufacturing care labels. Should the Rule contain such a requirement? If so, what general standards as to type of material should be included?

XII. Presently, the Rule's Statement of Basis and Purpose (VI.D.1.) strongly discourages "low labeling", i.e., the use of extraordinarily cautious instructions when they are, in fact, not needed. Often, this may be done at a higher cost to the consumer. (Examples: Use of the phrase "Do Not Bleach" when, in reality, the item so labeled can be bleached without harm; use of the phrase "Dry Clean Only" when, in reality, the item so labeled can be refurbished equally well by another cheaper method).

In this connection, do you believe that low labeling is prevalent in care instructions with which you have been in contact and, if so, in what type of instruction?

Any additional constructive comment on any aspect of the Care Labeling Rule is also solicited.

All interested persons, including the consuming public, are hereby notified that they may file written comment and submit examples of care labels or tags in support of any views concerning the above questions with the Assistant Director for Special Statutes, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, not later than July 1, 1974.

All comment and accompanying material presented with respect to the above will be placed on the public record and will be available for examination by interested parties in the Division of Legal and Public Records, Room 130, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in its evaluation of the Care Labeling Rule.

All interested persons are urged to express their answers to these questions and to give a full statement of their views in connection therewith.

Issued: April 2, 1974.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc. 74-7513 Filed 4-1-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210]

[No. 34178 (Sub-No. 2)]

ACCOUNTING FOR INCOME TAXES

Interperiod Tax Allocation (Deferred Taxes); Correction

MARCH 28, 1974.

Due to a printing delay, the proposed rules applying to motor carriers of property were not mailed out to the affected carriers until March 19, 1974. In order to afford a reasonable time for the filing of representations in the proceeding, the due date for the filing of statements is postponed from April 5, 1974 to April 26, 1974.

Previous due date for the filing of statements was published in 39 FR 9469, Monday, March 11, 1974.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-7548 Filed 4-1-74;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice No. CM–123]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Notice of Meeting

A meeting of the Secretary of State's Advisory Committee on Private International Law will be held at 10 a.m. on Friday, April 19, 1974, in room 5519 of the Department of State. The Committee meeting will be open to the public.

The principal topics of the meeting will be questions relating to prescription in the field of international sale of goods, protection of bona fide purchasers, and the convention on the form of an international will.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to April 19, 1974, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632–2107. All non-government attendees at the meeting should use the C Street entrance to the building.

Dated: March 25, 1974.

ROBERT E. DALTON,
Executive Director.

[FR Doc.74–7492 Filed 4–1–74;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

COMMERCE IN EXPLOSIVES

Annual Listing

Pursuant to the provisions of section 841(d), Title 18, United States Code, and 26 CFR 181.23, the Director, Bureau of Alcohol, Tobacco and Firearms, must publish and revise at least annually in the FEDERAL REGISTER a list of explosives determined to be within the coverage of 18 U.S.C., Chapter 40, Importation, Manufacture, Distribution and Storage of Explosives Materials.

The following is the 1974 Explosives List required to be so published, and supersedes the Explosives List dated March 19, 1973 (38 FR 7243).

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

EXPLOSIVES LIST

A

Aluminum containing polymeric propellant.
Aluminum ophorite explosive.
Amatol.
Amitol.
Ammonal.
Ammonium nitrate-amino compound explosives.
Ammonium nitrate explosive mixtures (cap sensitive).
Ammonium nitrate-nitrogylcerin mixture.
Ammonium nitrate-nitrolactose mixture.
Aromatic nitro-explosive mixture.
Ammonium perchlorate composite propellant.
Ammonium perchlorate explosive mixtures.
Ammonium picrate.
Ammonium salt lattice with isomorphously substituted inorganic salts.

B

BEAF (1.2-bis (2.2-difluoro-2-nitroacetoxyethane)).
Black powder.
Blasting agents, nitro-carbo-nitrates.
Blasting caps.
Blasting gelatin.
Blasting powder.
BTNEC (bis (trinitroethyl) carbonate).
BTNEN (bis (trinitroethyl) nitramine).

C

Calcium nitrate explosive mixture.
Carboxy-terminated propellant.
Cellulose hexanitrate explosive mixture.
Chlorate explosive mixtures.
Chlorate of potash explosive mixtures.
Chlorates with red phosphorus explosive mixture.
Chlorates with sulphur explosive mixture.
Copper acetylide explosive mixture.
Crystalline explosive (cap sensitive).
Crystalline picrate with lead azide explosive mixture.
Cyanuric triazide.
Cyclonite.
Cyclotetramethylenetetranitramine.
Cyclotetramethylenetrinitramine.
Cyclotrimethylenetrinitramine.

D

DATB (diaminotrinitrotetramethylene tetranitramine).
DDNP (diazodinitrophenol).
Delay powders.
Detonating cord.
Detonators.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine.
Dinitrophenol.
Dinitrophenolates.
Dinitrophenyl hydrazine.
Dinitroresorcinol.
Dinitrotoluene-sodium nitrate explosive mixtures.
Dipicryl sulfone.
Dipicrylamine.
DNDP (dinitropentano nitrile).
DNPA (2, 2-dinitropropyl acrylate).
Dynamite.

E

EDNP (ethyl 4,4-dinitropentanoate).
Erythritol tetranitrate explosives.
Ethylenedinitramine.
Ethyl-tetryl.
Explosive conitrates.
Explosive gelatins.
Explosive mixtures containing oxygen releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen releasing inorganic salts and water soluble fuels.
Explosive mixtures containing sensitized nitromethane.
Explosive nitro compounds of aromatic hydrocarbons.
Explosive organic nitrate mixtures.
Explosive powders.

F

FEFO (bis(2,2-dinitro-2-fluoroethyl)).
Fulminate of mercury.
Fulminating gold.

G

Gelatinized nitrocellulose.
Gem-dinitro aliphatic explosive mixtures.
Glyceryl trinitrate.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guanylidene hydrazine.
Guncotton.

H

Heavy metal azides.
Hexanite.
Hexanitrodiphenylamine.
Hexogen.
Hexogene or octogene and a nitrated N-methylaniline.
Hexolites.
HMX (cylo-1,3,5,7-tetramethylene-2,4,6,8-tetranitramine).
Hydrazine perchlorate explosive mixtures.
Hydrabinium nitrate/hydrazine/aluminum explosive system.
Hydrazoic acid.

I

Igniter cord.
Igniters.
Inorganic perchlorate explosive mixtures.
KDNBF (potassium dinitrobenzo-furoxane mannitol hexanitrate).

L

Lead azide.
Lead mannite.
Lead mononitroresorcinate.
Lead picrate.
Lead salts of explosives and explosive mixtures.
Lead styphnate.
Lead trinitro resorcinate.
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen with carbon black.
Liquid oxygen explosives.
Liquid oxygen with wood pulp.
Lithium perchlorate explosive mixtures.

M

Magnesium ophorite explosives.
MDNP (methyl 4,4-dinitropentanoate).
Mercuric fulminate.

Mercury oxalate.
Mercury tartrate.
Mononitrotoluene nitroglycerin mixture.
Monopropellants.

N

Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside explosive.
Nitrated mixture explosives (ammonium and sodium).
Nitrated polyhydric alcohol emulsion explosive.
Nitrated propylene glycol explosive.
Nitrates of polyatomic alcohol and carbohydrate explosive mixtures.
Nitrates of soda explosive mixtures.
Nitric acid and a nitro aromatic compound explosive.
Nitric acid and carboxylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosixe mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture.
Nitrogelatine explosive.
Nitrogen resorcinate.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerin.
Nitroglycide.
Nitroglycol.
Nitroguanidine explosives.
Nitronium perchlorate propellant mixtures.
Nitropentaerythrite.
Nitropentaerythrite-nitroglycerin composition.
Nitrostarch.
Nitrourea.
N-nitrophenyl diazonium perchlorate.

O

Octogen.
Octol (75 percent HMX, 25 percent TNT).

P

Particulate explosives.
Pellet powder.
Pentaerythritol tetranitrate.
Pentaerythrite tetranitrate.
Penthrinite composition.
Pentolite.
Perchlorate mixture explosives.
Perchloric acid based explosive mixtures.
Peroxide based explosive mixtures.
PETN.
Picramic acid and its salts.
Picramide.
Picrate of ammonia.
Picrate of potassium explosive mixtures.
Picratol.
Picric acid.
Picryl chloride.
Picryl fluoride.
Polyolpolynitrate-nitrocellulose explosive gels.
Potassium chlorate and lead sulfocyanate explosive.
Potassium chlorate base explosive mixtures.
Potassium nitroaminotetrazole.
Pressure venting blasting devices.

R

RDX (cyclo - 1,3,5-trimethylene - 2,4,6-trinitramine).

S

Safety fuses.
Salts of organic amino sulphonic acid explosive mixtures.
Silver acetylide.
Silver azide.
Silver oxalate explosive mixtures.
Silver styphnate.
Silver tartrate explosive mixtures.
Silver tetrazene.
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel and sensitizer.
Smokeless gun powder.
Sodatol.
Sodium amatol.
Sodium chlorate explosive mixture.
Sodium chlorate-sodium nitrate explosive mixtures.
Sodium dinitro-ortho-cresolate.
Sodium nitrate-potassium nitrate explosive mixture.
Sodium picramate.
Squibs.
Styphnate of lead.
Styphnic acid.

T

Tacot (tetranitro-2,3,5,6-dibenzo-1,3a,4,6a-tetrazapentalene).
Tetrazene (tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl tetrazene hydrate).
Tetranitroaniline.
Tetranitrocarbazole.
2-4-6 tetranitroaniline.
Tetra-nitro-aniline explosive mixture.
Tetranitromethane explosive mixtures.
Tetryl.
Tetrytol.
Thickened inorganic oxidizer salt slurried explosive mixture.
TNEF (trinitroethyl formal).
TNEOC (trinitroethylorthocarbonate).
TNEOF (trinitroethyl orthoformate).
TNT (Trinitrotoluene).
Torpex.
Tridite.
Trimethylenetrinitramine.
Trimethylol ethyl methane trinitrate composition.
Trimethylolthane trinitrate-nitrocellulose.
Trimonite.
Trinitroanisole.
Trinitrobenzene.
Trinitrobenzoic Acid.
Trinitrocresol.
Trinitroglycerin.
Trinitroglycerin mixture.
Trinitro-meta-cresol.
Trinitronaphthalene.
Trinitrophenetol.
Trinitrophenylethylinitramine explosive mixtures.
Trinitrophenylmethylnitramine explosive mixtures.
Trinitrophloroglucinol.
Trinitroresorcinol.
Trinitrotoluene explosive mixture.
Trinitrotoluol explosive mixtures.
Tritonal.

U

Urea nitrate.

W

Water bearing explosives having salts or oxidizing acids and nitrogen bases, sulfates, or sulfamates.

X

Xanthamonas hydrophilic colloid explosive mixture.

[FR Doc.74-7506 Filed 4-1-74;8:45 am]

DEPARTMENT OF DEFENSE

DEPARTMENT OF THE ARMY

In accordance with section 10(A)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name: U.S. Army Military History Research Collection Advisory Committee.

Date: 25, 26 April 1974.

Place: Upton Hall, Carlisle Barracks, Pennsylvania 17013.

Time: 1330-1600, 25 April 1974. 0930-1200, 26 April 1974.

Proposed Agenda:

1330-1600, 25 April 1974:
Review of Military History Research Collection activities. 0930-1030, 26 April 1974:
Continuation of review.
1030-1200:
Executive session.

Purpose of meeting. The committee will review the activities of the U.S. Army Military History Research Collection (MHRC) activities during the past year based on reports and records and will formulate a recommendation to the Secretary of the Army for the advancement and development of MHRC.

Meetings of the Advisory Committee are open to the public. Public attendance, depending on available space, may be limited to those persons who have notified the Advisory Committee Management officer in writing, at least 5 days prior to the meeting of their intention to attend the April 25 or 26 meetings.

Any person may file a written statement with the Committee before, during or after the meeting. To the extent that time permits the Committee Chairman may allow public presentation of oral statements at the meeting. All communications regarding this Advisory Committee meeting should be addressed to:

LTC Charles Larimer, Advisory Committee Management Offices for the U.S. Army Military History, Research Collection, USAMHRC, Carlisle Barracks, Pa. 17013.

For the Chief of Military History.

C. F. MOORE,
LTC, Infantry Executive Officer, Plans, Programs and Administration.

[FR Doc.74-7505 Filed 4-1-74;8:45 am]

Defense Nuclear Agency

SCIENTIFIC ADVISORY GROUP ON EFFECTS

Meeting

MARCH 27, 1974.

The next meeting of the Scientific Advisory Group on Effects (SAGE), sponsored by the Defense Nuclear Agency (DNA), will be held during the period 7-10 May 1974. SAGE members will be asked to provide advice on on-going and future DNA programs. The meeting will be closed to the public.

GRADY A. CULPEPPER,
Executive Secretary, SAGE.

[FR Doc.74-7520 Filed 4-1-74;8:45 am]

Department of the Navy

PROFESSIONAL EDUCATION ADVISORY COMMITTEE, UNITED STATES MARINE CORPS

Notice of Meetings

Pursuant to the provisions of the Federal Advisory Committee Act [Public Law 92-463 (1972)], notice is hereby given that the Professional Education Advisory Committee, United States Marine Corps, will have open meetings on April 18 and 19, 1974, in Room 120, Breckingridge Hall, Marine Corps Development and Educa-

tion Command, Quantico, Virginia. The meetings will begin at 9 a.m. and limited seating is available.

The agenda topics will include a review of current academic programs at selected schools within the Education Center, discussion of projected goals and objectives, and consideration of proposed organizational changes.

Any person desiring information about the Professional Education Advisory Committee, may write to the Director, Education Center, Marine Corps Development and Education Command, Quantico, Virginia 22134.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

MARCH 28, 1974.

[FR Doc.74-7490 Filed 4-1-74;8:45 am]

TRIDENT SUPPORT SITE, BANGOR, WASHINGTON

Notice of Public Hearing and Availability of Draft Environmental Impact Statement

Announcement. A public hearing will be held for the purpose of soliciting comments from the public regarding the Trident Support Site proposed for Bangor, Washington. The hearing will be conducted by a senior naval officer, and will include a presentation of the Navy's plan for the Trident Support Site.

Date: April 24, 1974.

Time: 7:30 p.m. to 11:30 p.m.

Place: Central Kitsap High School, Silverdale, Washington.

Title: Draft Environmental Impact Statement, Trident Support Site, Bangor, Washington.

Description. The proposed project consists of construction, operation and maintenance of permanent facilities which will provide refit and logistic support to an advanced submarine-based missile system. The proposed site, located on the Hood Canal in the Puget Sound Basin, Kitsap County, Washington, will occupy a contiguous 6,929 acres within the existing 8,527 acre Bangor Annex military reservation. Facilities that serve the activities associated with the Trident system include buildings, piers, transportation, communications, power and water supply systems, waste disposal systems and other elements necessary to provide logistic support on the site. During operation the Trident Support Site will directly employ approximately 4,700 military and 3,500 civilian personnel.

AVAILABILITY OF COPIES OF DRAFT ENVIRONMENTAL IMPACT STATEMENT

Copies of the Draft Environmental Impact Statement can be obtained from OICC Trident, Bangor Annex, Keyport, Washington, Attn: Code 09E. Stock is limited. Additional copies will be available at cost from National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Local copies are available for public reference at:

Olympic College
15th and Chester
Bremerton, Washington 98310

Evergreen State College
Olympia, Washington 98505

TRIDENT Community Office
P.O. Box 207
Silverdale, Washington 98383

Harrison Library
600 Lebo
Bremerton, Washington 98310

Headquarters Library
612 5th Street
Bremerton, Washington 98310

Manchester Library
General Delivery
Manchester, Washington 98353

Bainbridge Public Library
Bainbridge Island, Washington 98110

Navy Yard City Library
702 Charlotte Street
Bremerton, Washington 98310

Port Orchard Library
216 Prospect Street
Port Orchard, Washington 98366

Silverdale Library
P.O. Box 357
Silverdale, Washington 98383

Tracyton Library
P.O. Box 156
Tracyton, Washington 98393

North Mason Public Library
P.O. Box 161
Belfair, Washington 98528

Poulsbo Public Library
P.O. Box 953
Poulsbo, Washington 98370

Procedures at Public Hearing.—The following procedures will be followed during the public hearing: All speakers must be registered. Registration will be at the door, or advance registration can be made by contacting LCDR D. S. Rein, OICC Trident, Bangor Annex, Keyport, Washington 98345, telephone (206) 697-4208. Written statements will be accepted with the advance registration. The time limit for oral presentations for individual speakers will be 5 minutes and 10 minutes for group spokesmen. There will be no relinquishment of time by one speaker to another. Written statements, in addition to or in lieu of oral presentations, will be accepted. In order to expedite the hearing, spokesmen having written statements will be requested to present the statement for the record and to synopsize the statement by an oral presentation. In order to receive a written response to a specific question, the question must be submitted in writing including the requestor's name and address. The closing date for inclusion of written comments into the hearing record is April 30, 1974.

NAME, ADDRESS, AND TELEPHONE NUMBER OF GOVERNMENT CONTACT

Lieutenant Commander David A. Rein, Civil Engineer Corps, U.S. Navy, Environmental Coordination Office, OICC Trident, Bangor, Washington 98345, (206) 697-4208.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

MARCH 28, 1974.

[FR Doc.74-7489 Filed 4-1-74;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

GUIDE FOR DISCRETIONARY GRANT PROGRAMS

Availability

Notice is hereby given that on February 26, 1974, the Law Enforcement Assistance Administration issued the manual "Guide for Discretionary Grant Programs." These are the guidelines for Program 16.501—Law Enforcement Assistance Administration—Discretionary Grants. The objectives of this program are to advance national priorities, draw attention to programs not emphasized in State plans, and provide special impetus for reform and experimentation within the total law enforcement structure created by the Act. Copies of this manual are available and may be obtained from the Regional Office in any of the following cities:

LEAA—US Department of Justice
147 Milk Street, Suite 800
Boston, Massachusetts 02109

LEAA—US Department of Justice
26 Federal Plaza, Rm. 1337
Federal Office Building
New York, New York 10007

LEAA—US Department of Justice
325 Chestnut Street, Suite 800
Philadelphia, Pennsylvania 19106

LEAA—US Department of Justice
730 Peachtree Street, N.E., Rm. 985
Atlanta, Georgia 30308

LEAA—US Department of Justice
O'Hare Office Center, Rm. 121
3166 Des Plaines Avenue
Des Plaines, Illinois 60018

LEAA—US Department of Justice
500 S. Ervay Street, Suite 313-C
Dallas, Texas 75201

LEAA—US Department of Justice
436 State Avenue
Kansas City, Kansas 66101

LEAA—US Department of Justice
Federal Building, Rm. 6324
Denver, Colorado 80202

LEAA—US Department of Justice
1860 El Camino Real, 3rd Floor
Burlingame, California 94010

LEAA—US Department of Justice
130 Andover Building
Seattle, Washington 98188

DONALD E. SANTARELLI,
Administrator.

[FR Doc.74-7526 Filed 4-1-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[SAC 079877]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

MARCH 22, 1974.

Notice of a Bureau of Reclamation, U.S. Department of the Interior, application, Sacramento 079877, for withdrawal and reservation of lands for the planned facilities of the Auburn-Folsom South Unit of the Central Valley Project, was published as FEDERAL REGISTER Document No. 65-11539 on pages 13747 and 13748 of the issue for October 28, 1965. The appli-

cant agency has canceled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 15 N., R. 19 E.,
Sec. 27, lots 20, 22, 23, 24, 27, 28, 33, 84, 86 (relotted and described as lots 20, 35, 34, 39, 38, 40, 33, part 84, part 86).

Therefore, pursuant to the regulations contained in 43 CFR Part 2350, such lands at 10 a.m. on April 30, 1974 will be relieved of the segregative effect of the above mentioned application.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-7519 Filed 4-1-74;8:45 am]

[Serial No. I-7881]

IDAHO

Proposed Withdrawal and Reservation of Lands

MARCH 25, 1974.

The Bureau of Land Management has filed an application, serial number I-7881, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws. The applicant desires the land for a public recreation and scenic area on the south end of Beauty Bay on Lake Coeur d'Alene in Kootenai County, Idaho.

All persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal, may present their views in writing, on or before April 15, 1974, to the undersigned officer of the Bureau of Land Management, Room 398 Federal Building, 550 W. Fort Street, P.O. Box 042, Boise, Idaho 83724.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 49 N., R. 3 W.,
Section 11, Lot 2, SE¼NE¼.

The area described contains 56.50 acres.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.74-7491 Filed 4-1-74;8:45 am]

Bureau of Mines

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH

Notice of Meeting

Notice is hereby given that the Advisory Committee on Coal Mine Safety Research will meet April 9, 1974, commencing at 9 a.m. at the Department of the Interior, 18th and C Streets, NW, Washington, D.C. The purpose of the Committee is to consult with and to make recommendations to the Secretary on matters involving or relating to coal mine safety research. The meeting will be open to the public through the 2:30 p.m. session. Beginning 3:30 p.m., the Committee will meet in an Executive session at which time there will be considered proposed research contracts which contain commercial or financial information which is privileged or confidential matter under 5 U.S.C. 552(b)(4). This session will not be open to the public. Persons desiring further information concerning this meeting may contact:

Mr. Donald G. Rogich, Department of the Interior, Bureau of Mines, Room 3515, Telephone (202) 343-4319.

The agenda of the meeting is set forth below.

Dated: March 28, 1974.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary—Energy and Minerals.

AGENDA—ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH, THIRTEENTH MEETING, ROOM 7000-B, MAIN INTERIOR BUILDING, 18TH AND C STREETS NW., WASHINGTON, D.C., APRIL 9, 1974

9:00 a.m.	Minutes from the December 1973 meeting. Swearing-in of committee members. Welcome by Department and Bureau of Mines.
9:30 a.m.	Committee operations.
10:00 a.m.	Review of 1973 committee actions.
10:30 a.m.	Break.
10:45 a.m.	Review of past and planned fiscal year 1975. Bureau of Mines safety research program.
11:45 a.m.	Lunch.
1:00 p.m.	Presentation of proposed education and training research.
2:00 p.m.	Review of Bureau of Mines energy R&D program.
2:30 p.m.	Review of Interaction—US BM/MESA with regard to regulatory standards.
3:15 p.m.	Break.
3:30 p.m.	Executive session. Closed to public.
4:30 p.m.	Adjournment.

[FR Doc.74-7529 Filed 4-1-74;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 19, 1974, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 5 (39 FR 8357-8362). Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added to the National Register since March 5, 1974:

Alaska

Interior District

Sleetmute vicinity, *Kolmakov Redoubt Site*, on the east bank of the Kuskokwim River (2-15-74).

American Samoa

Tutuila Island—Eastern District

Fagatoga, *Courthouse of American Samoa* (2-12-74).

Arizona

Maricopa County

Scottsdale vicinity, *Taliesin West*, north of Shea Boulevard and 108th Street (2-12-74).

Pima County

Tucson, *Velasco House*, 471-475-477 South Stone Avenue and 522 South Russell Street (3-5-74).

Arkansas

Independence County

Batesville vicinity, *Spring Mill*, northwest of Batesville on Arkansas 69 (3-1-74).

Ouachita County

Camden, *Ellicott-Meek House*, 761 Washington Street (3-1-74).

Camden vicinity, *Bragg House*, west of Camden on Arkansas 4 (3-1-74).

California

Mono County

Bridgeport, *Mono County Courthouse*, Main Street (3-1-74).

San Diego County

San Diego, *Davis, William Heath, House*, 227 11th Street (2-15-74).

Sonoma County

Santa Rosa, *McDonald Mansion*, 1015 McDonald Avenue (3-1-74).

Colorado

Denver County

Denver, *Civic Center*, bounded roughly by Grant on the east; 13th Avenue on the south; Delaware on the west; and 16th, Court and Colfax on the north.

Routt County

Hahns Peak Village, *Hahns Peak School House*, Main Street (2-15-74).

District of Columbia

East Capital Street Car Barn, 1400 East Capitol Street NE. (2-5-74).

Howard Hall, Howard University campus (2-12-74).

LeDroit Park Historic District, bounded roughly by Florida and Rhode Island Avenues, Second and Elm Streets, Howard University Stadium and Bohrer Street (2-25-74).

President's House, Gallaudet College, Seventh and Florida Avenue NE. (2-15-74).

Willard Hotel, 1401-09 Pennsylvania Avenue NW. (2-15-74).

Florida

Monroe County

Key West, *Little White House (Quarters "A")*, Naval Station (2-15-74).

Georgia

Clarke County

Athens, *Sledge, James J., House*, 749 Cobb Street (2–12–74).

Fulton County

Atlanta, *Rhodes Memorial Hall*, 1516 Peachtree Street (3–1–74).

Hall County

Gainesville, *Federal Building and Courthouse*, 126 Washington Street (1–24–74).

Illinois

Cook County

Chicago, *Getty Tomb*, Graceland Cemetery, North Clark Street and West Irving Park Road (21574).

Chicago, *Lathrop, Bryan, House*, 120 East Bellevue Place (2–15–74).

Kansas

Doniphan County

Doniphan vicinity, *Doniphan Archeological Site* (14DP2), southeast of Doniphan (3–1–74).

Harvey County

Halstead vicinity, *Warkentin, Bernhard, Homestead*, north of Halstead (2–15–74).

Louisiana

Orleans Parish

New Orleans, *Gallier House*, 1132 Royal Street (2–15–74).

New Orleans, *Rabasse, Jean Louis, House (McDonogh No. 18 School Annex)*, 1125 St. Ann Street (2–15–74).

New Orleans, *U.S. Court of Appeals—Fifth Circuit*, 600 Camp Street (2–15–74).

Maine

Cumberland County

Portland, *U.S. Courthouse*, 156 Federal Street (2–12–74).

Standish, *Marrett, Daniel, House*, on Maine 25 (2–15–74).

Maryland

Baltimore (independent city)

St. Vincent de Paul Roman Catholic Church, 120 North Front Street (2–12–74).

U.S. Customs House, 40 South Gay Street (2–15–74).

Garrett County

Oakland, *Baltimore & Ohio Railroad Station, Oakland*, Liberty Street (2–5–74).

Massachusetts

Barnstable County

Dennis, *Dennis, Josiah, Manse*, Nobscusset Road at Whig Street (2–15–74).

Michigan

Chippewa County

Sault Ste. Marie, *Elmwood*, 705 East Portage Avenue (2–25–74).

Wayne County

Detroit, *Belle Isle*, Detroit River (2-25-74).

Missouri

St. Louis (independent city)

Portland and Westmoreland Places, northeast corner of Forest Park (2–12–74).

Nevada

Lincoln County

Caliente, *Caliente Railroad Depot*, 100 Depot Avenue (3–5–74).

New Jersey

Burlington County

Browns Mills vicinity, *Hanover Furnace*, east of Browns Mills (3–1–74).

Hunterdon County

Stockton vicinity, *Locktown Baptist Church*, north of Stockton on Locktown—Stugeonville Roads (2–15–74).

Monmouth County

Navesink, *All Saints' Memorial Church Complex*, Navesink Avenue and Locust Road (2–15–74).

Morris County

Dover vicinity, *Ford-Faesch House*, north of Dover at Mount Hope Road and Mount Hope Avenue (2–12–74).

Parsippany vicinity, *Condit, Stephen, House*, northeast of Parsippany on North Beverwyck Road off U.S. 46 (2–15–74).

New York

Erie County

Buffalo, *Macedonia Baptist Church*, 511 Michigan Avenue (2–12–74).

Genesee County

Morganville, *Morganville Pottery Factory Site*, Morganville Road off New York 237 (2–15–74).

Otsego County

Oneonta, *Fairchild Mansion (Masonic Temple)*, 318 Main Street (2–12–74).

Seneca County

Seneca Falls, *Fall Street-Trinity Lane Historic District*, off New York 414 at Van Cleef Lake (2–25–74).

Steuben County

Corning, *Market Street Historic District*, Market Street from Chestnut to Wall Street (3–1–74).

Ulster County

Gardiner vicinity, *Decker, Johannes, Farm*, southwest of Gardiner on Red Mill Road and Shawangunk Kill (3–5–74).

Ohio

Cuyahoga County

Cleveland, *Mather, Flora Stone, College District*, Bellflower Road at Ford Drive (2–15–74).

Cleveland, *Sterling School*, 2104 East 30th Street (2–25–74).

Cleveland, *Union Club*, 1211 Euclid Avenue (2–15–74).

Delaware County

Worthington vicinity, *Highbank Park Works*, east bank of Olentangy River (2–15–74).

Franklin County

Columbus, *Columbus Country Club Mound*, 4831 East Broad Street (2–15–74).

Columbus, *Davis, Samuel, House*, 4264 Dublin Road (2–15–74).

Dublin vicinity, *Holder-Wright Works* (2–15–74).

Greene County

Fairborn vicinity, *Wright Brothers Memorial Mound Group*, Skyline Drive (2–12–74).

Hamilton County

Cincinnati, *St. Francis de Sales Church Historic District*, Woodburn Avenue and Madison Road (3–1–74).

Huron County

Norwalk, *West Main Street District*, in an irregular pattern, both sides of West Main Street for six blocks from west edge of business district (2–27–74).

Logan County

Bellefontaine, *First Concrete Street in the United States*, Court Avenue (2–25–74).

Miami County

Piqua, *Plaza Hotel (Old Favorite Hotel)*, 114 West Main Street (2–15–74).

Montgomery County

Germantown vicinity, *Carlisle Fort*, south of Germantown on Eby Road (2–15–74).

Pike County

Piketon, *Piketon Historic District*, bounded by West Street, Third Street, U.S. 23, and the Scioto River (2–28–74).

Ross County

Chillicothe vicinity, *Brown, Austin, Mound*, northwest of Chillicothe (2–15–74).

Chillicothe vicinity, *Cedar-Bank Works*, north of Chillicothe (2–15–74).

Chillicothe vicinity, *Hopewell Mound Group*, west of Chillicothe (2–12–74).

Oklahoma

Kay County

Tonkawa vicinity, *Nez Perce Reservation*, east of Tonkawa (2–15–74).

Oregon

Clackamas County

Lake Oswego, *Oregon Iron Company Furnace*, George Rogers Park (2–12–74).

West Linn, *Willamette Falls Locks*, west bank of Willamette River (2–5–74).

Washington County

Forest Grove, *Tualatin Academy (Old College Hall)*, Pacific University campus (2–12–74).

Pennsylvania

Allegheny County

Heidelberg vicinity, *Neville House*, south of Heidelberg on Pennsylvania 50 (2–5–74).

Bucks County

Dublin vicinity, *Green Hills Farm*, southwest of Dublin on Dublin Road (2–27–74).

Wrightstown vicinity, *Hayhurst Farm*, northeast of Wrightstown on Eagle Road (2–12–74).

Chester County

Valley Forge vicinity, *Stirling, Major-General, Quarters*, south of Valley Forge on Yellow Springs Road (2–15–74).
Springs Road (2–15–74).

Franklin County

Greencastle vicinity, *Martin's Mill Covered Bridge*, southwest of Greencastle across the Conococheague Creek (2–15–74).

Northampton County

Easton vicinity, *Chain Bridge*, southwest of Glendon on Hugh Moore Parkway across the Lehigh River (2–12–74).

Montandon vicinity, *Sodom Schoolhouse*, east of Montandon on Pennsylvania 45 (2–12–74).

Wayne County

Bethany, *Wilmot House*, Wayne Street (2–15–74).

Rhode Island

Bristol County

Warren, *Warren Waterfront Historic District*, bounded roughly by the Warren River, Belcher Cove, and the old town line (in-

cludes Main Street to Campbell Street) (2–28–74).

Providence County

Cumberland, *Burlingame-Noon House*, 3261 Mendon Road (2–15–74).

South Dakota

Minnehaha County

Sioux Falls, *Rock Island Depot*, 210 East 10th Street (2–15–74).

Tennessee

Coffee County

Manchester, *Coffee County Courthouse*, Public Square (2–12–74).

Texas

Johnson County

Rio Vista vicinity, *Ham Creek Site X41JN1*, southwest of Rio Vista on Texas 916 (2–15–74).

Vermont

Rutland County

East Clarendon vicinity, *Kingsley Covered Bridge*, southwest of East Clarendon across the Mill River (2–12–74).

Proctor vicinity, *Gorham Covered Bridge*, north of Proctor across Otter Creek off Vermont 3 (2–12–74).

Virginia

Albemarle County

Yancey Mills vicinity, *Miller School of Albemarle*, southeast of Yancey Mills off Virginia 635 (2–15–74).

Augusta County

Waynesboro vicinity, *Mt. Torry Furnance*, southwest of Waynesboro on Virginia 664 in the Georgia Washington National Forest (2–25–74).

Mathews County

Cobbs Creek vicinity, *Hesse*, east of Cobbs Creek off Virginia 631 (2–12–74).

West Virginia

Marion County

Fairmont vicinity, *Prickett's Fort*, east of Fairmont off West Virginia 73 (2–13–74).

Wisconsin

Burnett County

Webster vicinity, *N.W. & X.Y. Company Trading Post Sites*, north of Webster on Yellow River (2–15–74).

Crawford County

Lynxville vicinity, *Olson Mound Group (Cr 38)*, (2–12–74).

Wyoming

Niobrara County

Mule Creek vicinity, *Agate Basin Site*, east of Mule Creek (2–15–74).

Sheridan County

Sheridan vicinity, *Big Goose Creek Buffalo Jump*, southwest of Sheridan (2–12–74).

The following are corrections to previous listings in the FEDERAL REGISTER:

Alaska

South Central District

Eklutna, *Old St. Nicholas Russian Orthodox Church*, Eklutna Village Road (3–24–72).

Colorado

Larimer County

Estes Park vicinity, *Mills, Enos, Homestead Cabin*, south of Estes Park off Colorado 7 (5–11–73).

Georgia

Thomas County

Thomasville, **Lapham-Patterson House (Scarborough House)*, 626 North Dawson Street (8–12–70).

Louisiana

Orleans Parish

New Orleans, *Pitot House (Ducayet House)*, 1440 Moss Street (9–28–71).

Rapides Parish

Pinesville vicinity, *Old LSU Site*, north of Pineville at 2500 Shreveport Highway in Kisatchei National Forest (8–14–73).

Maryland

Baltimore (independent city)

Old Town Friends Meeting House, 1201 East Fayette Street (3–30–73).

St. Luke's Church, 217 North Carey Street (3–30–73).

St. Paul's Church Rectory, 24 West Saratoga Street (3–20–73).

St. Paul's Episcopal Church, 233 North Charles Street (3–30–73).

St. Marys County

Hollywood vicinity, **Resurrection Manor*, about 4 miles east of Hollywood (4–15–70).

Hollywood vicinity, *Sotterley (Bowles' Separation)*, east of junction of Maryland 245 and Vista Road (11–9–72).

Minnesota

Brown County

New Ulm, *Kiesling House*, 227 North Minnesota Street (2–23–72).

Hennepin County

St. Louis Park, *St. Louis Park Depot*, West 36th Street and Alabama Avenue (11–25–69).

Lac qui Parle County

Montevideo vicinity, *Camp Release State Monument*, about 2 miles southwest of Montevideo off U.S. 212 (3–14–73).

Rhode Island

Kent County

Coventry, **Greene, General Nathanael, Homestead*, 40 Taft Street (10–7–71).

West Greenwich (Coventry), *Hopkins Mill*, Rhode Island 3 at Nooseneck River (1–11–74).

Newport County

Newport, *Kay Street-Catherine Street-Old Beach Road Historic District* (5–22–73).

Providence County

Cumberland, *Berkley Mill Village*, bounded by properties on both sides of Martin Street and Mendon Road on the northeast and northwest, by the railroad on the southwest, and the cemetery on the southeast (2–23–72).

Glocester, *Chepachet Village Historic District*, both sides of R.I. 102/U.S. 44 north from the intersection of U.S. 44/R.I. 102 to the intersection of R.I. 100 and 102/U.S. 44 also properties on both sides of Dorr Drive, Douglas Hook Road, Point Lane, and Oil Mine Lane (3–31–71).

Lincoln, *Hearthside (Stephen Hopkins Smith House)*, Great Road (4–24–73).

North Smithfield, *Forestdale Mill Village Historic District*, running east and west along Main Street, northerly upon Maple Avenue (6–5–72).

North Smithfield, *Slatersville Historic District* (4–24–73).

Providence, **Hopkins, Governor Stephen, House*, 15 Hopkins Street (4–3–70).

Washington County

North Kingstown, *Casey, Silas, Farm*, Boston Neck Road (8–14–73).

North Kingstown (Wickford), *St. Paul's Church*, 76 Main Street (6–30–72).

North Kingstown (Wickford), *Shaw, Dr. William G., House*, 41 Brown Street (1–13–72).

North Kingstown (Wickford), *Smith's Castle*, Post Road (2–23–72).

North Kingstown, **Stuart, Gilbert, Birthplace*, Gilbert Stuart Road (12–21–65).

Virginia

Arlington County

Arlington, *Arlington House, The Robert E. Lee Memorial*, Arlington National Cemetery.

Washington

Pierce County

Steilacoom, *Davidson House (Phillip Keach House)*, 1802 Commercial Street (7–27–73).

Historic properties which are either (1) eligible for nomination to the National Register of Historic Places or (2) nominated but not yet listed are entitled to protection under Executive Order 11593. Before an agency of the Federal government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal. Authorization for such comment are in section 1(3) and section 2(b) of Executive Order 11593.

The Secretary of the Interior has determined that the following properties may be eligible for inclusion in the National Register of Historic Places and are therefore entitled to protection under section 1(3) and section 2(b) of Executive Order 11593 and other applicable Federal legislation. All determinations of eligibility are made under the Secretary of the Interior's authorities in sections 2 (b) and 3(f) of Executive Order 11593. This list is not complete. As required by Executive Order 11593, an agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion in the National Register.

Alabama

Dallas County

Selma, *Gill House*, 1109 Selma Avenue.

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

Alaska

Northwestern District

Little Diomede Island, *Iyapana, John, House.*

Arizona

Cochise County

Sierra Vista, *Garden Canyon Petroglyphs*, Garden Canyon Road.

Yuma County

Yuma, *Southern Pacific Depot.*

California

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District.*

Modoc County

Canby vicinity, *Core Site*, southeast of Canby.
Canby vicinity, *Cuppy Cave*, near Pitt River in Modoc National Forest.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Santa Rosa, *Santa Rosa Post Office.*

Colorado

Denver County

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves Street, on Lowry AFB.

Connecticut

Hartford County

Hartford, *Church of the Good Shepherd and Parish House*, intersection of Wyllys Street and Van Block Avenue.
Hartford, *Colt Factory Housing*, Huyshope Avenue between Sequassen and Wechasset Streets.
Hartford, *Colt Factory Housing ("Potsdam Village")*, Curcombe Street between Hendricksen Avenue and Locust Street.
Hartford, *Colt Park*, bounded by Wethersfield Avenue, Stonington Street, Wawarme, Curcombe and Marseek Streets, and by Huyshope and Van Block Avenues.
Hartford, *Colt, Colonel Samuel, Armory, and related factory buildings*, Van Dyke Avenue.
Hartford, *Flat-iron Building (Motto Building)*, intersection of Congress Street and Maple Avenue.
Hartford, *Houses on both sides of Congress Street.*
Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue between Morris and Wyllys Streets, particularly No. 97, No. 81, No. 65.*

Middlesex County

Middletown, *Mather-Douglas-Santangelo House*, 11 South Main Street.

New Haven County

New Haven, *Tannery Building and appended office*, 202 George Street.

New London County

New London, *Thames Shipyard*, west bank of Thames River north of the U.S. Coast Guard Academy.

Delaware

Suffolk County

Lewes, *The Delaware Breakwater.*
Lewes, *The Harbor of Refuge Breakwater.*

District of Columbia, Wash.

Riggs Bank, 800 17th Street NW.

Florida

Hillsborough County

Tampa, *Federal Building, U.S. Courthouse, Downtown Postal Station*, 601 Florida Avenue.
Tampa, *Firehouse No. 10*, Ybor City.

Georgia

Chatham County

Archeological Site, North end of Skidway Island.

Clay County

Archeological Site WGC–73, downstream from Walter F. George Dam.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into River on lots Nos. 45, 46, 213.

Stewart County

Rood Mounds.

Sumter County

Americus, *Aboriginal Chert Quarry*, Souther Field.

Idaho

Ada County

Boise, *Ada Theater*, 700 Main Street.
Boise, *Alexanders*, 826 Main street.
Boise, *Falks Department Store*, 100 North Eighth Street.
Boise, *Idaho Building*, 216 North Eighth Street.
Boise, *Idanha Hotel*, 928 Main Street.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho Street.
Boise, *Union Building*, 712½ Idaho Street.

Illinois

Cook County

Chicago, *Delaware Building*, 155 North Dearborn.
Chicago, *McCarthy Building (Lanfield Building)*, Northeast corner of Dearborn and Washington.
Chicago, *Methodist Book Concern* (later Stop and Shop Warehouse), 12 West Washington.
Chicago, *Ogden Building*, 130 West Lake Street.
Chicago, *Oliver Building*, 159 North Dearborn Street.
Chicago, *Springer Block* (Bay, State and Kranz Buildings), 126–46 North State.
Chicago, *Unity Building*, 127 North Dearborn Street.

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of Sixth Street and Lincoln Street.

Lake County

Fort Sheridan, *Water Tower, Building 49*, Leonard Wood Avenue.

Indiana

Monroe County

Bloomington, *Carnegie Library.*

Kansas

Geary County

Junction City vicinity, *Main Post Area, Fort Riley, Kansas*, 4 miles northeast of Junction City.

Kentucky

Carter County

Grayson vicinity, *The Van Kitchen Home*, 7 miles south on Kentucky 7, southeast on Rosedale Road.

Estill County

Fitchburg Iron Furnace, Kentucky, 975, in Daniel Boone National Forest.

Jefferson County

Louisville, *Old Louisville Historic District*, bounded on North by Broadway; on the west by Seventh and the Louisville/Nashville Railroad tracks; on the east by Interstate 65 and Brook Street; on the South by Eastern Parkway and Gaulbert Avenue.

Maine

Waldo County

Frankfort, *Mosquito Mountain*, Waldo Granite Works.

Maryland

Frederick County

Fort Detrick, *Nallin Farm House* (Fort Detrick Building 1652).

Harford County

Aberdeen, *Gunpowder Meeting House* (Building Number E–5715), Magnolia Road
Aberdeen, *Presbury House (Quiet Lodge)* (Building Number E–4730), Austin and Parrish Roads.

St. Marys County

Saint Inigoes, *Manor House*, Naval Electronic Systems Test and Evaluation Facility.

Michigan

Livingston County

Fenton, *Fenton Downtown Historic District*, east and west sides of Leroy Street in two blocks bounded by Ellen on the south and Silver Lake on the north, north side of Caroline Street and east side of River Street.

Missouri

Jackson County

Kansas City, *Folly's (Standard) Theater*, 12th and Central Streets.

Montana

Lewis and Clark County

Marysville, *Marysville Historic District.*

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

Nebraska

Madison County

Norfolk, *Federal Building (U.S. Post Office and Courthouse)*, corner of Fourth Street and Madison Avenue.

Nevada

Nye County

The Emigrant's Trail, approximately 75 miles northwest of Las Vegas on U.S. Highway 95.
Storey County (also in Washoe County)
Derby Diversion Dam, on the Truckee River 19 miles east of Sparks, Nevada, along Interstate Highway 80.

New Hampshire

Grafton County

Bedell Covered Bridge.

New York

Bronx County

New York, *North Brothers Island Light Station*, in center of East River.

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.

Suffolk County

New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Race Rock Light Station*, located south of Fishers Island, 10 miles north of Orient Point.

Ulster County

New York, *Rondout North Dike Light*, center of Hudson River at junction of Rondout Creek and Hudson River, 1 mile west of Port Ewen.

Westchester County

White Plains, *Westchester County Court House Complex*, corner of Main and Court Streets.

North Carolina

Brunswick County

Southport, *Fort Johnston*, Moore Street.

Jones County

Trenton, *Trenton Historic District*, north side of Trent Street at Weber Street; south to the northeast corner of Weber and Jones Streets; one block east along Jones Street; then south along the cemetery; west along cemetery to Lake View Street; along Lake View Street to Market Street; then west along Market Street 100 yards south of the southern boundary of Brock Mill Pond; west along said line to a point 100 yards west of the western boundary of Brock Mill Pond; north along Pollock Street extended to Jones Street; then east to King Street; along Trent Street to beginning.

New Hanover County

Wilmington, *Market Street Mansions District*, both sides of Market Street between 17th and 18th Streets.
Wilmington, *Wilmington Historic District*, from Cape Fear River; east along Hornet Street to Eighth Street; along Eighth Street to Grace Street; along Grace Street to Ninth Street; along Ninth Street to Dock Street; along Dock Street to Eighth Street to Castle Street; along Castle Street to Wright Street, then west to Cape Fear River.

Ohio

Clermont County

Neville vicinity, *Maynard House*, 2 miles east of Neville.

Pickaway County

Williamsport vicinity, *The Shack*, 5.5 miles northwest of Williamsport.

Oregon

Coos County

Charleston, *Cape Arago Light Station.*

Curry County

Port Orford, *Cape Blanco Light Station.*

Douglas County

Winchester Bay, *Umpqua River Light House.*

Klamath County

Crater Lake National Park, *Crater Lake Lodge.*

Lane County

Roosevelt Beach, *Heceta Head Light House.*

Lincoln County

Agate Beach, *Yaquina Head Lighthouse.*

Tillamook County

Tillamook, *Cape Meares Lighthouse.*

Pennsylvania

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Road.
Pittsburgh, *Maine Building (A) U.S. Bureau of Mines*, Pittsburgh Experiment Station, 4800 Forbes Avenue.

Clinton County

Lockhaven, *Apsley House*, 302 East Church Street.
Lockhaven, Harvey, Judge, House, 29 North Jay Street.
Lockhaven, McCormick, Robert, House, 234 East Church Street.
Lockhaven, *Mussina, Lyons, House*, 23 North Jay Street.

Cumberland County

Carlisle, *Hessian Guardhouse Museum*, corner of Guardhouse Lane and Garrison Lane.

Mercer County

Greenville vicinity, *Kidd's Mills Historical Area* (Shenago River Lake), 5 miles south of Greenville, Pa., via Pennsylvania State Route 58 and Township Road 653.

Westmoreland County

Blairsville/Torrance vicinity, *Western Division-Pennsylvania Canal* (Conemauth River Lake), Ligonier Line of Pennsylvania Canal.

Tennessee

Gibson County

Milan, *Browning House*, Line "Z," Milan Army Ammunition Plant.

Texas

Bexar County

Fort Sam Houston, *Pershing House*, Quarters No. 6, Staff Post Road.
Fort Sam Houston, *The Post Chapel*, Building 2200, Wilson Street.

Hill County

Pictograph Cave, north of Lake Whitney Estates.

Vermont

Windsor County

Windsor, *Post Office Building.*

Virginia

Augusta County

Waynesboro vicinity, *Mt. Torry Furnace*, approximately 10 miles southwest of Waynesboro on Virginia 664 in the George Washington National Forest.

Washington

Clark County

Vancouver, *Officers Row*, Fort Vancouver Barracks.

Kittitas County

CleElum vicinity, *Salmon la Sac Guard Station*, 18 miles north of CleElum on County Highway 9235.

Pierce County

Fort Lewis Military Reservation, *Wilkes, Captain, July 4, 1841, Celebration Site.*

West Virginia

Marion County

Prickett's Fort, *Prickett Bay Boat Launching Site—Opekiska Navigation Pool, Monogahela*, via West Virginia Secondary Road 72 from West Virginia 73.

Wood County

Parkersburg, *Wood County Courthouse.*

Wisconsin

Door County

Chambers Island, *Chambers Island Lighthouse Dwelling*, northern tip Chambers Island in Green Bay, Lake Michigan.

Wyoming

Goshen County

Torrington, *Union Pacific Depot.*

Puerto Rico

Mona Island, *Sardinero Site and ball courts.*

ERNEST A. CONNALLY,
Associate Director,
Professional Services.

[FR Doc.74-7352 Filed 4-1-74;8:45 am]

National Park Service

[Order No. 1]

ADMINISTRATIVE OFFICER

Delegation of Authority

Delegation of Authority Regarding Execution of Contracts and Purchase Orders for Supplies, Equipment or Services.

1. *Administrative Officer.* The Administrative Officer, Gateway National Recreation Area, may execute, approve and administer contracts not in excess of $25,000 for supplies, equipment or services including construction, in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Administrative Officer in behalf of any unit under the administration of Gateway National Recreation Area.

(National Park Service Order No. 77 (38 FR 7478) as amended; North Atlantic Region Order No. 1 (39 FR 3695)).

Dated: February 6, 1974.

JOSEPH N. ANTOSCA,
Superintendent, Gateway
National Recreation Area.

[FR Doc.74-7454 Filed 4-1-74;8:45 am]

[Order No. 1]

CHIEF, PARK ADMINISTRATION, PURCHASING AGENT ET AL.

Delegation of Authority

Delegation of Authority Regarding Execution of Contracts and Purchase Orders for Supplies, Equipment, or Services.

1. *Chief, Park Administration.* The Chief, Park Administration, New York City National Park Service Group, may execute, approve and administer contracts not in excess of $50,000.00 for supplies, equipment or services, including construction, in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Chief, Park Administration in behalf of any unit under the administration of the New York City National Park Service Group.

2. *Purchasing Agent.* The Purchasing Agent, New York City National Park Service Group, may issue purchase

orders not in excess of $2,500.00 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Purchasing Agent in behalf of any unit under the administration of the New York City National Park Service Group.

3. *Revocation.* This order supersedes New York District Office Order No. 1 issued April 13, 1972 (37 FR 17431).

(National Park Service Order No. 77 (38 FR 7478), as amended; North Atlantic Region Order No. 1 (39 FR 3695).

Dated: February 11, 1974.

VERNON D. DAME,
General Superintendent, New York City National Park Service Group.

[FR Doc.74-7455 Filed 4-1-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Docket No. SH-323]

HAWAII SUGARCANE AREA

Notice of Hearing on Prices for 1974-Crop Hawaiian Sugarcane, and Designation of Presiding Officers

Pursuant to the authority contained in section 301(c)(2) of the Sugar Act of 1948, as amended, (7 U.S.C. 1131(c)(2)), and in accordance with the rules of practice and procedure applicable to price proceedings (7 CFR 802.1 et seq.) notice is hereby given that a public hearing will be held in Hilo, on the Island of Hawaii, in the Council Room of the Hawaii County Building, 25 Aupuni Street, on April 25, 1974, beginning at 9:00 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of section 301(c)(2) of the act, fair and reasonable prices or rates for the 1974 crop of Hawaiian sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payment under the act on their own sugarcane production.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and to present appropriate data in regard to the foregoing matter.

All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Arthur B. Calcagnini, Leo Sommerville, Robert R. Stansberry, Jr., James E. Agnew, Jr., Clarence Chau, and Teiji Kagimoto are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C. on March 28, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-7533 Filed 4-1-74;8:45 am]

Commodity Credit Corporation

UNIFORM GRAIN STORAGE AGREEMENT

Proposed Schedule of Rates Under Uniform Grain Storage Agreement

Notice is hereby given that the Commodity Credit Corporation, under authority of the Commodity Credit Corporation Charter Act, as amended, (15 U.S.C. 714), particularly sections 4 and 5 thereof, is considering acceptance of offer rates from commercial warehousemen for the handling and storage of grain under the Uniform Grain Storage Agreement (UGSA) for the 1974-75 marketing year which begins July 1, 1974. The offer rate structure would supplant the uniform storage and handling rate structure now used under the UGSA.

Warehousemen will be requested to offer handling and storage rates on a UGSA Schedule of Rates which, if approved by CCC, will be incorporated by reference into the UGSA. The following procedure would be folowed:

A. Each warehouseman would submit offer rates to CCC on CCC-owned or extended loan grain for each of the following services; receiving, loadout, and storage.

B. The rates would be submitted on an annual basis and continue in effect unless superseded at a subsequent annual renewal date (July 1) as provided in section 31 of the UGSA.

C. The warehouseman would warrant that the rates submitted for receiving, loadout, and storage are not in excess of those charged other customers for the same service.

D. CCC would reserve the right to reject a rate offer. If CCC rejects an offer, CCC will notify the warehouseman as to the reason for such action and the warehouseman will be given the opportunity to request a reconsideration of the rejection.

E. If the warehouseman did not submit offer rates or if CCC rejected the offer rates, and if there was CCC-owned or loan grain in the warehouse, CCC would furnish the warehouseman a loading order. In such case, the rates specified in the existing Schedule of Rates would apply until the grain was loaded out.

F. CCC would pay receiving, loadout, and storage charges on CCC-owned, forfeited and extended loan grain, as under the present system, except that the charges would be based on the offer rates specified by the warehouseman on the UGSA Schedule of Rates.

Selection of warehouses in which CCC stores its grain, under the proposed offer rate system, would be determined on the basis of such criteria as how long the grain is expected to remain in storage, type of warehouse service, ultimate disposition of the grain, storage and handling charges, and the availability and expense of transportation.

It is also proposed that each warehouse receipt on which a CCC loan is obtained must show that storage charges are prepaid, or it must be accompanied by a statement from the warehouseman to the effect that, if CCC acquires the warehouse receipt, or the loan is extended, storage charges for the account of CCC would commence on the day following the initial loan maturity date. Under this proposal, the producer would receive the full loan value for the grain placed under loan.

Consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than April 24, 1974.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (8:15-4:30 p.m.). (7 CFR 1.27(b)).

Signed at Washington, D.C., on March 28, 1974.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-7572 Filed 4-1-74;8:45 am]

Forest Service

SAWTOOTH NATIONAL RECREATION AREA, SAWTOOTH NATIONAL FOREST, IDAHO

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for establishing regulations for land acquisition and standards for use, subdivision, and development of private lands within the Sawtooth National Recreation Area, Sawtooth National Forest, Idaho. USDA-FS-FES (Adm) 73-68.

The environmental statement contains a brief description of proposed action.

Regulations covering the acquisition of properties or interests in properties, including minerals, the classification of all private lands into five acceptable land use categories and standards for use and development in each category. Provisions for changes in classification and certifi-

cation of properties in compliance with standards.

This final environmental statement was transmitted to CEQ on March 28, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.

USDA, Forest Service, Federal Building, 325 25th Street, Ogden, Utah 84401.

A limited number of single copies are available upon request to:

USDA, Forest Service, 1525 Addison Avenue East, Twin Falls, Idaho 83301.

USDA, Forest Service, P.O. Box 438, Ketchum, Idaho 83340.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

R. M. PETERSON,
Deputy Chief, Forest Service.

MARCH 26, 1974.

[FR Doc.74-7532 Filed 4-1-74;8:45 am]

OTTAWA NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Ottawa National Forest Multiple Use Advisory Committee will meet at 1 p.m. thru 5 p.m. (c.d.t.), May 16, 1974 and at 8:30 a.m. thru 12 Noon (c.d.t.), May 17, 1974 at the Iron River Ranger District Headquarters, 801 Adams Street, Iron River, Michigan.

The purpose of the meeting is to discuss forest management.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Ottawa National Forest, Ironwood, Michigan 49938, phone number: (906) 932-1330. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public participation will be limited to a period designated for open discussion. To the extent time permits, interested persons may be permitted by the committee chairman to present oral statements at the meeting.

M. K. LAURITSEN,
Forest Supervisor.

MARCH 25, 1974.

[FR Doc.74-7521 Filed 4-1-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF CALIFORNIA ET AL.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00444-98-31060. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, N. Mex. 87544. Article: Frequency synthesizer. MANUFACTURER: Schlumberger Over Seas Messgerateban Und Vertrieb, West Germany. Intended use of article: The article is intended to be used as a vital instrument for use in an Electron Linac Experiment. This electron accelerator experiment is a study of the potential capabilities of the biperiodic accelerating structures such as side-coupled standing wave structures perfected for LAMPF. Specificaly the experiment consists of a study of the initial stages of high current electron accelebration in pulses of 3 μs duration. Areas of investigation include RF power transmission, beam blow up, and beam loading. The article will be used in the following phases of accelerator construction, testing, and operation:

1. Turning of the accelerator structures to the desired resonant frequency.
2. Measurement of the coupling between the waveguide and the accelerating tank.
3. Investigation and suppression of undesired high frequency modes of oscillation which would be detrimental to proper acceleration operation.
4. Standard frequency source for the high power (20 MW peak power, 30 kW average power) radio frequency amplifier which supplies the accelerating

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 frequency range of 850 to 1550 megahertz (MH_z) and a frequency stability of 3 parts in 10^9 per 24 hours. The most closely comparable domestic instrument manufactured by Hewlett Packard, is a combination of a Model 8660B synthesized signal generator mainframe, a Model 86602A radio frequency section, a Model 86613A auxilliary section, and a Model 1161A extension module with option number 001 for the mainframe. This domestic instrument provides frequency range of one to 1300 MH_z and a frequency stability of 3 parts in 10^9 per 24 hours. The National Bureau of Standards (NBS) in its memorandum dated February 4, 1974 advised that the higher upper frequency limit of the article is pertinent to the applicant's intended purposes.

For these reasons, we find the Hewlett Packard instrument is not of equivalent scientific value to the foreign article for the applicants' intended purpose.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-7488 Filed 4-1-74;8:45 am]

UNIVERSITY OF CHICAGO ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 701.8 of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 701.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new appli-

cation within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 701.8 further provides:

"* * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant."

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 73-00457-75-46070. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Scanning Electron Microscope, Model Stereoscan 600. Date of denial without prejudice to resubmission: October 31, 1973.

Docket number: 73-00555-01-77040. Applicant: Brooklyn College of the City University of N.Y., Department of Chemistry, Bedford Avenue and Avenue H, Brooklyn, New York 11210. Article: Mass Spectrometer, Model CH-7. Date of denial without prejudice to resubmission: October 3, 1973.

Docket number: 73-00572-33-46070. Applicant: Children's Hospital Medical Center, Research Associate in Orthopaedic Surgery, 300 Longwood Avenue, Boston, Massachusetts 02115. Article: Scanning Electron Microscope, Model JSM-50A. Date of denial without prejudice to resubmission: October 5, 1973.

Docket number: 73-00584-98-42900. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: 100 kOe super-conducting magnet, 5" OD, 1½" ID, homogeniety <1% in 1" DSV, with magnetoresistive field probe. Date of denial without prejudice to resubmission: November 28, 1973.

Docket number: 73-00594-01-20800. Applicant: University of Hawaii, Department of Biochemistry and Biophysics, 1960 East West Road, Honolulu, Hawaii 96822. Article: Quartz Dewar. Date of deniel without prejudice to resubmission: October 5, 1973.

Docket number: 74-00012-75-42800. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Ferrite Blocks. Date of denial without prejudice to resubmission: October 23, 1973.

Docket number: 74-00051-33-46040. Applicant: University of Maryland School of Medicine, Department of Anatomy, 29 South Greene Street, Baltimore, Maryland 21201. Article: Electron Microscope, Model EM 201. Date of denial without prejudice to resubmission: November 27, 1973.

Docket number: 74-00103-33-46040. Applicant: Lung Cancer Branch, CG, DCCP, NCI, National Institutes of Health, Ultrastructure Unit, Bethesda, Maryland 20014. ARTICLE: Electron Microscope, Mode HU-12. Date of denial without prejudice to resubmission: November 16, 1973.

Docket number: 74-00105-33-46040. Applicant: Baylor University Medical Center, Director of Electron Microscopy, 3500 Gaston Avenue, Dallas, Texas 75246. Article: Electron Microscope, Model EM 201. Date of denial without prejudice to resubmission: October 5, 1973.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-7486 Filed 4-1-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY, CINCINNATI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00189-00-46040. Applicant: Environmental Protection Agency, National Environmental Research Center, Cincinnati, Ohio 45268. Article: Accessories for use with JEM 100B/SEG Electron Microscope consisting of: 1. ASID-high resolution scanning device for use with SEG. 2. WFM-wave form monitor for use with ASID. 3. SEG-side entry *Be* specimen holder for use with NDS. 4. SEG-side entry bulk specimen holder for use with ASID. Manufacturer: JEOL Ltd., Japan. Intended use of article: The articles are accessories to an existing electron microscope to be used in research investigations in the areas of advanced waste treatment, analytical quality control, environmental toxicology and water supply. The articles will be used for high resolution studies of virus-infected cells, virions, isolated viral nucleic acids and proteins, and small parasitic bacteria such as those of the Bdellovibrio type. Another aspect will be its use for particulate identification in water samples, visualization of the colloidal material remaining after treatment of waste waters, and determination of polymer attachment in the process of flocculation and stabilization. In addition, smoke and dust particulates of importance to inhalation toxicology will be investigated as well as ultrastructural evaluation of biological samples for tissue pathology and morphology after animal exposure to these pollutants.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to compatible accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used, and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessories being manufactured in the United States, which are interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-7487 Filed 4-1-74;8:45 am]

NATIONAL CANCER INSTITUTE ET AL.

Notice of 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 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00285-33-46040. Applicant: National Cancer Institute, NIH, Frederick Cancer Research Center,

Fort Detrick, Frederick, Maryland 21701. Article: Electron Microscope, Model HU–12. Manufacturer: Hitachi, Ltd., Japan. Intended use or article: The article is intended to be used in the development of methods for producing large quantities of RNA (Mouse Mammary Tumor Virus) and DNA (Epstein-Barr Virus) the techniques of which will be implemented in large scale production. Application received by Commissioner of Customs: January 16, 1974.

Docket number: 74–00331–33–46040. Applicant: Colorado State University, Pathology Department, Ft. Collins, CO 80521. Article: Electron Microscope, Model HS–9. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used in studies of renal disease following a single low level exposure to gamma irradiation during prenatal and early postnatal life in the beagle. The materials to be studied are biological specimens which include renal cortex, renal medulla, parathyroids, and selected additional tissues of interest found at necropsy. In another project, cardiotoxicity of antineoplastic agents, materials to be studied are biological in nature and include primarily the myocardium of chronically treated animals receiving the anthracycline antibiotics; daunomyacin, adriamyacin, and specified analogs. The article will also be used for educational purposes, primarily in the areas of graduate thesis research investigation, which include courses in master and doctoral research in the Departments of Pathology and Radiation Biology, at the University. Application received by Commissioner of Customs: February 15, 1974.

Docket number: 74–00332–33–46040. Applicant: Boston University School of Medicine, 80 East Concord Street, Boston, Massachusetts 02118. Article: Electron Microscope, Model Corinth 275. Manufacturer: AEI Scientific Apparatus, United Kingdom. Intended use of article: The article is intended to be used to examine ultrathin sections of materials from the brain and inner ear. It will serve as the electron microscope used to study the process of aging in the nervous system and will be employed in three subprojects: (1) Age-related changes in the auditory cotex, (2) aging in the olfactory-bulb, and (3) aging in the microcirculation of the auditory system. Application received by Commissioner of Customs: February 19, 1974.

Docket number: 74–00333–98–16540. Applicant: University of Virginia, Department of Physics, McCormick Road, Charlottesville, VA 22901. Article: Liquid Helium Cryostat. Manufacturer: Oxford Instrument Co. Ltd., United Kingdom. Intended use of article: The article is intended to be used in a research program in low temperature solid state physics at the University. The initial research project, entitled "Electronic Properties of Very Dilute Magnesium Alloys", will be a study of extremely high purity single crystals of magnesium and of dilute limit alloys of magnesium.

The purpose of the experiment is to determine the electron quasi-particle lifetimes in these metals, as well as the effects of substitutional impurities on the lifetimes. In addition, the experiments will be a very sensitive probe of the structure of the alloys and will be used to investigate the degree of ordering of the impurity atoms in the crystal. Application received by Commissioner of Customs: February 19, 1974.

Docket number: 74–00334–33–46040. Applicant: University of California—San Francisco, 1438 South Tenth Street, Richmond, California 94808. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the following research objectives:

(1) Studies of the effects of lanthanum on pancreatic and thyroid secretion, and ultrastructural analysis,

(2) Studies of cellular mechanisms of pancreatic exocrine secretion,

(3) Experiments involving electron microscope analysis of the myoneural junction,

(4) Localization of releasing factors in the hypothalamus by cytoimmunochemical techniques, and

(5) Recycling of membrane at the myoneural junction, correlating the structure and function in imaginative ways.

Application received by Commissioner of Customs: February 19, 1974.

Docket number: 74–00335–91–46040. Applicant: U.S. Department of Agriculture, Insect Pathology Lab., Bioscience-Room 207, BARC-West, Baltsville, Md. 20705. Article: Electron Microscope, Model EM 301G. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used in research on isolation, identification and development of insect pathogens for use in biological control. These include viruses, bacteria, fungi, and protozoa. Special emphasis will be on characterization of insect viruses, their structure, mode of invasion and replication in the insect host susceptible tissues and in insect tissue culture. Examinations will be made using standard EM preparative techniques and modifications as required for negative staining shadowing, carbon replicas, thin sections, and freeze-etching. Application received by Commissioner of Customs: February 20, 1974.

Docket number: 74–00336–33–46500. Applicant: University of North Carolina-Chapel Hill, Dept. of Physiology, Chapel Hill, North Carolina 27514. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische, Werke AG, Austria. Intended use of article: The article is intended to be used for ultrastructural studies aiming at investigating the neural circuitry and synaptic organization of the central nervous system in experimental animals (using current neurobiological techniques). The article will also be used for the preparation of material to be used for courses of neuroanatomy, neurophysiology, neurochemistry and neuropharmacology to medical students. Application received by Commissioner of Customs: January 30, 1974.

Docket number: 74–00337–10–07795. Applicant: National Aeronautics and Space Administration, Ames Research Center, Physical Gas-Dynamics and Lasers Branch, Mail Stop 230–3, Moffett Field, CA 94035. Article: Imacon Camera. Manufacturer: John Hadland Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of the following:

(a) The modes of disintegration of water droplets and ice crystals in the region behind a strong shock wave in air.

(b) The mechanism of the various aspects of the fragmentation or disintegration process.

(c) The time required to fragment water drops and ice crystals.

Application received by Commissioner of Customs: February 15, 1974.

Docket number: 74–00338–35–46040. Applicant: University of Florida, College of Denistry, Box 202, Gainesville, Florida 32610. Article: Electron Microscope. Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in studies on human tooth development. Specifically the article is to be used to examine: (1) The structure of the mesenchymal cells in the dental papilla prior to and during the bell stage. (2) The morphological changes of the developing odontoblast up to the time of beginning mineralization of the mantle dentin. (3) The formation of collagen by the odontoblast. (4) The change in configuration of the fibrillar material attached to the prospective dentino-enamel junction. (5) The relationship of subodontoblast cells, blood vessels and nerve fibers to the developing odontoblast. (6) The morphology and development of the cells of the cervical loop. (7) The problem of formation and continuity of the basal lamina in the cervical loop area. In support of these investigations experimental studies will be undertaken, using animal models such as the continuously growing incisor of the mouse and rat. These experiments will be targeted to answer questions related to collagen synthesis, mitotic rate, calcium transport, etc. using electron microscopic radioautography and cytochemistry.

Other studies involving the use of this article will relate to the morphology and pathology of the periodontium, pulpal effects of filling materials and replication studies on the effect of dental instruments on hard tissues.

Application received by Commissioner of Customs: February 15, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74–7485 Filed 4–1–74;8:45 am]

National Oceanic and Atmospheric Administration

MARINE MAMMAL PROTECTION ACT

Report and Studies

Section 108 of the Marine Mammal Protection Act of 1972 (Pub. L. 92-522, 16 U.S.C. 1361, et seq. "the Act") requires that one report and two studies be provided to the Congress by the Secretary. Section 108(a)(6) states that the Secretary, through the Secretary of State, shall provide to the Congress by no later than one year after the date of enactment of the Act (i.e. by October 21, 1973) a full report on the results of his efforts under section 108(a) with respect to international negotiations and agreements. In addition, two studies are required to be made by the Secretary no later than one year after the date of enactment of the Act and are to be immediately provided to the Congress. Section 108(b)(1)(A) requires the Secretary, in consultation with the Marine Mammal Commission, to undertake a study of the North Pacific fur seals; and section 108(b)(1)(B) requires the Secretary, in consultation with the Secretary of State, to undertake a study of the provisions of the Act, as they relate to North Pacific fur seals and to the provisions of the North Pacific Fur Seal Convention signed on February 9, 1957, as extended.

The report was transmitted to Congress on October 31, 1973. The studies were transmitted to Congress on November 15, 1973. For the convenience and information of the public, the report and studies are now published herewith.

Dated: March 27, 1974.

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

IMPLEMENTATION OF THE INTERNATIONAL PROGRAM OF THE MARINE MAMMAL PROTECTION ACT OF 1972

OCTOBER 21, 1972—OCTOBER 19, 1973

REPORT OF THE SECRETARY OF COMMERCE

Introduction. This report is pursuant to requirements of Section 108(a)(6) of the Marine Mammal Protection Act of 1972 (Pub. L. 92-522) hereafter referred to as the Act. It encompasses the 12-month period following enactment of the Act, October 21, 1972, and covers actions already taken and actions proposed to the Secretary of State under subsection (a).

The Act requires that the U.S. Government initiated international negotiations and take whatever other international action is desirable to provide protection consistent with the Act for all species of marine mammals. It makes the Secretary of Commerce responsible for protecting whales, porpoises, seals, and sea lions, and the Secretary of the Interior for sea otters, walruses, polar bears, and manatees.

Specific action taken to implement the international program before June 21, 1973, was reported in portions of the report of the Secretary of Commerce printed in the FEDERAL REGISTER of August 1, 1973 (38 FR 20568, 20569) (copy attached) to the Congress on all aspects of administration of the Act. In specific, that report covered (1) draft protocol to the International Convention on Regulation of Whaling, (2) action taken on incidental take of porpoises at the November 1972 meeting of the Inter-American Tropical Tuna Commission, (3) action taken at the June 1973 session of the International Commission for the Northwest Atlantic Fisheries relative to harp and hooded seals, (4) agreement by the North Pacific Fur Seal Commission to set aside St. George Island as a reserve area for scientific studies, (5) bilateral proposals on fur seals and sea lions to South Africa and Uruguay, (6) provisions providing protection for marine mammals in the International Convention on Trade in Endangered Species of Wild Fauna and Flora, (7) agreement between the United States and the U.S.S.R. for cooperation in work on conservation of marine mammals, and (8) a decision to seek to convene an international ministerial meeting on marine mammals in late 1974. Additional action and proposals on each of these topics with the exception of item 4 will be delineated in the following report, since item 4 is the subject of a separate report required by section 108(b) of the Act.

As a means of accomplishing unified action by the Departments of Commerce, Interior, and State, an informal working group composed of individuals from the aforesaid departments was established to undertake a detailed study of all species of marine mammals designed to meet the requirements of subsection 108(a) of the Act, with the exception of paragraph (2). Details of the work of this informal group are given in the section titled "Informal Working Group" below. Paragraph (2) covers incidental take of marine mammals in commercial fishing operations. Porpoises taken incidentally by tuna fishermen are also covered in Section 111 which states that necessary action should be taken with other countries through the Inter-American Tropical Tuna Commission (IATTC). When the work of the informal working group was completed and ready for formal presentation to the Departments of Commerce and Interior for their transmittal to the Department of State, the conclusions were discussed by a group of representatives of the conservation and scientific community concerned with marine mammals.

Throughout the studies undertaken under subsection (a), one important need was continually recognized, namely, the inadequacy of scientific information on most species of marine mammals. It is not our intention, however, to wait until that knowledge is complete before initiating international negotiations for conservation of marine mammals. In recognition of the need for a broader body of information to achieve effective international protection, it was decided in early 1972 that this need should be presented to the Committee on Fisheries (COFI) of the Food and Agriculture Organization (FAO) of the United Nations. The U.S. Delegation of the 7th Session of COFI, April 1972, requested that a working group on marine mammals, to be composed of independent scientists, be established under the Advisory Committee on Marine Resources Research (ACMRR). That proposal was acceptable to COFI, and the group was subsequently established. Inasmuch as the working group is consulting major marine mammalogists worldwide, it appears logical for the U.S. Government to work with or through FAO and this working group to obtain the required information. Tentative arrangements are being made to convene a scientific symposium on all marine mammals as a conclusion of the work of the ACMRR Working Group, in consultation with FAO, to be convened in April or May 1975.

Informal working group. As indicated in our report of August 1, 1973, a Government-wide decision was made, with the concurrence of several prominent conservation organizations, to seek the convening of an international ministerial meeting on marine mammals to be held in late 1974. At the request of the Department of State an informal working group prepared for the conference, as required under Section 108(a)(5) of the Act. The Department of State advised that it would be necessary to reach final conclusions as to the subject matter to be covered and be ready to send invitations and a draft convention by October 1973 to meet the late 1974 conference date. The informal working group held frequent meetings involving scientists and other officials in the preparation of a detailed study of each species of marine mammals under the jurisdiction of both the Departments of the Interior and Commerce. These studies resulted in detailed charts (copies attached) which include brief notations on (1) status of the stocks, (2) existing international and domestic protective measures, and (3) commercial take and other factors influencing the level of the stocks. Once this information was collected and studied, conclusions were reached as to the adequacy of existing international and domestic protection, particularly the consistency with the Act, and means of improving the protection or the need for new international negotiations.

The group concluded that a number of international actions already initiated—as well as some proposed new actions—would at present be a better approach than the ministerial meeting to international conservation of marine mammals. If any of the proposed actions prove unsuccessful, it may be desirable to convene an international ministerial meeting sometime in the future.

The ensuing sections describe in detail the initiated and proposed international actions which led to the above conclusion. A letter was sent to the Secretary of State from the Secretary of Commerce and the Secretary of the Interior on October 13, 1973, (copy attached) concerning the conclusion and the recommended action on various aspects of the matter.

1. *International Whaling Commission (IWC)—Whales and Other Cetaceans.* At the 25th Session of the IWC, June 1973, the United States presented a draft protocol to the International Convention on the Regulation of Whaling. Changes included in the draft protocol provide for specific inclusion of all cetaceans and are designed to bring the conservation scheme into line with the Act as required by Section 108(a)(4). If success is not achieved by working through the IWC, other methods of adequately conserving these marine mammals can be considered, which might involve an international ministerial meeting. However, the draft protocol, if accepted, could revitalize the IWC and make it the forum capable of conserving cetaceans worldwide.

In light of the attitudes of the Japanese and the Soviet Union at the 25th Session of the IWC and the recent objections presented by Japan and the Soviet Union, the validity of continuing with initiatives in the International Whaling Commission remains under study. If we determine that the IWC cannot be utilized to achieve conservation of whales and cetaceans and if a number of other IWC nations agree with our feelings, it may then be appropriate to seek to convene a worldwide ministerial meeting to conclude a new convention on conservation of cetaceans.

2. *Bilateral action—seals and sea lions.* As it studied the species of seals and sea lions, the informal working group became aware that many are coastal creatures and, therefore, are considered to be under the national jurisdiction of individual nations. For this reason, it was concluded that either bilateral agreements or diplomatic action were the only viable means of (a) collecting greater detail about domestic provisions for the protection of these animals, and (b)

undertaking negotiations with the involved countries for improved protection.

The first related action was a telegram sent by the Department of State to our embassies in all countries in which marine mammals are known to occur. Responses yielded improved information on the domestic protection afforded by national legislation and, in some cases, new estimates of population size.

Requests for negotiations related to fur seals and sea lions were sent through the Department of State to Uruguay and South Africa. Prospects for an agreement with Uruguay are not good, while there is a possibility that a conservation agreement may be reached with South Africa on fur seals. Such agreements required by section 108 (a) (1) of the Act, would establish a continuing relationship between the United States and other nations aimed at ensuring effective conservation of marine mammals. But, such agreements can be negotiated only if the United States has some direct involvement or interest in the marine mammals concerned. The likelihood of an agreement with South Africa, therefore, will be increased if South African fur seal skins could be imported into the United States. This could be done only if we could be satisfied that the moratorium on the importations of these skins could be lifted. In order to come to a decision as to whether to waive the moratorium, we need to know much more about the stocks. An expert on marine mammals from the National Oceanic and Atmospheric Administration was sent to obtain necessary information about conservation practices of that Government in preparation for consideration of a possible import permit and for a bilateral conservation agreement. We have requested that the Secretary of State initiate negotiations with the Government of South Africa.

A number of the coastal species such as Australian and New Zealand fur seals and sea lions appear to be under complete protection by the national governments and thus seem to need no international protection at this time. However, it should be possible to obtain more complete information on the existing conservation practices and plans. We have, therefore, proposed to the Secretary of State that diplomatic approaches to Australia and New Zealand be initiated to gather more detailed information on seals and sea lions. If commercial take or problems with conservation practices should be uncovered through these approaches, the United States could then consider further action and the possibility of a bilateral negotiation.

3. *Pending international conventions—seals and sea lions—International Convention on the Control of Trade in Endangered Species of Wild Fauna and Flora, March 1973.* Fifteen species of marine mammals, including whales, seals and sea lions, are listed in the appendices of this Convention. Those species listed under Appendix I, with a few exceptions, receive complete protection; species under Appendix II must be strictly regulated. This Convention has had wide recognition as a significant achievement for the protection of all endangered wild animals and plants. Inasmuch as the species of seals covered by the Convention are primarily coastal species, control of trade seems the most effective international action possible to protect those species.

The Convention is not now in force. Nevertheless, because of its importance, we have requested that the Secretary of State take all possible action to encourage all countries to ratify the Convention as rapidly as possible. We have also been urging U.S. ratification of the Convention.

Convention on the Conservation of Antarctic Seals, February 1972. This Convention covers all the seals living in the waters and pack ice around Antarctica as far north as 60° S. latitude. All species of southern fur seals of the genus Arctocephalus, the elephant seal and the Ross seal would be completely protected by the Convention. The Convention allows for some taking of Weddell, leopard, and crabeater seals, subject to scientific review by the Scientific Committee on Antarctic Research (SCAR). In addition, the Convention prohibits taking seals in the water.

Because of the requirement for an environmental impact statement and certain objections to the Convention raised by certain concerned groups since original negotiation of the Convention, action of the United States toward ratification has been slow. Because the Convention would provide new and necessary protection for the seals when they are on the pack ice or in the water and because we believe the Convention represents the best possible conservation arrangements attainable internationally, we have requested the Secretary of State to urgently seek ratification of the Convention in the next session of Congress.

4. *Northern hemisphere—pinnipeds.* After completing its study, the informal group found that one large group of pinnipeds subjected to commercial harvesting and native hunting is not protected by any international agreement—the northern hemisphere seals and sea lions. Excepted are the northern fur seal and the harp and hooded seals in the North Atlantic. We have recommended to the Secretary of State, therefore, that a northern hemisphere regional agreement on conservation of pinnipeds (except the Northern Fur Seal) be initiated by the United States and concluded no later than 1977. However, scientists inform us that scientific information available at the present time is insufficient as a base on which to conclude a viable conservation agreement consistent with the Act. They have suggested that such a conference should be preceded by a preparatory scientific meeting to be held in early 1975. (See section on Scientific Symposium below.)

The pinnipeds to be included in a northern hemisphere regional agreement are the harbor seal and subspecies, ringed seal, gray seal, ribbon seal, bearded seal, harp seal, hooded seal, northern elephant seal, northern sea lion and Atlantic and Pacific walruses. Nations involved should be those whose coasts harbor these animals and those nations which are involved in the taking or trading of those species.

Of the species listed above, the harp and hooded seals are presently subject to conservation measures adopted by the International Convention for the Northwest Atlantic Fisheries (ICNAF). At the 1973 Annual Meeting of ICNAF, the United States presented a paper that encouraged the three countries—Norway, Canada, and Denmark—involved in taking these seals, to consider the health and stability of the ecosystem in establishing conservation measures related to the animals. Since the meeting was held, we have suggested a regional agreement on all northern pinnipeds and have concluded that the harp and hooded seals should be removed from ICNAF control and included in the regional agreement when it is negotiated. We have asked the Secretary of State to begin negotiations within ICNAF at an appropriate time to accomplish the change.

5. *Scientific symposium.* As stated in the introduction, we have been cooperating with FAO in gathering the best available scientific information on all species of marine mammals. Dr. Sidney Holt, a well-known scientist with strong experience in marine mammals work, is working with FAO to facilitate the investigation. Dr. Holt and others at FAO anticipate that their work with marine mammalogists worldwide, through three panels under the ACMRR Marine Mammal Working Group, will be completed by early 1975. Because of the scope and the importance of the undertaking, FAO plans to convene a worldwide scientific symposium to discuss and review the findings of the FAO-established working group. A resolution presented at the Conference on the Human Environment in Stockholm, June 1972, called for increased research on whales and other marine mammals, therefore it appears appropriate that assistance to the scientific symposium come from the U.N. Environmental Program (UNEP). We have requested the cooperation of the Secretary of State to work with the FAO and seek the assistance of UNEP in convening a scientific symposium in April or May 1975.

6. *Reserve areas.* In addition to the requirements for international agreements for the conservation of all marine mammals consistent with the Act, Section 108(a)(3) also requires the encouragement of other agreements to establish specific ocean and land regions of special significance to the health and stability of marine mammals. In considering that request, our scientists have informed us that they lack the information about the habits of marine mammals necessary to form a base for proposals concerning specific reserve areas of potential benefit to marine mammals. We would suggest, therefore, that as a result of the proposed scientific symposium, consideration of possible reserve areas could begin.

Taking of marine mammals incidental to commercial fishing operations: Section 108 (a) (2). Inter-American Tropical Tuna Commission—At the November 1972 meeting of the Inter-American Tropical Tuna Commission (IATTC), the United States informed the member countries that the President of the United States had recently signed into law the Marine Mammal Protection Act of 1972. Copies of the law were distributed and those parts relative to incidental porpoise catch and IATTC in particular were discussed. We expressed our desire that the member countries of IATTC, and others, would cooperate with each other in working toward reducing the incidental porpoise catch to the maximum extent feasible. In this connection, we stated that we intended to place an item specifically concerned with this question on the 1973 IATTC agenda.

At the November 1973 meeting, the United States plans to describe the research we have conducted on the problem and the progress we have made. We intend to discuss our future plans, and request from other countries information concerning the problem relative to their own fishing operations.

We expect that interim regulations pertaining to incidental catch of porpoises by U.S. flag vessels engaged in commercial fishing operations to be in effect by March 1974. Thus, at the IATTC annual meeting beginning November 12, it is our intention to inform other countries of the regulations and sanctions detailed in section 102(c)(3) of the Act which we will impose on the importation of tuna into the United States after March 1974. The delegation will indicate that the United States will insist on reasonable proof from the government of any nation exporting tuna to the United States as to the technology utilized in taking such tuna. The United States also intends to request the Director of Investigations of the IATTC, as required by section 111(c) of the Marine Mammal Protection Act of 1972, to make recommendations to all member countries regarding the use of fishing methods and gear indicated by re-

search to be effective in limiting the incidental marine mammal catch. We intend to make it clear, also, that we will be seeking agreement as to the adoption by all countries of effective regulations at the 1974 meeting of the IATTC. We plan to inform the other countries that we will make them aware of any additional U.S. regulations prior to the beginning of the 1975 season.

It should be noted that all countries fishing in the eastern tropical Pacific, whether or not they are IATTC members, are invited to the annual meeting. In the Inter-Governmental Meeting, which is separate from the Commission Meeting and where nonscientific problems are discussed, these nonmember countries attend as active participants. We will thus have the opportunity to raise the porpoise problem with nonmember countries at these sessions. After the meeting, we plan to contact those countries which do not attend.

Other incidental takings under section 108 (a) (2). Available information indicates that some porpoises, sea lions, fur seals, and other marine mammals are taken incidentally for foreign fishermen in the North Pacific Ocean. We intend to discuss this subject with the countries concerned, during the annual meeting of the International North Pacific Fisheries Commission (INPFC) in Tokyo, November 5–9, 1973. Moreover, we are investigating the feasibility of developing a program to (1) more accurately estimate the mortality rate of marine mammals as a result of incidental fishing operations in the North Pacific Ocean and (2) determine methods of operating and construction of gill nets that would decrease mortality rates. This program could include (1) sampling and/or observations of fishing operations by the National Marine Fisheries Service or chartered vessels, (2) placement of U.S. observers aboard foreign fishing vessels and (3) a voluntary reporting system by foreign fishing agencies.

Determination of the Status and Trends of North Pacific Fur Seals Under the Jurisdiction of the United States

Section 108(b)(1)(A) of the Marine Mammal Protection Act of 1972 requires that the Secretary, in consultation with the Marine Mammal Commission, shall "undertake a study of the North Pacific fur seals to determine whether herds of such seals subject to the jurisdiction of the U.S. are presently at the optimum sustainable population and what population trends are evident."

Two questions are asked in this section: (1) "whether herds of such seals * * * are presently at their optimum sustainable population" and (2) "what population trends are evident?"

Quite frankly, we do not know the answer to question 1 since previous research on the Pribilofs has been geared toward determination of maximum sustainable yield and not necessarily optimum sustainable population. However, we have undertaken a research project on St. George Island that is designed to help provide us this information. A copy of the St. George research proposal is attached as an Appendix.[1]

[1] This proposal is not printed at this time. However, the Report of the Secretary of Commerce (Administration of the Marine Mammal Protection Act of 1972, December 21, 1972 to June 21, 1973), published in the Federal Register (Vol. 38, No. 147—Wednesday, August 1, 1973) contained a copy of the National Marine Fisheries Service Coordinated Pribilof Islands-Bering Sea Research Proposal.

Population trends, while more quantifiable, are still unclear for recent years.

Total population estimates currently available as an extrapolation of pup estimates provide a partial basis for management of the resources. The total population just after the pupping season has been determined to be approximately four times the number of pups born. The fur seal population on the Pribilof Islands appeared to be at a high level in 1867 when Alaska was transferred to the United States. Excessive kills, both on land and in water reduced the population to a low level by 1911 when the Fur Seal Treaty was signed. From 1912 to 1924 the first acceptable quantitative data of the population were collected. Complete or partial counts of the number of pups born were made almost every year. During this period the estimated number of pups born increased from 82,000 to 208,000, an average annual increase of 8 percent.

From 1924 to 1947, the only quantitative data collected were the counts of the adult males on land in mid-July and the total harvest of males. Since 1947, sufficient numbers of pups have been marked each year so that an estimate of the number of pups born could be made from the marked-to-unmarked ratios observed among males when they are taken in the harvest. In 1950, the method of determining age from annuli in the teeth was discovered and it became possible to determine the total commercial harvest from each year class.

Increased research in the 1950's added much to the knowledge of the fur seal population (well over 100 man-years have been spent in study by professional biologists since 1955). In the late 1950's, it became apparent that the population estimates based on marked animals recovered at the harvest were becoming grossly inflated and a different method was needed. In 1960, experiments with a new method began. The method became useable by 1961. With this method, pups were temporarily marked by shearing a small patch of black guard hair from the top of the head, a very obvious mark, and then sampled for a marked-to-unmarked ratio about two weeks later, which gives an estimate of the total population of pups. Estimates based on the shearing-and-sampling method were checked for bias and precision by comparing the estimates to complete counts on three rookeries (the only areas where complete counts were practical) and by repeated sampling.

The estimated pup population of 208,000 in 1924 (mentioned above) continued to increase over the years until the 1950's when it apparently stabilized near 600,000. Calculations by scientists indicated that, at an annual pup production of 400,000 animals, the objectives of the Convention could best be met. The total population, as well as pup production was reduced by harvesting females beginning in 1956. By 1963, pup production was reduced to the desired level of 400,000. The total population was managed from 1964 through 1967 to maintain pup production at that level.

Of particular interest are the estimates based on shearing and sampling of pups for the period 1963 through 1970, the period when we attempted to maintain a stable population. For the period 1963 through 1966, the estimates range from 343,000 to 388,000, with an average of 362,000. The estimates for 1969 and 1970 are 304,000 and 306,000, respectively, indicating a decline of about 20 percent since the period 1963–66. However, no decline is noted from 1969 to 1970. Partial sampling 1971–72 on a few rookeries showed an upward trend. Furthermore, with no harvest of females, the population should have increased as the earlier downward trend was related to the previous kill of females.

As stated above, the population has been permitted to increase since 1968. Survival of several recent year classes has been somewhat less than expected and the projected population increase has not fully materialized. Evidence to explain the cause of lowered survival is not certain, but scientists who have studied these populations have identified at least four factors working independently or in combination that could have caused the reduced survival. These factors are:

1. Competition for available fur seal food through fishing efforts.
2. Increased pollution of heavy metals or organochlorines affecting food supply or fecundity of fur seals.
3. Possible adverse impact of research effort on the breeding grounds.
4. Adverse effect of removing the same sex and age classes of the population from these herds over a period of many years.

Determining trends is not an easy task. We have concluded that the long-term population trend has clearly been upward since 1911; but, in recent years the details of the trend are uncertain.

Table I shows estimates of the Pribilof Island pup populations from 1912 through 1970.

Our research efforts on St. George Island coupled with our continuing research on St. Paul Island will address each of the possible factors discussed above.

As soon as research and study provide more insight into the population trends and the effects of food competition, pollution, and management practices, we plan to supplement this report.

Table I.—*The number of northern fur seal pups born (in thousands) on the Pribilof Islands*

Year	Based on counts or [1] tagging	Based on random sampling of pups
1912	82(C)	
1913	92(C)	
1914	93(C)	
1915	104(C)	
1916	117(C)	
1917	128(E)	
1918	143(E)	
1919	157(E)	
1920	168(E)	
1921	177(E)	
1922	186(C)	
1923	197(E)	
1924	208(E)	
1948	592	
1951	570	
1952	616	
1953	795	
1954	838	
1955	868	
1956	992	
1957	712	
1958	729	
1959	778	
1960	643	
1961	560	438
1962	484	362
1963	446	343
1964	420	370
1965	397	345
1966		388
1967		
1968		
1969		304
1970		306
1971		
1972		

[1] Based on complete counts (C) or rate of increase and partial counts (E).

Comparison of Marine Mammal Protection Act of 1972 to the Interim Convention on Conservation of North Pacific Fur Seals

Section 108(b)(1)(B) of the Marine Mammal Protection Act of 1972 requires the Sec-

retary of Commerce, in consultation with the Secretary of State, to undertake:

"A comprehensive study of the provisions of this Act, as they relate to North Pacific fur seals, and the provisions of the North Pacific Fur Seal Convention signed on February 9, 1957, as extended * * * to determine what modifications, if any, should be made to the provisions of the Convention, or of this Act, or both, to make the Convention and this Act consistent with each other."

The Act further states "The Secretary shall complete the studies required under this paragraph not later than one year after the date of enactment of this Act and shall immediately provide copies thereof to Congress." Section 108(b)(2)(B) of the Act further requires that if the Secretary finds as a result of the study that modifications of the Convention are desirable to make it and the Act consistent, he shall, through the Secretary of State immediately initiate negotiations to modify the Convention.

The preamble to the Convention states,

"Desiring to take effective measures towards achieving the maximum sustainable productivity of the fur seal resources of the North Pacific Ocean so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year, with due regard to their relation to the productivity of other living marine resources of the area * * *"

Further, Article II(1) of the Convention states:

"1. In order to realize the objectives of this Convention, the Parties agree to coordinate necessary scientific research programs and to cooperate in investigating the fur seal resources of the North Pacific Ocean to determine:

(a) what measures may be necessary to make possible the maximum sustainable productivity of the fur seal resources so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year; and

(b) what the relationship is between fur seals and other living marine resources and whether fur seals have detrimental effects on other living marine resources substantially exploited by any of the Parties and, if so, to what extent."

Comparatively, the Act in section 2(2), in referring to marine mammals in general, uses the language,

"* * * such species and population stocks should not be permitted to diminish beyond the point at which they cease to be a significant functioning element in the ecosystem of which they are a part, and consistent with this major objective, they should not be permitted to diminish below their optimum sustainable population * * *"

and furthermore section 2(6) goes on to state,

"marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of the Congress that they should be protected and encouraged to develop to the greatest extent feasible commensurate with sound policies of resource management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem. Whenever consistent with this primary objective, it should be the goal to obtain an optimum sustainable population keeping in mind the optimum carrying capacity of the habitat."

The term "maximum sustainable productivity" used in the Convention is described in the preamble as "* * * the levels which will provide the greatest harvest year after year * * *" This is the commonly used and accepted biological definition of maximum sustainable yield and the description in the Convention is a simple straightforward one.

The term "optimum sustainable population" used in the Act, however, has not had common usage in the scientific community. Other than the one used in the Act, there is no established or commonly accepted definition. The definition of "optimum sustainable population" in the Act in Section 3(9) provides some insight as to its meaning. The definition states,

"The term 'optimum sustainable population' means, with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the optimum carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element."

The Act states the primary objective of marine mammal management should be to maintain the health and stability of the marine ecosystem. The Convention requires that the fur seal resources of the North Pacific Ocean must be managed with due regard to their relation to the productivity of other living marine resources of the area. Furthermore, the Act in its definitions of "conservation" and "management" recognizes when and where appropriate, not only periodic or total protection of populations or species but also the need for "regulated taking."

Another area of similarity between the Act and the Convention is their great emphasis on scientific research. Each calls for such research and requires that decisions affecting the animals be based on research. Also both exempt from various of their provisions certain Indians, Ainos, Aleuts, or Eskimos dwelling on the North Pacific.

Thus there are similarities between the Act and the Convention and the optimum sustainable population might well be the same or very close to that which provides maximum sustainable productivity. There are however certain differences of emphasis between the two. The Act and its legislative history indicate the Act is more strongly oriented towards the welfare of marine mammals themselves and the health and stability of the ecosystem while the Convention is more strongly oriented to exploitation. The Convention in the preamble indicates its primary objective in management is to maintain the fur seals at a level where the greatest number may be harvested year after year.

The Act, meanwhile, states that whenever consistent with the primary objective (maintaining the health and stability of the marine ecosystem), it should be the goal to obtain an optimum sustainable population keeping in mind the optimum carrying capacity of the habitat.

While we find there is no basic incompatibility, we nevertheless recommend negotiations to modify the Convention as specified in Section 108(b)(2)(B)(ii) to take into account these differences of emphasis between it and the Act. The United States proposal would be presented at the initial consultation relative to renegotiation which will begin in late 1974. The Interim Convention continues in force until October 1975 but will expire one year later if no new or revised convention enters into force before that date. Therefore negotiations should be concluded by mid-1975 to allow the necessary formal governmental procedures needed to ratify a new or modified agreement before October of that year. We will be working with the Congress, the scientific community, and interested groups and individuals to determine the specific changes in the Convention which should be sought at the renegotiations.

[FR Doc.74-7398 Filed 4-1-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

TEACHER CORPS

Criteria for Funding of Applications for Fiscal Year 1974

On January 24, 1974, there was published in the FEDERAL REGISTER at 39 FR 2785, a notice which set forth criteria for funding of applications for Fiscal Year 1974 for financial assistance under Part B-1 of the Education Professions Development Act of 1965, as amended (79 Stat. 1255-1258 as amended, 20 U.S.C. 1101-1107a). A notice of closing date for filing such applications was published in the FEDERAL REGISTER on January 24, 1974, 39 FR 2786.

Interested persons were given until February 13, 1974, in which to submit written comments, suggestions, or make objections regarding the proposed criteria. No comments were received.

The criteria are therefore adopted without change, as set forth below.

Effective date. Since no substantial changes have been made in the proposed criteria, they shall become effective April 2, 1974.

Dated: March 13, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: March 28, 1974.

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

(Catalog of Federal Domestic Assistance Program Number 13.489 Teacher Corps—Operations and Training).

APPENDIX

I. CRITERIA FOR THE SELECTION OF TEACHER CORPS PROJECT APPLICATIONS

(a) *Special consideration.* It is expected that a Teacher Corps project which has received assistance in previous years will have gained increasing support from local sources during the period of its existence. Greater Federal assistance is needed during the early years of a project. Therefore, special consideration will be given to applicants who rank high on the basis of the following criteria and who have received such assistance for less than six years.

(20 U.S.C. 1103)

(b) *Criteria.* In considering whether to approve applications for Teacher Corps projects, and in determining the amount of the award under approved applications, the Commissioner will take into account, in addition to the criteria set forth in section 100a.26(b) of 45 CFR Subtitle B, Chapter I, Subchapter A (General Provisions for Office of Education programs), the extent to which the applicant(s) proposes to increase the educational opportunities available to children in school attendance areas having concentrations of low-income families (as determined in accordance with 45 CFR 116.17(d), and to improve the quality and broaden the programs of teacher preparation as indicated by the following:

(1) *Instructional program.* The extent to which it is shown that the proposed instructional program is individualized for students

at the local school level and the extent to which a plan is proposed which (i) provides for adequate means of identifying and evaluating teacher-intern and qualified teacher competencies, and (ii) provides for training necessary to prepare such interns and teachers to serve in schools in areas having concentrations of low-income families (including training necessary to deal with children with learning or behavioral difficulties in regular classrooms of such schools).

(2020 U.S.C. 1101, 1103)

(2) *Parent and community involvement.* The extent to which the application (i) delineates specific opportunities for consultation with and involvement of parents of children to be served by the proposed project in the planning, development, implementation, and evaluation of such project; (ii) includes evidence that such participation has been encouraged and has in fact occurred in the development of the application; (iii) provides for developing the capabilities of such parents, residents in the community, and secondary education and college students to serve as part-time tutors or full-time instructional assistants in the project (including, where appropriate, provision for university courses) and (iv) sets forth policy and procedures for adequate dissemination of program plans and evaluations to such parents and the public.

(20 U.S.C. 1101, 1103, 1231d)

(3) *Institutional adoption.* The extent to which the proposed project is designed in such a manner as to facilitate the adoption into its overall instructional program of successful elements of the project by the applicant institution or agency.

(20 U.S.C. 1101, 1103)

II. GENERAL PROVISIONS REGULATIONS

Assistance under the program will be subject to Part 100a of Title 45 of the Code of Federal Regulations.

(20 U.S.C. 1221c(b)(1))

[FR Doc.74-7536 Filed 4-1-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

NEW YORK

Proposed Action Plan

The New York State Department of Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Region 1
   Lewis M. Gurley
   NYS Department of Transportation
   50 Wolf Road
   Albany, New York 12205
2. Region 2
   Ralph A. C. Fimmano
   NYS Department of Transportation
   207 Genesee Street
   Utica State Office Building
   Utica, New York 13501
3. Region 3
   David I. Shub
   NYS Department of Transportation
   333 E. Washington Street
   Syracuse, New York 13201
4. Region 4
   Robert B. Tylock
   NYS Department of Transportation
   1530 Jefferson Road
   Rochester, New York 14623
5. Region 5
   Joseph M. Tocke
   NYS Department of Transportation
   125 Main Street
   Buffalo, New York 14203
6. Region 6
   Thomas R. Daulton
   NYS Department of Transportation
   30 W. Main Street
   Hornell, New York 14843
7. Region 7
   Bruce R. Irwin
   NYS Department of Transportation
   317 Washington Street
   Watertown, New York 13601
8. Region 8
   Alan N. Bloom
   NYS Department of Transportation
   4 Burnett Boulevard
   Poughkeepsie, New York 12603
9. Region 9
   Douglas G. Seargent
   NYS Department of Transportation
   Binghamton State Office Building
   Hawley Street
   Binghamton, New York 13902
10. Region 10
    Peter E. Halbin
    NYS Department of Transportation
    325 W. Main Street
    Babylon, L.I., New York 11702
11. New York Division Office—FHWA
    16 Russell Road
    Albany, New York 12206
12. FHWA Regional Office—Region 1
    4 Normanskill Boulevard
    Delmar, New York 12054
13. U. S. Department of Transportation
    Federal Highway Administration
    Environmental Development Division
    Nassif Building—Room 3246
    400—7th Street, S.W.
    Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before May 1, 1974.

Issued on March 28, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-7567 Filed 4-1-74;8:45 am]

AD HOC ADVISORY GROUP ON PUERTO RICO

Notice of Meeting

The Ad Hoc Advisory Group on Puerto Rico will hold a public meeting at 9 am to 4 pm as follows, unless the Co-Chairmen extend the time: Saturday, April 27, 1974, in the Capitol Building, San Juan, Puerto Rico.

The purpose of the meeting will be to conduct business of the Ad Hoc Advisory Group and to receive testimony from Governor Hernández Colón and his cabinet on the development of maximum self-government for Puerto Rico within the framework of Commonwealth.

PETER J. GALLAGHER,
Executive Director.

[FR Doc.74-7518 Filed 4-1-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-249]

COMMONWEALTH EDISON COMPANY; DRESDEN NUCLEAR POWER STATION UNIT 3

Issuance of Changes to Technical Specifications of Facility Operating License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on February 13, 1974 (39 FR 5527), the Atomic Energy Commission (the Commission) has issued Change No. 16 to the Technical Specifications of Facility Operating License No. DPR-25 to the Commonwealth Edison Company (the licensee). This change, effective immediately, authorizes the licensee to operate the Dresden Nuclear Power Station Unit 3 (the facility) using 8 x 8 fuel (containing uranium 235) and changes the limiting conditions for operation associated with fuel densification for the 8 x 8 and 7 x 7 fuels. The licensee is presently authorized to possess and operate its facility located in Grundy County, Illinois, at power levels up to 2527 MWt using a full core of 7 x 7 fuel (containing uranium 235).

The Commission has found that the application for the above action dated September 14, 1973, as supplemented by filings dated November 27, 1973, December 6 and 17, 1973, and January 9, 18 and 23, 1974, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission regulations published in 10 CFR Chapter I. On March 15, 1974, the Commission's Directorate of Licensing completed its evaluation of the action and issued a Safety Evaluation concluding that there is reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility with the 8 x 8 fuel and the related changes to the Technical Specifications as authorize by Change No. 16.

A copy of Change No. 16 to the Technical Specifications of Facility Operating License No. DPR-25, the Directorate of Licensing's Safety Evaluation dated March 15, 1974, the Technical Report on the General Electric Company 8 x 8 assembly by the Directorate of Licensing dated February 5, 1974, and the Report of the Advisory Committee on Reactor Safeguards dated February 12, 1974, on the subject of operation of boiling water

reactors with 8 x 8 fuel bundles are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and at the Morris Public Library at 604 Liberty Street in Morris, Illinois 60670. Single copies of these items may be obtained upon request sent to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Maryland, this 25th day of March 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-7483 Filed 4-1-74;8:45 am]

[Docket No. 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. (INDIAN POINT NUCLEAR GENERATING UNIT NO. 3)

Order Canceling Prehearing Conference

On March 21, 1974, the Atomic Safety and Licensing Board received a communication from Applicant stating that fuel loading of the Indian Point No. 3 nuclear facility was presently contemplated for November 1974 and that the parties to the proceeding were in discussion respecting convenient dates for the evidentiary hearing. While Applicant is not now requesting a postponement of the May 14 evidentiary hearing, Applicant is pursuing the possibility of a postponement of the hearing if the parties will agree to a limited operating license. Applicant expects that an agreement will be reached on this matter.

On November 27, 1973, the Atomic Safety and Licensing Board at special prehearing conference indicated that an additional special prehearing conference would be scheduled for April 24, 1974 and that the evidentiary hearing would convene on May 14, 1974.

The Atomic Safety and Licensing Board finds good cause from the Applicant's report of negotiations respecting dates to cancel the April 24 prehearing conference.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, the prehearing conference scheduled for April 24, 1974 is hereby canceled. A further order will be issued respecting the commencement of the evidentiary hearing after receipt of further information from the Applicant.

Issued March 28, 1974 at Germantown, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.74-7527 Filed 4-1-74;8:45 am]

[Docket No. 50-468]

GENERAL ELECTRIC CO.

Application for and Consideration of Issuance of Facility Export License

Please take notice that General Electric Company, San Jose, California has submitted to the Atomic Energy Commission an application for a license to authorize the export of a boiling water reactor with a thermal power level of 1931 megawatts to the Comision Federal de Electricidad (CFE), Rodano 14, Mexico 5, D.F., and that the issuance of such license is under consideration by the Atomic Energy Commission.

No license authorizing the proposed reactor export will be issued until the Atomic Energy Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to Section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Atomic Energy Commission has found that:

(a) The application complies with the requirements of the Act, and the Atomic Energy Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Atomic Energy Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless on or before April 17, 1974, a request for a hearing is filed with the Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may, upon the determinations and findings noted above, cause to be issued to General Electric Company a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Atomic Energy Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street, NW, Washington, D.C.

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

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.74-7528 Filed 4-1-74;8:45 am]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., ET AL.

Availability of Initial Decision

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's (the Commission) regulation in Appendix D, sections A.9 and A.11, to 10 CFR Part 50, notice is hereby given that an Initial Decision dated January 28, 1974, has been issued by the Atomic Safety and Licensing Board (Licensing Board) in the above captioned proceeding authorizing continuation of the construction permit issued to the Portland General Electric Company, et al, for the Trojan Nuclear Plant subject to certain conditions for the protection of the environment. In this regard, the Commission has issued Amendment No. 2 to Construction Permit No. CPPR-79 which was issued to the Portland General Electric Company, et al., for construction of the Trojan Nuclear Plant located in Columbia County, Oregon. The Initial Decision and Amendment No. 2 are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C., and in the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon.

Based upon the record developed in the public hearing in the above captioned matter, the Initial Decision also modified in certain respects the contents of the Final Environmental Statement relating to the construction of the Trojan Nuclear Plant, prepared by the Commission's Directorate of Licensing. Pursuant to the provisions of 10 CFR Part 50, Appendix D, Section A.11, the Final Environmental Statement is deemed modified to the extent that the findings and conclusions relating to environmental matters contained in the Initial Decision are different from those contained in the Final Environmental Statement dated August 1973. As required by Section A.11 of Appendix D, a copy of the Initial Decision, which modifies the Final Environmental Statement, has been transmitted to the Council on Environmental Quality and made available to the public as noted herein.

The initial decision has been reviewed by an Atomic Safety and Licensing Appeal Board (Appeal Board). The Appeal Board, in its Decision dated March 6, 1974, has affirmed the Licensing Board's Initial Decision.

The initial decision by the Licensing Board and the Decision by the Appeal Board are also being made available at The Federal Aid Coordination Section, Local Government Relations Division, Executive Department, 301 Public Service Building, Salem, Oregon 97310, and Columbia Region Association Governments, 6400 SW. Canyon Court, Portland, Oregon 97221.

Pursuant to the above mentioned initial decision, the Atomic Energy Commission has issued Amendment No. 2 to Construction Permit No. CPPR–79, which was issued by the Commission on February 8, 1971, to the Portland General Electric Company, the City of Eugene, Oregon, acting by and through the Eugene Water & Electric Board, and Pacific Power and Light Company for construction of a pressurized water nuclear reactor, known as the Trojan Nuclear Plant, which is designed for a rated power of approximately 3423 megawatts thermal with a net electrical output of approximately 1130 megawatts.

The Director of Regulation has found that the provisions of this amendment comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, and has concluded that the issuance of this amendment does not involve a significant hazards consideration.

Copies of the Initial Decision by the Licensing Board, the Decision by the Appeal Board, the Final Environmental Statement, and Amendment No. 2 to CPPR–79 are also available for public inspection in Washington, D.C. and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon. Single copies of these documents may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

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

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief Light Water Reactors, Project Branch 1–1 Directorate of Licensing—Regulation.

[FR Doc.74–7482 Filed 4–1–74;8:45 am]

NORTHERN STATES POWER CO.

Establishment of Atomic Safety and Licensing Board To Rule on Petitions To Intervene

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (27 FR 38710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

Northern States Power Company, (Monticello Nuclear Generating Plant). Docket No. 50–263, Provisional Operating License No. DPR–22.

This action is in reference to the "Facility Operating License; Proposed Changes to Technical Specifications of Facility Operating License" published by the Commission in the above matter on February 13, 1974 (29 FR 5529)

The members of the Board are:

Robert M. Lazo, Esq., Chairman
Dr. John C. Geyer, Member
Dr. Walter H. Jordan, Member

Dated at Washington, D.C. this 29th day of March 1974.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.74–7635 Filed 4–1–74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 20300]

OLYMPIC AIRWAYS, S.A.

Notice of Continuation of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding (39 FR 4940, February 8, 1974) will be continued on April 15, 1974, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., March 26, 1974.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.74–7447 Filed 4–1–74;8:45 am]

[Docket Nos. 26543, 12895, etc.; Order 74–3–124]

DELTA AIR LINES, INC. AND U.S.-CARIBBEAN ROUTE INVESTIGATION

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of March 1974.

Petition of Delta Air Lines, Inc. for modification of certificate for route 114. (Docket No. 26543); and United States-Caribbean-South America route investigation (United States-Caribbean part), Docket 12895 et al.

Delta Air Lines has filed a request for modification of condition (4) of its certificate for route 114 so as to permit the carriage of San Francisco-New Orleans and Los Angeles-New Orleans traffic on flights operated over route 114.[1] In support of its request the carrier argues that the condition, when imposed in the United States-Caribbean-South America Route Investigation, Order 68–11–120, approved by the President, November 26, 1968, was intended solely to preclude direct competition with National Airlines' San Francisco-Houston and Los Angeles-Houston services. However, as drafted, the condition also precluded the carriage of San Francisco-New Orleans and Los Angeles-New Orleans traffic although Delta already held unrestricted authority from each of those California points to New Orleans on route 24.

No objections to Delta's request have been filed.

We have decided to issue an order to Show Cause proposing to permit the carriage of San Francisco-New Orleans and Los Angeles-New Orleans traffic on flights serving a Caribbean point on route 114. We tentatively find and conclude that the public convenience and necessity require the proposed modification of Delta's certificate.

The Board's opinion in the United States-Caribbean-South America Route Investigation can be read as supporting Delta's claims that an important reason for the imposition of condition (4) was the protection of National's California-Houston operation, and that Delta should be allowed to combine the California-New Orleans markets.[2] However, it is not clear that the protection of National was the only reason for the condition.[3] The modification now sought by Delta, on the other hand, would clearly expand the authority which the carrier now holds. Nonetheless, we believe that the requested modification is in the public interest. Modification of the condition will enable the carrier to consolidate its scheduled services and thereby save a substantial amount of fuel while retaining essential services at the points involved. Grant of the requested authority should not cause any inconvenience to the traveling public nor have any adverse impact upon any other carrier. In these circumstances, we tentatively find and conclude that a modification of Delta's certificate is required by the public convenience and necessity.[4] However, we shall impose an additional requirement that all flights serving both Los Angeles and San Francisco also serve New Orleans and a point on route 114 outside the continental United States.[5]

[1] Los Angeles, San Francisco, Houston and New Orleans are the U.S. coterminal points on route 114. In the absence of any restriction, U.S.-flag carriers authorized to engage in air transportation may transport traffic between coterminal points. However, condition (4) of Delta's certificate states: "(4) The holder shall not, pursuant to the authorizations contained herein, carry persons, property, or mail which, with respect to the points named herein, originate at New Orleans, La., Houston, Tex., or Los Angeles or San Francisco, Calif., and terminate at any of the other said four points."

[2] See Order 68–11–120, note 33, and page 20 of the excerpts from Examiner Cusick's recommended decision attached to Order 68–11–120, which were adopted by the Board.

[3] We note that the condition, as drafted, precludes the carriage of Los Angeles-San Francisco traffic and, to this degree, tends to parallel Delta's domestic authority over route 24. Similarly, the prohibition against the carriage of all interstate traffic has the effect of requiring that all flights operated over route 114 serve a point outside the United States. See also condition (16) of Delta's certificate for route 24 (added by Orders E–23456/7, April 1, 1966), which specifically authorizes the carrier to operate cargo-only flights serving both Los Angeles and San Francisco as long as Los Angeles-San Francisco cargo is not carried.

[4] We also tentatively find that Delta is a citizen of the United States within the meaning of the Act and is fit, willing, and able properly to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[5] Flights serving Puerto Rico would satisfy this condition. California-New Orleans turnaround operations would be precluded.

Interested persons will be given fourteen days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary, and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

During the same fourteen-day period prescribed above, we will expect Delta to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase, if any, for the first full year of operations resulting from the amended authority proposed herein. In addition, we anticipate that the carrier will tender an application (with filing fee) for amendment of a certificate of public convenience and necessity. While we share the carrier's view that inadvertent errors may properly be corrected even after the effective date of a certificate,[6] we do not believe that it is appropriate here for the Board to merely make what Delta describes as a "ministerial correction" in its certificate. As noted above, it does not appear that the language of condition (4) was necessarily inadvertent. Furthermore, sound administration requires that carriers bring to the immediate attention of the Board any certificate condition which is drafted more broadly than is required or intended, and thus unnecessarily restricts a carrier's operating authority. Otherwise, the removal or modification of a condition should be brought about through a separate proceeding for that purpose. See Petition of Delta Air Lines, Order 72-9-17, September 5, 1972, especially pp. 4-6.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending condition (4) of Delta Air Lines' certificate for route 114 to read as follows:

(4) The holder shall not deplane at New Orleans, La., Houston, Tex., or Los Angeles or San Francisco, Calif., persons, property, or mail enplaned at another of said points: *Provided,* That on flights serving a point on this route outside the continental United States, the holder may deplane at New Orleans persons, property, or mail enplaned at Los Angeles or San Francisco, or deplane at Los Angeles or San Francisco persons, property, or mail enplaned at New Orleans.

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within 14 days after service of a copy of this order, file with the Board and serve upon Delta Air Lines a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;[7]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board; and

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action.[8]

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-7541 Filed 4-1-74;8:45 am]

[Dockets Nos. 26216, 26218; Order 74-3-123]

FRONTIER AIRLINES, INC.

Order Denying Temporary Suspension and Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of March 1974.

Application of Frontier Airlines, Inc. for temporary suspension at Stillwater, Oklahoma, and other expedited relief. (Docket No. 26216)

Application of Frontier Airlines, Inc. for the amendment of its certificate of public convenience and necessity for Route 73 so as to delete Stillwater, Oklahoma. (Docket No. 26218)

By application filed on December 12, 1973, Frontier Airlines, Inc. (Frontier) has requested amendment of its certificate of public convenience and necessity for route 73 so as to delete Stillwater, Oklahoma therefrom. In a simultaneously filed application, Frontier requests that it be granted a temporary suspension of service at Stillwater pendente lite and that the deletion be accomplished by show cause procedures.

In support of its requests, Frontier alleges, inter alia, that: Stillwater has consistently been a poor traffic-generating point averaging only 3.7 enplanements per day during 1971 and 1972; Stillwater is not isolated, since it is located less than 75 miles away from both Oklahoma City and Tulsa, with respective driving times of 74 and 77 minutes;[1] Tulsa and Oklahoma City are major air terminals with superior air services; deletion of Stillwater will produce an estimated reduction in total subsidy need of $47,700 or $19.15 per passenger for the year ended June 1974; and, in view of the current fuel shortage suspension of Frontier's Stillwater services pending final decision on the deletion application, should be permitted in order to conserve 42,300 gallons of fuel annually.

The Stillwater Chamber of Commerce, City of Stillwater, and Oklahoma State University (Stillwater Parties) have jointly filed a document styled as a "response to show cause order and memoranda in opposition to application to suspend service." The civic parties allege that: the decline in traffic at Stillwater is due to Frontier service deficiencies; recent developments in the community have resulted in increased economic activity and a greater need for continued air services; and, all parties would be better served if evidentiary hearings were held to determine whether Stillwater needs airline service.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Frontier's requests for a temporary suspension pendente lite and deletion by show cause procedures, and to set for hearing Frontier's application for deletion of Stillwater. In view of the conflicting contentions of the parties, we believe that a temporary suspension pendente lite and deletion by show cause procedures would be inappropriate, and that the disputed facts and issues can best be resolved in a full evidentiary hearing. This action is similar to that which we have taken under comparable circumstances.[2]

Accordingly, it is ordered, That:

1. The application of Frontier Airlines, Inc. for permission to suspend service temporarily at Stillwater, Oklahoma, and for deletion by show cause procedures, in Docket 26216, be and it hereby is denied;

2. The application of Frontier Airlines, Inc. for amendment of its certificate of public convenience and necessity so as to delete Stillwater, Oklahoma, from Route 73, in Docket 26218, be and it hereby is set for hearing before an Administrative Law Judge of the Board at a time and place to be hereafter designated;[3] and

3. A copy of this order shall be served upon Frontier Airlines, Inc.; Mayor, City

[6] CAB v. Delta Air Lines, 367 U.S. 316 U.S. 316 n. 7 (1961), Mohawk Segments 8 & 9 Renewal Case, Order 70-11-108, November 23, 1970, n. 1.

[7] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[8] As a purely administrative matter, we shall also use this opportunity to insert the date on which the carrier's authority to Maracaibo will expire. The certificate now provides that such authority shall expire three years after the inauguration of service, and the carrier began serving Maracaibo on October 30, 1972. The modification of course, works no change in the carrier's authority.

[1] Continental Trailways operates four daily round trips between Stillwater and Oklahoma City and five daily round trips between Stillwater and Tulsa. The one-way fare to Tulsa is $4.13 and to Oklahoma City is $4.08.

[2] See *e.g.*, Order 73-7-50, July 12, 1973.

[3] The hearing shall determine whether the public convenience and necessity require that Frontier's certificate be altered, amended, or modified so as to suspend or delete Stillwater. As an alternative to amending Frontier's certificate, we shall place in issue whether the public interest requires the temporary suspension of service by Frontier, with or without conditions.

of Stillwater; Manager, Searcy Field; Governor, State of Oklahoma; Oklahoma Aeronautics Commission; Stillwater Chamber of Commerce; President, Oklahoma State University; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-7540 Filed 4-1-74;8:45 am]

[Dockets Nos. 26217, 26219; Order 74-3-122]

FRONTIER AIRLINES INC.

Order To Show Cause and Granting Temporary Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of March 1974.

Application of Frontier Airlines, Inc. for temporary suspension at Bartlesville, Oklahoma, and other expedited relief. (Docket No. 26217)

Application of Frontier Airlines, Inc. for the amendment of its certificate of public convenience and necessity for Route 73 so as to delete Bartlesville, Oklahoma. (Docket No. 26219.)

By application filed on December 12, 1973, Frontier Airlines has requested amendment of its certificate of public convenience and necessity for Route 73 so as to delete Bartlesville, Oklahoma therefrom. In a simultaneously filed application, Frontier requests that it be granted a temporary suspension of service at Bartlesville, pendente lite, and that deletion be accomplished by show cause procedures.

In support of its requests, Frontier alleges, inter alia, that: Bartlesville has consistently been a poor traffic-generating point averaging only 5.7 enplanements per day during the last five years; Bartlesville is not isolated, since it is located 49 miles north of Tulsa Municipal Airport, with a driving time of 51 minutes via improved two-lane highways;[1] deletion of Bartlesville will produce an estimated reduction in total subsidy need of $88,700 or $22.69 per passenger for the year ended June 1974; and, in view of the current fuel shortage, suspension of Frontier's Bartlesville services pending final decision on the deletion application should be permitted to conserve 77,300 gallons of fuel annually.

No answers to Frontier's applications have been received.

Upon consideration of the pleadings and all the relevant facts, we have decided to (1) grant Frontier authority to suspend service temporarily at Bartlesville, Oklahoma until 60 days after final decision on its deletion application (Docket 26219) and (2) issue an order to show cause proposing to grant the requested deletion. We note that no person has objected to the temporary suspension, and that the suspension will have a favorable impact on the carrier's subsidy need. Moreover, Bartlesville is not isolated. Accordingly, we find that the temporary suspension will be in the public interest.

In addition, we tentatively find and conclude that the public convenience and necessity require the amendment of Frontier's certificate for Route 73 so as to delete the point Bartlesville, Oklahoma.[2] The facts and circumstances which we have tentatively found to support our proposed ultimate conclusion appear below.

Bartlesville has consistently been a poor traffic-generating point. Since 1970, enplanements have never exceeded five per day.[3] This low level of traffic has resulted in uneconomic operations for the carrier and in an inordinately high level of subsidy need. Our analysis indicates that Frontier's service to Bartlesville during fiscal year 1974, should result in an annual subsidy need of $134,500 or approximately $34.42 per passenger.[4] There is no reason to believe that the traffic experience and the financial results of Frontier's Bartlesville service have any reasonable chance of meaningful improvement over the foreseeable future, in light of the ample and convenient alternative transportation available to Bartlesville travelers at Tulsa. The Tulsa Municipal Airport, a medium air hub, is about 50 surface miles (40 air miles) from Bartlesville, and travel time via improved two-lane highways is approximately 70 minutes. Furthermore, there is ample bus and limousine service available. Finally, the absence of civic opposition to Frontier's application lends support to our decision that the show cause procedure is appropriate.

Interested persons will be given twenty days following the date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. Frontier Airlines, Inc., be and it hereby is authorized to suspend service temporarily at Bartlesville, Oklahoma, until sixty days after final decision on its application to delete Bartlesville, Oklahoma, in Docket 26219;

2. The authority granted in paragraph 1 above may be amended or revoked at any time at the discretion of the Board without hearing;

3. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending the certificate of public convenience and necessity of Frontier Airlines, Inc. for Route 73 so as to delete Bartlesville, Oklahoma, therefrom;

4. Any interested person having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after the date of service of this order, file with the Board and serve upon all persons listed in paragraph 7 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;[5]

5. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

6. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

7. A copy of this order shall be served upon Frontier Airlines, Inc.; Governor, State of Oklahoma; Mayor, City of Bartlesville; Manager, Phillips Airport; Oklahoma Aeronautics Commission; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-7539 Filed 4-1-74;8:45 am]

[Docket No. 25690; Order 74-3-121]

OVERSEAS NATIONAL AIRWAYS, INC.

Order Setting Matter for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of March 1974.

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[1] Continental Trailways operates three and one-half daily round trips to Tulsa at one-way and round-trip fares of $2.50 and $4.80, respectively. In addition, Phillips Petroleum Company operates 13 daily round trips with 12-passenger limousines to the Tulsa airport. Seats not used by Phillips' employees—approximately 100 per day—are available gratis to the public.

[2] We also tentatively find that Frontier is fit, willing, and able properly to perform the air transportation authorized by the certificate proposed to be issued herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[3] 4.9 in 1970, 4.7 in 1971, and 4.9 in 1972.

[4] We note that this subsidy need per-passenger substantially exceeds that previously found to warrant deletions, absent other countervailing circumstances. See e.g., Service to Sedalia, Order 70-6-22 dated June 2, 1970, and Frontier—Deletion of Duncan, Oklahoma, Order 72-6-33 dated June 7, 1972.

[5] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

Application of Overseas National Airways, Inc. for an exemption from or approval under section 408 of the Federal Aviation Act of 1958, as amended, and for approval under section 412 of the Act. Docket 25690, Agreements CAB 23797 and 23797–A1.

By application filed July 10, 1973, Overseas National Airways, Inc. (ONA) requested an exemption from the provisions of section 408 of the Federal Aviation Act of 1958 as amended (the Act), or approval without a hearing, pursuant to the third proviso of section 408(b) of the Act, with respect to a Management and Technical Services Agreement—hereinafter referred to as the Management Agreement (Agreement CAB 23797)—between Austrian Airtransport (Transport) and ONA. The application also sought section 412 approval of the Management Agreement.

ONA is a certificated supplemental air carrier holding authority to operate passenger and cargo charter flights within the United States and passenger charter flights between the United States and Greenland, Iceland, the Azores, Europe, Africa, and Asia (as far east as, and including, India).

Transport is a subsidiary of Austrian Airlines (Austrian) which, in turn, is owned and controlled by the government of the Republic of Austria. Austrian holds a section 402 foreign air carrier permit issued by the Board. However, at the present time, Austrian does not conduct any operations pursuant to such permit.

The application asserted that Austrian uses a fleet of DC–9 aircraft to provide scheduled service between Vienna and most European Capitals, and that to the date of the application the government of Austria and the management of Austrian had concentrated their efforts on the development of Austrian as an intra-European scheduled carrier. Austria is now prepared to undertake the development of a long-range air transport system, the responsibility for which has been delegated to Transport.

In light of the foregoing, according to the application, ONA and Transport entered into the Management Agreement under which ONA was to provide Transport with advice and assistance in the operation of DC–8–60 series aircraft between Europe and Asia. Thus, pursuant to the terms of the Management Agreement, Transport agreed to, inter alia, establish a long-range air transport operation between Vienna, Singapore, Bangkok, and Hong Kong. The operation was to commence, subject to approval of the Management Agreement by the Board, on September 15, 1973, using a DC–8–60 series aircraft leased from ONA.[1] The term of the Management Agreement was to begin with the delivery of the aircraft to Transport and continue for a period of five years.

According to the Management Agreement, the aircraft was to be registered under the laws of Austria and operated under the control of Transport. However, ONA had the obligation to obtain crews for the aircraft for the first 18 months of operation. All crews, according to the Management Agreement, were to be employed by Transport and under the supervision of Transport. ONA's duties under the Management Agreement were to include, inter alia, (1) determining the routing and scheduling of all long-range aircraft; (2) selling and marketing the entire capacity of all long-range aircraft; and (3) assuring that proper maintenance was performed on the aircraft. In addition, ONA was to provide management consulting services and technical assistance to Transport with respect to training of flight crews, safety and maintenance procedures, flight operations, and other support services. Transport also had certain obligations under the Management Agreement.

Payments to Transport and ONA under the Management Agreement were to be, inter alia, for Transport, 3% of total revenues after sales commissions, plus a percentage of certain remaining annual profits and, for ONA, a management fee of $12,500 per month plus a percentage of certain remaining profits.[2] In addition, it appeared that there were provisions for ONA to share in losses sustained by Transport.

In support of approval of the agreement, ONA asserted that the Management Agreement was extremely important to it because the agreement solved a severe equipment utilization problem (in that ONA had a DC–8–61 aircraft for which it had no other source of utilization). In addition, ONA asserted that no U.S. air carriers could conceivably be adversely affected by Transport's operations between Vienna and the Far East, since no U.S. carrier operates in this area. Furthermore, ONA asserted that the Management Agreement would not create a monopoly or restrain competition, nor would a hearing serve any useful purpose.

Answers to the application were filed by Pan American World Airways, Inc. (Pan Am), FTL and the Government of Austria.[3] A motion to file an otherwise unauthorized document together with a consolidated reply to Pan Am and FTL was filed by ONA. The ONA motion will be granted.

On October 12, 1973, ONA filed an amendment to its application in which it indicated that ONA, in an attempt to narrow the scope of its involvement with Transport under the Management Agreement, had renegotiated the agreement and was filing the renegotiated "Consulting and Technical Services Agreement" (hereinafter referred to as the Consulting Agreement). According to the amended application, it is ONA's position that the Consulting Agreement has been sufficiently altered so as to eliminate any control within the meaning of section 408(a) of the Act. Therefore, the amendment to the application deletes ONA's request for Board action pursuant to that section and requests approval only under section 412.[4]

Upon consideration of the foregoing, the Board has decided to set the matter in Docket 25690 for hearing. In our view, the factual, legal, and policy questions which must be resolved before the application, as amended, can be granted are sufficiently numerous and complex as to warrant their development in an evidentiary proceeding.

It is indicated that the wide range of responsibilities accorded ONA under the Consulting Agreement have placed ONA in a position to at least share in the control of Transport. Moreover, the Consulting Agreement now before the Board, as well as the Lease Agreement, appear to present relationships and raise policy questions not inherent in other similar agreements heretofore approved by the Board.[5]

Although the amendment to the application in Docket 25690 alleges significant differences between the Management Agreement and the Consulting Agreement, the Board is not convinced that these changes are of a degree to warrant a conclusion as to the involvement of ONA in the activities of Transport, essentially different from its initial impression of the Management Agreement. Thus, where the Management Agreement sought ONA's assistance in the development of Transport's long-range operations between Europe and Asia, so too the Consulting Agreement seeks this same assistance. In this connection, while references to management activities by ONA have been removed from the Consulting Agreement, in many respects these activities appear to remain as a result of the Consulting Agreement. Thus, the Consulting Agreement still calls for ONA to provide services and assistance with respect to the routing, scheduling, marketing and maintenance of Transport's long-range aircraft. In addition, whereas the Management Agreement called for ONA to obtain flight crews for the aircraft being leased to Transport, the Consulting Agreement now calls for ONA to provide services and assistance in the recruiting and training of flight crews and other staff.

In addition to the retention in the Consulting Agreement of certain factors

[1] Copies of the Aircraft Lease (Lease Agreement) were submitted with the application. However, the application asserted that the lease was not subject to the Board's jurisdiction and, therefore, approval thereof was not requested.

[2] By letter, dated September 14, 1973, ONA advised the Board's staff that ONA had agreed that the section of the Management Agreement providing for the payment to ONA of a certain percentage of the profits is deleted and is not enforceable. A response of The Flying Tiger Line Inc. (FTL) to the letter asserted that the revision to the agreement resulted in an immaterial change in the ONA/Transport arrangement.

[3] The FTL answer was accompanied by a motion to file an otherwise unauthorized document; the motion will be granted.

[4] An answer to the amendment to the application was filed by FTL.

[5] *Cf.* Order 73–7–63, July 13, 1973 (Pan American World Airways, Inc. and the Royal Jordanian Airlines Corp.) Docket 25469.

indicating possible substantial involvement by ONA in the activities of Transport, the Consulting Agreement appears to result in certain changes in the ONA-Transport relationship which, in effect, appear to increase the possibility of control of Transport's activities by ONA. Thus, for example, the Consulting Agreement now provides for the development and conduct of Transport's internal accounting and auditing procedures to be agreed upon by both parties, whereas Transport had the obligation and authority to carry out this function under the Management Agreement.

Although the amended application asserts the question of control has been eliminated by the Consulting Agreement the record indicates that ONA may still have extensive control over the operations of Transport ranging from routing to marketing the aircraft. In addition, ONA has entered into a lease agreement with Transport.[6] This agreement may in fact be a wet lease and also subject to the jurisdiction of the Board.[7] Accordingly, the Board wishes a further exploration as to the possible applicability of Part 399 of the Board's Policy Statements[8] to be given situation. Furthermore, although the Consulting Agreement appears to have eliminated certain profit-sharing provisions appearing in the Management Agreement, unlike other management agreements approved by the Board, ONA, appears to be sufficiently involved in Transport that it appears that it must also share in certain losses that could be sustained by Transport.

The foregoing indicates that ONA may be intimately involved, under certain circumstances not normally associated with management and technical assistance agreements, in the operations of Transport and its success or failure. In this light, the Board believes that special consideration should be given to the conformance of the ONA-Transport arrangements with the provisions of sections 408 and 412 of the Act and the Board's policies with respect to wet leases. In addition, consideration should be given to the competitive aspects of the operations to be conducted under the Consulting Agreement including, but not limited to (a) the effect on other U.S. air carriers of Transport's operations between Vienna and Honk Kong, (b) the effect on other U.S. air carriers of expanded Transport operations to other points in Asia or Europe, (c) the intention of Transport and/or ONA to expand the operations of Transport to additional points in Europe and Asia; and (d) the intentions of ONA to market or promote passenger charters originating in or destined for the United States utilizing the services of ONA and Transport.

In addition to the foregoing, the evidentiary proceeding should explore, among other things, the practical aspects of the Consulting and Lease Agreements insofar as they may or may not be subject to the Board's jurisdiction and comply with the intent of the Board's established policy as to wet leases and technical assistance agreements. The proceeding should also explore the extent to which ONA has, from a personnel standpoint, become involved, or plans to become involved, in Transport either through existing or former employees. In addition, consideration should be given to the relationship between this transaction, and the issues presently being considered in the Supplemental Renewal Proceeding, Docket 23944.

Accordingly, it is ordered, that:

1. The application in Docket 25690 be and it hereby is set for hearing before an administrative law judge of the Board at a time and place to be hereafter designated; and

2. The motions of ONA and FTL to file otherwise unauthorized documents be and they hereby are granted.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-7538 Filed 4-1-74;8:45 am]

[Docket No. 25908, etc.]

TRANSATLANTIC ROUTE PROCEEDING

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearings in the Transatlantic Route Proceeding, Docket 25908, et al., will begin on June 4, 1974, at 10 a.m. (local time) in the Phoenix Room, Phoenix Civic Plaza, 225 East Adams Street, Phoenix, Arizona, before Administrative Law Judge Ross I. Newmann. Following the Phoenix session, the hearing will be moved to Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., with the first session beginning on Tuesday, June 11, 1974, at 10 a.m. (local time).

Notice is further given that any person, other than a party of record, may appear at the Phoenix or Washington, D.C., session and present factual evidence which is relevant to the issues in accordance with Rule 14 of the Board's Rules of Practice. All such participants will be heard at the beginning of the Phoenix and Washington, D.C., sessions prior to the presentations of the civic parties and are directed to notify the Judge promptly of their desire to be heard.

For details of the issues involved in this proceeding, interested persons are referred to the Board's Orders of Investigation: Order 73-9-83; dated September 21, 1973; Order 73-11-96, dated November 21, 1973; Order 73-12-57, dated December 13, 1973; Order 74-2-46, dated January 15, 1974; Order 74-2-27, dated February 7, 1974; the Prehearing Conference Report served on December 17, 1973; the Supplemental Prehearing Conference Report served on January 11, 1974; the Second Supplemental Prehearing Conference Report served on February 1, 1974; and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 27, 1974.

[SEAL] ROSS I. NEWMANN,
Administrative Law Judge.

[FR Doc.74-7543 Filed 4-1-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

CONNECTICUT STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut State Advisory Committee (SAC) to this Commission will convene at 9:00 a.m. on April 6, 1974, in the Auditorium, Yale Law School, 127 Wall Street, New Haven, Connecticut 06520.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, Federal Building, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss plans for a proposed conference on Revenue Sharing in the State of Connecticut.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 28, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-7571 Filed 4-1-74;8:45 am]

[6] As indicated earlier, footnote 1 supra, a copy of the Lease Agreement between ONA and Transport was submitted with the initial application for informational purposes. It is noted that the Lease Agreement provides that ONA's obligation to deliver the DC-8 to Transport was subject to, satisfaction on or before the delivery date of, inter alia, an order by the Civil Aeronautics Board approving the transactions contemplated by the Lease Agreement and the Management Agreement under section 408 of the Act, or exempting the lease under section 416 of the Act, or disclaiming jurisdiction of the lease to the extent necessary to permit the transactions contemplated by the lease and the Management Agreement. By letter dated September 25, 1973, counsel for ONA advised the Board that ONA delivered a DC-8 aircraft to Transport pursuant to a dry lease agreement and that the transaction was not subject to the Board's jurisdiction.

[7] The Management Agreement specified that ONA must "obtain" crews for the aircraft in question. The Consulting Agreement specifies that ONA will provide service pertaining to the recruiting and training of flight crews. These facts, together with the fact that ONA shares in the operational control over the aircraft, indicate that the lease agreement may be subject to section 412 of the Act. Moreover, in light of the stated interdependency of the Lease Agreement with the Management Agreement, and possibly with the Consulting Agreement, it is certainly not clear that the Lease Agreement is not subject to consideration and approval by the Board.

[8] 14 CFR 399.19.

DELAWARE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission Civil Rights, that a planning meeting of the Delaware State Advisory Committee (SAC) to this Commission will convene at 12 noon on April 5, 1974, in Room 702, 1102 West Street, Wilmington, Delaware 19801.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, Washington, D.C. 20425.

The purpose of this meeting shall be to discuss plans for an in-depth study of Federal prisons in the State of Delaware.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 6, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-7570 Filed 4-1-74;8:45 am]

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee to this Commission will convene at 12 Noon on April 3, 1974, at Bonat's Cafe and Restaurant, 1022 Vermont Avenue, NW., Washington, D.C. 20005.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20425.

The purpose of this meeting shall be to discuss plans for the release of the District of Columbia Advisory Committee report on Minority Enterprises.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 28, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-7569 Filed 4-1-74;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on April 4, 1974. The meeting will be open to the public on a first-come, first-served basis at 10 a.m., in Conference Room 8202, 2025 M Street, N.W., Washington, D.C.

The agenda will consist of a discussion of policy questions involving food industry wage matters, and if circumstances permit, of food industry wage cases pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Issued in Washington, D.C. on March 29, 1974.

HENRY H. PERRITT, Jr.,
Executive Secretary, Cost of Living Council.

[FR Doc.74-7664 Filed 3-29-74;4:05 pm]

[Phase IV Price Notice 1974-5]

STUB PERIOD REPORTING

In Phase IV Price Notice 1974-4, issued February 20, 1974, the Cost of Living Council explained that, since compliance with profit margin rules and pricing generally are tested on the basis of quarterly performance, any "stub" period of less than one quarter preceding exemption from the profit margin limitation and reporting requirements under the 90 percent—$50 million rule did not have to be reported on the CLC-22. However, the Council now believes it necessary that prices, costs and profits for the entire quarter in which the stub period falls should be reported so that the Council may obtain sufficient data for general monitoring purposes. Consistent with this decision, the revised CLC-22 instructions require that sales which become exempt during the reporting period be reported on the quarterly report as sales rather than exempt sales under Part VI and that only items the sale of which were exempt during the entire quarter be reported as exempt. To the extent that Notice 1974-4 is inconsistent with this notice, this notice prevails.

Issued in Washington, D.C., on March 29, 1974.

JOHN T. DUNLOP,
Director, Cost of Living Council.

[FR Doc.74-7682 Filed 3-29-74;4:34 pm]

ENVIRONMENTAL PROTECTION AGENCY

ALACHLOR

Extension and Establishment of Temporary Tolerances

Monsanto Co., 800 N. Lindbergh Boulevard, St. Louis, MO 63166, was granted temporary tolerances for combined negligible residues of the herbicide alachlor (2-chloro-2',6'-diethyl - *N* - (methoxymethyl) acetanilide) and its metabolites expressed as alachlor in or on the raw agricultural commodities black-eyed peas, dry beans, lima beans, peas (with pod removed), popcorn, popcorn forage, and snap beans at 0.1 part per million on June 23, 1972, in connection with Pesticide Petition No. 2G1176 (notice was published in the FEDERAL REGISTER of June 30, 1972 (37 FR 12990)).

The firm has requested a 1-year extension of the temporary tolerances for residues in or on dry beans, lima beans, and peas (with pod removed) at 0.1 part per million and establishment of new temporary tolerances for combined negligible residues of the herbicide and its metabolites expressed as the herbicide in or on the forages of green peas, dry beans, and green lima beans at 0.2 part per million to obtain experimental data.

It is concluded that such extension and establishment of temporary tolerances will protect the public health. A condition under which these temporary tolerances are extended or established is that the herbicide will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Monsanto Co. name.

These temporary tolerances expire June 23, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: March 28, 1974.

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

[FR Doc.74-7514 Filed 4-1-74;8:45 am]

AMERICAN CYANAMID CO.

Notice of Extension of Temporary Tolerance

American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, was granted a temporary tolerance for combined residues of the insecticide *S*-[*tert*-butylthio)methyl] *O,O*-diethyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities corn grain and corn fodder and forage at 0.05 part per million on April 18, 1973, in connection with Pesticide Petition No. 3G1340 (notice was published in the FEDERAL REGISTER of April 25, 1973 (38 FR 10173)).

The firm has requested a 1-year extension of this temporary tolerance, to obtain additional experimental data. It is concluded that this extension of the temporary tolerance of 0.05 part per million for combined residues in or on corn grain or corn fodder and forage will protect the public health. A condition under which this tolerance is extended is that the insecticide will be used in accordance with the temporary permit which is being issued concurrently and which

provides for distribution under the American Cyanamid Co. name.

As extended, this temporary tolerance expires March 28, 1975.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), 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 (36 FR 9038).

Dated: March 28, 1974.

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

[FR Doc.74-7515 Filed 4-1-74;8:45 am]

NOISE LEVELS INFORMATION

Availability

Pursuant to section 5(a)(2) of the Noise Control Act of 1972 (86 Stat. 1248, Public Law 92-574), the Environmental Protection Agency has developed information on the levels of environmental noise the attainment and maintenance of which in defined areas under various conditions are requisite to protect the public health and welfare with an adequate margin of safety.

The Environmental Protection Agency has published this information in a noise levels document titled "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety". This document shall be available for public inspection during normal business hours at each of the ten regional offices of the Environmental Protection Agency and at the Office of Public Affairs (A-107), Environmental Protection Agency, Fourth and M Streets SW., Washington, D.C. Copies may be purchased from the United States Government Printing Office, Washington, D.C. 20402.

JOHN QUARLES,
Acting Administrator.

MARCH 29, 1974.

[FR Doc.74-7727 Filed 4-1-74;11:05 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19971, 19972; File Nos. 96-A-L-93, 59-A-L-123]

VALLEY AIRMOTIVE CORP. AND AIRSTREAM WESTERN, INC.; LOGAN, UTAH

Applications for Aeronautical Advisory Stations; Hearing

1. Valley Airmotive Corporation (hereinafter called Valley) has filed an application for renewal of its license for aeronautical advisory station KPP5 at the Logan-Cache Airport, Logan, Utah, and Airstream Western, Inc. (hereinafter called Airstream) has filed an application for new aeronautical advisory facilities at the same airport. Section 87.251(a) of the Commission's rules provides that only one aeronautical advisory station may be authorized to operate at a landing area and, therefore, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate the applications for a comparative hearing in order to determine which application should be granted. Except for the issues specified herein, each applicant is otherwise qualified.

2. By letter dated November 23, 1973, Airstream has alleged that the present licensee's station is infrequently manned during periods of inclement weather and, as a result, many radio calls from incoming aircraft go unanswered.[1] In addition, Airstream has stated that Valley has violated § 87.257(b) of the rules by not providing impartial information to incoming aircraft concerning available ground services.

3. In view of the foregoing, *It is ordered*, That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331(b)(21) of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-based operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine the normal hours of operation of station KPP5 by Valley under its current authorization and if the hours of service provide the public with adequate ground to air communications;

(c) To determine whether Valley has operated aeronautical advisory station KPP5 in violation of § 87.257(d) by not providing impartial information concerning available ground services; and

(d) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

4. *It is further ordered*, That the burden of proof and the burden of proceeding with the introduction of evidence on issues (b) and (c) are on Airstream; on all other issues the burdens are on each applicant with respect to its application except issue (d) which is conclusory.

5. *It is further ordered*, That to avail themselves of an opportunity to be heard Valley and Airstream, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: March 22, 1974.

Released: March 28, 1974.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.74-7509 Filed 4-1-74;8:45 am]

[1] While specified mandatory hours of operation are not required by the Commission's rules, aeronautical advisory stations are expected to be operative during the busy hours of the airport which it serves, and therefore, the hours of operation of station KPP5 have been made an issue in this proceeding. See Order terminating proceeding in Docket No. 18134, published in the FEDERAL REGISTER January 11, 1974 (39 FR 1642).

[Docket No. 18935]

WESTERN UNION TELEGRAPH COMPANY

Tariff; Further Extension of Time

Counsel for the Department of Defense (DOD) has requested further extensions of time in which to file proposed findings and conclusions and reply findings in the above-captioned proceeding (39 FR 6641). The proposed findings and conclusions are presently due to be filed by April 1, 1974, and reply findings are due by May 31, 1974. The requested extensions would require the proposed findings and conclusions to be filed by April 15, 1974, and the reply findings by June 15, 1974.

The basis for the request is the commencement of settlement discussions with Western Union, the other party to this proceeding.

As counsel for Western Union joins in the requested extensions, and for the reason stated by counsel for DOD, we find that good cause has been shown for granting the extensions.

Therefore, pursuant to the authority delegated to the Chief, Common Carrier Bureau, under § 0.303(c), the date by which proposed findings and conclusions must be filed in this proceeding is changed from April 1, 1974, to April 15, 1974, and the date by which reply findings must be filed is changed from May 31, 1974, to June 15, 1974.

Adopted: March 22, 1974.

Released: March 27, 1974.

[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.74-7508 Filed 4-1-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

BBI, INC.

Suspension of Trading

MARCH 8, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 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 March 10, 1974 through March 19, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–7554 Filed 4–1–74;8:45 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

MARCH 25, 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 March 26, 1974 through April 4, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–7553 Filed 4–1–74;8:45 am]

[File No. 500–1]

HOME-STAKE PRODUCTION CO.

Suspension of Trading

MARCH 25, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Home-Stake Production Company 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 March 26, 1974 through April 4, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–7555 Filed 4–1–74;8:45 am]

[File No. 500–1]

SEABOARD AMERICAN CORP.

Suspension of Trading

MARCH 27, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Seaboard American 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 March 28, 1974 through April 6, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–7556 Filed 4–1–74;8:45 am]

[File No. 500–1]

STRATTON GROUP, LTD.

Suspension of Trading

MARCH 25, 1974.

The common stock of Stratton Group, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd. being traded otherwise than on a national securities exchange; and

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 sections 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 March 26, 1974 through April 4, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–7557 Filed 4–1–74;8:45 am]

[File No. 500–1]

TECHNICAL RESOURCES, INC.

Suspension of Trading

MARCH 27, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Technical Resources, 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(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 March 28, 1974 through April 6, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–7558 Filed 4–1–74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. 172]

ISC INDUSTRIES INC.

Notice of Receipt of Application for Permission To Acquire Control of Morris County Savings and Loan Association

MARCH 28, 1974.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from ISC Industries Inc., Kansas City, Missouri, a unitary savings and loan holding company, for approval of acquisition of control of the Morris County Savings and Loan Association, Council Grove, Kansas, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by a purchase for cash of stock of Morris County Savings and Loan Association. Following said acquisition it is proposed that Morris County Savings and Loan Association be merged into Anchor Savings Association, an insured subsidiary of the applicant. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before May 2, 1974.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.74–7546 Filed 4–1–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI74–495]

CNG PRODUCING CO.

Notice of Application

MARCH 26, 1974.

Take notice that on March 7, 1974, CNG Producing Company (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CI74–495 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate com-

merce to Consolidated Gas Supply Corporation (Consolidated) from the Choudrant Field, Lincoln Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional pricing procedure to sell natural gas to Consolidated at an initial price of 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment,[1] pursuant to a contract dated July 24, 1973. The contract provides for a 1.0-cent per Mcf price escalation each year, for reimbursement of any tax as defined in the contract, and provisions for upward price adjustment to an area ceiling rate. Applicant estimates delivery of gas from the acreage covered by the application will average 12,000 Mcf per month.

Applicant asserts that Consolidated has been unable to contract for any long-term pipeline supplies of natural gas since 1967. The application states that Consolidated's present contracts provide for annual delivery of 687,000,000 Mcf, however, curtailment of deliveries by pipeline suppliers amounted to 34,096,000 Mcf in 1973. Applicant states that such curtailment of supplies is expected to increase in 1974 resulting in a continued deficiency in supply.

Applicant alleges that although it is affiliated with the buyer, Consolidated, the initial price proposed of 45.0 cents per Mcf was competitively negotiated in that it was based on Applicant's capital requirements and with reference to the prices at which other producers operating in the field were willing to sell their natural gas to other pipeline companies.[2] Applicant further alleges that it is universally recognized that there is no cheaper alternative supply than domestically produced natural gas. Applicant states that LNG, SNG and gasified coal gas are all estimated to cost in excess of $1.00 per Mcf, and, based on the present estimates, will not become available to Consolidated until the mid-1970's in the case of LNG and in the 1980's in the case of coal gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 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.

[1] Downward price adjustment for less than 1,000 Btu gas or upward adjustment if provided by an area rate.

[2] Louisiana Land & Exploration Corporation has contracted to sell natural gas from the Choudrant Field to Texas Eastern Transmission Corporation at 60.0-cents per Mcf on a short-term basis.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7470 Filed 4-1-74;8:45 am]

[Project No. 2338]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Application for Approval of Exhibits F and K

MARCH 26, 1974.

Public notice is hereby given that application was filed July 31, 1973, and supplemented February 1, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Consolidated Edison Company of New York, Inc. (Correspondence to: Mr. Carl L. Newman, Vice President, Consolidated Edison Company of New York, Inc., 4 Irving Place, New York, New York 10003) for approval of Exhibits F and K for the Cornwall Pumped Storage Project No. 2338, located on the Hudson River in the Village of Cornwall and in the Towns of Cornwall and Highlands, Orange County, New York. The project transmission facility would occupy rights-of-way through Orange, Putnam, and Westchester Counties, New York.

The revised Exhibits were submitted in compliance with Article 34 of the license issued to Consolidated Edison Company of New York, Inc. (Licensee) for the Cornwall Pumped Storage Project No. 2338. Licensee requests approval of Exhibits F and K which reflect land ownership and maps covering the entire project area.

The Exhibit K maps delineate the project boundaries by metes and bounds for the propect area. The maps also show details of surveys and make references to the Exhibit F as to ownership or right to occupancy of land within the project area. The principal structures of the project including the recreation areas are shown on the maps.

The Exhibit K maps also depict the rights-of-way of the project 345 kV double circuit transmission line originating at Cornwall powerhouse and extending across the Hudson River via submarine cable to a transition point (Little Stony Point). The overhead portion of the transmission line would commence at the Cornwall East underground terminal facility (Nelson Switching Station) and extend eastward to Consolidated Edison's existing Pleasant Valley-Millwood-Sprain Brook right-of-way in the Town of Kent. At the as yet unconstructed Kent Switching Station the new 345 kV line would connect to an existing line which would be rebuilt and upgraded from 138 kV to 345 kV. The rebuilt line would occupy a 100-foot right-of-way and be located on Consolidated Edison's existing transmission corridor extending southward a distance of about 40 miles via Millwood Substation to Sprain Brook Substation.

Approval of Exhibits K and F would not authorize any new facilities or any significant changes in facilities which were previously authorized by the license.

Any person desiring to be heard or to make protest with reference to said application should on or before May 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7472 Filed 4-1-74;8:45 am]

[Docket No. RI74-177]

ESTATE OF A. O. PHILLIPS

Notice of Petition for Special Relief

MARCH 26, 1974.

Take notice that on March 15, 1974, the Estate of A. O. Phillips (Petitioner), Suite 811 Carillon Tower West, 13601 Preston Road, Dallas, Texas, 75240, filed a petition for special relief pursuant to Order No. 481. Petitioner seeks approval of a rate increase to 45 cents per Mcf for sales of natural gas to Texas Eastern Transmission Corporation from The Englehart Field, Colorado County, Texas. Petitioner proposes to perform remedial work on two wells in an attempt to restore them to production.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 19, 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 pro-

ceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7466 Filed 4-1-74;8:45 am]

[Docket No. E-8484]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Application

MARCH 26, 1974.

Take notice that on March 18, 1974, Northwestern Public Service Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to Section 204 of the Federal Power Act authorizing it to issue, in separate transactions, not to exceed 160,000 shares of Common Stock, par value $7 per share, and 40,000 shares of Cumulative Preferred Stock, par value $100 per share. Included in such application is a request for exemption from the competitive bidding requirements of § 34.1a(b) and (c) of the Commission's regulations under the Federal Power Act for each of the transactions to enable a public offering of the Common Stock through a selected group of underwriters pursuant to a negotiated underwriting agreement and the sale of the Preferred Stock to institutional investors by negotiated private placement.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of North Dakota, South Dakota and Nebraska, with its principal business office being in Huron, South Dakota. Applicant is engaged in generating, transmitting, distributing and selling electric energy in the east central portion of South Dakota where it furnishes electric service in 108 communities and in distributing and selling natural gas in three Nebraska communities and in 24 communities in South Dakota.

Applicant proposes to sell shares of its authorized but heretofore unissued Common Stock sufficient to provide, as a maximum, proceeds to Applicant of approximately $3,450,000, but in no event shall the number of such shares to be sold exceed 160,000. It is proposed that the sales price and underwriting fees and commissions for the Common Stock will be determined by negotiation with the underwriters.

The Preferred Stock will be issued as a new series of such stock and will rank on a parity with the presently issued and outstanding Preferred Stock. It is proposed that the dividend rate, liquidation preferences, redemption prices and sinking fund provisions, if any, of the new series will be determined by negotiation with the purchasers. The sale of this Preferred Stock is expected to provide Applicant with approximately $4,000,000 of proceeds.

Neither of the financings is conditioned upon the consummation of the other.

The net proceeds from the two financings will be used in whole or in part to reduce outstanding short term bank loan indebtedness. To the extent not so used, the net proceeds will be applied to payment of costs of Applicant's 1974 construction program.

As of March 1, 1974, Applicant had $7,000,000 of short term bank loans outstanding which were incurred to finance a portion of Applicant's 1974 construction program as well as a portion of Applicant's 1973 construction program subsequent to Applicant's last prior long-term financing in July 1973. Applicant's expenditures for its 1973 construction program subsequent to the July, 1973 financing totaled approximately $10,263,000 of which approximately $7,789,000 was for electric generating facilities (principally the Big Stone Electric Plant Project), $444,000 for electric transmission lines, $536,000 for major electric substations, $895,000 for routine extensions and additions to electric distribution systems, $526,000 for miscellaneous extensions and additions to gas distribution systems and $73,000 for miscellaneous general and transportation facilities.

Applicant's 1974 construction expenditures are estimated to be $23,250,000, of which approximately $17,883,600 is for the Big Stone Electric Plant Project, $927,700 is for other electric production projects, $639,800 is for major transmission lines, $382,700 is for major electric substations, $2,069,100 is for routine extensions and additions to electric systems, $1,022,400 is for routine extensions and additions to gas distribution systems, and $324,700 is for miscellaneous general and transportation facilities. The Big Stone Electric Plant Project involves the construction of a jointly-owned 440 MW generating plant and related transmission facilities near Big Stone City, South Dakota. The plant and the related facilities are scheduled for completion in 1975. Applicant shares in the cost of the plant in proportion to its 32.5% ownership interest.

Any person desiring to be heard or to make any protest with reference to said Application should on or before April 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7471 Filed 4-1-74;8:45 am]

[Project No. 137]

PACIFIC GAS AND ELECTRIC CO.

Notice of Application for Nonproject Use of Project Area

MARCH 25, 1974.

Public notice is hereby given that application was filed November 29, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas and Electric Company (Correspondence to: Mr. J. F. Roberts, Jr., Vice President Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106) for non-project use of project area on the Mokelumne River Project No. 137, located in Alpine, Amador, and Calaveras Counties, California, near the Communities of West Point, Pine Grove, Mokelumne Hill, and Jackson, California, on the Mokelumne River, North Fork Mokelumne River and the Bear River.

Applicant seeks Commission approval of its proposal to construct a non-project double circuit 21kV underground electric distribution line from the Salt Springs Powerhouse at Project No. 137 to Bear Valley Substation, with a tap to be run to the proposed Cabbage Patch Substation. Additional substation facilities are proposed to be constructed adjacent to the Salt Springs Powerhouse to obtain the necessary 21 kV electrical supply for the proposed extension. Approximately 0.65 acre of project land would be utilized for the construction, operation and maintenance of the substation and underground transmission line. The remaining twenty miles of underground line would run parallel to and along existing Forest Service roads.

Applicant states that approval of the request for the additional line would permit Applicant to meet its projected customer needs for the winter load of 1974–75.

Any person desiring to be heard or to make protest with reference to said application should on or before May 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7467 Filed 4-1-74;8:45 am]

[Project No. 77]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Annual License

MARCH 27, 1974.

On May 1, 1970, Pacific Gas and Electric Company Licensee for Potter Valley Project No. 77 located on the Eel and Russian Rivers in the Mendocino National Forest, Lake and Mendocino Counties, California, 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. 77 was issued effective April 15, 1922, for a period ending April 14, 1972. In order to authorize the continued operation of the project pursuant to Section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to isssue an annual license to Pacific Gas and Electric Company for continued operation and maintenance of Project No. 77.

Take notice that an annual license is issued to Pacific Gas and Electric Company (Licensee) under Section 15 of the Federal Power Act for the period April 15, 1974, to April 14, 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 Potter Valley Project No. 77 subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7469 Filed 4-1-74;8:45 am]

[Docket No. RP74-39-8]

TEXAS EASTERN TRANSMISSION CORP.

Order Granting Temporary Relief, Permitting Interventions Providing for Hearing and Establishing Procedures

MARCH 25, 1974.

On February 13, 1974, North Alabama Gas District (North Alabama or Petitioner) filed a petition for emergency relief pursuant to § 1.7 of the Commission's rules of practice and procedure. Petitioner requests that the Commission issue an order directing Texas Eastern Transmission Corporation (TETCO) (North Alabama Gas District) to exempt it from TETCO's current curtailment plan and deliver to North Alabama its full contractual entitlement of 14,800 Mcf per day.

Petitioner states that it receives gas under TETCO's DCQ–B Rate Schedule pursuant to a firm contract under which North Alabama is entitled to receive 14,800 Mcf per day. Since September 1, 1973, Petitioner has been curtailed by TETCO by amounts varying from 0 percent to 51 percent, the latter figure being the effective rate on the date of filing of the petition.

All of the gas Petitioner receives from TETCO is resold under firm contract to U.S.S. Agrichemicals Division (Ag-Chem) at its facility at or near Cherokee, Alabama. An affidavit by John M. Hoerner of U.S.S. Agrichemicals Division, which is attached to the petition, states the following: All of the gas sold to Ag-Chem is used in the production of ammonia. Sixty percent of the gas is used as feedstock, the remaining 40% as process gas. All of the gas is classified in priority-of-service category (2) for purposes of curtailment under TETCO's curtailment plan. The plant is capable of producing up to 520 tons of ammonia per day. Under the curtailment at the date of filing, production was reduced by approximately 200 tons per day. Ninety percent of the ammonia produced is used in the manufacture of fertilizer. The remainder is used in industrial applications which include the manufacture of flame retardant clothing for children, production of nuclear fuel, animal Pharmaceuticals and ceramics for automobile emission control devices. Hoerner stated that in 1973 it was unable to supply all of its customers requirements for ammonia.

Several affidavits in addition to that of Mr. Hoerner were attached to and filed with North Alabama's petition. They attest to the importance which is placed by the affiants upon a continuing supply of ammonia from the Cherokee, Alabama plant. Edwin Wheeler, Acting President of the Fertilizer Institute, states that ammonia is the basic product for all nitrogenous fertilizer used in this country. He further states that there is a critical shortage of fertilizer now existing in the United States.

There is no mention in the petition of alternate fuel capacity at the Cherokee's plant.

Public notice of the petition was given on March 5, 1974, with protests and petitions to intervene due on March 11, 1974. The following parties have filed petitions to intervene:

Algonquin Gas Transmission Company
Arkansas Missouri Power Company and Associated Natural Gas Company
Boston Gas, *et al.*
Central Illinois Public Service Company
General Motors Corporation
Mississippi Valley Gas Company
Columbia Gas Transmission Corporation [1]

A notice of intervention was filed by the Public Service Commission of the State of New York. A formal hearing was requested by Columbia Gas Transmission Corporation.

Under these circumstances good cause exists to require TETCO to supply North Alabama with its full Maximum Daily Quantity pending hearing and decision on the merits of the petition for emergency relief. The volumes of gas received by North Alabama pursuant to this temporary grant of relief may be subject to payback in full or in part pending the outcome of this proceeding.

The Commission finds:

(1) Good cause has been shown to grant the relief requested by North Alabama on a temporary basis as hereinafter ordered.

(2) Good cause exists to set the proceedings in Docket No. RP74–39–8 for formal hearing.

(3) The participation of each party which has petitioned to intervene in these proceedings may be in the public interest.

(4) Although the petition to intervene of Columbia Gas Transmission Corporation was not timely filed, good cause exists to allow that party to intervene since permitting the intervention will not be the basis of delay in these proceedings.

The Commission orders:

(A) The relief sought by North Alabama in its petition filed February 13, 1974, is hereby granted on a temporary basis pending hearing and decision on the merits of the petition. Texas Eastern is hereby ordered to supply North Alabama with its full Maximum Daily Quantity of 14,800 Mcf per day.

(B) The volumes of natural gas taken by North Alabama pursuant to this temporary grant of emergency relief may be subject to payback in full or in part pending the outcome of this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on April 23, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the North Alabama petition.

(D) On or before April 13, 1974, petitioners and all parties supporting petitioner's request shall serve with the Commission and upon all parties to the proceeding including Commission Staff their testimony and exhibits in support of their position.

(E) As part of its case in support of its petition, North Alabama shall present evidence to substantiate the technical infeasibility of utilizing alternate fuels in the Ag-Chem Cherokee plant.

(F) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose, shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(G) Each party which has petitioned to intervene in this proceeding is hereby permitted to intervene, 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 the respective petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7464 Filed 4-1-74;8:45 am]

[1] Petition was filed out of time.

[Docket No. RP74-39-9]

TEXAS EASTERN TRANSMISSION CORP.

Order Permitting Interventions Providing for Hearing and Establishing Procedures

MARCH 25, 1974.

On February 14, 1974, a petition for Emergency Relief was filed by the Somerset Gas Service of Somerset, Kentucky (Petitioner or Somerset) pursuant to § 1.7 of the Commission's Rules of Practice and Procedure. Somerset, a municipally owned and run distributor of natural gas, requests that the Commission issue an order directing its sole supplier of natural gas, Texas Eastern Transmission Corporation (TETCO), to exempt it from annual curtailment.

Somerset cites, in support of its request, an order issued by the Commission on December 13, 1973, in Docket No. RP71-119, accepting tariff sheets filed by Panhandle Eastern Pipeline Company which exempt 40 of its small distributor customers from end-use curtailment. That order permits Panhandle to exempt from curtailment customers whose contract demand is 6,000 Mcf per day or less and who (a) did not supply during the billing month (i) gas classified in priority-of-service categories 4 through 9 when such categories were being curtailed by Panhandle or (ii) gas for electric generation; and (b) it did not attach or supply any new gas usage on its system falling within (i) Priorities 3 through 9 after November 1, 1971 (the date on which curtailment was announced on the Panhandle system), and (ii) any priority subsequent to February 1, 1974.

Petitioner states that it meets all the criteria necessary under the Panhandle order. It states that it has complied with the provisions in (b) above and is willing to comply with the provisions in (a) above. Somerset's MDQ is 6300 Mcf from April 16 to November 15 and 6500 Mcf from November 16 through April 15 when it receives gas under TETCO's WS Rate Schedule.

Petitioner states that TETCO's presently estimated curtailment to Somerset is 605,184 Mcf or 37 percent of Somerset's Annual Quantity Entitlement, nearly 2½ times the average curtailment on the TETCO system.

Somerset claims that as a result of the curtailment many of the industrial customers it supplies may be forced to close down. In order to give these customers time to convert to alternate fuels and to obtain supplies of alternate fuels, Somerset did not impose heavy curtailments on them until December, 1973. Now Somerset claims that even if it lives within TETCO's curtailment for the rest of the year it will be liable for $225,000 in penalty charges for exceeding its curtailed Annual Quantity Entitlement. Somerset states that it is reluctant to force its industries to close down, but that to supply them with gas for the remainder of the year would expose Somerset to penalty charges approaching $1 million.

Petitioner states that it has instituted a program to achieve savings by all of its customers and that it is trying to obtain gas from other sources, albeit unsuccessfully. Somerset claims that its use of gas during the period September 1, through December 31, 1973, is down 13 percent from the same period in 1972.

Somerset requests relief not on a permanent basis, but only until the "conclusion of present proceedings," presumably referring to the curtailment proceedings in Docket Nos. RP71-130, *et al.* Such relief, Somerset claims, would allow it time to locate other sources of supply and would allow its customers time to convert to alternate fuels.

Somerset has requested that relief be granted without a hearing.

Public notice of the petition was issued on March 4, 1974, with protests and petitions to intervene due by March 18, 1974. Petitions to intervene have been filed by the following parties:

General Motors Corporation
Arkansas Missouri Power Company
Associated Natural Gas Company
Central Illinois Public Service Company
Consolidated Edison Company of New York, Inc.
Mississippi Valley Gas Company

Consolidated Edison Company of New York, Inc. requests a hearing.

We will provide for a hearing in this proceeding in order to build a record upon which a Commission decision on the merits of Somerset's petition may be based.

The Commission finds:

(1) Good cause exists to set the proceedings in Docket No. RP74-39-9 for formal hearing.

(2) The participation of each party which has petitioned to intervene in these proceedings may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on April 16, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the Somerset petition.

(B) On or before April 9, 1974, Petitioner and all parties supporting petitioner's request shall serve with the Commission and upon all parties to the proceeding including Commission Staff their testimony and exhibits in support of their position.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose, shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(D) As part of its case in support of its petition for Emergency Relief, Somerset shall produce evidence showing the steps it and its customers have taken to conserve natural gas and convert operations to use alternate fuels.

(E) Each party which has petitioned to intervene in this proceeding is hereby permitted to intervene, 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 interest specifically set forth in the respective petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-7465 Filed 4-1-74;8:45 am]

[Docket No. CP73-21]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Scheduling Formal Hearing and Establishing Procedures

MARCH 25, 1974.

On July 24, 1972, Transco Energy Company (Energy) filed in Docket No. CP73-20 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a "substitute natural gas"[1] plant and the sale for resale of the plant output to Transcontinental Gas Pipe Line Corporation (Transco), its corporate parent.[2] The proposed synthetic gas plant would be located at Twin Oaks, Upper Chichester Township, Delaware County, Pennsylvania, and, as originally proposed, would gasify naptha from unnamed domestic and foreign sources into approximately 250,000 Mcf of synthetic gas per day.

Also on July 24, 1972, Transco filed in Docket No. CP73-21 an application pursuant to section 7(c) of the Natural Gas Act for authorization to construct, install, and operate a purchase meter station, approximately 1650 feet of 30-inch pipeline, and a tap on its existing Marcus Hook-Woodbury loop facilities in Delaware County, Pennsylvania.[3] The proposed facilities are intended to connect Transco's existing facilities with Energy's synthetic gas plant, which is the subject of Energy's companion certificate application in Docket No. CP73-20. Transco further requests permission to include the cost of synthetic gas purchased from Energy within the operation of its Purchased Gas Adjustment Tariff which is the subject of the

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[1] We shall refer to the product of the proposed Energy plant as synthetic gas, in keeping with our Opinion No. 637, issued December 7, 1972, in Algonquin SNG, Inc., et al., Docket No. CP72-35, *et al.*

[2] Notice of the application was issued August 4, 1972, and published in the FEDERAL REGISTER on August 11, 1972, (37 FR 16238).

[3] Notice of the application was issued August 4, 1972, and published in the FEDERAL REGISTER on August 11, 1972, (37 FR 16238).

application filed in Docket No. RP73–3.

On January 4, 1973, the Commission issued an "Order Granting Interventions, Request for Disclaimer and Declaratory Order, Dismissing One Application in Whole and Another in Part, and Establishing Procedures." In that order, in conjunction with our holding in the Algonquin SNG proceedings, we dismissed Energy's entire application in Docket No. CP73–20, and also that portion of Transco's application in Docket No. CP73–21 which requested authorization to construct and operate facilities to be used solely for the transportation of synthetic gas. However, we determined that portion of Transco's application which requests that the cost of the synthetic gas be included in a Purchased Gas Adjustment Tariff to be a matter within our jurisdiction. Since a mixture of synthetic gas and natural gas is "natural gas", and therefore subject to Commission regulation, we held that the rate treatment to be afforded such gas, and other matters related to its purchase, transportation, and sale for resale, raise issues which should be considered by us in deciding on the desirability of the project.

Due to the relatively high price of the synthetic gas, we further deemed it appropriate that Transco should submit data explaining the role such gas would fill in serving the needs of Transco's customers. In line with this, by separate letter order issued simultaneously with the above-mentioned order, we directed Transco and certain of its designated customers to submit specific end-use data relating to the transportation and sale of the proposed synthetic gas and natural gas mixture.

On May 10, 1973, we issued an order amending our letter order of January 4, 1973. Our amended order granted certain amendments suggested by Transco to our data request, concerning the categories of service, elimination of certain respondents, the method of reporting the data, and the format to be employed. Transco was directed to submit the data requested of it within 30 days of our May 10 order, and the respondent customers were directed to submit their data within 60 days.

By letter of December 10, 1973, to the Commission Secretary, Transco advised that all of the required data had been submitted and urged that the instant proceedings be set for hearing as expeditiously as possible. Transco's letter of that date further stated that certain of the naphtha feedstock suppliers were exercising termination options contained in their contracts, but that Transco has been successful in securing replacement feedstock "so that the synthetic gas project remains viable." In a follow-up letter dated January 4, 1974, Transco informed the Commission Secretary that its letter of December 10, 1973, was incorrect in that data requested by the Commission had not yet been submitted by two of the eighteen respondents, Atlanta Gas Light Company and Columbia Gas Transmission Company. Transco stated that it is unable to determine when such data may be forthcoming, but submitted that, nevertheless, the proceeding is ripe for hearing. In this regard, Transco further proferred that it has recently collected substantial market data from all of its customers for purposes of its curtailment proceeding in Docket No. RP72–99, and that such data provides a better indication of the use to which the synthetic gas will be put than the data requested in this proceeding.

The Commission believes that the instant proceeding should be set for hearing at this time, despite the fact that full compliance has not yet been made with our data requests of January 4, 1973 and May 10, 1973. We do so in recognition of the continuing need for expeditious processing of applications for additional supplies of gas in a time of energy shortage. This proceeding has already been delayed for over one year due to the apparent reluctance and tardiness of Transco and its customers, for reasons known only to them, to comply with out data requests.[1] We shall, however, once again direct that all of the data requested by our order of May 10, 1973, be submitted prior to hearing. While this may appear to demand unreasonably strict adherence to our requests, we would point out that our amended data request represented a maximum revision and scaling down of our original request of January 4, 1973, which revision resulted from numerous consultations between the Commission Staff and representatives of Transco and its customers. The amendments were requested and agreed to by Transco and represented the minimum data which the Staff ascertained to be necessary to a proper evaluation of the project. Against this background, we must insist that further erosion of the required information not be permitted. Any additional information which Transco has reason to believe will support its case, such as that referred to in Docket No. RP72–99, may be submitted as well.

In addition, Transco, as part of its direct case, should submit all necessary information relating to its replacement feedstock supply. Such information should include, inter alia, the cost, source, and volumes of such replacements, and pertinent information on any other matters affected by the change in supply.

Among the issues proper for resolution at the hearing scheduled herein are the cost of the facilities proposed to be constructed by Transco, and the rate treatment requested for the synthetic gas, i.e., Transco's request that the cost of the synthetic gas be included within the operation of its Purchased Gas Adjustment Tariff. Furthermore, as we stated in our order of January 4, 1973, although Transco does not specifically seek authorization to purchase, transport, or sell the jurisdictional pipeline mixture of synthetic gas and natural gas, we shall construe its application as seeking such authorization. Accordingly, Transco must establish that its proposal is in the public interest by showing, inter alia, the reliability of the synthetic gas supply, which is a function of feedstock supply and plant reliability, the economic feasibility of the total synthetic gas project, and overall financiability.

The Commission finds:

It is necessary and proper that the above-captioned proceeding be scheduled for formal hearing, consistent with the procedure established below.

The Commission orders:

(A) It is appropriate and in the public interest that the proceeding in Docket No. CP73–21 be scheduled for formal hearing.

(B) The direct case of Transcontinental Gas Pipe Line Corporation and all intervenors in support thereof shall be filed and served on all parties on or before April 30, 1974. As part of its direct case, Transco shall submit, on behalf of the Atlantic Gas Light Company and Columbia Gas Transmission Company, detailed end-use market data, collected from those two customers, sufficient to ensure full compliance with our order issued May 10, 1973, in this proceeding. The Presiding Administrative Law Judge shall fix dates for the filing of answering testimony upon the completion of cross-examination of direct testimony.

(C) A formal hearing shall be convened in this proceeding in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on May 28, 1974, at 10 a.m. The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the hearing of these matters, pursuant to the Commission's Rules of Practice and Procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–7461 Filed 4–1–74;8:45 am]

[1] Parenthetically, we note that had Transco and the other respondents complied with the 30- and 60-day time periods specified in our order of May 10, 1973, this proceeding could have been "ripe for hearing" long before now. Instead, much of that data which has been submitted was not forthcoming until late 1973, and even then only in response to a letter from the Commission Secretary dated September 4, 1973.

[Project No. 733]

WESTERN COLORADO POWER CO.

Notice of Issuance of Annual License

MARCH 27, 1974.

On February 27, 1969, The Western Colorado Power Company, Licensee for Ouray Project No. 733 located on the Uncompahgre River in Ouray 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). Applicant also made a supplemental filing pursuant to Commission Order No. 384 on November 13, 1969.

The license for Project No. 733 was issued effective April 13, 1960, for a pe-

riod ending April 12, 1970. Since that time, the project has been operated 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 The Western Colorado Power Company for continued operation and maintenance of Project No. 733.

Take notice that an annual license is issued to The Western Colorado Power Company (Licensee) under Section 15 of the Federal Power Act for the period April 13, 1974, to April 12, 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 Ouray Project No. 733, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7468 Filed 4-1-74;8:45 am]

[Docket No. E-8524]

BLACKSTONE VALLEY ELECTRIC CO.

Order Accepting Initial Rate Schedule and Initiating Investigation

MARCH 25, 1974.

On November 26, 1973, Blackstone Valley Electric Company (Blackstone) tendered for filing an initial rate schedule consisting of two agreements relating to the sharing of costs of certain Northern Rhode Island transmission facilities which Blackstone has constructed and owns. The agreements are with Montaup Electric Company (Montaup) and Narragansett Electric Company (Narragansett). Blackstone states that the agreements provide that Montaup and Narragansett will support their percentage of the use of the transmission facilities. The contracts are for a term of 30 years commencing July 15, 1973. The rates to be charged under the contracts will be based upon a cost of service formula reflecting annual variations in fixed and operating costs. Blackstone has submitted Certificates of Concurrence for Montaup and Narragansett.

Blackstone requests waiver of the 30 day notice requirement of § 35.3 of the Commission's regulations to permit an effective date of August 1, 1973.

The filing was noticed on February 19, 1974, with petitions to intervene and protests due on or before March 4, 1974. A timely petition to intervene was filed by the Rhode Island Consumers' Council, an agency of the State of Rhode Island, on March 4, 1973. We believe the Rhode Island Consumers' Council's interest in this proceeding constitutes good cause to permit its intervention.

Good cause exists to grant waiver of the notice requirements. Accordingly, we shall accept the proposed rate schedule for filing to become effective as of August 1, 1973, the requested effective date. Our review of the filing indicates inter alia, that the proposed return on common equity, and the proposed 3.33 percent annual depreciation rate may be excessive and therefore that the proposed rates may not be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we shall institute an investigation under Section 206 of the Federal Power Act to determine the justness and reasonableness of the filed rates.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon an investigation to determine if the rates and charges contained in Blackstone's proposed rate schedule are in the public interest.

(2) The requested waiver of our notice requirements should be granted.

(3) Good cause exists to permit the intervention of the Rhode Island Consumers' Council.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly Section 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held on July 29, 1974 at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to determine if the rates, charges, classifications and services contained in CL&P's proposed Rate Schedule are in the public interest.

(B) The petitioner, Rhode Island Consumers' Council, is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene, and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any other orders issued by the Commission in this proceeding.

(C) Blackstone shall serve its prepared testimony and exhibits on or before May 2, 1974. The Commission Staff shall serve its prepared testimony and exhibits on or before June 17, 1974. The prepared testimony and exhibits of the intervenor shall be served on or before July 1, 1974. Any rebuttal evidence by Blackstone shall be served on or before July 15, 1974.

(D) 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 hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Blackstone's proposed rate schedule tendered on November 26, 1973, is accepted for filing to be effective on August 1, 1973, subject to the terms and conditions of this order.

(F) Waiver of the notice requirements under § 35.3 under the Commission's regulations is hereby granted.

(G) Nothing contained herein shall be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7459 Filed 4-1-74;8:45 am]

GENERAL ACCOUNTING OFFICE

ANNUAL LINE OF BUSINESS REPORT

Request for Clearance

Notice is hereby given that there has been received from the Federal Trade Commisison a request for clearance, under sec. 409 of Public Law 93-153, 87 Stat. 593, a report form entitled "Annual Line of Business Report."

Written comments on the proposed FTC report are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time which GAO has to review the proposed report, comments must be received on or before April 15, 1974, and should be addressed to the Comptroller General of the United States, U.S. General Accounting Office, Washington, D.C. 20548, Attention: Assistant Comptroller General Phillip S. Hughes.

The GAO will also make arrangements, on a scheduled basis, to meet with those persons who have significant additional oral comments. Appointments will be made for meeting dates of Friday and Saturday, April 19 and 20, 1974.

For further information about this form and arrangements for appointments, please telephone area code 202-386-6181.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.74-7665 Filed 4-1-74;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 March 28, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of

information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529).

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Nuclear Medicine Radionuclide Use, Form ____, Single time, Foster/Wann, Medical radionuclide users in S. Central Houston.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control Feasibility Study, Occupational Safety and Health Manpower Survey, Form ____, Single time, Ellett, Industries employing more than 50.

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard, User Response Questionnaire, Form ____, Single time, Foster, Mariners.

Federal Highway Administration, Right-Turn-On-Red State Survey Questionnaire, Form ____, Single time, Foster, State Highway Dept.

U.S. TARIFF COMMISSION

Regenerative Blower/Pumps, Form ____, Single time, Evinger, U.S. producers of regenerative blower/pumps & air moving machines.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Progress in Implementing Capitation Grant Projects, Form ____, Single time, Caywood, Deans of schools of nursing.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-7660 Filed 4-1-74;8:45 am]

POSTAL SERVICE

INTERNATIONAL MONEY ORDERS

New International Limits

On March 30, 1974, the U.S. Postal Service converted its international money order system to an improved system. Under the improved system the Postal Service offers international money orders in amounts up to $300, instead of the former limitation of $100, for a single money order. There is no limitation on the number of international money orders that may be purchased at one time.

The fee for international money orders in amounts over $100 and up to $300 is 75 cents. Fees for amounts up to $100 are unchanged. See 39 CFR 171.1 (35 FR 19481).

The domestic money order system was converted to this improved system on October 13, 1973 (see notice at 38 FR 29651). All military post offices were converted to the improved system for military money orders on November 10, 1973.

This domestic, military, and international money order system is operating under interim regulations available in post offices or from the Finance Department. A revised 39 CFR Part 171 will be issued upon completion of an initial period of testing under the system.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74-7453 Filed 4-1-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-74-18]

IMPERIAL MILL AND FIXTURES

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Imperial Mill and Fixtures, 1716 North Port, Corpus Christi, Texas 78401 has made application pursuant to section 6(i) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 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, from the standards prescribed in 29 CFR 1910.107 (f) concerning water sprinkler systems as the approved protection for a spraying area.

The address of the place of employment that will be affected by the application is as follows:

Imperial Mill and Fixtures,
1716 North Port,
Corpus Christi, Texas 78401.

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 hearing.

Regarding the merits of the application, the applicant states that it is providing a place of employment as safe as that required by 29 CFR 1910.107(f) which requires water sprinkler systems in rooms containing spray finishing operations.

The applicant states that it is a small manufacturer of custom wood fixtures, that hand spray painting of these fixtures is an integral part of its operation and that it has less than ten employees of which only six are retained on a full time basis.

The applicant states that before constructing its present spray room, all fire and safety regulations were checked with its insurance company, the city, and the fire department. A local fire equipment distributor, a NFPA member, informed the applicant that an automatic dry chemical extinguishing system was recently recognized by the NFPA Committee as being effective as a water sprinkler system. Further, the distributor felt that the dry system would be much more efficient in the applicant's situation.

The applicant contends that if an automatic water system were to discharge accidentally it would be financially crippling. The applicant contends that by utilizing an automatic dry chemical extinguishing system, designed and installed per NFPA No. 17-1969, accidental discharge would not be a problem and the intent of 29 CFR 1910.107(f) would be met.

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, 1726 M Street, NW., Room 526, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor,
Occupational Safety and Health Administration.
7th Floor, Texaco Building,
1512 Commerce Street,
Dallas, Texas 75201.

U.S. Department of Labor,
Occupational Safety and Health Administration,
1015 Jackson Keller Road, Room 215,
San Antonio, Texas 78213.

U.S. Department of Labor,
Occupational Safety and Health Administration,
600 Leopard Street, Suite 1322,
Corpus Christi, Texas 78401.

All interested persons, including employers and employees, who believe 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 May 2, 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 May 2, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should 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 pending a decision on the application for a variance. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Imperial Mill and Fixtures be, and is hereby, authorized to utilize an approved automatic dry chemical extinguishing system in lieu of the water sprinkler system required by 29 CFR 1910.107(f).

Imperial Mill and Fixtures 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 April 2, 1974, and shall

remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 28th day of March, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-7525 Filed 4-1-74;8:45 am]

[V-74-17]

STANDARD BUILDING SYSTEMS

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Standard Building Systems, P.O. Box 950, Frederick, Maryland 21701 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 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, from the standards prescribed in 29 CFR 1910.108(c)(3)(i) concerning bottom drains in dip tanks.

The address of the place of employment that will be affected by the application is as follows:

Standard Building Systems,
Point of Rocks, Maryland 21777.

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 hearing.

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 1910.108(c)(3)(i) which requires that dip tanks over 500 gallons in capacity shall be equipped with bottom drains automatically and manually arranged to quickly drain the tank in the event of fire.

The applicant states that its six dip tanks are effectively protected by foam and CO_2 systems without draining the paint from the tanks. An accompanying letter from the company which installed the foam and CO_2 systems indicates that the systems have been tested and are in good working order. The applicant states that the CO_2 system complies with NFPA 12-1968. The foam system is being inspected and any changes necessary to bring it into compliance with NFPA 11-1970 will be made.

The applicant also states that the bottoms of three of its tanks are 5-10 feet below floor level. In order to install bottom drains, it would be necessary to empty and dig up these tanks. In addition, the applicant contends that the salvage tank would have to be located with its highest point 12 feet below ground level with a capacity of approximately 100,000 gallons.

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, 1726 M Street, NW, Room 526, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor,
Occupational Safety and Health Administration,
15220 Gateway Center,
3535 Market Street,
Philadelphia, Pennsylvania 19104.

U.S. Department of Labor,
Occupational Safety and Health Administration,
Federal Building, Room 1110A,
31 Hopkins Plaza, Charles Center,
Baltimore, Maryland 21201.

All interested persons, including employers and employees, who believe 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 May 2, 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 May 2, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should 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 and from other available information, that an interim order is necessary to prevent undue hardship to the employer pending a decision on the variance.

The applicant has tanks which would be extremely difficult to drain by gravity. The available information indicates that automatic pumps would be of limited value due to the large volume of paint to be evacuated and its viscosity. It appears that the present automatic fire suppression systems assure employee safety in the event of fire.

Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Standard Building Systems be, and is hereby, authorized to continue to use its dip tanks without bottom drains, with their present foam and CO_2 fire protection systems.

Standard Building Systems 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 April 2, 1974, and shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C. this 28th day of March, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-7524 Filed 4-1-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 477]

ASSIGNMENT OF HEARINGS

MARCH 28, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after April 2, 1974.

Valuation Docket No. 1423 (1971 Report), Williams Brothers Pipeline Company now assigned April 15, 1974, is postponed to April 16, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-127042 Sub 120, Hagen, Inc., now assigned continued hearing May 6, 1974, will be held in Room 1086A Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC-128273 Sub 142, Midwestern Express, Inc., now assigned continued hearing May 6, 1974, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

NO. 35955, Louis Dreyfus Corporation, Et Al-V-Chicago and North Western Transportation Co., Et Al, now assigned May 13, 1974, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 129862 Sub 3, Rajor, Inc., now assigned May 20, 1974, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC-F-11899, Georgia Highway Express, Inc.—Purchase—Goode Transfer, Inc., now assigned continued hearing May 13, 1974 at St. Louis, Mo., will be held in Room 507, 1114 Market Street.

MC-C-8190, International Shoe Company v. Spector Freight System, Inc., now assigned May 16, 1974 at St. Louis, Mo., will be held in Room 507, 1114 Market Street.

No. 35912, Milmine Grain Company v. Norfolk and Western Railway Company, now assigned May 20, 1974 and MC 118431 Sub-7, Denver Southwest Express, Inc., Extension-Chicago, Ill.; now assigned May 23, 1974 at Chicago, Ill., will be held in Room 1743, Tax Court, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC-116073 Sub 31, Barrett Mobile Home Transport, Inc., Extension—Buildings (13 Western States), MC-116073 Sub 35, Barrett Mobile Home Transport, Inc., Extension—Buildings (Arizona), & MC-116073 Sub 85, Barrett Mobile Home Transport, Inc., Extension—Idaho (Moorhead, Minn.), now assigned May 13, 1974, at Spokane, Wash., and May 15, 1974 at Boise, Idaho are cancelled and reassigned May 13, 1974, (1 week), in Room 595, Federal Bldg., & U.S. Courthouse, 550 West Fort St., Boise, Idaho.

MC 97629 Sub-9, Hiller Truck Lines, Inc., Now assigned May 6, 1974 at *Montgomery, Ala.*, is cancelled and reassigned May 6,

1974 at *Tupelo, Miss.*, in the Holiday Inn Motel, Junction of U.S. Highways 78 & 45.

MC 107450 Sub 3, Metropolitan Coach Corp., now being assigned hearing May 6, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 27817 Sub 110, H. C. Gabler, Inc., now being assigned hearing May 7, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-119656 Sub 17, North Express, Inc., now assigned May 14, 1974 at Chicago, Ill., will be held in Room 672, 536 South Clark Street.

MC-107129 Sub 9, E. K. Motor Service, Inc., now being assigned hearing June 17, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC-F-12047, Howard N. Dahlsten—Purchase—Portion)—Stauffer Truck Service, Inc., & MC-115669 Sub 138, Howard N. Dahlsten DBA Dahlsten Truck Line, now being assigned hearing June 19, 1974 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC-111375 Sub 67, Pirkle Refrigerated Freight Lines, Inc., now being assigned hearing June 24, 1974, at Chicago, Ill., in a hearing room to be later designated.

MC 22182 Sub 23, Nu-Car Carriers, Inc., now assigned April 10, 1974, at Washington, D.C., is cancelled and transferred to modified procedure.

MC 1824 Sub-60, Preston Trucking Company, Inc., now assigned April 8, 1974 at Washington, D.C., is cancelled and application dismissed.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-7565 Filed 4-1-74;8:45 am]

[Ex Parte 241; Rule 19, 15th Rev. Exemption 43, Amdt. 2]

ATCHISON, TOPEKA & SANTA FE RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

To: The Atchison, Topeka and Santa Fe Railway Company, Burlington Northern Inc., Chicago and North Western Transportation Company, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Chicago, Rock Island and Pacific Railroad Company, Illinois Central Gulf Railroad Company, Missouri Pacific Railroad Company, Norfolk and Western Railway Company, St. Louis-San Francisco Railway Company, Soo Line Railroad Company, Union Pacific Railroad Company.

Upon further consideration of Fifteenth Revised Exemption No. 43 issued February 8, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Fifteenth Revised Exemption No. 43 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire May 31, 1974.

This amendment shall become effective March 25, 1974.

Issued at Washington, D.C., March 25, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-7563 Filed 4-1-74;8:45 am]

[Ex Parte 241, Rule 19, 13th Rev. Exemption 12]

PICKENS RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It 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 shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 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. 390, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Pickens Railroad Company Reporting marks: PICK

Effective March 25, 1974, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., March 25, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-7564 Filed 4-1-74;8:45 am]

[Notice 44]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 26, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 2900 (Sub-No. 255 TA), filed March 21, 1974. Applicant: RYDER TRUCK LINES, INC., Off.: 2050 Kings Road, Mlg.: P.O. Box 2408, 33003, Jacksonville, Fla. 32209. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, (1) Between Gainesville, and Waldo, Fla., on the one hand, and, on the other, Tampa, Fla., serving all intermediate points and serving New Port Richey, Fla., and points in Pinellas County, Fla., as off route points; (a) from Gainesville over U.S. Highway 441 to junction U.S. Highway 441 and 301, thence over U.S. Highway 92, thence over U.S. Highway 92 to Tampa, and return over the same route, (b) from Waldo over U.S. Highway 301 to junction U.S. Highway 301 and U.S. Highway 92, thence over U.S. Highway 92 to Tampa and return over the same route; (2) between Sarasota, Fla., and junction U.S. Highway 41 and Florida State Highway 951, serving all intermediate points and serving Arcadia, Fla., and points in Lee County, Fla., as off route points, (a) from Sarasota over U.S. Highway 41 to junction U.S. Highway 41 and Florida Highway 951 and return over the same route; and (3) between junctions U.S. Highway 41 and Florida Highway 951 and junction U.S. Highway 41 and U.S. Highway 1 serving points in Dade County, Fla., as off route points; and (a) from the junction of U.S. Highway 41 and Florida Highway 951 over U.S. Highway 41 to junction U.S. Highway 1 and return over the same route, for 180 days.

NOTE.—Applicant states it does intend to interline shipments at present interchange points but plan no interchange at points sought in MC-2900 and Subs.

SUPPORTED BY: There are approximately 129 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 13499 (Sub-No. 6 TA), filed March 15, 1974. Applicant: PACIFIC TRANSPORTATION LINES INC., Mail: 443 Delaware Avenue, 14202, Off: 901 Fuhrman Blvd. 14203, Buffalo, N.Y. Applicant's representative: William J. Hirsch, Suite 125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting:

(1) *frozen foods*, from Avon, N.Y., to points in that portion of the States of Ohio, Pennsylvania, Virginia, West Virginia, and Maryland in the territory bounded as follows: beginning at Avon Lake, Ohio, thence over Ohio Highway 76 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 522, thence over U.S. Highway 522 to junction U.S. Highway 322, thence over U.S. Highway 322 to junction Pennsylvania Highway 53, thence over Pennsylvania Highway 53 to junction Pennsylvania Highway 144, thence over Pennsylvania Highway 144 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Pennsylvania Highway 499, thence over Pennsylvania Highway 499 to the New York-Pennsylvania State line, thence along the New York-Pennsylvania State line to Lake Erie, thence along the shore of Lake Erie to Avon Lake, Ohio; including all points on the described boundaries, and *returned, rejected and refused shipments* in the reverse direction, for the account of General Foods Corporation; and (2) *frozen foodstuffs*, from Solon and Cleveland, Ohio to Syracuse, N.Y., and *returned rejected and refused shipments* in the reverse direction, for the account of Stouffer Frozen Foods Corporation, for 90 days. SUPPORTING SHIPPERS: Stouffer Frozen Foods Corporation, 5750 Harper Road, Solon, Ohio 44139; General Foods Corporation, 250 North Street, White Plains, N.Y. 10625. SEND PROTESTS TO: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 19945 (Sub-No. 42 TA), filed March 18, 1974. Applicant: BEHNKEN TRUCK SERVICE, INC., Illinois Route 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flue dust*, in bulk, in dump vehicles, from the plantsite and storage facilities of Laclede Steel Company, Alton, Ill., to Frit Industries, Inc., Buffalo, N.Y., for 180 days. SUPPORTING SHIPPER: Carl Schauble, Vice President, Frit Industries, Inc., P.O. Box 1324, Ozark, Ala. 36360. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 62538 (Sub-No. 20 TA), filed March 15, 1974. Applicant: ASHTON TRUCKING CO., P.O. Box 472, Monte Vista, Colo. 81144. Applicant's representative: Kenneth R. Hoffman, Suite 1600, Lincoln Center Bldg., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Ogden and Salt Lake City, Utah to Denver, Colo., for 180 days. SUPPORTING SHIPPER: Colorado Milling & Elevator Company, P.O. Box 718, Denver, Colo. 80202. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. Mc 103993 (Sub-No. 803 TA), filed March 18, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Rhea County, Tenn., to points in Kentucky, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, and West Virginia, for 180 days. SUPPORTING SHIPPER: Shipkron Manufacturing Co., Inc., P.O. Box 341, North Broadway, Dayton, Tenn. 37321. SEND PROTESTS TO: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 106278 (Sub-No. 37 TA), filed March 18, 1974. Applicant: E. B. LAW AND SON, INC., 300 South Archuleta Road, Las Cruces, N. Mex. 88001. Applicant's representative: G. H. Sanger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oil*, from Artesia, N. Mex., to Tucson, Ariz., for 180 days. SUPPORTING SHIPPER: H. L. Moler, Manager, Purchasing and Stores, Tucson Gas and Electric Company, 220 West Sixth Street, Tucson, Ariz. 85702. SEND PROTESTS TO: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue, S.W., Albuquerque, N. Mex. 87101.

No. MC 108207 (Sub-No. 385 TA), filed March 19, 1974. Applicant: FROZEN FOOD EXPRESS, P.O. Box 5888, 318 Cadiz St. 75207, Dallas, Tex. 75222. Applicant's representative J. B. Ham (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Roswell, N. Mex., to points in Arizona and California, for 180 days.

NOTE.—Carrier does not intend to tack authority.

SUPPORTING SHIPPER: Glover Packing Company, P.O. Box 92, Amarillo, Tex. 79104. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 108449 (Sub-No. 372 TA), filed March 18, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except potato products and frozen potatoes), from the plant site of Western Potato Service Inc., at Grand Forks, N. Dak., to points in Minnesota, Iowa, Kansas, Missouri, Wisconsin, Illinois, Indiana, Michigan and Ohio, for 180 days. SUPPORTING SHIPPER: Western Potato Service, Inc., P.O. Box 518—Highway 2 West, Grand Forks, N. Dak. 58201. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Courthouse, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 108676 (Sub-No. 61 TA), filed March 18, 1974. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue, N.E., Knoxville, Tenn. 37917. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Cinnaminson, N.J., Floreffe, Pa. and Erwin, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: C-E Glass, Division of Combustion Eng., Inc., 825 Hylton Road, Pennsauken, N.J. 08110. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 110563 (Sub-No. 133 TA), filed March 15, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same addess as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsites and warehouse facilities utilized by Banquet Foods Corporation, located at or near Wellston, Ohio, to points in Delaware, Maryland, Pennsylvania, New Jersey, New York, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Banquet Foods Corporation, 515 Olive Street, St. Louis, Mo. 63101. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 111729 (Sub-No. 422 TA), filed March 19, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business or office machine parts, supplies, devices and units*, restricted against the transportation of articles weighing in the aggregate more

than 100 pounds, from one consignor to one consignee, from Detroit, Mich., to Erie and Pittsburgh, Pa.; Akron, Canton, Mansfield and Youngstown, Ohio, for 90 days. SUPPORTING SHIPPER: International Business Machines Corporation, P.O. Box 10, Princeton, N.J. 08540. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113908 (Sub-No. 305 TA), filed March 19, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180—Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors, neutral grain spirits, distilled spirits, and alcohol in bond*, in bulk, between Delavan and Peoria, Ill., on the one hand, and, on the other, points in California for 180 days. SUPPORTING SHIPPER: Hiram Walker & Sons, Inc., P.O. Box 479, Peoria, Ill. 61601. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 113908 (Sub No. 306 TA), filed March 19, 1974, Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Glenstone Sta., P.O. Box 3180, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brandy—cordial—liqueur and wine—their products—and ingredients*, in bulk, between Delavan and Peoria, Ill., on the one hand, and, on the other points in California, for 180 days. Supporting shipper: Hiram Walker & Sons., Inc., P.O. Box 479, Peoria, Ill. 61601. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 113908 (Sub-No. 307 TA), filed March 19, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180—Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock, and vinegar stock concentrate*, in bulk, from Rogers, Ark., to Memphis, Tenn., for 180 days. Supporting shipper: Speas Company, 2400 Nicholson Avenue, Kansas City, Mo. 64120. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 113908 (Sub-No. 308 TA), filed March 19, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180—Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock, and vinegar stock concentrate*, in bulk, from Kansas City, Mo., to Champaign, Ill., for 180 days. SUPPORTING SHIPPER: Speas Company, 2400 Nicholson Avenue, Kansas City, Mo. 64120. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 117940 (Sub-No. 115 TA), filed March 18, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and/or confectionery and related products* (except in bulk) and (2) *advertising matter, premium, and display materials* when shipped in the same vehicle with commodities in (1) in vehicles equipped with mechanical refrigeration, from the plantsites and warehouse facilities of M&M/MARS, Division of Mars, Inc., at Hackettstown, N.J., to Chicago, Ill., and the Chicago Commercial Zone, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of M&M/MARS, Division of Mars, Inc., at Hackettstown, N.J., for 180 days. SUPPORTING SHIPPER: M&M/MARS, Division of Mars, Incorporated, High Street, Hackettstown, N.J. 07840. SEND PROTESTS TO: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 124078 (Sub-No. 582 TA), filed March 18, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Wilmington, N.C., to points in South Carolina, for 180 days. SUPPORTING SHIPPER: Carolina Salt Company, P.O. Box 26, Wilmington, N.C. 28401 (Larry P. Girven, Traffic Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 583 TA), filed March 18, 1974. Applicant: SCHWERMANN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Universal, Pa., to Gary, Ind., for 180 days. SUPPORTING SHIPPER: United States Steel Corporation, 600 Grant Street, Pittsburgh, Pa. 15230 (J. T. Curtis, Jr., Manager, Non-Ferrous Traffic and Transportation). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124813 (Sub-No. 114 TA), filed March 18, 1974. Applicant: UMTHUN TRUCKING CO., 910 South Jackson, P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Granite City Steel Co., Division of National Steel Corp., Granite City, Ill., to points in Iowa, for 180 days. SUPPORTING SHIPPER: Granite City Steel Co., Division of National Steel Corp., 20th and State Streets, Granite City, Ill. 62040. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 126899 (Sub-No. 72 TA), filed March 11, 1974. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, and *empty malt beverage containers on return*, from Baltimore, Md., to Hopkinsville, Ky., for 180 days. SUPPORTING SHIPPER: Kentucky Ace Beverage Company, 1517 East 9th Street, Box 497, Hopkinsville, Ky. 42240. SEND PROTESTS TO: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 127625 (Sub-No. 16 TA), filed March 18, 1974. Applicant: SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Holly Hill, S.C. 29059. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, wood savings, and wood sawdust*, from (1) Whiteville, N.C., to Florence, Georgetown, North Charleston, S.C., and Savannah, Ga.; and (2) from Varnville, S.C., to Savannah, Ga., for 180 days. SUPPORTING SHIPPER: Georgia-Pacific Corporation, P.O. Box 1808, Augusta, Ga. 30903. SEND PROTESTS TO: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Building, 1400 Pickens, Columbia, S.C. 29201.

No. MC 128007 (Sub-No. 60 TA), filed March 18, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66603. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Factory built conventional homes and buildings; plumbing fixtures and accessories; window casings, parts and accessories; door casings, parts and accessories; carpeting; building hardware and trim;* and *household appliances*, from the plantsite and/or storage facilities of Homes and Structures of Pittsburg, Kans., Inc., at or near Pittsburg, Kans. to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming; and (2) *materials and supplies* used in the manufacture of (1) above, from points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Oklahoma, Tennessee, Texas, Virginia, Wisconsin, and Wyoming to the plantsite and/or storage facilities of Homes and Structures of Pittsburg, Kans., Inc. at or near Pittsburg, Kans., for 180 days. SUPPORTING SHIPPER: Homes and Structures of Pittsburg, Kans., Inc., 711 East Washington, Pittsburg, Kans. 66762. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 136951 (Sub-No. 2 TA), filed March 18, 1974. Applicant: DONALD GODFREY BRINKMAN, doing business as RED TAG EXPRESS CO., 10604 N. E. 45th St., Vancouver, Wash. 98662. Applicant's representative: Donald Godfrey Brinkman, 803 N.W. 9th St., (P.O. Box 1871), Vancouver, Wash. 98665. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive, truck, tractor, lawnmower, off road equipment; construction equipment, industrial, machine, electrical, plumbing, engine parts; supplies and accessories* not to exceed a combined weight of 1,500 pounds per shipment, between points in Multnomah and Washington Counties, Oreg., and Clark and Cowlitz Counties, Wash., for 180 days. SUPPORTED BY: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S. W. Yamhill, Portland, Oreg. 97204.

No. MC 139532 (Sub-No. 1 TA) (CORRECTION), filed February 28, 1974, published in the FR issue of March 22, 1974, and republished as corrected this issue. Applicant: MERLIN MARTIN MOVING AND STORAGE, INC., 1306 South Jefferson, Wadena, Minn. 56482. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Lake of the Woods, Beltrami, Koochiching, Itasca, Hubbard, Cass, Wadena, Crow Wing, Aitkin, Todd, Morrison, Mille Lacs, Kanabec, Stearns, Benton, Sherburne, Isanti, Kandiyohi, Meeker, Wright, and McLeod Counties, Minn., for 180 days. RESTRICTION: The service authorized herein is subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding in MC 139532 (Sub-No. 1 TA).

SUPPORTING SHIPPER: Duluth Air Force Base, Duluth, IAP, Minn. 55814. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 139549 (Sub-No. 1 TA), filed March 19, 1974. Applicant: THOMPSON TRUCKING, INC., P.O. Box 183, Montvale, Va. 24122. Applicant's representative: William E. Bain, P.O. Box 4308, Roanoke, Va. 24015. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal for recycling purposes*, in hydraulic dump type vehicles, from Richmond, Va., to points in Pennsylvania, for 180 days. SUPPORTING SHIPPER: Peck Iron & Metal Co., Inc., P.O. Box 4225, Richmond, Va. 23224. SEND PROTESTS TO: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue, S.W., Roanoke, Va. 24011.

No. MC 139613 TA, filed March 18, 1974. Applicant: B & E TRUCKING, INC., 1200 South Pleasanthill Boulevard, P.O. Box 194 (ZIP 50301), Des Moines, Iowa 50317. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Suite 330, Chicago, Ill. 60603. 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 packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Hartley, Spencer and Cherokee, Iowa, and Fremont and Schuyler, Nebr., to points in Connecticut, Delaware, Ohio, Pennsylvania, Rhode Island, Maine, Vermont, New Hampshire, New Jersey, Massachusetts, New York, Virginia, West Virginia, Maryland, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Spencer Foods, Inc., P.O. Box 1228, Spencer, Iowa 51301. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Comerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 139619 TA, filed March 15, 1974. Applicant: ANDOR TRUCKING, INC., 117 Weiler Street, Elk Grove, Ill. 60007. Applicant's representative: Philip A. Lee, 120 West Madison Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and related floor and wall covering materials*, from points in Cook County, Ill., to points in Wisconsin, for 180 days. SUPPORTING SHIPPER: Steve Wasserman, President, Monarch Carpet Distributors of Illinois, Inc., 2050 Lively Blvd., Elk Grove, Ill. 60007. SEND PROTESTS TO: William J. Gray, Jr., Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 139620 TA, filed March 19, 1974. Applicant: LOU COOLEY & COMPANY, 12817 Bittick Drive, Bridgeton, Mo. 63044. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Human blood, tissues, and other specimens*, for clinical laboratory testing and an aid in diagnosis and treating human illnesses and *return of report incidental thereto*, between St. Louis, St Louis County, Mo., and Wood River, Granite City, Belleville, Nashville, Mt. Vernon, Olney, Salem, Ill., and other areas south of Highway 36 at or near Springfield, Ill., for 180 days. SUPPORTING SHIPPER: Clinical Laboratories of St. Louis, Inc., 11636 Administration Drive, Creve Coeur, Mo. 63141. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-7566 Filed 4-1-74;8:45 am]

PIPELINE ADVISORY COMMITTEE ON VALUATION

Notice of Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Pipeline Advisory Committee on Valuation. The meeting will convene on Tuesday, May 7, 1974 at 9:30 a.m. in Hearing Room A, Interstate Commerce Commission Building, Constitution Avenue at 12th Street, N.W., Washington, D.C. 20423.

The purpose of the meeting is to consider and analyze data that will be utilized in the development of cost indices

for use in determining 1973 pipeline valuations. The meeting will be open to the pubic. Any member of the public may file a written statement with the Committee, before or within one week following the meeting.

The names of the members of the Committee, agenda, minutes of the meeting, and any other information pertaining to the meeting may be obtained from Mr. John A. Grady, Director, Bureau of Accounts, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-7547 Filed 4-1-74;8:45 am]

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