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PART I

HIGHLIGHTS OF THIS ISSUE

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

(Continued inside)

May 22, 1974—Pages 17921–18060

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contents

(Continued on next page)

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

7 CFR

905 17970
944 17970
1801 17971
1823 17971

10 CFR

2 17972
20 (2 documents) 17972
50 17972
73 17972
212 17974

14 CFR

71 (2 documents) 17929
239 17929
242 17929
243 17929

PROPOSED RULES:

71 (2 documents) 17978

16 CFR

13 (2 documents) 17929

17 CFR

210 17931
239 17931
249 17939
259 17943

19 CFR

153 17944

21 CFR

121 (3 documents) 17944

PROPOSED RULES:

121 17977

22 CFR

201 17946

23 CFR

PROPOSED RULES:

1214 17979

29 CFR

511 17947

PROPOSED RULES:

Ch. V 17976

33 CFR

PROPOSED RULES:

117 17977

39 CFR

132 17948

40 CFR

PROPOSED RULES:

52 17981
180 17982

41 CFR

18–7 17949
18–13 17954
18–15 17953
18–24 17957

42 CFR

62 17961

45 CFR

123 17963
1060 17969

46 CFR

10 17969

47 CFR

PROPOSED RULES:

73 17982

49 CFR

172 17970
173 17970
174 17970
178 17970
179 17970
571 17970

reminders

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

Rules Going Into Effect Today

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

page no. and date

APRIL 22

DoT—New pneumatic tires, tire selection and rims for passenger cars; federal motor vehicle safety standards ... 14594; 4–25–74

EPA—Nevada; approval and disapproval of compliance schedules ... 14208; 4–22–74

Next Week's Deadlines for filing Comments on Proposed Rules

MAY 28

AEC—Antitrust review of facility license applications; information requested by Attorney General ... 14613; 4–25–74

CUSTOMS SERVICE—Proposed consolidation of Beaumont, Orange, Port Arthur, and Sabine, Texas; Customs ports of entry ... 14610; 4–25–74

DoT/FAA—Additional control area; proposed alteration ... 17108; 5–13–74

—Civil Aircraft Fleet noise requirements, proposed rulemaking. 11302; 3–27–74

—Control zones and transition areas (5 documents) ... 14725–14727; 4–26–74

—Jet Route; proposed establishment. 14612; 4–25–74

DoT/HMRB—Prohibition of bottom outlet devices on DoT Class 114A tank car tanks used for transportation of liquefied flammable compressed gases ... 7432; 2–26–74

DoT/NHTSA—Child restraint standards; devices used to transport children in motor vehicles ... 7959; 3–1–74

—Proposed safety standards for child restraint ... 7959; 3–1–74

EPA—Connecticut; proposed revision to implementation plan ... 14728; 4–26–74

—New Hampshire; proposed revision to implementation plan. 14729; 4–26–74

—Washington; compliance schedule. 14729; 4–26–74

HEW/FDA—Labeling or misbranding of drugs, misleading proprietary or trade names ... 11299; 3–27–74

HEW/PHS—Physician shortage areas; scholarship grants ... 17106; 5–13–74

JUSTICE DEPARTMENT—Effect of labor disputes; nonimmigrant visa petitions. 14610; 4–25–74

SBA—Size standards; size of concern affected by a military installation closing ... 17111; 5–13–74

MAY 29

DoT/FAA—HRS/H–19 Military Surplus Helicopters; airworthiness directives. 14979; 4–29–74

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION—Higher Education Staff Information Report EEO–6, reporting and recordkeeping requirements ... 16157; 5–7–74

FEO—Synthetic natural gas feedstock allocation; advanced notice of proposed rulemaking; public hearing. 17237; 5–14–74

FPC—Rates for sales of natural gas from wells commenced on or after January 1, 1973; order granting extension of time for filing comments and denying motions ... 13976; 4–19–74

HEW/Office of Education—Vocational education; amendments to program requirements ... 15294; 5–2–74

Interior Department/NPS—Padre Island National Seashore, Texas; off road use of vehicles, hunting, and prohibited operations ... 14950; 4–29–74

Labor Department/OSHA—Supplement to approved Washington plan; completion of developmental step ... 14978; 4–29–74

MAY 30

AEC—Licensing of production and utilization facilities ... 13668; 4–16–74

CLC—Phase IV health care; forms requesting approval of capital expenditures ... 15488; 5–3–74

DoT/FAA—Restricted area; proposed alteration ... 15046; 4–30–74

EPA—Commonwealth of Puerto Rico Implementation Plan; proposed revision ... 15051; 4–30–74

—Proposed Compliance schedule for West Virginia ... 15050; 4–30–74

HEW/PHS—Public health service grant appeals procedure ... 15043; 4–30–74

USDA/Soil Conservation Service—Plant Material Centers; operation policies and procedures ... 13784; 4–17–74

MAY 31

AEC—Standards for protection against radiation ... 13671; 4–16–74

DoT/FAA—Control zone and transition area, alteration ... 15143; 5–1–74

—General Electric CF 6–6 Engines; Airworthiness directive ... 15143; 5–1–74

DoT/NHTSA—Motorcycles and three-wheeled vehicles; safety standards. 15046; 4–30–74

FCC—Cable television; carriage of late night programming ... 15327; 5–2–74

—Oil spill cleanup operations; frequency allocation ... 15315; 5–2–74

—Shared use of certain frequencies in special industrial radio service in Puerto Rico and the Virgin Islands ... 15507; 5–3–74

—Use of certain frequencies in petroleum geophysical operation. 15509; 5–3–74

GSA—Environmental impact statements ... 13722; 4–16–74

HEW—Medical assistance programs utilization review; review of services. 15232; 5–1–74

—Prevention of conflicts of interest by former employees ... 15141; 5–1–74

Justice Department/Immigration and Naturalization Service—Warrants of arrest and orders to show cause; delegation of authority ... 15283; 5–2–74

USDA/Commodity Exchange Authority—Definitions; minimum financial standards and related reporting and recordkeeping requirements ... 13281; 4–12–74

USDA—Net weight labeling ... 12763; 4–8–74

JUNE 1

GSA—Federal Employee Parking Policies and Procedures ... 4962; 2–8–74

HEW—Certification of personal protective devices; extension of comment period ... 15141; 5–1–74

Next Week's Meetings

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Agency Organization and Personnel; to be held at Washington, D.C. (open with restrictions) 5–30–74. 17461; 5–16–74

Committee on Grant and Benefit Programs; to be held at Washington, D.C. (open with restrictions) 5–30–74. 17573; 5–17–74

Committee on Judicial Review; to be held at Washington, D.C. (open with restrictions) 5–30–74 ... 17573; 5–17–74

Meeting to be held at Washington, D.C. (open with restrictions) 5–30 and 5–31–74 ... 17460; 5–16–74

AGRICULTURE DEPARTMENT

Forest Service—Carson National Forest Tierra Amarillo Grazing Advisory Board to be held at Abiquiu, New Mexico (open) 5–31–74 ... 16179; 5–7–74

Oregon Dunes National Recreation Area Advisory Council to be held at Florence, Oregon (open) 5–29–74. 16180; 5–7–74

ATOMIC ENERGY COMMISSION

Advisory Committee on Reactor Safeguards—Environmental Subcommittee; to be held at Washington, D.C. (open with restrictions) 5–31 and 6–1–74 ... 17573; 5–17–74

CIVIL RIGHTS COMMISSION

New York State Advisory Committee to be held at New York, New York (open with restrictions) 5–28 ... 15530; 5–3–74

CIVIL SERVICE COMMISSION

Federal Employees Pay Council; to be held at Washington, D.C. (closed) 5–29–74 ... 17253; 5–14–74

Federal Prevailing Rate Advisory Committee to be held at Washington, D.C. (closed) 5–30–74 ... 15156; 5–1–74

COMMERCE DEPARTMENT

Domestic and International Business Administration—National Industrial Energy Conservation Council; to be held at Washington, D.C. (open with restrictions) 5–29–74..... 17571; 5–17–74

National Oceanic and Atmospheric Administration—Sea Grant Advisory Panel; to be held at Washington, D.C. (open with restrictions) 5–29 and 5–30–74..... 17459; 5–16–74

DEFENSE DEPARTMENT

Advisory Group on Electron Devices—Working Group on Microwave Devices; to be held at New York, New York (closed) 5–29–74.... 17240; 5–14–74

Army Department—Armed Forces Institute of Pathology Scientific Advisory Board; to be held at Washington, D.C. (open) 5–30 to 5–31–74.... 15883; 5–6–74

Defense Intelligence Agency Scientific Advisory Committee; to be held at Washington, D.C. (closed) 5–31–74. 17112; 5–13–74

Wage Committee; to be held at Washington, D.C. (closed) 5–7 to 5–28. 14980; 4–29–74

ENVIRONMENTAL PROTECTION AGENCY

Antimicrobial Program Advisory Committee; to be held at Washington, D.C. (open) 5–29 and 5–30–74. 13986; 4–19–74

FEDERAL COMMUNICATIONS COMMISSION

Cable Television Technical Advisory Committee, Panel 2 to be held at Horsham, Pennsylvania (open) 5–30–74. 16513; 5–9–74

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

FDA—Panel on Review of Laxative, Anti-diarrheal, Emetic and Anti-emetic Drugs; to be held at Rockville, Maryland (open with restrictions) 5–31–74..... 13795; 4–17–74

Health Resources Administration—U.S. National Committee on Vital and Health Statistics; to be held at Washington, D.C. (open) 5–6 and 5–7. 13980; 4–19–74

Health Services Administration—National Advisory Council on Health Manpower Shortage Areas; to be held at Rockville, Maryland (open) 5–31–74..... 17246; 5–14–74

NIH—

Cancer Control Education Review Committee; to be held at Bethesda, Maryland (open with restrictions) 5–31–74..... 13981; 4–19–74

Contraceptive Development Contract and Review Committee; to be held at Bethesda, Maryland (open with restrictions) 5–29–74..... 17248; 5–14–74

National Library of Medicine Board of Regents: Subcommittee for Library Construction; to be held at Houston, Texas (open with restrictions) 5–30–74..... 17252; 5–14–74

Trauma Program Directors; to be held at Bethesda, Maryland (open) 5–28–74..... 17252; 5–14–74

Virus Cancer Program Scientific Review Committee A; to be held at Bethesda, Maryland (open with restrictions) 5–29–74..... 13982; 4–19–74

Office of Education—National Advisory Committee on the Handicapped to be held at Washington, D.C. (open) 5–29 and 5–31–74.. 16913; 5–10–74

Vision Research Program Committee; to be held at Sarasota, Florida (open with restrictions) 5–30–74.... 12271; 4–4–74

GENERAL SERVICES ADMINISTRATION

Federal Supply Service—Government Procurement Practices Symposium; to be held at Gaithersburg, Maryland (open with restrictions) 5–30 and 5–31–74..... 17595; 5–17–74

LABOR DEPARTMENT

Occupational Safety and Health Administration—

National Advisory Committee; to be held at St. Louis, Missouri (open) 5–31–74..... 16940; 5–10–74

Standards Advisory Committee on Agriculture Subcommittee on Noise and Walking and Working Surfaces; to be held at Washington, D.C., 5–29–74..... 16939; 5–10–74

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Research and Technology Advisory Council, Committee on Aeronautical Operating Systems Ad Hoc Panel on Terminal Configured Vehicles; to be held at Hampton, Virginia (open with restrictions) 5–30 and 5–31–74. 16196; 5–7–74

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Developmental Biology; to be held at Washington, D.C. (closed) 5–30 and 5–31–74. 16197; 5–7–74

Advisory Panel for Electrical Sciences and Analysis; to be held at Washington, D.C. (open with restrictions) 5–29 and 5–30–74.... 16415; 5–8–74

Advisory Panel for Neurobiology; to be held at Washington, D.C. (closed) 5–30 and 5–31–74.... 15355; 5–2–74

Advisory Panel for Political Science; to be held at Washington, D.C. (closed) 5–30 and 5–31–74..... 16936; 5–10–74

SECURITIES AND EXCHANGE COMMISSION

Advisory Committee on the Implementation of a Central Market System; to be held at Washington, D.C. (open) 5–31–74..... 17475; 5–16–74

SOUTHEASTERN REGIONAL MANPOWER ADVISORY COMMITTEE

To be held at Gatlinburg, Tennessee (open) 5–26 and 5–27..... 16939 5–10–74

STATE DEPARTMENT

AID—Advisory Committee on Voluntary Aid; to be held at Washington, D.C. (open) 5–31–74.... 17569; 5–17–74

Study Group 1 of the U.S. National Committee for the International Telegraph and Telephone Consultative Committee; to be held at Washington, D.C. (open with restrictions) 5–29–74..... 16166; 5–7–74

Next Week's Hearings

MAY 28

Tariff Commission—Draft conversion of TSUS into format of Brussels tariff nomenclature; to be held in Washington, D.C..... 15184; 5–1–74

MAY 29

Interior Department/National Park Service—Consideration of Mammoth Cave National Park under the wilderness proposal to be held at Bowling Green, Kentucky.... 14524; 4–24–74

Interior Department/Reclamation Bureau—Fryingpan-Arkansas Project, Colorado; draft environmental statement; to be held in Pueblo, Colo. 14363; 4–23–74

SEC—Intra-member commission rate schedules of registered national securities exchanges; to be held in Washington, D.C..... 15145; 5–1–74

JUNE 1

Bureau of Indian Affairs—Cowlitz Tribe of Indians; distribution of judgment funds..... 15055; 4–30–74

Weekly List of Public Laws

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

H.R. 8101..... Pub. Law 93–280
Bureau of Sport Fisheries and Wildlife, Federal agency loan of personnel and equipment
(May 10, 1974; 88 Stat. 123)

H.R. 9293..... Pub. Law 93–283
To amend certain laws affecting the Coast Guard
(May 14, 1974; 88 Stat. 139)

H.R. 9492..... Pub. Law 93–279
Wild and Scenic Rivers Act, amendments
(May 10, 1974; 88 Stat. 122)

S. 1115..... Pub. Law 93–281
Narcotic Addict Treatment Act of 1974
(May 14, 1974; 88 Stat. 124)

S. 1125..... Pub. Law 93–282
Alcoholism and alcohol abuse programs, appropriations authorizations, extension
(May 14, 1974; 88 Stat. 125)

S. 1647..... Pub. Law 93–278
Environmental Education Amendments of 1974
(May 10, 1974; 88 Stat. 121)

S. 2509..... Pub. Law 93–284
W. Turner Wallis Pumping Station, Florida, designation
(May 16, 1974; 88 Stat. 141)

S. 2771..... Pub. Law 93–277
Armed Forces Enlisted Personnel Bonus Revision Act of 1974
(May 10, 1974; 88 Stat. 119)

S. 3292..... Pub. Law 93–276
Atomic Energy Commission, appropriation authorization
(May 10, 1974; 88 Stat. 115)

rules and regulations

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SW-35]

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

Alteration of Transition Area; Effective Date Delayed

On April 26, 1974, FR Doc. No. 74-9539 was published in the FEDERAL REGISTER (39 FR 14696). This document amended Part 71 of the Federal Aviation Regulations and contained an alteration of the Monroe, Louisiana, transition area which was to be effective July 18, 1974. Subsequent to publication of the docket, persistent technical and engineering problems have been encountered in relocating the Monroe VORTAC, and the commissioning date and alteration of the Monroe transition area are delayed to August 15, 1974. Action is taken herein to amend the effective date.

Since this amendment will impose no undue burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foreging, FR Doc. No. 74-9539 is amended to change the effective date of Airspace Docket No. 73-SW-35 from 0901 G.m.t., July 18, 1974, to 0901 G.m.t., August 15, 1974.

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

Issued in Fort Worth, Texas, on May 10, 1974.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.74-11667 Filed 5-21-74;8:45 am]

[Airspace Docket No. 74-SO-52]

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

Redesignation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to temporarily redesignate the Lexington, Ky., control zone.

The Lexington control zone is described in § 71.171 (39 FR 354) and is effective 24 hours per day. The runways at Blue Grass Airport will be closed for resurfacing from 0100 to 0600 local time, daily, for approximately 90 days, commencing on June 16, 1974. Since no aircraft operations can be conducted at this airport during these hours, it is unnecessary to man the airport traffic control tower, thus negating the requirement for a control zone. It is necessary to temporarily redesignate the control zone to be effective from 0600 to 0100 hours, local time, daily, beginning on June 16, 1974, and resuming the normal 24-hour operations on September 15, 1974. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 16, 1974, to 0901 G.m.t., September 15, 1974, as hereinafter set forth.

In § 71.171 (39 FR 354), the Lexington, Ky., control zone is amended as follows:

"* * * This control zone is effective from 0600 to 0100 hours, local time, daily, beginning 0901 GMT, June 16, 1974, and ending 0901 GMT, September 15, 1974." is added to the description.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (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 East Point, Ga., on May 13, 1974.

DUANE W. FREER,
Acting Director,
Southern Region.

[FR Doc. 74-11668 Filed 5-21-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

PART 239—REPORTING DATA PERTAINING TO FREIGHT LOSS AND DAMAGE CLAIMS BY CERTAIN AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Requirements for Requesting Extensions of Filing Time, Due Dates of Reports, and Clarification of Foreign Carriers

Correction

In FR Doc. 74-10718, appearing at page 16879 in the issue of Friday, May 10, 1974, make the following changes:

1. In § 239.2 footote "2" should be redesignated as footnote "1".

2. In § 239.4 the word "applise" in line five should read "applies".

PART 242—REPORTING RESULTS OF SCHEDULED ALL-CARGO SERVICES

Requirements for requesting extensions of filing time and due dates of reports

Correction

In FR Doc. 10719 appearing at page 16880 in the issue of Friday, May 10, 1974, in § 242.2 footnote "2" should be redesignated as footnote "1".

PART 243—REPORT OF CHARTER SERVICES PERFORMED FOR THE MILITARY AIRLIFT COMMAND

Requirements for requesting extensions of filing time and due dates of reports

Correction

In FR Doc. 10720, appearing at page 16880 in the issue of Friday, May 10, 1974, in § 243.2 footnote "2" should be redesignated as footnote "1".

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2504]

PART 13—PROHIBITED TRADE PRACTICES

Charles Reynolds Hair Center, et al.

Correction

In FR Doc. 74-9803 appearing on page 15029 of the issue of Tuesday, April 30, 1974, on page 15030, in paragraph 4., line 6, the word reading "survey" should read "surgery".

[Docket No. C-2503]

PART 13—PROHIBITED TRADE PRACTICES

Mota-Nu, Inc., et al.

Correction

In FR Doc. 74-9804 appearing on page 15030 of the issue of Tuesday, April 30, 1974, in line 5, after the word "records;" insert the following: "§ 13.1051 Failing to maintain records:".

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5488, 34-10754, 35-18392, AS-155]

INSTRUCTIONS TO FINANCIAL STATEMENTS, SUMMARIES OF OPERATIONS AND EXHIBITS

Amendments to Forms S-1, S-7, S-8, S-9, S-11, 10, 12, 8-K, 10-K, 11-K, 12-K and U5S, and Regulation S-X

The Securities and Exchange Commission today adopted certain amendments of the instructions pertaining to financial statements, summaries of operations and exhibits in the above forms and amendments of a related definition in Rule 1-02 and of Rule 5-02-39(d) of Regulation S-X [17 CFR 210.1-02 and 210.5-02-39(d)]. The instructions in the forms are amended generally to conform

the terminology to that adopted in Regulation S–X in Accounting Series Release No. 125 [37 FR 14591], to correct references to changed rule and caption numbers in Regulation S–X which were changed in Accounting Series Release No. 125, to achieve consistency among similar requirements in various forms, and to provide clarifications and modifications of the instructions in some respects. The definition of the term "significant subsidiary" in Rule 1–02 of Regulation S–X is amended to achieve consistency with the bases and tests of significance of subsidiaries and other affiliates in the instructions to the forms; e.g., Instruction 8 of Form S–1. The amendment to Rule 5–02–39(d), which was not included in the proposals that were published for comment, reduces the requirements specified in that rule for summaries of stockholders' equity accounts.

The amendments were proposed in Securities Act Release No. 5405 (Securities Exchange Act Release No. 10272, Public Utility Holding Company Act Release No. 18025) [38 FR 20471] on July 9, 1973. Forms S–1 [17 CFR 239.11], S–7 [17 CFR 239.26], S–8 [17 CFR 239.16b], S–9, [17 CFR 239.22], S–11 [17 CFR 239.18] are used for registration of Securities Act Release No. 5405 (Securi-1933; Forms 10 [17 CFR 249.210] and 12 [17 CFR 249.212] are used for registration of securities under the Securities Exchange Act of 1934; Forms 8–K [17 CFR 249.308], 10–K [17 CFR 249.310], 11–K [17 CFR 249.311] and 12–K [17 CFR 249.312] are used for special or annual reports pursuant to the 1934 Act; and Form U5S [17 CFR 259.5s] is used for annual reports by holding companies registered under the Public Utility Holding Company Act of 1935. Regulation S–X [17 CFR Part 210] states the requirements applicable to the form and content of financial statements filed under the forms.

The comments received on the proposals were given careful consideration in the determination of the definitive amendments. Numerous suggestions for changes in the rules of an editorial or clarifying nature were adopted. The more significant or extensive changes which were adopted are discussed below.

In the requirements for summaries of operations in Forms S–1, S–8, S–11, 10 and 10–K (e.g., Item 6 in Form S–1) and for statements of income in Forms S–7 and S–9 (e.g., Item 6 in Form S–7), the format and the order of the instructions were made consistent and the instructions regarding the items of revenue and expense to be included in the summaries and regarding the computation of ratios of earnings to fixed charges in the summaries and the statements were updated to reflect current requirements. In this connection in the specifications for "fixed charges" (e.g., Instruction 5(c) of Item 6 of Form S–1), the criterion for the interest factor of one third of all rentals has been deleted inasmuch as reliable estimates of the portion of rentals which represent interest can now generally be made and there is considerable evidence that one third of rentals is not a reasonable approximation of the interest factor today. In Form S–9 the general instruction pertaining to the use of the form is amended to conform the requirements relating to the fixed charge ratios to the comparable requirements under Item 3, Statements of Income.

Comments were made that the requirements for the ratios of earnings to fixed charges and to combined fixed charges and preferred dividends should be reconsidered in view of questions regarding whether the criteria for the computations continue to be appropriate and whether the disclosures have sufficient analytical value to readers to warrant their continuation. A further study is planned in the light of these questions to determine what, if any, additional amendents would be appropriate.

The proposed clarification of the instructions for the furnishing of separate summaries of operations of the registrant in addition to consolidated statements was deleted and the original language in the instructions was restored, inasmuch as most commentators considered that the requirements for separate registrant statements would be extended by the proposal. Many also indicated a belief that the general requirements for separate financial statements of registrants in addition to consolidated statements should be reduced. This matter will also be given further consideration.

The proposal to change the requirements for a summary of operations in Form S–8 to requirements for statements of income consistent with Form S–9 was eliminated on the basis of comments that this would be an extension of requirements which could not be justified by the purposes of Form S–8. In this form also the instructions to the summary were clarified regarding the periods for which various statements are required.

The instruction to the summaries (and the statements of income) regarding reconciliations of revenues and net income for differences in reports previously issued (e.g., Instruction 3 of Item 6 of Form S–1) has been revised to conform it closely to a comparable rule in Regulation S–X (Rule 3–07(b) [17 CFR 210.3–07(b)]).

One of the instructions to the summary of operations in Form 10–K (Instruction 5 to Item 2) which requires a statement by the registrant and a letter by the independent accounting regarding changes in accounting principles or practices, as amended in this release, has been adopted in Form 12–K (Instruction 7 as to Exhibits). This requirement, which was adopted in Form 10–K in Release No. 34–9344 [36 FR 19363], is considered to be applicable to utility company registrants who utilize Form 12–K in filing their annual reports in lieu of Form 10–K. The instruction has been further amended to provide that the independent accountant's letter regarding a specific change need be filed only one time.

Certain of the instructions regarding financial statements (i.e., Instructions 4, 6, 7 and 8 as to Financial Statements of Form S–1 and similar instructions in Forms S–7, S–9, 10 and 10–K) were modified or clarified and made consistent among forms with respect to the requirements for financial statements of the registrant to be filed and for the filing or omission of financial statements of subsidiaries not consolidated and of 50 percent or less owned persons. Similar instructions regarding these latter requirements were also included for consistency under Exhibits in Forms 12 (Instructions 7 and 8) and 12–K (Instructions 4 and 5). A test relating to income, which is considered an important test of significance of affiliates, is adopted in the instructions in the forms and in the definition of "significant subsidiary" in Regulation S–X as an addition to the existing tests relating to assets and revenues. The tests as proposed have been modified to eliminate certain exclusions in relation to the assets and income tests on the basis of comments that their effect would be minimal in most instances. In Form 8–K the tests in Instruction 4 of Item 2 for determining the significance of acquisitions and dispositions of assets or businesses were conformed to the tests in the definition in Regulation S–X.

The instructions pertaining to succession to and acquisition of other business (i.e., Instructions 11 and 12 as to Financial Statements of Form S–1 and similar instructions in Forms S–7 and 10) have been updated to reflect current requirements and practices and clarified as between past and future successions. Further clarifications have been made in the instructions as proposed and the requirements for pro forma income statements have been stated in accordance with suggestions received. Comparable instructions have been included in Form S–9 to achieve consistency with Form S–7.

In Form S–11 corrections of several references and requirements relating to Regulation S–X were made to reflect revisions of the regulation in Accounting Series Release No. 125. Item 26 and special provision C–3 of the Instructions as to Financial Statements are revised and special provisions C–5, 6 and 7 are omitted to reflect the adoption in Regulation S–X of new schedules as Rules 12–42 and 12–43 [17 CFR 210.12–42 and 210.12–43] in substitution for the schedules specified in Rules 12–37 and 12–38 [17 CFR 210.12–37 and 210.12–38] and new instructions in Rule 5–04 [17 CFR 210.5–04] for Schedules XVII, XVIII and XIX which were previously designated as Schedules XVIII, XIX and XX in Form S–11.

In Form U5S corrections of references to the revised Regulation S–X were also made. Paragraphs 1(c) (i) and (ii) of the Instructions as to Financial Statements, which provide for the omission of certain

schedules specified in Rule 5–04 of Regulation S–X, are revised to provide for the omission also of new Schedule XVIII which was adopted under Rule 5–04. Schedule XVII, which is presently specified for omission in paragraphs (c) (i) and (ii), formerly required compliance with Rule 12–17 [17 CFR 210.12–17] of Regulation S–X [Part 210], the requirements of which rule were combined with Rule 12–04 and Schedule III under Rule 5–04. Schedule XVII in Rule 5–04 [17 CFR 210.5–04] now requires compliance with new Rule 12–42, and it is considered appropriate to continue to permit the omission in Form U5S of Schedule XVII with regard to the new requirements as well as the old by the continued omission of Schedule III. New Schedule XIX, which requires information regarding certain other investments, would be required if applicable. Also in Form U5S, the Instructions as to Financial Statements are updated to make them consistent with those of Form 10–K with respect to requiring statements of source and application of funds and the examination by the independent accountant of the schedules filed in support of the financial statements.

These amendments are adopted pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j and 77s] thereof; the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78*l*, 78m, 78o(d) and 78w] thereof; and the Public Utility Holding Company Act of 1935, particularly sections 5(b), 14 and 20(a) [15 U.S.C. 79*e*, 79n and 79t] thereof.

Commission action. The Commission hereby amends a definition in § 210.1–02, § 210.5–02–39(d), and various items and instructions in §§ 239.11, 239.26, 239.16b, 239.22, 239.18, 249.210, 249.212, 249.308, 249.310, 249.311, 249.312 and 259.5s of Chapter II of Title 17 of the Code of Federal Regulations and as so amended they read as shown in the attached text of the amendments.

The amendments shall be effective with respect to the applicable rules and forms on July 1, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 25, 1974.

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935; AND INVESTMENT COMPANY ACT OF 1940

I. Part 210 of this chapter (Regulation S–X). The definition of the term "significant subsidiary" in § 210.1–02 (Rule 1–02) and paragraph (d) of § 210.5–02–39 (Rule 5–02–39) are amended to read as follows:

§ 210.1–02 Definition of Terms Used in Regulation S–X (17 CFR Part 210).

* * * * *

(t) *Significant subsidiary.* The term "significant subsidiary" means (1) a subsidiary or (2) a subsidiary and its subsidiaries which meet any of the conditions described below based on (i) the most recent annual financial statements, including consolidated financial statements, of such subsidiary which would be required to be filed if such subsidiary were a registrant and (ii) the most recent annual consolidated financial statements of the registrant being filed:

(*a*) The parent's and its other subsidiaries' investments in and advances to, or their proportionate share (based on their equity interests) of the total assets (after intercompany eliminations) of, the subsidiary exceed 10 percent of the total assets of the parent and its consolidated subsidiaries.

(*b*) The parent's and its other subsidiaries' proportionate share (based on their equity interests) of the total sales and revenues (after intercompany eliminations) of the subsidiary exceeds 10 percent of the total sales and revenues of the parent and its consolidated subsidiaries.

(*c*) The parent's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiary exceeds 10 percent of such income of the parent and its consolidated subsidiaries, provided that if such income of the parent and its consolidated subsidiaries is at least 10 percent lower than the average of such income for the last five fiscal years such average income may be substituted in the determination.

* * * * *

§ 210.5–02 Balance sheets.

* * * * *

39. *Other stockholders' equity.*

* * * * *

(d) A summary of each account under this caption setting forth the information prescribed in Rule 11–02 [§ 210.11–02] shall be given for each period for which an income statement is required to be filed.

* * * * *

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.11 [Amended]

II. Section 239.11 (Form S–1). General Instruction E, Items 6 and 21, the Instructions as to Financial Statements, and the Instructions as to Exhibits are amended to read as follows:

GENERAL INSTRUCTIONS

E. *Omission of Information Regarding Foreign Subsidiaries.* Information required by any item or other requirement of this form with respect to any foreign subsidiary may be omitted to the extent that the required disclosure would be detrimental to the registrant. However, financial statements, otherwise required, shall not be omitted pursuant to this instruction. Where information is omitted pursuant to this instruction, a statement shall be made that such information has been omitted and the names of the subsidiaries involved shall be separately furnished to the Commission. The Commission may, in its discretion, call for justification that the required disclosure would be detrimental.

* * * * *

Item 6. *Summary of Operations.* Furnish in comparative columnar form a summary of operations for the registrant or for the registrant and its subsidiaries consolidated, or both, as appropriate, for—

(a) Each of the last five fiscal years of the registrant (or for the life of the registrant and its predecessors, if less), and

(b) Any interim period between the end of the most recent fiscal year and the date of the most recent balance sheet being filed and for the corresponding interim period of the preceding fiscal year, and

(c) Any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus.

Instructions. 1. Subject to to appropriate variation to conform to the nature of the business or the purpose of the offering, the following items shall be included: net sales or operating or other revenues; cost of goods sold or operating or other expenses (or gross profit); interest expense; income tax expense; income from continuing operations; discontinued operations, less applicable tax; income or loss before extraordinary items; extraordinary items, less applicable tax; cumulative effects of changes in accounting principles; and net income or loss. See Item 21(b).

2. If the registrant is engaged primarily (i) in the generation, transmission or distribution of electricity, the manufacture, mixing, transmission or distribution of gas, the supplying or distribtuion of water, or the furnishing of telephone or telegraph services; or (ii) in holding securities of companies engaged in such business, it may at its option include a summary for the twelvemonth period prior to the date of the most recent balance sheet being filed, in lieu of the summaries for the interim periods specified.

3. If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary or in a note thereto with the amounts previously reported; provided, however, that such reconciliations need not be made (1) if they have been made in filings with the Commission in prior years or (2) the financial statements which are being retrocatively adjusted have not previously been filed with the Commission or otherwise made public.

4. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall also be shown. The basis of the computation of per share earnings shall be stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.

5. (a) If debt securities are being registered, the registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be shown on a total

enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and its consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]). There shall also be shown for the most recent fiscal year or twelve months a pro forma ratio of earnings to fixed charges, adjusted to give effect to (i) the issuance of the securities being registered, (ii) any issuance, retirement or redemption of securities during such period, or (iii) any issuance, retirement or redemption of securities after, or presently proposed for one year after, such period.

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons. In the case of utilities, interest credits charged to construction shall be added to gross income and not deducted from interest.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items, eliminated in consolidation.

6. If long term debt or preferred stock is being registered, there shall be shown the annual interest requirements of such long term debt or the annual dividend requirements on such preferred stock. To the extent that an issue represents refunding or refinancing, only the additional annual interest or dividend requirements shall be stated. If preferred stock is being registered, there shall also be shown in tabular form for each fiscal year or other period the ratio of earnings to combined fixed charges and preferred dividend requirements.

7. The rigistrant shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios required in paragraphs 5(a) and 6. For the purpose of this exhibit and the pro forma ratio required in paragraph 5(a), an assumed maximum interest rate may be used on securities as to which the interest rate has not yet been fixed, which assumed rate shall be shown.

8. In connection with any unaudited summary for an interim period (or twelve month period permitted by Instruction 2), a statement shall be made that all adjustments necessary to a fair statement of the results for such period have been included. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished as supplemental information but not as a part of the registration statement a letter describing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

9. [7.] (No other change.)

* * * * *

Item 21. *Financial Statements.* Include in the prospectus all financial statements called for by the Instructions as to Financial Statements for this form, except as provided in paragraphs (a) and (b) below:

(a) All schedules to balance sheets and income statements may be omitted from the prospectus except (1) those prepared in accordance with Rule 12–16 [17 CFR 210.12–16] of Regulation S–X [17 CFR Part 210] which are applicable to income statements included in the prospectus and (2) those prepared in accordance with Rules 12–27, 12–42 and 12–43 [17 CFR 210.12–27, 210.12–42 and 12–43] of Regulation S–X [17 CFR Part 210] which are applicable to the most recent balance sheet included in the prospectus. All historical information required by Part E of the Instructions as to Financial Statements may also be omitted from the prospectus.

(b) If either the income or retained earnings statements required are included in their entirety in the summary of operations required by Item 6, the statements so included need not be otherwise included in the prospectus or elsewhere in the registration statement.

* * * * *

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statements of income and source and application of funds required to be filed as a part of the registration statement. Regulation S–X [17 CFR Part 210] governs the examination and the form and content of such financial statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. Item 21 above specifies the statements which are to be included in the prospectus. Attention is directed to Rule 411(b) [17 CFR 230.411(b)] regarding incorporation by reference of financial statements and to Section 10(a)(3) of the Act and Release No. 4936 regarding updating the financial statements in specified circumstances.

A. STATEMENTS OF THE REGISTRANT

1. *Balance Sheets of the Registrant.* (a) The registrant shall file a balance sheet as of a date within 90 days prior to the date of filing the registration statement. This balance sheet need not be audited. If all of the following conditions exist, this balance sheet may, however, be as of a date within six months prior to the date of filing.

(1) The registrant files annual and other reports pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934;

(2) The total assets of the registrant and its subsidiaries, as shown by the most recent consolidated balance sheet being filed, less any valuation or qualifying accounts, amount to $5,000,000 or more, exclusive of intangibles; and

(3) No long-term debt of the registrant is in default as to principal, interest or sinking fund provisions.

(b) If the balance sheet required by paragraph (a) is not audited, there shall be filed in addition an audited balance sheet as of a date within one year unless the fiscal year of the registrant has ended within 90 days prior to the date of filing, in which case the audited balance sheet may be as of the end of the preceding fiscal year.

2. *Statements of Income and Source and Application of Funds of the Registrant.* The registrant shall file statements of income and source and application of funds for each of the three fiscal years preceding the date of the most recent balance sheet being filed and for the interim period, if if any, between the end of the most recent of such fiscal years and the date of the most recent balance sheet being filed. These statements shall be audited to the date of the most recent audited balance sheet being filed.

3. *Omission of Registrant's Statements in Certain Cases.* Notwithstanding Instructions 1 and 2, the individual financial statements of the registrant may be omitted if (i) consolidated financial statements of the registrant and one or more of its subsidiaries are being filed, (ii) the conditions specified in either of the following paragraphs are met, and (iii) the basis for the the omission is stated in the lists of financial statements filed under Item 31.

(a) The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the registrant or its consolidated subsidiaries in amounts which together exceed 5 percent of the total assets as shown by the most recent year-end consolidated balance sheet. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is collateralized by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

(b) The registrant's total assets, exclusive of investments in and advances to its consolidated subsidiaries, as would be shown by its most recent year-end balance sheet if it were filed, constitute 75 percent or more of the total assets as shown by the most recent year-end consolidated balance sheet; and the registrant's total sales and revenues, exclusive of interest and dividends received from or its equity in the income of the consolidated subsidiaries, as would be shown by its income statement for the most recent fiscal year if it were filed, constitute 75 percent or more of the total sales and revenues shown by the most recent annual consolidated income statement.

B. CONSOLIDATED STATEMENTS

4. *Consolidated Balance Sheets.* There shall be filed a consolidated balance sheet of the registrant and its subsidiaries as of the same date as each balance sheet of the registrant filed pursuant to Instruction 1. The consolidated balance sheet shall be audited if the registrant's balance sheet as of the same date is audited. If the registrant's balance sheets are omitted pursuant to Instruction 3, the consolidated balance sheets being filed shall be as of the same dates as the balance sheets of the registrant which would be required and shall be audited if the corresponding balance sheet of the registrant would be required to be audited.

5. *Consolidated Statements of Income and Source and Application of Funds.* There shall be filed consolidated statements of income and source and application of funds of the registrant and its subsidiaries for each of the three fiscal years preceding the date of the most recent consolidated balance sheet being filed and for the period, if any, between the end of the most recent of such fiscal years and the date of the most recent consolidated balance sheet being filed. These statements shall be audited to the date of the most recent related audited consolidated balance sheet being filed.

C. STATEMENTS OF SUBSIDIARIES NOT CONSOLIDATED AND 50 PERCENT OR LESS OWNED PERSONS

6. *Financial Statements of Subsidiaries Not Consolidated and 50 Percent or Less Owned Persons.* (a) Subject to Rule 4–03 [17 CFR 210.4–03] of Regulations S–X [17 CFR Part 210] regarding group financial statements and Instructions 7 and 8 below, there shall be filed for each majority-owned subsidiary not consolidated and each 50 percent or less owned person for which the investment is accounted for by the equity method by the registrant or a consolidated subsidiary of the registrant the financial statements which would be required if each such subsidiary or other person were a registrant. Insofar as practicable, these financial statements shall be as of the same dates or for the same periods as those of the registrant.

(b) If it is impracticable to file financial statements of any subsidiary not consolidated or 50 percent or less owned person accounted for by the equity method as of a date within 90 days, or within six months if registrant's financial statements are required to be filed as of a date within six months, prior to the date of filing, there may be filed in lieu thereof audited financial statements of such subsidiary or other person as of the end of its most recent annual or semi-annual fiscal period preceding the date of filing the registration statement for which it is practicable to do so.

7. *Summarized Financial Information.* Notwithstanding Instruction 6, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, except such subsidiaries or 50 percent or less owned persons which are individually significant under the tests specified in Instruction 8.

8. *Omission of Financial Statements Required by Instruction 6.* Notwithstanding Instructions 6 and 7, there may be omitted all financial statements of any one or more unconsolidated subsidiaries or 50 percent or less owned persons accounted for by the equity method, if in the aggregate (i) neither the registrant's and its other subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total assets as shown by the most recent year-end consolidated balance sheet; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the total sales and revenues as shown by the most recent annual consolidated income statement; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries for the most recent fiscal year; provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

9. *Financial Statements of Affiliates Whose Securities Collateralize an Issue Being Registered.* (a) For each affiliate of the registrant whose securities constitute or are to constitute a substantial portion of the collateral for any class of securities being registered, there shall be filed the financial statements that would be required if the affiliate were a registrant. However, statements need not be filed pursuant to this instruction for any person whose statements are otherwise filed with the registration statement on an individual, consolidated or combined basis.

(b) (No change.)

D. SPECIAL PROVISIONS

10. *Reorganization of Registrant.* (a) If, during the period for which its income statements are required, the registrant has emerged from a reorganization in which substantial changes occurred in its asset, liability, capital shares, other stockholders' equity or reserve accounts, a brief explanation of such changes shall be set forth in a note or supporting schedule to the balance sheets filed.

(b) (No change.)

11. *Past Successions to Other Businesses.* (a) If, during the period for which its income statements are required, the registrant has by purchase or by pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets being filed, and, if a purchase has been effected during the most recent fiscal year or in a subsequent period, pro forma statements of income reflecting the combined operations of the entities shall be furnished in columnar form for the latest fiscal year and any comparable interim periods. In addition, if any such purchased business or businesses, singly or in the aggregate, had major significance in relation to the registrant, audited income statements, separate or combined as appropriate, for such business or businesses shall be filed for such period prior to the purchase as may be necessary when added to the time, if any, for which income statements after the purchase are filed to cover the equivalent of the period specified in Instructions 2 and 5 above. The test of major significance shall be based on the tests used in the term "significant subsidiary" with substituted percentages (determined in comparison to the most recent annual consolidated financial statements of the registrant being filed) being utilized in relation to the period the businesses have been merged prior to the date of the registrant's most recent audited balance sheet as follows: (i) for one full year or less, no substitution; (ii) more than one but less than two full years, 25 percent; and (iii) two full years or more, 45 percent. If financial statements for an acquired business would not be required in the year of acquisition, they would not be required subsequently. (See Release No. 33-4950 [34 F.R. 4886] with regard to audit requirements for such financial statements.)

(b) (Omitted.)

[(c)] (b) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one or more businesses if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

12. *Future Successions to Other Businesses.* (a) If, after the date of the most recent balance sheet filed pursuant to Part A or B above, the registrant by purchase or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses financial statements, combined if appropriate, which would be required if they were registering securities on Form S-1 [§ 239.11] under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (i) a balance sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession, and (iv) the pro forma balance sheet of the registrant giving effect to the plan of succession. There shall also be filed pro forma statements of income in columnar form for the periods for which the results of operations of the acquired business would have been included in the registrant's income statement for a pooling of interests or would have been presented on a pro forma basis for a purchase had the succession occurred on the date of the latest balance sheet filed. By a note to the financial statements or otherwise, a brief explanation of the changes shall be given.

(b) (No change.)

(c) No financial statements need be filed, however, for any business acquired or to be acquired, or for any business in which an investment acquired or to be acquired is required to be accounted for by the equity method, from a totally held subsidiary. In addition, the statements of any one or more such businesses may be omitted if the businesses, considered in the aggregate, would not meet the test of a significant subsidiary; provided that the statements of any business may not be omitted where any of the securities being registered are to be offered in exchange for securities representing such business or for assets of such business.

13. *Filing of Other Financial Statements in Certain Cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substittuion for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required or whose statements are otherwise necessary for the protection of investors.

E. HISTORICAL FINANCIAL INFORMATION

14. *Scope of Part E.* The information required by Part E shall be furnished for the seven-year period preceding the period for which income statements are required to be filed as to the accounts of each person whose balance sheet is being filed. The information is to be given as to all of the accounts specified whether they are presently carried on the books or not. Part E does not call for an audit but only for a survey or review of the accounts specified. It should not be detailed beyond a point material to an investor. Information may be omitted, however, as to any person for whom equivalent information for the period has been filed with the Commission pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934.

15. *Revaluation of Property.* (No change.)

16. *Capital Shares.* (a) If there were any material restatements of capital shares which resulted in transfers from capital share liability to other stockholders' equity or reserve, state the amount of each such restatement and all related entries. No statement need be made as to restatements resulting from the declaration of share dividends.

(b) (No change.)

17. *Debt Discount and Expense Written Off.* (No change.)

18. *Premiums and Discount and Expense on Securities Retired.* (No change.)

19. *Other Changes in Other Stockholders' Equity.* If there were any material increases or decreases in other stockholders' equity, other than those resulting from transactions specified above, the closing of the income account or the declaration or payment of dividends, state (1) the year or years in which such increases or decreases were made; (2) the nature and amounts thereof; and (3) the accounts affected, including all material related entries. Instruction 15(c) above shall also apply here.

20. *Predecessors.* (No change.)

21. *Omission of Certain Information.* (a) (No change.)

(b) No information need be furnished hereunder as to any one or more unconsolidated subsidiaries for which separate financial statements are filed if all subsidiaries for

which the information is so omitted, considered in the aggregate, would not meet the test of a significant subsidiary.

(c) (No change.)

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 13. (No change.)

14. Copies of the exhibits called for by Instructions 4 and 7 to Item 6.

§ 239.26 [Amended]

III. Section 239.26 (Form S–7). Items 6 and 10 and the Instructions as to exhibits are amended to read as follows:

Item 6. *Statements of Income.* Furnish in comparative columnar form statements of income for the registrant or for the registrant and its subsidiaries consolidated, or both, as appropriate, for—

(a) each of the last fiscal years of the registrant, and

(b) any interim period between the end of the most recent fiscal year and the date of the most recent balance sheet being filed pursuant to Item 10(a) and for the corresponding interim period of the preceding fiscal year, and

(c) any additional fiscal years necessary to keep the statements from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus. A statement of source and application of funds shall be furnished for each fiscal year or other period for which a statement of income is required to be furnished.

Instructions. 1. The statements required shall be prepared in compliance with the applicable requirements of Regulation S–X [17 CFR Part 210] and shall be audited to the date of the respective audited balance sheet(s) included in the prospectus. Regulation S–X 17 [CFR Part 210] governs the examination and the form and content of such statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed.

2. If the registrant is engaged primarily (i) in the generation, transmission or distribution of electricity, the manufacture, mixing, transmission or distribution of gas, the supplying or distribution of water, or the furnishing of telephone or telegraph service; or (ii) in holding securities of companies engaged in such business, it may at its option include a statement of income for the twelve-month period prior to the date of the most recent balance sheet being filed, in lieu of the income statements for the interim periods specified.

3. If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the statements shall be reconciled as to sales or revenues and net income in the statement or in a note thereto with the amounts previously reported; provided, however, that such reconciliations need not be made (1) if they have been made in filings with the Commission in prior years or (2) the financial statements which are being retroactively adjusted have not previously been filed with the Commission or otherwise made public.

4. The statements shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the statement shall also be shown. The basis of the computation of per share earnings shall be stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.

5. (a) If debt securities are being registered, the registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be shown on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and its consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]). There shall also be shown for the most recent fiscal year or twelve months a pro forma ratio of earnings to fixed charges, adjusted to give effect to (i) the issuance of the securities being registered, (ii) any issuance, retirement or redemption of securities during such period, or (iii) any issuance, retirement or redemption of securities after, or presently proposed for one year after, such period.

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons. In the case of utilities, interest credits charged to construction shall be added to gross income and not deducted from interest.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

6. If long term debt or preferred stock is being registered, there shall be shown the annual interest requirements of such long term debt or the annual dividend requirements on such preferred stock. To the extent that an issue represents refunding or refinancing, only the additional annual interest or dividend requirements shall be stated. If preferred stock is being registered, there shall also be shown in tabular form for each fiscal year or other period the ratio of earnings to combined fixed charges and preferred dividend requirements.

7. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios required in paragraphs 5(a) and 6. For the purpose of this exhibit and the pro forma ratio required in paragraph 5(a), an assumed maximum interest rate may be used on securities as to which the interest rate has not yet been fixed, which assumed rate shall be shown.

8. In connection with any unaudited statement for an interim period (or twelve-month period permitted by Instruction 2), a statement shall be made that all adjustments necessary to a fair statement of the results for such period have been included. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished as supplemental information but not as a part of the registration statement a letter describing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

9. [8.] (No other change.)

10. Statements of income and source and application of funds conforming with the foregoing and statements of retained earnings and other stockholders' equity shall be furnished, here or elsewhere in the prospectus, for each subsidiary or group of subsidiaries or 50 percent or less owned persons for which a balance sheet is furnished in response to Item 10(b).

* * * * *

Item 10. *Other Financial Statements and Schedules.* (a) There shall be filed a balance sheet of the registrant and a consolidated balance sheet of the registrant and its subsidiaries as of a date within six months prior to the date of filing the registration statement. These balance sheets need not be audited, but if they are not audited there shall be filed in addition audited balance sheets as of a date within one year, unless the fiscal year of the registrant has ended within 90 days prior to the date of filing, in which case the audited balance sheets may be as of the end of the preceding fiscal year. These balance sheets shall be prepared in compliance with the applicable requirements of Regulation S–X. (See Instruction 1 to Item 6.) [17 CFR Part 210]

Instructions. The individual balance sheets of the registrant may be omitted if (i) consolidated balance sheets of the registrant and one or more of its subsidiaries are being filed, (ii) the conditions specified in either of the following paragraphs are met, and (iii) the basis for the omission is stated in the list of financial statements filed.

1. The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the registrant or its consolidated subsidiaries in amounts which together exceed 5 percent of the total assets as shown by the most recent year-end consolidated balance sheet. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is collateralized by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

2. The registrant's total assets, exclusive of investments in and advances to its consolidated subsidiaries, as would be shown by its most recent year-end balance sheet if it were filed, constitute 75 percent or more of the total assets as shown by the most recent year-end consolidated balance sheet; and the registrant's total sales and revenues, exclusive of interest and dividends received from or its equity in the income of the consolidated subsidiaries, as would be shown by its income statement for the most recent fiscal year if it were filed, constitute 75 percent or more of the total sales and revenues shown by the most recent annual consolidated income statement.

(b) [(1)] Subject to Rule 4–03 [17 CFR 210.4–03] of Regulation S–X [17 CFR Part 210] regarding group financial statements and the instructions below, there shall be filed for each majority-owned subsidiary not consolidated and each 50 percent or less owned person for which the investment is accounted for by the equity method by the registrant or a consolidated subsidiary of the registrant the balance sheets which would be required if each such subsidiary or other person were a registrant.

[(2)] (Paragraph omitted)

Instructions. 1. Insofar as practicable, these balance sheets shall be as of the same dates as those of the registrant. If it is impracticable to file a balance sheet of any subsidiary not consolidated or 50 percent or less owned person accounted for by the equity method as of a date within six months

prior to the date of filing, there may be filed in lieu thereof an audited balance sheet of such subsidiary or other person as of the end of the most recent annual or semi-annual fiscal period preceding the date of filing the registration statement for which it is practicable to do so.

2. Notwithstanding paragraph (b) and Instruction 10 of Item 6, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, except such subsidiaries or 50 percent or less owned persons which are individually significant under the tests specified in Instruction 3.

[2] 3. Notwithstanding paragraph (b) and Instruction 2 above and Instruction 10 of Item 6, there may be omitted all financial statements of any one or more unconsolidated subsidiaries or 50 percent or less owned persons accounted for by the equity method, if in the aggregate (i) neither the registrant's and its other subsidiaries' investments in, and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total assets as shown by the most recent year-end consolidated balance sheet; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the total sales and revenues as shown by the most recent annual consolidated income statement; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries for the most recent fiscal year; provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

[(d)] (c) *Past Successions to Other Businesses.* (1) If, during the period for which its income statements are required, the registrant has by purchase or by pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets being filed, and, if a purchase has been effected during the most recent fiscal year or in a subsequent period, pro forma statements of income reflecting the combined operations of the entities shall be furnished in columnar form for the latest fiscal year and any comparable interim periods. In addition, if any such purchased business or businesses, singly or in the aggregate, had major significance in relation to the registrant, audited income statements, separate or combined as appropriate, for such business or businesses shall be filed for such period prior to the purchase as may be necessary when added to the time, if any, for which income statements after the purchase are filed to cover the equivalent of the most recent three fiscal years and the interim period specified in Item 6. The test of major significance shall be based on the tests used in the term "significant subsidiary" with substituted percentages (determined in comparison to the most recent annual consolidated financial statements of the registrant being filed) being utilized in relation to the period the businesses have been merged prior to the date of the registrant's most recent audited balance sheet as follows: (i) for one full year or less, no substitution; (ii) more than one but less than two full years, 25 percent; and (iii) two full years or more, 45 percent. If financial statements for an acquired business would not be required in the year of acquisition they would not be required subseqently. (See Release No. 33–4950 [34 FR 4868] with regard to audit requirements for such financial statements.)

(2) (Omitted)

[(3)] (2) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one or more businesses if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

[(c)] (d) *Future Successions to Other Businesses.* (1) If, after the date of the most recent balance sheet filed pursuant to (a) above, the registrant by purchase or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses financial statements, combined if appropriate, which would be required if they were registering securities on Form S–1 [§ 239.11] under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (i) a balance sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession and (iv) the pro forma balance sheet of the registrant giving effect to the plan of succession. There shall also be filed pro forma statements of income in columnar form for the periods for which the results of operations of the acquired business would have been included in the registrant's income statements for a pooling of interests or would have been presented on a pro forma basis for a purchase had the succession occurred on the date of the latest balance sheet filed. By a note to the financial statements or otherwise, a brief explanation of the changes shall be given.

(2) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control.

(3) No financial statements need be filed, however, for any business acquired or to be acquired, or for any business in which an investment acquired or to be acquired is required to be accounted for by the equity method, from a totally held subsidiary. In addition, the statements of any one or more such businesses may be omitted if the businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

(e) Notwithstanding the provisions of Regulation S–X, no schedules other than those prepared in accordance with Rules 12–16, 12–27, 12–42 and 12–43 [17 CFR 210.12–16, 210.12–27, 210.12–42 and 210.12–43] of that regulation need be furnished.

* * * * *

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 5. (No change)

6. Copies of the exhibits called for by Instructions 4 and 7 to Item 6.

§ 239.16b [Amended]

IV. Section 239.16b (Form S–8) General Instruction F; Items 11, 19 and 25; and the instructions as to exhibits are amended to read as follows:

GENERAL INSTRUCTIONS

F. *Filing of Other Financial Statements in Certain Cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

* * * * *

Item 11. *Financial Statements of the Plan.* (a) The following financial statements shall be furnished for any plan the interests in which are being registered hereunder.

(1) An audited statement of financial condition as of the end of the latest fiscal year of the plan.

(2) An audited statement of income and changes in plan equity for the latest fiscal year of the plan.

(b) If audited financial statements substantially meeting the above requirements have been furnished to all employees who receive a copy of the prospectus, such statements may be incorporated by reference in the prospectus.

(c) (Deleted)

Instruction. The statements required by this item shall be prepared and audited in accordance with the applicable provisions of Regulation S–X [17 CFR Part 210] and shall be accompanied by the schedules specified in Rule 6–34 [17 CFR 210.6–34] of that Regulation [17 CFR Part 210].

NOTE: (No change.)

* * * * *

Item 19. *Summary of Operations.* Furnish in comparative columnar form a summary of operations for the issuer for—

(a) each of the last five fiscal years of the issuer (or for the life of the issuer and its predecessors, if less), and

(b) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus. Statements of source and application of funds and of retained earnings and other stockholders' equity accounts shall be furnished for each of the last two fiscal years covered by the summary. The statements required shall be prepared in compliance with the applicable requirements of Regulation S–X and shall be audited. If the issuer includes in its annual report filed pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 financial statements of the issuer and its subsidiaries consolidated, the summary and statements required by this item shall be prepared on a consolidated basis.

Instructions. 1. Subject to appropriate variation to conform to the nature of the business, the following items shall be included: net sales or operating or other revenues; cost of goods sold or operating or other expenses (or gross profit); interest expense; income tax expense; income from continuing operations; discontinued operations, less applicable tax; income or loss before extraordinary items; extraordinary items, less applicable tax; cumulative effects of changes in accounting principles; and net income or loss.

2. If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary or in a note thereto with the amounts previously reported; provided, however, that such reconciliations need not be made (1) if they have been made in filings with the Commission in prior years or (2) the financial statements which are being retroactively adjusted have not previously been filed with the Commission or otherwise made public.

3. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall also be shown. The basis of the computation of per share earnings shall be stated, together with the number of shares used in the computation. The issuer shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.

4. (No change)

5. If the annual report of the issuer which accompanies the prospectus includes a summary of operations or statements of source and application of funds, retained earnings or other stockholders' equity substantially meeting the above requirements, such summary or statements may be incorporated by reference in the prospectus.

* * * * *

Item 25. *Financial Statements.* (a) Include the audited financial statements of the issuer required to be included in the annual report which the issuer has filed or is required to file for its last fiscal year pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934. If the issuer includes in its annual report audited financial statements of the issuer and its subsidiaries consolidated, the latter shall be furnished in lieu of the financial statements of the issuer. No schedules need be included.

(b) If the annual report of the issuer to its security holders for its last fiscal year includes audited financial statements for the last two fiscal years substantially meeting the above requirements, such statements may be incorporated by reference in the prospectus.

* * * * *

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 7. (No change.)

8. A copy of the exhibit called for by Instruction 3 of Item 19.

§ 239.22 [Amended]

V. Section 239.22 (Form S–9). General Instruction A, Items 3 and 5, and the Instructions as to Exhibits are amended to read as follows:

GENERAL INSTRUCTIONS

A. *Rule as to Use of Form S–9.* (a) (1), (2) and (3) (No change.)

(a) (4) If the issuer has had fixed charges during any of its last five fiscal years or any more recently-ended twelve-month period reported in the registration statement, then (i) the earnings of the issuer after all operating and income deductions except fixed charges and taxes based on income or profits after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons, have been at least three times its fixed charges in the case of utilities, or ten times its fixed charges in the case of any other issuer, for each such fiscal year and such twelve-month period, and (ii) for the last fiscal year or twelve-month period so reported, such earnings have been at least three times its fixed charges in the case of utilities, or ten times its fixed charges in the case of any other issuer, for each such fiscal year and such twelve-month period; and (ii) for the last fiscal year or twelve-month period so reported, such earnings have been at least three times its fixed charges in the case of utilities, or six times its fixed charges in the case of the other issuer, for such period, adjusted to give effect to (A) the issuance of securities being registered, (B) any issuance, retirement or redemption of securities during or after such period, or (C) any issuance, retirement or redemption of securities after, or presently proposed for one year after, such period.

(a) (5), (6) and (7) (No change.)

(b) (No change.)

(c) (1) (No change.)

(c) (2) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness, (ii) such portion of rentals as can be demonstrated as representative of the interest factor in the circumstances of a particular case, and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

(d) (No change.)

* * * * *

Item 3. *Statements of Income.* (a) Furnish in comparative columnar form statements of income for the registrant or for the registrant and its subsidiaries consolidated, or both, as appropriate, for—

(1) each of the last five fiscal years of the registrant, and

(2) any interim period between the end of the most recent fiscal year and the date of the most recent balance sheet being filed pursuant to Item 5(a) and for the corresponding interim period of the preceding fiscal year, and

(3) any additional fiscal years necessary to keep the statements from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus. A statement of source and application of funds shall be furnished for each fiscal year or other period for which a statement of income is requested to be furnished.

Instructions. 1. The statements required shall be prepared in compliance with the applicable requirements of Regulation S–X, [17 CFR and Part 210] shall be audited to the date of the respective audited balance sheet(s) included in the prospectus. Regulations S–X [17 CFR, and shall be audited to the date of the respective audited balance sheet(s) included in the prospectus. Regulation S–X Part 210] governs the examination and the form and content of such statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed.

2. If the registrant is engaged primarily (i) in the generation, transmission or distribution of electricity, the manufacture, mixing, transmission or distribution of gas, the supplying or distribution of water or the furnishing of telephone or telegraph service; or (ii) in holding securities of companies engaged in such business, it may at its option include a statement of income for the twelve-month period prior to the date of the most recent balance sheet being filed, in lieu of the income statements for the interim periods specified.

3. If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the statements shall be reconciled as to sales or revenues and net income, in the summary or in a note thereto, with the amounts originally reported; provided, however, that such reconciliations need not be made (1) if they have been made in filings with the Commission in prior years or (2) the financial statements which are being retroactively adjusted have not previously been filed with the Commission or otherwise made public.

4. (a) The registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be shown on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and its consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]). There shall also be shown for the most recent fiscal year or twelve months a pro forma ratio of earnings to fixed charges, adjusted to give effect to (i) the issuance of the securities being registered, (ii) any issuance, retirement or redemption of securities during such period, or (iii) any issuance, retirement or redemption of securities after, or presently proposed for one year after, such period.

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons. In the case of utilities, interest credits charged to construction shall be added to gross income and not deducted from interest.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

(d) (No change.)

5. In connection with any unaudited statement for an interim period (or twelve-month period permitted by Instruction 2), a statement shall be made that all adjustments necessary to a fair statement of the results for such period have been included. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished as supplemental information but not as a part of the registration statement a letter describing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

6. (No change.)

7. Statements of income and source and application of funds conforming with the foregoing and statements of retained earnings and other stockholders equity shall be furnished, here or elsewhere in the prospectus, for each subsidiary or group of subsidiaries or 50 percent or less owned persons for which a balance sheet is furnished in response to Item 5(b).

(b) (No change.)

(c) (No change.)

* * * * *

Item 5. *Balance Sheets and Schedules.* (a) There shall be filed a balance sheet of the registrant and a consolidated balance sheet of the registrant and its subsidiaries as of a date within six months prior to the date of

filing the registration statement. These balance sheets need not be audited but, if they are not audited there shall be filed in addition audited balance sheets as of a date within one year, unless the fiscal year of the registrant has ended within 90 days prior to the date of filing, in which case the audited balance sheets may be as of the preceding fiscal year. These balance sheets shall be prepared in compliance with the applicable requirements of Regulation S–X [17 CFR Part 210]. (See Instruction 1 to Item 3.)

Instructions. The individual balance sheets of the registrant may be omitted if (i) consolidated balance sheets of the registrant and one or more of its subsidiaries are being filed, (ii) the conditions specified in either of the following paragraphs are met, and (iii) the basis for the omission is stated in the list of financial statements filed under Item 9.

1. The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the registrant or its consolidated subsidiaries in amounts which together exceed 5 percent of the total assets as shown by the most recent year-end consolidated balance sheet. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is collateralized by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

2. The registrant's total assets, exclusive of investments in and advances to its consolidated subsidiaries, as would be shown by its most recent year-end balance sheet if it were filed, constitute 75 percent or more of the total assets as shown by the most recent year-end consolidated balance sheet; and the registrant's total sales and revenues, exclusive of interest and dividends received from or its equity in the income of the consolidated subsidiaries, as would be shown by its income statement for the most recent fiscal year if it were filed, constitute 75 percent or more of the total sales and revenues shown by the most recent annual consolidated income statement.

(b) Subject to Rule 4–03 [17 CFR 210.4–03] of Regulation S–X [17 CFR Part 210] regarding group financial statements and the instructions below, there shall be filed for each majority-owned subsidiary not consolidated and each 50 percent or less owned person for which the investment is accounted for by the equity method by the registrant or a consolidated subsidiary of the registrant the balance sheets which would be required if each such subsidiary or other person were a registrant.

Instructions. 1. Insofar as practicable, these balance sheets shall be as of the same dates as those of the registrant. If it is impracticable to file a balance sheet of any subsidiary not consolidated or 50 percent or less owned person accounted for by the equity method as of a date within six months prior to the date of filing, there may be filed in lieu thereof an audited balance sheet of such subsidiary or other person as of the end of the most recent annual or semi-annual fiscal period preceding the date of filing the registration statement for which it is practical to do so.

2. Notwithstanding paragraph (b) and Instruction 7 of Item 3, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, except such subsidiaries or 50 percent or less owned persons which are individually significant under the tests specified in Instruction 3.

[2] 3. Notwithstanding paragraph (b) and Instruction 2 above and Instruction 7 of Item 3, there may be omitted all financial statements of any one or more unconsolidated subsidiaries or 50 percent or less owned persons accounted for by the equity method if in the aggregate (i) neither the registrant's and its other subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of such subsidiaries and other persons do not exceed 10 percent of the total assets as shown by the most recent year-end consolidated balance sheet; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the total sales and revenues as shown by the most recent annual consolidated income statement; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries for the most recent fiscal year; provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

(c) *Past Successions to Other Businesses.* (1) If, during the period for which its income statements are required, the registrant has by purchase or by pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets being filed, and, if a purchase has been effected during the most recent fiscal year or in a subsequent period, pro forma statements of income reflecting the combined operations of the entities shall be furnished in columnar form for the latest fiscal year and any comparable interim periods. In addition, if any such purchased business or businesses, singly or in the aggregate, has major significance in relation to the registrant, audited income statements, separate or combined as appropriate, for such business shall be filed for such period prior to the purchase as may be necessary when added to the time, if any, for which income statements after the purchase are filed to cover the equivalent of the most recent three fiscal years and the interim period specified in Item 3. The test of major significance shall be based on the tests used in the term "significant subsidiary" with substituted percentages (determined in comparison to the most recent annual consolidated financial statements of the registrant being filed) being utilized in relation to the period the businesses have been merged prior to the date of the registrant's most recent audited balance sheet as follows: (i) for one full year or less, no substitution; (ii) more than one but less than two full years, 25 percent; and (iii) two full years or more, 45 percent. If financial statements for an acquired business would not be required in the year of acquisition, they would not be required subsequently. (See Release No. 33–4950 [34 FR 4886] with regard to audit requirements for such financial statements.)

(2) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one or more businesses if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

(d) *Future Successions to Other Businesses.* (1) If, after the date of the most recent balance sheet filed pursuant to (a) above, the registrant by purchase or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses financial statements, combined if appropriate, which would be required if they were registering securities on Form S–1 [§ 239.11] under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (i) a balance sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession and (iv) the pro forma balance sheet of the registrant giving effect to the plan of succession. There shall also be filed pro forma statements of income in columnar form for the periods for which the results of operations of the acquired business would have been included in the registrant's income statement for a pooling of interests or would have been presented on a pro forma basis for a purchase, had the succession occurred on the date of the latest balance sheet filed. By a note to the financial statements or otherwise, a brief explanation of the changes shall be given.

(2) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control.

(3) No financial statements need be filed, however, for any business acquired or to be acquired, or for any business in which an investment acquired or to be acquired is required to be accounted for by the equity method, from a totally held subsidiary. In addition, the statements of any one or more such businesses may be omitted if the businesses, considered in the aggregate, would not meet the test of a significant subsidiary; provided that the statements of any business may not be omitted where any of the securities being registered are to be offered in exchange for securities representing such business or for assets of such business.

[(c)] (e) Notwithstanding the provisions of Regulation S–X [17 CFR Part 210], no schedules other than those prepared in accordance with Rules 12–16, 12–27, 12–42 and 12–43 [17 CFR 210.12–16, 210.17–27, 210.12–42 and 210.12–43] of that regulation need be furnished.

* * * * *

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 5. (No change.)

6. A copy of the exhibit called for by Instruction 4(d) to Item 3.

§ 239.18 [Amended]

VI. Section 239.18 (Form S–11). Items 6 and 26, the Instructions as to Financial Statements and the Instructions as to Exhibits are amended to read as follows:

Item 6. Summary of Operations. (a) Furnish in comparative columnar form a summary of operations for the registrant or for the registrant and its subsidiaries consolidated, or both, as appropriate, for—

(1) each of the last five fiscal years of the registrant (or for the life of the registrant and its predecessors, if less), and

(2) any interim period between the end of the most recent fiscal year and the date

of the most recent balance sheet being filed and for the corresponding interim period of the preceding fiscal year, and

(3) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus.

Instructions. 1. Subject to appropriate variation to conform to the nature of the business or the purpose of the offering, the following items shall be included: rental income; mortgage interest income; management fees; operating expenses; real estate taxes; depreciation; interest expense; other income; income tax expense; income from continuing operations; discontinued operations, less applicable tax; income or loss before extraordinary items and realized gain or loss on sales of properties and investments; realized gain or loss on sales of properties and investments, less applicable tax; income before extraordinary items; extraordinary items, less applicable tax; cumulative effect of changes in accounting principles; and net income or loss. See Item 26(b).

2. In connection with any unaudited summary for an interim period, a statement shall be made that all adjustments necessary to a fair presentation of the results for such interim period have been made. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished, as supplemental information but not as a part of the registration statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the statement shall be reconciled as to revenues and net income in the summary or in a note thereto with the amounts previously reported; provided, however, that such reconciliations need not be made (1) if they have been made in filings with the Commission in prior years or (2) the financial statements which are being retoractively adjusted have not previously been filed with the Commission or otherwise made public.

4. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and distributions for each period of the summary shall also be shown. The basis of the computation of per share earnings and the status for Federal income tax purposes shall be stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.

5. (a) If a debt securities are being registered, the registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges, for such periods shall also be shown on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and its consolidated subsidiaries (see Accounting Series Release No. 122 [36 F.R. 15527]). There shall also be shown for the most recent fiscal year or twelve months a pro forma ratio of earnings to fixed charges, adjusted to give effect to (i) the issuance of the securities being registered, (ii) any issuance, retirement or redemption of securities during such period, or (iii) any issuance, retirement or redemption of securities after, or presently proposed for one year after, such period.

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

6. If long-term debt or preferred stock is being registered, there shall be shown the annual interest requirements of such long-term debt or the annual dividend requirements on such preferred stock. To the extent that an issue represents refunding or refinancing, only the additional annual interest or dividend requirements shall be stated. If preferred stock is being registered, there shall also be shown in tabular form for each fiscal year or other period the ratio of earnings to combined fixed charges and preferred dividend requirements.

7. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios required in paragraphs 5(a) and 6. For the purpose of this exhibit and the pro forma ratio required in paragraph 5(a), an assumed maximum interest rate may be used on securities as to which the interest rate has not yet been fixed, which assumed rate shall be shown.

8. [7.] (No other change.)

(b) If, during the period for which income statements are required, the registrant (i) was organized to acquire and hold primarily for investment one specific property or group of properties, or (ii) has acquired one or more properties which in the aggregate are significant, or (iii) since the date of the latest balance sheet required has acquired one or more properties which in the aggregate are significant, the following shall be furnished with respect to such properties in addition to any summary of operations required by paragraph (a):

(1) An historical summary of operations, for the period specified in paragraph (a), which shall exclude items not comparable to the proposed future operation of the property, such as mortgage interest, leasehold rental, depreciation, corporate expenses and Federal and state income taxes. Earnings per unit shall not be given in this summary. The three most recent fiscal years of this summary shall be audited.

(2) (No change.)

(3) If appropriate under the circumstances, there shall be given in tabular form for a limited number of years the estimated cash distribution per unit showing the portion thereof reportable as taxable income and the portion representing a return of capital together with an explanation of annual variations, if any. If taxable net income per unit will become greater than the cash available for distribution per unit, that fact and the approximate year of occurrence shall be stated, if significant.

* * * * *

Item 26. *Financial Statements.* Include in the prospectus all financial statements called for by the Instructions as to Financial Statements for this form, except as provided in paragraphs (a) and (b) below.

(a) All schedulues to balance sheets and income statements may be omitted from the prospectus, except those prepared in accordance with Instruction 4 of the Instructions as to Financial Statements herein and the requirements under Rule 5-04 [17 CFR 210.5-04] of Regulation S-X [17 CFR Part 210] for schedules designated XVI, XVII, XVIII and XIX which are applicable to the balance sheets and income statements included in the prospectus. All historical information required by Part E of the Instructions as to Financial Statements in Form S-1 [17 CFR 239.11] may also be omitted from the prospectus.

(b) If the statements of income and expenses and realized gain or loss on investments or the related statements of other stockholders' equity are included in their entirety in lieu of the summary of operations required by Item 6, the statements so included need not be otherwise included in the prospectus or elsewhere in the registration statement.

* * * * *

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statements of income and source and application of funds required to be filed as a part of the registration statement. Regulation S-X [17 CFR Part 210] governs the examination and the form and content of such financial statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. The balance sheets, income statements and the schedules shall be prepared in accordance with the applicable requirements of Article 5 [17 CFR 210.5-01—210.5-04] of Regulation S-X [17 CFR Part 210] except as otherwise provided in the special provisions hereunder. Item 26 above specifies the statements which are to be included in the prospectus. Attention is directed to Rule 411(b) [17 CFR 230.411(b)] regarding incorporation by reference of financial statements and to Section 10(a)(3) of the Act and Release No. 4936 [33 FR 18617] regarding updating the financial statements in specified circumstances.

A. GENERAL PROVISIONS

1. The financial statements filed as a part of a registration statement on this form shall be in accordance with the requirements of Form S-1 [17 CFR 239.11].

B. SPECIAL PROVISION AS TO REAL ESTATE INVESTMENT TRUSTS

2. In lieu of the income statements required by Rule 5-03 [17 CFR 210.5-03] of Regulation S-X [17 CFR Part 210] there shall be filed statements of income and expense and statements of realized gain or loss on investments which shall generally conform with the requirements of Rules 6-04 and 6-05 [17 CFR 210.6-04 and 210.6-05] of Regulation S-X [17 CFR Part 210]. In place of the balance sheet caption prescribed by Rule 5-02-39(a)(3) [17 CFR 210.5-02-39(a)(3)] of Regulation S-X there shall be shown separately (a) the balance of undistributed net income and (b) accumulated net realized gain or loss on investments, and the statements of other stockholders' equity shall generally conform to the requirements of Rule 6-07 [17 CFR 210.6-07] of Regulation S-X [17 CFR Part 210]. The trust's status as a "real estate investment trust" under applicable provisions of the Internal Revenue Code as amended shall be stated in a note referred to in the appropriate statements. Such note shall also indicate briefly the principal present assumptions on which the trust has relied in making or not making provisions for Federal income taxes.

C. SPECIAL PROVISIONS AS TO SCHEDULES

3. *Schedules Required to be Filed.* Except as provided in Instruction 4 below, the schedules specified by Rule 5-04 [17 CFR 210.5-04] of Regulation S-X [17 CFR Part 210] shall be filed.

4. *Marketable Securities—Other Security Investments (Schedule I).* In lieu of the Schedule of Marketable Securities—Other Security Investments as prescribed by Rule 12-02 [17 CFR 210.12-02] required under Schedule I there shall be filed a schedule in accordance with that prescribed by Rule 12-19. [17 CFR 210.12-19]

5, 6 and 7 (Omitted)

[8] 5. *Filing of Other Financial Statements in Certain Cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required or whose statements are otherwise necessary for the protection of investors.

INSTRUCTIONS AS TO EXHIBIT

Introductory sentences and Instructions 1 to 12. (No change.)

13. Copies of the exhibits called for by Instructions 4 and 7 to Item 6.

* * * * *

PART 249—FORMS PRESCRIBED UNDER THE SECURITIES EXCHANGE ACT OF 1934

§ 249.10 [Amended]

VII. Section 249.10 (Form 10). Item 2, the Instructions as to Financial Statements and the Instructions as to Exhibits are amended to read as follows:

Item 2. *Summary of Operations.* Furnish in comparative columnar form a summary of operations for the registrant or for the registrant and its subsidiaries consolidated, or both, as appropriate, for—

(a) each of the last five fiscal years of the registrant (or for the life of the registrant and its predecessors, if less), and

(b) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the registration statement.

Instructions. 1. Subject to appropriate variation to conform to the nature of the business, the following items shall be included: net sales or operating or other revenues; cost of goods sold or operating or other expenses (or gross profit); interest expense; income tax expense; income from continuing operations; discontinued operations, less applicable tax; income or loss before extraordinary items; extraordinary items, less applicable tax; cumulative effects of changes in accounting principles; and net income or loss.

2. If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary or in a note thereto with the amounts previously reported; provided, however, that such reconciliations need not be made (1) if they have been made in filings with the Commission in prior years or (2) the financial statements which are being retroactively adjusted have not previously been filed with the Commission or otherwise made public.

3. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall be also shown. The basis of the computation of per share earnings shall be stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.

4. (a) If debt securities are being registered, the registrant may, at its option, show in tabular form for each fiscal year the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be shown on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and its consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]).

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons. In the case of utilities, interest credits charged to construction shall be added to gross income and not deducted from interest.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

(d) (No change.)

5. (No change.)

* * * * *

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statements of income and source and application of funds required to be filed as a part of the registration statement. Regulation S-X governs the examination and the form and content of such financial statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. Attention is directed to Rules 12b-23 and 12b-36 [17 CFR 240.12b-23 and 240.12b-36].

If either the income or retained earnings statements required are included in their entirety in the summary of operations required by Item 2, the statements so included need not be included elsewhere in the registration statement.

A. STATEMENTS OF THE REGISTRANT

1. *Balance Sheets of the Registrant.* (a) The registrant shall file an audited balance sheet as of the end of its most recent fiscal year unless such fiscal year has ended within 90 days prior to the date of filing the registration statement, in which case the balance sheet may be as of the end of the preceding fiscal year.

(b) If the most recent fiscal year of the registrant has ended within 90 days prior to the date of filing the registration statement and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal year, there shall be filed as an amendment to the registration statement, within 90 days after the date of the most recent fiscal year, an audited balance sheet of the registrant as of the end of the most recent fiscal year.

2. *Statements of Income and Source and Application of Funds of the Registrant.* (a) The registrant shall file audited statements of income and source and application of funds for each of the three fiscal years preceding the date of the balance sheet required by Instruction 1(a).

(b) There shall be filed with each balance sheet filed pursuant to Instruction 1(b) audited statements of income and source and application of funds of the registrant for the fiscal year immediately preceding the date of the balance sheet.

3. *Omission of Registrant's Statements in Certain Cases.* Notwithstanding Instructions 1 and 2, the individual financial statements of the registrant may be omitted if (i) consolidated financial statements of the registrant and one or more of its subsidiaries are being filed, (ii) the conditions specified in either of the following paragraphs are met, and (iii) the basis for the omission is stated in the list of financial statements filed under Item 18.

(a) The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the registrant or its consolidated subsidiaries in amounts which together exceed 5 percent of the total assets as shown by the most recent year-end consolidated balance sheet. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is collateralized by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

(b) The registrant's total assets, exclusive of investments in and advances to the consolidated subsidiaries, as would be shown by its most recent year-end balance sheet if it were filed, constitute 75 percent or more of the total assets as shown by the most recent year-end consolidated balance sheet; and the registrant's total sales and revenues, exclusive of interest and dividends received from or its equity in the income of the consolidated subsidiaries, as would be shown by its income statement for the most recent fiscal year if it were filed, constitute 75 percent or more of the total sales and revenues shown by the most recent annual consolidated income statement.

B. CONSOLIDATED STATEMENTS

4. *Consolidated Balance Sheets.* (a) There shall be filed and audited consolidated balance sheet of the registrant and its subsidiaries as of the end of the most recent fiscal year of the registrant, unless such fiscal year has ended within 90 days prior to the date of filing the registration statement, in which case this balance sheet may be as of the end of the preceding fiscal year.

(b) If the most recent fiscal year of the registrant has ended within 90 days prior to the date of filing the registration statement, and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal year, there shall be filed as an amendment to the registration statement, within 90 days after the end of registrant's fiscal year, an audited consolidated balance sheet of the registrant and its subsidiaries as of the end of the last fiscal year.

5. *Consolidated Statements of Income and Source and Application of Funds.* (a) There

shall be filed audited consolidated statements of income and source and application of funds of the registrant and its subsidiaries for each of the three fiscal years preceding the date of the consolidated balance sheet required by Instruction 4(a).

(b) There shall be filed with each balance sheet filed pursuant to Instruction 4(b) audited consolidated statements of income and source and application of funds of the registrant and its subsidiaries for the fiscal year immediately preceding the date of the balance sheet.

C. STATEMENTS OF SUBSIDIARIES NOT CONSOLIDATED AND 50 PERCENT OR LESS OWNED PERSONS

6. *Financial Statements of Subsidiaries not Consolidated and 50 Percent or Less Owned Persons.* (a) Subject to Rule 4–03 [17 CFR 210.4–03] of Regulation S–X [17 CFR Part 210] regarding group financial statements and Instructions 7 and 8 below, there shall be filed for each majority-owned subsidiary not consolidated and each 50 percent or less owned person for which the investment is accounted for by the equity method by the registrant or a consolidated subsidiary of the registrant the financial statements which would be required if each such subsidiary or other person were a registrant.

(b) If the fiscal year of any subsidiary not consolidated or 50 percent or less owned person ends within 90 days before the date of filing the registration statement, or after the date of filing, the statements required by paragraph (a) may be filed as an amendment to the registration statement within 90 days after the end of such subsidiary's or other person's fiscal year.

7. *Summarized Financial Information.* Notwithstanding Instruction 6, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, except such subsidiaries or 50 percent or less owned persons which are individually significant under the tests specified in Instruction 8.

8. *Omission of Statements Required by Instruction 6.* Notwithstanding Instructions 6 and 7, there may be omitted all financial statements of any one or more unconsolidated subsidiaries or 50 percent or less owned persons accounted for by the equity method, if in the aggregate (a) neither the registrant's and its other subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total assets as shown by the most recent year-end consolidated balance sheet; (b) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the total sales and revenues as shown by the most recent annual consolidated income statement; and (c) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries for the most recent fiscal year; provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

9. *Financial Statements of Affiliates Whose Securities Collateralize an Issue Being Registered.* (a) For each affiliate of the registrant whose securities constitute or are to constitute a substantial portion of the collateral for any class of securities being registered, there shall be filed the financial statements that would be required if the affiliate were a registrant. However, statements need not be filed pursuant to this instruction for any person whose statements are otherwise filed with the registration statement on an individual, consolidated or combined basis.

(b) (No change.)

D. SPECIAL PROVISIONS

10. *Reorganization of Registrant.* (a) If during the period for which its income statements are required, the registrant has emerged from a reorganization in which substantial changes occurred in its asset, liability, capital shares, other stockholders' equity or reserve accounts, a brief explanation of such changes shall be set forth in a note or supporting schedule to the balance sheets filed.

(b) (No change.)

11. *Past Successions to Other Businesses.* (a) If, during the period for which its income statements are required, the registrant has by purchase or by pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets being filed, and, if a purchase has been effected during the most recent fiscal year or in a subsequent period, pro forma statements of income reflecting the combined operations of the entities shall be furnished in columnar form for the latest fiscal year and any comparable interim periods. In addition, if any such purchased business or businesses, singly or in the aggregate, had major significance in relation to the registrant, audited income statements, separate or combined as appropriate, for such business or businesses shall be filed for such period prior to the purchase as may be necessary when added to the time, if any, for which income statements after the purchase are filed to cover the equivalent of the period specified in Instructions 2 and 5 above. The test of major significance shall be based on the tests used in the term "significant subsidiary" with substituted percentages (determined in comparison to the most recent annual consolidated financial statements of the registrant being filed) being utilized in relation to the period the businesses have been merged prior to the date of the registrant's most recent audited balance sheet as follows: (i) for one full year or less, no substitution; (ii) more than one but less than two full years, 25 percent; and (iii) two full years or more, 45 percent. If financial statements for an acquired business would not be required in the year of acquisition they would not be required subsequently. (See Release No. 33–4950 [34 FR 4886] with regard to audit requirements for such financial statements.)

(b) (Omitted)

[(c)] (b) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one or more businesses if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

12. *Future Successions to Other Businesses.* (a) If, after the date of the most recent balance sheet filed pursuant to Part A or B above, the registrant by purchase or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses financial statements, combined if appropriate, which would be required if they were registering securities under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (i) a balance sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession and (iv) the pro forma balance sheet of the registrant giving effect to the plan of succession. There shall also be filed pro forma statements of income in columnar form for the periods for which the results of operations of the acquired business would have been included in the registrant's income statement for a pooling of interests or would have been presented on a pro forma basis for a purchase, had the succession occurred on the date of the latest balance sheet filed. By a note to the financial statements or otherwise, a brief explanation of the changes shall be given.

(b) (No change.)

(c) No financial statements need be filed, however, for any business acquired or to be acquired, or for any business in which an investment acquired or to be acquired is required to be accounted for by the equity method, from a totally held subsidiary. In addition, the statements of any one or more businesses may be omitted if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary; provided that the statements of any business may not be omitted where any of the securities being registered are to be offered in exchange for securities representing such business or for assets of the business.

13. *Statements of Banks and Life-Insurance Companies.* Notwithstanding the requirements of the foregoing instructions, financial statements filed for banks for periods ending on or before November 30, 1971 and for life insurance companies for periods ending on or before November 30, 1974 need not be audited.

14. *Registrant Not in the Production Stage.* Notwithstanding the foregoing instructions, if [17 CFR 210.5A–1] the registrant falls within the terms of paragraph (b) or (c) of Rule 5A–01 of Regulation S–X [17 CFR Part 210], the following statements, all of which shall be audited, shall be filed for the registrant and each of its significant subsidiaries, if any:

(a), (b) and (c) (No change.)

15. *Filing of Other Financial Statements in Certain Cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

E. HISTORICAL FINANCIAL INFORMATION

16. *Scope of Part E.* The information required by Part E shall be furnished for the seven-year period preceding the period for which income statements are required to be filed as to the accounts of each person whose balance sheet is being filed. The information is to be given as to all of the accounts specified whether they are presently carried on the books or not. Part E does not

call for an audit but only for a survey or review of the accounts specified. It should not be detailed beyond a point material to an investor. Information may be omitted, however, as to any person for whom equivalent information for the period has been filed with the Commission pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934.

17. *Revaluation of Property.* (No change.)

18. *Capital Shares.* (a) If there were any material restatements of capital shares which resulted in transfers from capital share liability to other stockholders' equity or reserve, state the amount of each such restatement and all related entries. No statement need be made as to restatements resulting from the declaration of share dividends.

(b) (No change.)

19. *Debt Discount and Expense Written Off.* (No change.)

20. *Premiums and Discount and Expense on Securities Retired.* (No change.)

21. *Other Changes in Other Stockholders' Equity.* If there were any material increases or decreases in other stockholders' equity, other than those resulting from transactions specified above, the closing of the income account or the declaration of payment of dividends, state (1) the year or years in which such increases or decreases were made; (2) the nature and amounts thereof, and (3) the accounts affected, including all material related entries. Instruction 17(c) above shall also apply here.

22. *Predecessors.* (No change.)

23. *Omission of Certain Information.* (a) (No change.)

(b) No information need be furnished hereunder as to any one or more unconsolidated subsidiaries for which separate financial statements are filed if all subsidiaries for which the information is so omitted, considered in the aggregate, would not meet the test of a significant subsidiary.

(c) (No change.)

INSTRUCTI.NS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 10. (No change.)

11. Copies of the exhibits called for by Instructions 3 and 4(d) of Item 2.

§ 249.12 [Amended]

VIII. Section 249.12 (Form 12) The Instructions as to Exhibits are amended to read as follows.

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 6. (No change.)

7. If the registrant files annual reports with the Federal Power Commission, furnish copies of the following reports and statements:

(a) (No change.)

(b) the registrant's annual report to stockholders for each of its last three fiscal years (copies of such reports filed with manually signed copies of the registration statement shall contain manually signed reports of the independent accountant or accountants);

(c) (No change.)

(d) for each other majority-owned subsidiary and 50 percent or less owned person accounted for by the equity method of the registrant whose financial statements were not included, on either an individual or a consolidated basis, in the registrant's annual report to stockholders, the financial statements required for such subsidiary and 50 percent or less owned persons by the form otherwise appropriate for registration of securities of the registrant in lieu of Form 12.

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries and 50 percent or less owned persons accounted for by the equity method may be omitted, if in the aggregate (i) neither the registrant's and its other subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total assets as shown by the most recent year-end consolidated balance sheet; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the total sales and revenues as shown by the most recent annual consolidated income statements; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries for the most recent fiscal year; provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

8. If the registrant files annual reports with the Interstate Commerce Commission or the Federal Communications Commission, furnish copies of the following reports and statements:

(a), (b), and (c) (No change.)

(d) for each majority-owned subsidiary and 50 percent or less owned person accounted for by the equity method of the registrant which does not file reports with the Federal Communications Commission or the Interstate Commerce Commission and whose financial statements are not included on either an individual or consolidated basis in the annual reports filed pursuant to clause (a), (b) or (c) above, the financial statements (which need not be audited) required for such subsidiaries and 50 percent or less owned persons by the form otherwise appropriate for registration of securities of the registrant in lieu of Form 12 [17 CFR 249.212].

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries and 50 percent or less owned persons may be omitted pursuant to the criteria for omission specified in Instruction 7

9. (No change.)

§ 249.308 [Amended]

IX. Section 249.308 (Form 8–K). Item 2 and Financial Statements of Business Acquired are amended to read as follows.

Item 2. *Acquisition or Disposition of Assets.* If the registrant or any of its majority-owned subsidiaries has acquired or disposed of a significant amount of assets, otherwise than in the ordinary course of business, furnish the following information:

(a) (No change.)

(b) (No change.)

Instructions. 1. No information need be given as to (i) any transaction between any person and any wholly-owned subsidiary of such person: i.e., a subsidiary substantially all of whose outstanding voting shares are owned by such person and/or its other wholly-owned subsidiaries; (ii) any transaction between two or more wholly-owned subsidiaries of any person; or (iii) the redemption or other acquisition of securities from the public, or the sale or other disposition of securities to the public, by the issuer of such securities.

2. (No change.)

3. (No change.)

4. An acquisition or disposition shall be deemed to involve a significant amount of assets (i) if the registrant's and its other subsidiaries' equity in the net book value of such assets or the amount paid or received therefor upon such acquisition or disposition exceeded 10 percent of the total assets of the registrant and its consolidated subsidiaries, (ii) if it involved the succession to or disposition of a business which would meet the test of a significant subsidiary, or (iii) if it involved the acquisition or disposition of an interest in a business which would meet the test of a significant subsidiary and would be required to be accounted for by the equity method.

5. (No change.)

6. (No change.)

* * * * *

FINANCIAL STATEMENTS OF BUSINESSES ACQUIRED

1. *Businesses for Which Statements are Required.* The financial statements specified below shall be filed for any business the succession to which or the acquisition of an interest in which is required to be described in answer to Item 2 above.

2. *Statements Required.* (a) There shall be filed a balance sheet of the business as of a date reasonably close to the date of acquisition. This balance sheet need not be audited, but if it is not audited there shall also be filed an audited balance sheet as of the close of the preceding fiscal year.

(b) Income and source and application of funds statements of the business shall be filed for each of the last three full fiscal years and for the period, if any, between the close of the latest of such fiscal years and the date of the latest balance sheet filed. These income and source and application of funds statements shall be audited up to the date of the audited balance sheet.

(c) If the business was in insolvency proceedings immediately prior to its acquisition, the balance sheets required above need not be audited. In such case, the income and source and application of funds statements required shall be audited to the close of the latest full fiscal year.

(d) (No change.)

3. *Application of Regulation S–X* [17 CFR Part 210]. Regulation S–X [17 CFR Part 210] governs the examination and the form and content of the statements required by the preceding instruction, including the basis of consolidation, and prescribes the statements of other stockholders' equity to be filed. No supporting schedules need be filed.

4. *Filing of Other Financial Statements in Certain Cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

§ 249.310 [Amended]

X. Section 249.310 (Form 10–K). Item 2 and the Instructions as to Financial Statements are amended to read as follows.

Item 2. *Summary of Operations.* Furnish in comparative columnar form a summary of operations for the registrant or for the registrant and its subsidiaries consolidated; or both, as appropriate, for—

(a) each of the last five fiscal years of registrant (or for the life of the registrant and its predecessors, if less), and

(b) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the report.

Instructions. 1. Subject to appropriate variation to conform to the nature of the business, the following items shall be included: net sales or operating or other revenues; cost of goods sold or operating or other expenses (or gross profit); interest expense; income tax expense; income from continuing operations; discontinued operations, less applicable tax; income or loss before extraordinary items; extraordinary items, less applicable tax; cumulative effects of changes in accounting principles; and net income or loss.

2. If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary or in a note thereto with the amounts previously reported, provided, however, that such reconciliations need not be made (1) if they have been made in filings with the Commission in prior years or (2) the financial statements which are being retroactively adjusted have not previously been filed with the Commission or otherwise made public.

3. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall also be shown. The basis of the computation of per share earnings shall be stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.

4. (a) If debt securities are registered under Section 12 of the Act, the registrant may, at its option, show in tabular form for each fiscal year the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be shown on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and its consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]).

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owed persons. In the case of utilities, interest credits charged to construction shall be added to gross income and not deducted from interest.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

(d) (No change.)

5. Describe any change in accounting principles or practices followed by the registrant, or any change in the method of applying any such accounting principles or practices, which materially affected the financial statements being filed with the Commission for the fiscal year covered by the report or which is reasonably certain to affect the financial statements of future fiscal years. State the date of the change and the reasons therefor. A letter from the registrant's independent accountants, approving or otherwise commenting on the change, shall be filed as an exhibit unless previously filed.

6. (No change.)

* * * * *

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statements of income and source and application of funds required to be filed as a part of the annual report. Regulation S–X [17 CFR Part 210] governs the examination and the form and content of such financial statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. Attention is directed to Rules 12b–23 and 12b–36 [17 CFR 240.12b–23 and 230.12b–36]. (See Release 34–9083 [36 FR 4483].)

If either the income or retained earnings statements required are included in their entirety in the summary of operations required by Item 2, the statements so included need not be otherwise included in the annual report.

1. *Statements of the Registrant.* (a) There shall be filed for the registrant, in comparative columnar form, audited balance sheets as of the end of the last two fiscal years and audited statements of income and source and application of funds for such fiscal years.

(b) Notwithstanding paragraph (a), the individual financial statements of the registrant may be omitted if (1) consolidated financial statements of the registrant and one or more of its subsidiaries are being filed, (2) the conditions specified in either of the following paragraphs are met, and (3) the basis for the omission is stated in the list of financial statements filed under Item 10.

(i) The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the registrant or its consolidated subsidiaries in amounts which together exceed 5 percent of the total assets as shown by the most recent year-end consolidated balance sheet. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is collateralized by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

(ii) The registrant's total assets, exclusive of investments in and advances to its consolidated subsidiaries, as would be shown by its most recent year-end balance sheet if it were filed, constitute 75 percent or more of the total assets as shown by the most recent year-end consolidated balance sheet; and the registrant's total sales and revenues, exclusive of interest and dividends received from or its equity in the income of the consolidated subsidiaries, as would be shown by its income statement, for the most recent fiscal year if it were filed, constitute 75 percent or more of the total sales and revenues shown by the most recent annual consolidated income statements.

2. *Consolidated Statements.* There shall be filed for the registrant and its subsidiaries, in comparative columnar form, audited consolidated balance sheets as of the end of the last two fiscal years of the registrant and audited consolidated statements of income and source and application of funds for such fiscal years.

3. *Financial Statements of Subsidiaries not Consolidated and 50 Percent or Less Owned Persons.* (a) Subject to Rule 4–03 [17 CFR 210.4–03] of Regulation S–X [17 CFR Part 210] regarding group financial statements and Instructions 4 and 5 below, there shall be filed for each majority-owned subsidiary of the registrant not consolidated and each 50 percent or less owned person for which the investment is accounted for by the equity method by the registrant or a consolidated subsidiary of the registrant the financial statements which would be required if each such subsidiary or other person were a registrant.

(b) If the fiscal year of any subsidiary not consolidated or 50 percent or less owned person ends within 90 days before the date of filing the annual report, or after the date of filing, the financial statements required by paragraph (a) may be filed as an amendment to the report within 90 days after the end of such subsidiary's or other person's fiscal year.

4. *Summarized Financial Information.* Notwithstanding Instruction 3, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, except such subsidiaries or 50 percent or less owned persons which are individually significant under the tests specified in Instruction 5.

5. *Omission of Financial Statements Required by Instruction 3.* Notwithstanding Instructions 3 and 4, there may be omitted all financial statements of any one or more unconsolidated subsidiaries or 50 percent or less owned persons accounted for by the equity method, if in the aggregate (a) neither the registrant's and its other subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of such subsidiaries and other persons do not exceed 10 percent of the total assets as shown by the most recent consolidated balance sheet; (b) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the total sales and revenues as shown by the most recent annual consolidated income statement; and (c) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries for the most recent fiscal year; provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

6. *Financial Statements of Affiliates whose Securities are Pledged as Collateral.* (No other change.)

7. *Statements of Banks and Life Insurance Companies.* Notwithstanding the requirements of the foregoing instructions, financial statements filed for banks for periods ending on or before November 30, 1971 and for life insurance companies for periods ending on or before November 30, 1974 need not be audited.

8. *Registrants Not in the Production Stage.* (a) Notwithstanding the foregoing instructions, if the registrant falls within the terms

of paragraph (b) or (c) of Rule 5A-01 [17 CFR 210.5A-01] of Regulation S-X [17 CFR Part 210], the following statements, all of which shall be audited except as provided in (b) below, shall be filed for the registrant and each of its significant subsidiaries, if any:

(i) The statements specified in Rules 5A-02, 5A-03, 5A-04, 5A-05 and 5A-07 [17 CFR 210.5A-02, 210.5A-03, 210.5A-04, 210.5A-05 and 210.5A-07] shall be filed in comparative columnar form, as of the end of the last two fiscal years; and

(ii) The statements of cash receipts and disbursements specified in Rule 5A-06 [17 CFR 210.5A-06] shall be filed, in comparative columnar form, for such fiscal years.

(b) The financial statements prescribed in (a) above need not be audited if all of the following conditions are met by the registrant and each of its significant subsidiaries, if any:

(i), (ii), (iii) and (iv) (No change.)

(v) No exchange upon which the shares are listed, or governmental authority having jurisdiction, requires the furnishing to it, or the publication of, audited financial statements.

9. *Filing of Other Financial Statements in Certain Cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

§ 249.311 [Amended]

XI. Section 249.311 (Form 11-K). The Instructions as to Financial Statements are amended to read as follows.

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

Furnish an audited statement of financial condition of the plan as of the end of the last fiscal year of the plan and an audited statement of income and changes in plan equity of the plan for the fiscal year. These statements shall be prepared and audited in accordance with the applicable provisions of Regulation S-X [17 CFR Part 210] and shall be accompanied by the schedules specified in Rule 6-34 [17 CFR 210.6-34] of that regulation [17 CFR Part 210].

§ 249.312 [Amended]

XII. Section 249.312 (Form 12-K). The Instructions as to Exhibits are amended to read as follows.

INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 3. (No change.)

4. If the registrant files annual reports with the Federal Power Commission, the following reports and statements shall be filed:

(a) (No change.)

(b) The registrant's annual report to stockholders for its last fiscal year (copies of such report filed with manually signed copies of the report on this form shall contain manually signed reports of the independent accountant or accountants);

(c) (No change.)

(d) For each other majority-owned subsidiary and 50 percent or less owned person accounted for by the equity method of the registrant whose financial statements were not included, on either an individual or a consolidated basis, in the registrant's annual report to stockholders, the financial statements required for such subsidiaries and 50 percent or less owned persons by the form otherwise appropriate for an annual report by the registrant to the Securities and Exchange Commission in lieu of Form 12-K [17 CFR 249.312].

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries and 50 percent or less owned persons accounted for by the equity method may be omitted, if in the aggregate (i) neither the registrant's and its other subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total assets as shown by the most recent year-end consolidated balance sheet; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the total sales and revenues as shown by the most recent annual consolidated income statement; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries for the most recent fiscal year; provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

5. If the registrant files annual reports with the Interstate Commerce Commission or the Federal Communications Commission, the following reports and statements shall be filed:

(a), (b) and (c) (No change.)

(d) For each majority-owned subsidiary and 50 percent or less owned person accounted for by the equity method of the registrant which does not file reports with the Federal Communications Commission or the Interstate Commerce Commission and whose financial statements are not included on either an individual or consolidated basis in the annual reports filed pursuant to clause (a); (b) or (c) above, the financial statements (which need not be audited) required for such subsidiaries and 50 percent or less owned persons by the form otherwise appropriate for an annual report by the registrant to the Securities and Exchange Commission in lieu of Form 12-K [17 CFR 249.312].

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries and 50 percent or less owned persons may be omitted pursuant to the criteria for omission specified in Instruction 4.

6. (No change.)

7. A statement shall be filed describing any change in accounting principles or practices followed by the registrant, or any change in the method of applying any such accounting principles or practices which materially affected the financial statements being filed with the Commission pursuant to Instruction 4 or 5 for the fiscal year covered by the report or which is reasonably certain to materially affect the financial statements of future fiscal years. State the date of the change and the reasons therefor. A letter from the registrant's independent accountants, approving or otherwise commenting on the change, shall be filed as a part of the exhibit unless previously filed.

* * * * *

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

§ 259.5s [Amended]

XIII. Section 259.5s (Form U5S). The Instructions as to Financial Statements are amended to read as follows.

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

1. Consolidating Statements.

(a) There shall be filed for each registered holding company in the system a consolidating balance sheet as of the end of the calendar year and consolidating statements of income, source and applications of funds, and retained earnings and other stockholders' equity for the calendar year. These consolidating statements shall set forth the individual statements of the parent company and each subsidiary included in the consolidation as well as the elimination adjustments and the consolidated statements. Where any holding company system includes more than one registered holding company, separate consolidating statements shall be filed for each subsidiary registered holding company and its subsidiaries; and, if such subsidiary holding company is included in consolidation with its parent, the consolidated statements of such subsidiary holding company shall be shown in the consolidating statements of the top registered holding company.

(b) Consolidating statements [17 CFR Part 210] shall be prepared in accordance with the requirements of Regulation S-X which governs the examination and the form and content and the basis of consolidation of the financial statements and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. The individual corporate and consolidated statements, included in the consolidating statements, of the top registered holding company and of each other system company filing this report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 shall be audited in accordance with Regulation S-X [17 CFR Part 210]. Separate notes supporting individual statements of a system company may be omitted if the required information is separately set forth in the notes supporting the consolidated statements of its parents. Such notes may also be omitted, except in the case of a system company filing this report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934, if all companies for which notes are omitted pursuant to this sentence, considered in the aggregate as a single company, would not constitute a significant subsidiary (as defined in Regulation S-X [17 CFR Part 210]) of the top registered holding company. If any financial statement required to be audited or supported by notes herein has been filed with the Commission in audited form pursuant to any act administered by it, the requirements of this form as to such audit or as to such supporting notes may be satisfied by incorporating such statement by reference, provided the written consent of the independent accountant to such incorporation is filed as a part of this report.

(c) For the purposes of this form, however, only the following schedules specified in Rule 5-04 [17 CFR 210.5-04] of Regula-

tion S–X [17 CFR part 210] need be filed, to the extent required by that regulation:

(i) In support of the corporate and consolidated financial statements (included in such consolidating statements) of the top registered holding company, all required schedules except Schedules II, III, IV, X, XVII, and XVIII; and

(ii) In support of the financial statements (included in such consolidating statements) of each subsidiary company, which files this report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934, all required schedules, except Schedules II, III, IV, X, XVII, and XVIII; provided that any schedule of a subsidiary company may be omitted if the information required is set forth separately in the consolidated schedules of its parent or elsewhere in the financial statements or in the answers to any of the items of the form.

The schedules shall be examined by the independent accountant. Any required schedule may be incorporated by reference to any prior filing under any act administered by the Commission; provided that at least one copy of such prior filing has been filed with, or is simultaneously filed with, each securities exchange on which any security of the particular system company is listed and registered; and provided further that the written consent of the accountant to such incorporation is filed as part of this report. If the information required in any schedule of any system company is contained in any schedule or schedules of such company's report to the Federal Power Commission, duplicates of such schedules with appropriate references may be used to satisfy the requirements of this form.

(d) (No change.)

(e) The elimination adjustments supporting each consolidating statement shall be in detail (not net) showing the adjustments pertaining to each company included in the consolidation and shall be accompanied by an explanation in sufficient detail to reveal clearly the nature of each such adjustment.

2. *Other Statements.* Comparable corporate statements shall be filed for any subsidiary company in the holding company system not included in the consolidating statements required above. Such corporate statements need not be prepared and audited in accordance with the requirements of Regulation S–X [17 CFR Part 210] except where the company is a significant subsidiary and a majority-owned subsidiary as defined in Regulation S–X [17 CFR Part 210].

[FR Doc.74–11711 Filed 5–21–74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74–157]

PART 153—ANTIDUMPING

Potassium Chloride From Canada

MAY 15, 1974.

On January 9, 1974, there was published in the FEDERAL REGISTER (39 FR 1471) a notice of tentative determination to modify or revoke dumping finding with respect to potassium chloride, otherwise known as muriate of potash, from Canada. A finding of dumping applicable to this merchandise was published as T.D. 69–265, in the FEDERAL REGISTER of December 19, 1969 (34 FR 19904).

The above-mentioned notice set forth the reasons for the proposed modification, and interested parties were afforded an opportunity to make written submissions or request the opportunity to present oral views in connection therewith.

No written submissions or requests to present oral views having been received, I hereby determine that, for the reasons stated in the "Notice of Tentative Determination to Modify or Revoke Dumping Finding," potassium chloride, otherwise known as muriate of potash, from Canada is no longer being, nor is it likely to be, sold in the United States at less than fair value by Kalium Chemicals, Limited; Potash Company of Canada, Limited; Potash Company of America; International Minerals and Chemical Corporation; and CF Industries, Inc., and the finding of dumping with respect to such merchandise is hereby modified to exclude shipments by these companies. Accordingly, § 153.43 of the Customs Regulations is amended to show the exclusion of potassium chloride produced and sold by these five companies from the finding of dumping:

§ 153.43 List of current findings.

* * * * *

Merchandise	Country	T.D.	Modified by
Potassium chloride, otherwise known as muriate of potash, except that produced and sold by U. S. Borax & Chemical Co., Kalium, Saskatchewan, Canada; Kalium Chemicals, Limited, Regina, Saskatchewan, Canada; Potash Company of Canada, Limited, Lanigan, Saskatchewan, Canada; Potash Company of America, Saskatoon, Saskatchewan, Canada; International Minerals and Chemical Corporation, Libertyville, Illinois, U.S.A.; and CF Industries, Inc., Chicago, Illinois, U.S.A.	Canada	69–265	74–157

* * * *

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74–11659 Filed 5–21–74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Components of Paper and Paperboard In Contact With Aqueous and Fatty Foods

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 4B2937) filed by Kelco Co., 8355 Aero Drive, San Diego, CA 92123, and other relevant material, concludes that § 121.2526 (21 CFR 121.2526) of the food additive regulations should be amended as set forth below to provide for safe use of xanthan gum as a suspension aid or stabilizer in the manufacture of paper and paperboard intended to contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120, § 121.2526(a)(5) is amended by alphabetically inserting a new item in the list of substances as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances	*Limitations*
* * *	* *
Xanthan gum, conforming to the identity and specifications prescribed in § 121.1224, except that the residual isopropyl alcohol shall not exceed 6,000 parts per million.	For use only at a maximum level of 0.125 percent by weight of finished paper as a suspension aid or stabilizer for aqueous pigment slurries employed in the manufacture of paper and paperboard.
* * *	* *

Any person who will be adversely affected by the foregoing order may at any time on or before June 21, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective May 22, 1974.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1)))

Dated: May 15, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–11686 Filed 5–21–74;8:45 am]

PART 121—FOOD ADDITIVES

Slimicides

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 3H2894) filed by Nopco Chemical Division, Diamond Shamrock Chemical Co., Diamond Shamrock Corp., 350 Mt. Kemble Ave., P.O. Box 2386R, Morristown, N.J. 07960, and other relevant material concludes that the food additive regulations should be amended, as set forth below, to provide for safe use of 3,3,4,4 - tetrachlorotetrahydrothiophene 1,1-dioxide as an antimicrobial agent to

control slime in the production of paper and paperboard intended to contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2505(c) is amended by alphabetically inserting a new item in the list of substance as follows:

§ 121.2505 Slimicides.

* * * * *

(c) * * *

List of substances	*Limitations*
* * * * *	
3,3,4,4 - Tetrachlorotetrahydrothiophene 1,1-dioxide.	* * *
* * * * *	

Any person who will be adversely affected by the foregoing order may at any time on or before June 21, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective May 22, 1974.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1).)

Dated: May 16, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–11687 Filed 5–21–74;8:45 am]

PART 121—FOOD ADDITIVES

Styrene Block Polymers

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 3B2889) filed by Shell Chemical Co., 1700 K St., NW., Washington, D.C. 20006, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, (1) to provide for the safe use of styrene block polymers with 2-methyl-1,3-butadiene as articles or as components of articles intended for use in contact with food and, (2) to incorporate under the general category of styrene block polymers, the subject item together with styrene block polymers with 1,3-butadiene provided for under § 121.2622 (21 CFR 121.2622).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 384(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in Subpart F by revising § 121.2622 to read as follows:

§ 121.2622 Styrene block polymers.

The styrene block polymers identified in paragraph (a) of this section may be safely used as articles or as components of articles intended for use in contact with food, subject to provisions of this section.

(a) For the purpose of this section, styrene block polymers are basic polymers manufactured as described in this paragraph, so that the finished polymers meet the specifications prescribed in paragraph (b) of this section, when tested by the methods described in paragraph (c) of this section.

(1) Styrene block polymers with 1,3-butadiene are those produced by the catalytic solution polymerization of styrene and 1,3-butadiene.

(2) Styrene block polymers with 2-methyl-1,3-butadiene are those produced by the catalytic solution polymerization of styrene and 2-methyl-1,3-butadiene.

(b) Specifications:

Styrene block polymers	Molecular weight (minimum)	Solubility	Glass transition points	Maximum extractable fraction in distilled water at specified temperaturers, times and thicknesses	Maximum extractable fraction in 50 percent ethanol at specified temperatures, times and thicknesses
1. Styrene block polymers with 1,3-butadiene; for use as articles or as components of articles that contact food of types I, II, IV–B, VI, VII–B, and VIII identified in Table 1 in §121.2526(c) under conditions of use D, E, F, and G described in Table 2 in 121.2526(c).	29,000	Completely soluble in toluene.	−86° C. to −80° C. and 92° C. to 98° C.	0.025 milligram per square inch of surface at reflux temperature for 30 minutes on a 0.075 inch thick sample.	0.005 milligram per square inch of surface at 150° F. for 2 hours on a 0.075 inch thick sample.
2. Styrene block polymers with 2-methyl-1,3-butadiene; for use as articles or as components of articles that contact food of types I, II, IV–B, VI, VII–B and VIII identified in Table 1 in §121.2526(c) under conditions of use D, E, F, and G described in Table 2 in §121.2526(c).	29,000	Completely soluble in toluene.	−52° C. to −47° C. and 92° C. and 98° C.	0.01 milligram per square inch of surface at reflux temperature for 2 hours on a 0.028 inch thick sample.	0.01 milligram per square inch of surface at 150° F. for 2 hours on a 0.028 inch thick sample.

(c) The analytical methods for determining whether styrene block polymers conform to the specifications prescribed in this section are as follows and are applicable to the finished polymer.

(1) *Molecular weight.* Molecular weight shall be determined by intrinsic viscosity (or other suitable method).

(2) *Glass transition points.* The glass transition points shall be determined by ASTM Method D2236–70[1] modified by using a forced resonant vibration instead of a fixed vibration and by using frequencies of 25 to 40 cycles per second instead of 0.1 to 10 cycles per second.

(3) *Maximum extractable fractions in distilled water and 50 percent ethanol.* The maximum extractable fractions in distilled water and 50 percent ethanol shall be determined in accordance with § 121.2526(d)(3) using a sandwich form of the finished copolymer of the specified thickness and for the time and temperature specified in paragraph (b) of this section.

[1] Copies may be obtained from: American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

(d) The provisions of this section are not applicable to butadiene-styrene copolymers listed in other sections of this subpart.

Any person who will be adversely affected by the foregoing order may at any time on or before June 21, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office

during working hours, Monday through Friday.

Effective date. This order shall become effective on May 22, 1974

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1)))

NOTE: Incorporation by reference provisions approved by the Director of the Office of the FEDERAL REGISTER April 29, 1974.

Dated: May 16, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-11688 Filed 5-21-74;8:45 am]

Title 22—Foreign Relations

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[A.I.D. Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Modification of Certain Rules Concerning Procurement Procedures

Part 201 of Chapter II, Title 22 (A.I.D. Reg. 1) is amended as follows:

1. In the table of contents the reference to § 201.23 is amended to read: "§ 201.23 Negotiated Procurement Procedures"; the reference to § 201.24 is revised to read: "§ 201.24 [reserved]"; and the reference to Appendix B is revised to read "Appendix B [Reserved]."

2. Section 201.22 is revised to read as follows:

§ 201.22 Formal competitive bid procedures.

If the implementing document requires, or if the importer elects procurement through the formal competitive procedures set forth in this section, then except as paragraphs (f) or (g) of this section may apply, the following minimum requirements shall be applicable:

(a) *Contents of the invitation for bids.* Every invitation for bids and every attachment or amendment to an invitation shall be in the English language. The invitation shall contain the following:

(1) *Statement of requirements.* The invitation shall state specifically that the formal competitive bid procedures set forth in this § 201.22 apply. The terms and conditions which apply to the procurement shall be clearly indicated, including any factors other than price to be used in evaluation. Commodity specifications shall be stated in terms of U.S. standards, in a non-restrictive manner, and in sufficient detail to permit maximum response from prospective suppliers.

(2) *Statement regarding submission of bids.* Invitations for bids shall state the applicable invitation number, the address to which bids are to be sent, the closing hour and date for submission and the date, hour, and place for public opening of bids. If additional drawings, details, regulations or forms are necessary for bidding, the invitation shall state where such material may be obtained.

(3) *Statement regarding this Part 201.* The invitation for bids shall expressly indicate the extent to which any resulting contract is subject to the requirements of this Part 201.

(4) *Statement regarding late bids.* The invitation for bids shall state that no bid received at the address designated in the invitation after closing hour and date for submission will be considered for award unless its late arrival at that address is attributable to mishandling of the bid documents by the purchaser or any of his agents directly associated with receiving or processing bids. In no case will the purchaser consider a bid which was not received at the place of public opening before the award was made.

(b) *Advertising the invitation for bids.* The importer shall comply with the minimum notification requirements set forth in this paragraph (b). He may also take any further steps to notify prospective suppliers which are consistent with prudent procurement.

(1) *Submission to A.I.D.* Three copies of the invitation for bids must be sent to A.I.D., Small Business Office, Washington, D.C. 20523, and a number of copies which is adequate in relation to the probable number of interested suppliers shall be made available in eligible source countries at suitable places designated by the borrower/grantee and agreed to by A.I.D. Invitations must be available to prospective suppliers free of charge, unless otherwise authorized by the Small Business Office, AID/W. All copies must be accompanied by a complete set of any additional drawings, details, applicable government regulations, and other pertinent data necessary to the preparation of bids, or make reference to such additional documents as are readily available to the public or are available for public inspection.

(2) *Time of submission.* Copies of the invitation for bids must be furnished sufficiently in advance of the bid-closing date to permit adequate preparation of bids. Unless a longer period is prescribed by the Small Business Office, AID/W, or upon application of the importer a lesser period is authorized by such Office, the required copies shall be sent so as to arrive in the Small Business Office, AID/W, at least 45 days in advance of the bid-closing date.

(3) *Resubmission of invitation for bids to A.I.D.* A.I.D. may require the revision and resubmission to A.I.D. of any invitation for bids which does not comply with the requirements of this § 201.22. In such cases the importer shall effect changes necessary to assure compliance with the applicable requirements. The bid-closing date will be extended as A.I.D. (Small Business Office) may instruct.

(c) *Handling bids.* Bids received shall be held intact and sealed and shall be safeguarded against disclosure of contents prior to bid opening. The bids shall be opened publicly as specified in the bid invitation, and all properly submitted bids shall be considered. Direct submission of a bid by a prospective supplier, rather than through an agent or other representative of the supplier in the cooperating country, shall not be cause for rejection.

(d) *Awards.* Every award shall be made to that responsible bidder whose bid, conforming to the invitation for bids, is lowest in price, unless another bid is demonstrably more advantageous to the importer because of any factor (other than price) set forth in the invitation for bids as a factor to be considered in the evaluation of bids.

(e) *Submission of award information to A.I.D.* The importer shall complete Form A.I.D. 11–83 "Abstract of Bids", identifying thereon the successful bidder, and noting any two or more identical bids or any evidence of suspected collusion. If the lowest bid has not been accepted, the importer shall justify the award and shall append to the Abstract a statement of reasons for rejecting all lower bids. The Abstract and any justification statement shall be sent in triplicate to the Office of Commodity Management, A.I.D., Washington, D.C. 20523, to arrive within 20 days after the award of the contract.

(f) *Exemption for small value procurement.* With respect to any commodity procurement arranged under a single import license or other authority where the estimated landed cost of all purchases made by him under a single Schedule B subsection (2 digits) is less than $5,000 the importer is exempted from the advertising requirements of paragraph (b) of this section. This exemption does not apply to procurement undertaken in amounts of less than $5,000 for the purpose, or with the effect, of evading the requirements of paragraph (b) of this section.

(g) *Waiver provisions.* A.I.D. may waive the requirements set forth in this § 201.22 (a) through (e) in the following situations:

(1) *Proprietary procurement.* (i) Procurement where A.I.D. has determined that, in order to assure the interchangeability or standardization of equipment, or because of special design requirements, or for any similar reason, purchase of a commodity by reference to a particular specification, trade name, or designation is necessary.

(ii) Application for waivers shall be made in writing to A.I.D. by the importer and shall include supporting justification together with the recommendations of the borrower/grantee. In the absence of other instructions, such applications shall be submitted to the US AID for transmittal to AID/W. Notice of approval or rejection of any such application of a waiver will normally be transmitted to the importer through the US AID.

(2) *Emergency procurement.* (i) Procurement where A.I.D. determines that the time required to meet these requirements would result in

(a) Unacceptable delay or to a substantial increase in the cost of:

(1) A project's completion or

(2) A plant's production or

(b) Failure to meet required agricultural planting schedules.

(ii) A request for an emergency procurement waiver shall be made by the importer to the US AID. The request shall state the facts justifying such emergency procurement and shall bear the endorsement of the borrower/grantee. Emergency procurement requires the prior written approval of the US AID.

(3) *Special situations.* Procurement where AID/W has determined that it would be impracticable or inconsistent with the purpose of the Act to require adherence to the procedures prescribed in paragraph (b) of this section.

3. Section 201.23 is revised to read as follows:

§ 201.23 Negotiated procurement procedures.

(a) *General requirements.* In the absence of a clear statement concerning the applicability of formal competitive bid procedures set forth in § 201.22 (a) through (e) or in the event such procedures are waived in accordance with § 201.22(g), a solicitation by an importer requesting an offer or quotation from a supplier to furnish commodities shall be understood as a representation that the procurement will be accomplished pursuant to negotiated arrangements. Procurement on a negotiated basis shall be in accord with good commercial practice. Solicitations by the importer for quotations and offers shall be made uniformly to a reasonable number of prospective suppliers and all quotations and offers received, whether or not specifically solicited, shall be given consideration before making an award.

(b) *Publicizing.* To provide suppliers in the United States with an opportunity to participate in furnishing commodities which may be purchased on a negotiated basis under A.I.D. financing, A.I.D. will periodically publish for each cooperating country a list of commodities which may be expected to be imported, and the names and addresses of the importers which have traditionally purchased those commodities. Interested suppliers will then make offers or furnish quotations, on the products they desire to sell, directly to the importer of those products. A.I.D. will not publicize specific proposed purchases which are to be undertaken on a negotiated basis unless specifically requested to do so by the importer in accordance with the provisions of paragraph (c) of this section.

(c) *Notification.* If the importer elects to solicit quotations and offers for specific proposed purchases through publication by A.I.D., A.I.D. will notify prospective suppliers of the export opportunity. Requests for such notification shall be submitted to the Small Business Office, A.I.D., Washington, D.C. 20523, and shall contain the name and address of the importer, a full description of the commodities and/or services required, applicable price and delivery terms and other relevant procurement data in the English language and in terms of U.S. standards.

(d) *Notice of quotations and offers received.* A.I.D. may require that the importer furnish an abstract in the English language and identify thereon all offers or quotations received, the offer accepted or order placed, the price, the quantity, the name and address of all persons submitting offers or quotations and of their principals, if any (including manufacturers or processors of the commodity).

(e) *Procurement under special supplier-importer relationships.*

(1) Solicitation of offers from more than one supplier is not required if

(i) The importer is purchasing for resale or processing, as the supplier's regularly authorized distributor or dealer, a commodity which, under the terms of the distributorship or dealer agreement, the importer is precluded from buying from another supplier, or

(ii) The importer is purchasing for resale a registered brand-name commodity from a supplier who is the exclusive distributor of that commodity to the area of the importer.

(2) A.I.D. may require the importer to furnish, or cause to be furnished, to A.I.D. documentary evidence of the existence of the relationships described in paragraph (e) (1) of this section.

§ 201.24 [Reserved]

4. Section 201.24 is amended by deleting the entire text of the section and substituting therefor: "[Reserved]".

5. Section 201.31(f) is revised to read as follows:

§ 201.31 Suppliers of commodities.

* * * * *

(f) *Distribution of shipping documents.* The supplier shall make the customary commercial document distribution, as well as any special distribution (e.g., to the A.I.D. Mission in the importing country) which may be specified in the Letter of Credit or other payment instruction covering the transaction. Prior to presenting the documents specified in § 201.52 for payment, the supplier shall mail a copy of the Ocean Bill of Lading described in § 201.52(a)(4)(i) to the Maritime Administration, Cargo Preference Control Center, Commerce Building, Washington, D.C. 20235.

* * * * *

6. Sec. 201.62 is amended to read as follows:

§ 201.62 Responsibilities of borrower/grantee and of supplier.

(a) *Responsibilities of borrower/grantee.* The borrower/grantee shall:

(1) When required by A.I.D., develop and periodically update, or cooperate with A.I.D. in the development and updating of, lists of importers who have traditionally imported the commodities which may be purchased under the loan or grant. Such listings shall be by commodity groupings selected by A.I.D., cover all commodities eligible for financing, and, to the extent such information is available, show the names and addresses of all importers regardless of the source from which their imports originated.

(2) Insure that the importer

(i) Procures in accordance with the conditions set forth in Subpart C as applicable, and

(ii) Except as provided otherwise in § 201.22(d) pays no more than the lowest available competitive price, including transportation cost, for the commodity.

(b) *Responsibility of supplier.* In accordance with the provisions contained in the Supplier's Certificate which the supplier executed in order to receive payment, the supplier is responsible for compliance with the provisions of this Subpart G other than paragraph (a) of this section.

7. Appendix B is amended by deleting the entire text of the appendix and substituting therefor: "[Reserved]."

Effective date. These amendments shall become effective on May 22, 1974.

Dated: May 9, 1974.

DANIEL PARKER,
Administrator.

[FR Doc.74-11685 Filed 5-21-74;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Changes in Procedures as the Result of the Fair Labor Standards Amendments of 1974

On April 24, 1974, there was published in the FEDERAL REGISTER a proposal to revise Part 511 of Title 29 of the Code of Federal Regulations to adapt the procedures prescribed by the Fair Labor Standards Amendments of 1974, Pub. L. No. 93-259, particularly with respect to the greater responsibility of the employers or of the industry in establishing its inability to pay rates comparable to the ones in the various States.

After consideration of all written matter presented in response to the proposal, the proposed changes are adopted.

These revisions shall become effective May 22, 1974.

1. As amended, § 511.8 reads as follows:

§ 511.8 Prehearing statements.

* * * * *

(b) Any interested person who wishes to participate on his own behalf or by counsel shall file a written prehearing statement not later than ten days before the first hearing date set for any committee in a notice of hearing concerning minimum wages for Puerto Rico or the Virgin Islands, or such other period of time as may be prescribed in a notice of hearing, or other notice published in the FEDERAL REGISTER, the original and 11 copies of the prehearing statement shall

be filed at the Office of the Director of the Caribbean Office of the Wage and Hour Division, United States Department of Labor, 7th Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and one copy at the Office of the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D.C. 20210. If such statements are sent by air mail from Puerto Rico or the Virgin Islands to the mainland, or from the mainland to Washington, such filing shall be deemed timely if postmarked within the time provided. The number of copies of such statements and the time and places for filing them will be specified in notices of hearings to determine minimum wages for American Samoa. The prehearing statement shall describe the person's interest in the proceeding and shall contain (1) the prepared statement he proposes to give, if any; (2) a statement of the individual classifications and minimum wage rates, if any, he proposes to support; (3) the written data he proposes to introduce in evidence, including all tangible objective data to be submitted pursuant to § 511.13; (4) the names and addresses of the witnesses he proposes to call and a summary of the evidence he proposes to develop; (5) the name and address of the individual who will present his case; and (6) a statement of the approximate length of time his case will take. If the prehearing statement is in conformity with the above requirements, the person shall have the right to participate as a party. In accordance with section 6(c) of the Administrative Procedure Act, industry committee shall, after considering the advice of committee counsel, issue subpoenas authorized by section 9 of the Fair Labor Standards Act of 1938, to parties who make a request therefor accompanied by a clear showing of general relevance and reasonable scope of the evidence sought.

2. As revised, § 511.10 reads as follows:

§ 511.10 Subjects and issues.

(a) The declared policy of the Act with respect to industries or enterprises in Puerto Rico, the Virgin Islands, and American Samoa engaged in commerce or in the production of goods for commerce is to reach as rapidly as is economically feasible without substantially curtailing employment the object of the minimum wage rate which would apply in each such industry under paragraph (1) or (5) of section 6(a) but for section 6(c). Each industry committee shall recommend to the Administrator the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico, the Virgin Islands, or American Samoa a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Island and American Samoa; except that the committee, in determining wages for Puerto Rico and the Virgin Islands, shall recommend to the Secretary the minimum wage rate prescribed in section 6(a) or 6(b), which would be applicable but for section 6(c) unless there is substantial documentary evidence, including pertinent unabridged profit and loss statements and balance sheets for a representative period of years or in the case of employees of public agencies other appropriate information, in the record which establishes that the industry, or a predominant portion thereof, is unable to pay that wage.

(b) Whenever the industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate (not in excess of that prescribed in paragraph (1) or (5) of section 6(a), or section 6(b) of the Act, whichever would be applicable) that can be determined for it under the principles set out in this section which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in that industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classification within an industry, in making such a classification, and in determining the minimum wage rate for such a classification, the committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living and production costs; (b) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

3. As revised, § 511.13 reads as follows:

§ 511.13 Evidence.

In accordance with the notice of hearing, the committee and any authorized subcommittee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing. Other pertinent evidence available to the Department of Labor may be presented at the hearing. The committee itself may call witnesses not otherwise scheduled to testify. Oral or documentary evidence may be received, but the committee shall exclude irrelevant, immaterial, and unduly repetitious evidence. Every interested person who has met the requirements for participation as a party shall have the right to present his case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination of witnesses called by others as may be required for a full and true disclosure of the facts. Testimony on behalf of an employer or group of employers as to inability to pay the minimum wage rate specified in paragraph (1) or (5) of section 6(a), or section 6(b) of the Act, whichever would be applicable, or as to inability to adjust to a higher minimum wage rate than prescribed by any applicable wage order of the Secretary, shall be supported by tangible objective data filed as part of the prehearing statement under § 511.8, including pertinent unabridged profit and loss statements and balance sheets for a representative period of years for the individual firm or firms involved. Such financial data shall include the most recent period of a year or fraction thereof for which data are available. Financial statements filed in accordance with this provision, except those relating to a period of less than a full fiscal year or a fiscal year ending less than 90 days prior to the filing of the pre-hearing statement, shall be certified by an independent public accountant or shall be sworn to conform to and be consistent with the corresponding income tax returns covering the same years. Evidence of witnesses not present at the hearing may be submitted only by affidavits received with, or as a part of, a prehearing statement which meets the requirements of § 511.8 and satisfactorily explains why each affiant cannot be present. Such affidavits will be received in evidence to the same extent that testimony from affiants would have been admitted had they been present. The committee will give such weight to these statements as it considers appropriate, and the fact that such affiants have not been subject to cross-examination may be considered, along with other relevant facts, in assessing the weight to be given such evidence.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064 as amended (29 U.S.C. 205, 206, 208))

Signed at Washington, D.C., this 17th day of May 1974.

FREDERICK J. GLASGOW,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.74-11742 Filed 5-21-74;8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 132—SECOND CLASS

Exemption of Compliance on the Size of Coupons or Application or Order Forms

On March 6, 1974, the Postal Service published in the FEDERAL REGISTER, 39 FR 8616–17, revised codified regulations, to be effective June 3, 1974, pertaining to the conditions under which second-class publications may contain novelty pages incorporating coupons or application or order forms (39 CFR 132.4(g)(3) (v-vii)). It has come to our attention, however, that requiring compliance with these regulations on their effective date, June 3, 1974, would impose a significant financial burden on affected publishers, since they would be unable to deplete

supplies of preprinted novelty pages ordered for forthcoming issues of their publications prior to our announcement on March 6, 1974 of the change in our regulations.

In consideration of the financial burden it would impose on publishers to amend or discard previously ordered supplies, and in consideration of the need for conservation in these times of paper and other shortages, the Postal Service hereby exempts publishers from compliance with these new regulations until January 1, 1975, at which time all novelty pages incorporating coupons or application or order forms must be prepared in accordance with new regulations published on March 6, 1974, in the FEDERAL REGISTER. Accordingly, during the period of June 3, 1974 to December 31, 1974 second-class publications complying with the regulations on this subject in effect either before or after June 3, 1974 will be accepted for mailing at the appropriate second-class rates by the Postal Service.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74-11674 Filed 5-21-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 18—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Miscellaneous Amendments to Chapter

The following revisions to Chapter 18 of Title 41 are prescribed as set forth below. These revisions to Chapter 18 covering changes made by Revision 8 of the NASA Procurement Regulation were effective September 18, 1973, except for the change to "Deferred Compensation," effective January 1, 1974, and interim changes made by Procurement Regulation Directives.

PART 18-7—CONTRACT CLAUSES

1. Section 18-7.104-35 is revised to read as follows:

§ 18-7.104-35 Progress payments.

The policies and procedures set forth in Subpart 5 of Appendix E concerning the use of progress payments shall be followed by procurement offices. The provisions to be included in the invitation for bids and the "Progress Payments" clause authorized for use pursuant to Subpart 5 of Appendix E are authorized for use in accordance with the instructions contained therein, except that the short form "Progress Payments" clause set forth in paragraph (b) of this section may be used in lieu of the clause set forth in paragraph (a) of this section whenever it is estimated that the procurement will be less than $100,000 and the standard percentages are to be used.

(a) Progress Payments Total Costs Clause (Long Form).

PROGRESS PAYMENTS (LONG FORM "TOTAL COSTS" CLAUSE) (SEPTEMBER 1973)

Progress payments shall be made to the Contractor as work progresses, from time to time upon request, in amounts approved by the Contracting Officer upon the following terms and conditions:

(a) *Computation of amounts.* (1) Unless a smaller amount is requested, each progress payment shall be (i) 80 percent of the amount of the Contractor's total costs incurred under this contract (except as provided in (6) below) plus (ii) the amount of progress payments to subcontractors as provided in (j) below; all less the sum of previous progress payments.

(2) The Contractor's total costs ((a)(1)(i)) shall be reasonable, allocable to this contract, and consistent with sound and generally accepted accounting principles and practices. However, such costs shall not include (i) any costs incurred by subcontractors or suppliers, or (ii) any payments or amounts payable to subcontractors or suppliers, except for completed work (including partial deliveries) to which the Contractor has acquired title and except for amounts paid or payable under cost-reimbursement or time and material subcontracts for work to which the Contractor has acquired title, or (iii) costs ordinarily capitalized and subject to depreciation or amortization except for the properly depreciated or amortized portion of such costs.

(3) The amount of unliquidated progress payments shall not exceed the lesser of (i) 80 percent of the costs mentioned in (a)(1)(i) above, plus any unliquidated progress payments mentioned in item (a)(1)(ii) above, both of which are applicable only to the supplies and services not yet delivered and invoiced to and accepted by the Government, or (ii) 80 percent of the total contract price of supplies and services not yet delivered and invoiced to and accepted by the Government, less unliquidated advance payments.

(4) The aggregate amount of progress payments made shall not exceed 80 percent of the total contract price.

(5) If at any time a progress payment or the unliquidated progress payments exceed the amount permitted by this paragraph (a), the Contractor shall pay the amount of such excess to the Government upon demand.

(6) With respect to costs of pension contributions, when pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, the costs of these pension contributions shall be excluded from Contractor's total costs for progress payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, the costs of these pension contributions may be included in Contractor's total costs for progress payment purposes provided that the pension contributions are paid to the retirement fund within 30 days after the close of the period covered by the amount. If payments are not made to the fund within such 30-day period, pension contribution costs shall be excluded from Contractor total costs for progress payment purposes until payment therefor has been made.

(b) *Liquidation.* Except as provided in the clause entitled "Termination for Convenience of the Government," all progress payments shall be liquidated by deducting from any payment under this contract, other than advance or progress, the amount of unliquidated progress payments, or 80 percent[1] of the gross amount invoiced, whichever is less. Repayment to the Government required by a retroactive price reduction will be made after calculating liquidations and payments on past invoices at the reduced prices and adjusting the unliquidated progress payments accordingly.

(c) *Reduction or Suspension.* The Contracting Officer may reduce or suspend progress payments, or liquidate them at a rate higher than the percentage stated in (b) above, or both, whenever he finds upon substantial evidence that the Contractor (i) has failed to comply with any material requirement of this contract, (ii) has so failed to make progress, or is in such unsatisfactory financial condition, as to endanger performance of this contract, (iii) has allocated inventory to this contact substantially exceeding reasonable requirements, (iv) is delinquent in payment of the costs of performance of this contract in the ordinary course of business, (v) has so failed to make progress that the unliquidated progress payments exceed the fair value of the work accomplished on the undelivered portion of this contract, or (vi) is realizing less profit than the estimated profit used for establishing a liquidation percentage in paragraph (b), if that liquidation percentage is less than the percentage stated in paragraph (a)(1).

(d) *Title.* Immediately, upon the date of this contract, title to all parts; materials; inventories; work in process; special tooling as defined in the clause of this contract entitled "Special Tooling"; special test equipment and other special tooling to which the Government is to acquire title pursuant to any other provision of this contract; nondurable (*i.e.*, noncapital) tools, jigs, dies, fixtures, molds, patterns, taps, gauges, test equipment, and other similar manufacturing aids title to which is not obtained as special tooling pursuant to this paragraph; and drawings and technical data (to the extent delivery thereof to the Government is required by other provisions of this contract); theretofore acquired or produced by the Contractor and allocated or properly chargeable to this contract under sound and generally accepted accounting principles and practices shall forthwith vest in the Government; and title to all like property thereafter acquired or produced by the Contractor and allocated or properly chargeable to this contract as aforesaid shall forthwith vest in the Government upon said acquisition, production or allocation. Notwithstanding that title to property is in the Government through the operation of this clause, the handling and disposition of such property shall be determined by the applicable provisions of this contract such as: the Default clause and paragraph (h) of this clause; Termination for Convenience of the Government clause; and the Special Tooling clause. Current production scrap may be sold by the Contractor without approval of the Contracting Officer and the proceeds shall be credited against the costs of contract performance. With the consent of the Contracting Officer and on terms approved by him, the Contractor may acquire or dispose of property to which title is vested in the Government pursuant to this clause, and in that event, the costs allocable to the property so transferred from this contract shall be eliminated from the costs of contract performance and the Contractor shall repay to the Government (by cash or credit memorandum) an amount equal to the unliquidated progress payments allocable to the property so transferred. Upon completion of performance of all the obligations of the Contractor under this contract, including liquidation of all progress payments hereunder, title to all property (or the proceeds thereof) which had not been delivered to, and accepted by the Government under

[1] For lower percentages for this paragraph (b) and for (a)(3)(ii) and (a)(4), see E.512-2.

this contract or which had not been incorporated in supplies delivered to and accepted by the Government under this contract and to which title has vested in the Government under this clause shall vest in the Contractor. The provisions of this contract referring to or defining liability for Government-furnished property shall not apply to property to which the Government shall have acquired title solely by virtue of the provisions of this clause.

(e) *Risk of Loss.* Except to the extent that the Government shall have otherwise expressly assumed the risk of loss of property, title to which vests in the Government pursuant to this clause, in the event of the loss, theft or destruction of or damage to any such property before its delivery to and acceptance by the Government, the Contractor shall bear the risk of loss and shall repay the Government an amount equal to the unliquidated progress payments based on costs allocable to such lost, stolen, destroyed or damaged property.

(f) *Control of Costs and Property.* The Contractor shall maintain an accounting system and controls adequate for the proper administration of this clause.

(g) *Reports-Access to Records.* Insofar as pertinent to the administration of this clause, the Contractor will (i) furnish promptly such relevant reports, certificates, financial statements, and other information as may be reasonably requested by the Contracting Officer, and (ii) give the Government reasonable opportunity to examine and verify his books, records and accounts.

(h) *Special Provisions Regarding Default.* If this contract is terminated pursuant to the clause entitled "Default," (i) the Contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments and (ii) with respect to all property as to which the Government elects not to require delivery under the clause entitled "Default," title shall vest in the Contrator upon full liquidation of progress payments, and the Government shall be liable for no payment except as provided by the "Default" clause.

(i) *Reservations of Rights.* The rights and remedies of the Government provide in this clause shall not be exclusive, and are in addition to any other rights and remedies provided by law or under this contract. No payment, or vesting of title pursuant to this clause, shall excuse the Contractor from performance of his obligations under this contract, nor constitute a waiver of any of the rights and remedies of the parties under this contract. No delay or failure of the Government in exercising any right, power or privilege under this clause shall affect any such right, power or privilege, nor shall any single or partial exercise thereof preclude or impair any further exercise thereof or the exercise of any other right, power or privilege of the Government.

(j) *Progress Payments to Subcontractors.* (1) The amount mentioned in item (a) (1) (ii) above shall be the sum of (i) all the progress payments made by the Contractor to his subcontractors and remaining unliquidated, and (ii) unpaid billings for progress payments to subcontractors which have been approved for current payment in the ordinary course of business, when under subcontracts which conform to (2) below.

(2) Subcontracts on which progress payments to subcontractors may be included in the base for progress payments pursuant to paragraph (a) of this clause are limited to those subcontracts in which there is expected to be a long "lead time", between the beginning of work and the first delivery, approximating four months or more for small business concerns and six months or more for firms which are not small business concerns, which (i) are substantially similar to and as favorable to the Government as this "Progress Payment" clause, no more favorable to the subcontractor than this clause is to the Contractor and on a basis of not more than 80 percent of total costs (except that this percentage may be 85 percent of total costs for those subcontractors which are small business concerns), and (ii) make all rights to the subcontractor with respect to all property to which the Government has title under the subcontract subordinate to the rights of the Government to require delivery of such property to it in the event of default by the Contractor under this contract or in the event of the bankruptcy or insolvency of the subcontractor.

(3) The Government agrees that any proceeds received by it from property to which it has acquired title by virtue of such provisions in any subcontract shall be applied to reduce the amount of unliquidated progress payments made by the Government to the Contractor under this contract. In the event the Contractor fully liquidates such progress payments made by the Government to him hereunder and there are progress payments to any subcontractors which are unliquidated, the Contractor shall be subrogated to all the Government's rights by virtue of such provisions in the subcontract or subcontracts involved as if all such rights had been thereupon assigned and transferred to the Contractor.

(4) The billings described in (j) (1) (ii) above shall be paid promptly by the Contractor in the ordinary course of business, not later than a reasonable time after payment of equivalent amounts by the Government to the Contractor.

(5) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to offer and provide progress payments to those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraph 503 of Appendix E of the NASA Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

(b) Progress Payments Total Costs Clause (Short Form).

PROGRESS PAYMENTS (SHORT FORM "TOTAL COSTS" CLAUSE) (SEPTEMBER 1973)

Upon request of the Contractor, progress payments shall be made to the Contractor from time to time as work progresses, in amounts approved by the Contracting Officer upon the following terms and conditions:

(a) *Computation of Amounts.* (1) Unless a smaller amount is requested, each progress payment shall be 80 percent of the contractor's cumulative total costs under this contract, (except as provided in (4), below) less the sum of any previous progress payments. In no event, however, may the aggregate amount of progress payments made exceed 80 percent of the total contract price.

(2) The Contractor's costs must be reasonable, allocable to this contract, consistent with sound and generally accepted accounting principles, and may include depreciation or amortization allowance. Such costs shall exclude amounts for materials to which the Contractor has not acquired title.

(3) At no time shall unliquidated progress payments exceed 80 percent of the total contract price of the items and services not yet delivered and invoiced to and accepted by the Government.

(4) With respect to costs of pension contributions, when pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, the costs of these pension contributions shall be excluded from Contractor's total costs for progress payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, the costs of these pension contributions may be included in Contractor's total costs for progress payment purposes provided that the pension contributions are paid to the retirement fund within 30 days after the close of the period covered by the amount. If payments are not made to the fund within such 30-day period, pension contribution costs shall be excluded from Contractor total costs for progress payment purposes until payment therefor has been made.

(b) *Recovery of Progress Payments.* Except as otherwise provided in this contract, payments by the Government for materials delivered, invoiced, and accepted shall be reduced by 80 percent of the contract price of such items and the amount of the reduction applied against progress payments previously made until such time as the total of all progress payments has been recovered.

(c) *Reduction or Suspension.* The Government reserves the right to withhold or reduce progress payments and to increase the liquidation rate if in the opinion of the Contracting Officer the Contractor is in such unsatisfactory financial condition or has so failed to make progress as to endanger contract performance and recoupment of progress payments.

(d) *Title to Material and Work.* When any progress payment is made under this contract, title to material acquired and work performed under this contract shall vest in the Government, and title to all like property thereafter acquired or produced by the Contractor and properly chargeable to this contract under generally accepted accounting principles shall vest in the Government. The Contractor shall repay to the Government an amount equal to that portion of the unliquidated progress payments allocable to material lost, stolen, destroyed, or damaged. Upon completion of performance of all obligations of the Contractor under this contract, title to all property and work not delivered to and accepted by the Government under this contract and to which title had vested in the Government under this contract shall vest in the Contractor.

(e) *Records and Reports.* The Contractor shall maintain reasonable controls for proper administration of this clause and shall furnish such statements and information as may reasonably be requested by the Contracting Officer. The Government shall be afforded reasonable opportunity to examine the Contractor's books, records, and accounts.

(f) *Default.* If this contract is terminated for default, the Contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments, less any amounts payable to the Contractor in accordance with the default clause.

(g) *Reservation of Rights.* The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

2. Section 18-7.203-4 (a) and (b) is revised to read as follows.

§ 18-7.203-4 Allowable cost, fee and payment.

(a) *Allowable cost, fixed fee and payment.* Insert the following clause in all cost-reimbursement type contracts, except as provided in paragraph (b) of this section. Additional instructions for use of the clause are set forth in paragraph (c) of this section.

ALLOWABLE COST, FIXED FEE AND PAYMENT (SEPTEMBER 1973)

(a) For the performance of this contract, the Government shall pay to the Contractor:

(i) the cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(A) Part 15, Subpart 2 of the NASA Procurement Regulation as in effect on the date of this contract; and

(B) the terms of this contract; and

(ii) such fixed fee, if any, as may be provided for in the Schedule.

(b) (1) Once each month (or at more frequent intervals, if approved by the Contracting Officer), the Contractor may submit to an authorized representatives of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor (except as provided herein with respect to pension contribution) in the performance of this contract and claimed to constitute allowable cost.

(2) When pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accrued costs therefor shall be excluded from indirect costs for payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, accruals therefor may be included in indirect costs for payment purposes provided that they are paid to the fund within 30 days after the close of the period covered. If payments are not made to the fund within such 30-day period, pension contribution costs shall be excluded from indirect cost for payment purposes until payment has been made.

(c) Promptly after receipt of each invoice or voucher the Government shall, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Payment of the fixed fee, if any, shall be made to the Contractor as specified in the Schedule; *provided*, however, that after payment of eighty-five percent (85%) of the fixed fee set forth in the Schedule, the Contracting Officer may withhold further payment of fee until a reserve shall have been set aside in an amount which he considers necessary to protect the interests of the Government, but such reserve shall not exceed fifteen percent (15%) of the total fixed fee or one hundred thousand dollars ($100,000), whichever is less.

(d) At any time or times prior to final payment under this contract the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fixed fee, which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) an assignment to the Government, in form and substance satisfactory to the Contracting Officer of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) a release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out out of or under this contract, subject only to the following exceptions.

(A) specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract; *provided*, that such claims are not known to the Contractor on the date of the execution of the release; and *provided further*, that the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier;

(C) claims for reimbursement of costs, including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents; and

(D) when there is included in this contract a clause entitled "Data Requirements," claims pursuant to such clause when a written request by the Contracting Officer to furnish data is made within the one-year period after final payment.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

(b) *Allowable cost, incentive fee, and payment.* When the contract provides for incentives which may result in the revision of the fee, the clause set forth below will be used, except in cost-plus-award-fee type contracts. Additional instructions for use of the clause are set forth in paragraph (c) of this section.

ALLOWABLE COST, INCENTIVE FEE, AND PAYMENT (SEPTEMBER 1973)

(a) (1) For the performance of this contract, the Government shall pay to the Contractor—

(i) the cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(A) Part 15, Subpart 2 of the NASA Procurement Regulation as in effect on the date of this contract; and

(B) the terms of this contract; and

(ii) a fee determined as provided in this contract

(2) The target cost and target fee of this contract are set forth in the Schedule and shall be subject to adjustment in accordance with (h) and (i) below. As used throughout this contract the term—

(i) "target cost" means the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below; and

(ii) "target fee" means the fee which was initially negotiated on the assumption that this contract would be performed and delivered as stipulated in the Schedule, for a cost equal to the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below.

(b) (1) Once each month (or at more frequent intervals, if approved by the Contracting Officer) the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor (except as provided herein with respect to pension contribution) in the performance of this contract and claimed to constitute allowable cost.

(2) When pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accrued costs therefor shall be excluded from indirect cost for payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, accruals therefor may be included in indirect costs for payment purposes provided that they are paid to the fund within 30 days after the close of the period covered. If payments are not made to the fund within such 30-day period, pension contribution costs shall be excluded from indirect cost for payment purposes until payment has been made.

(c) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Payment of fee shall be made to the Contractor as specified in the Schedule; provided, however, that whenever in the opinion of the Contracting Officer, the Contractor's performance or cost then incurred indicates that target fee will not be achieved, payment of fee will be based on such lesser fee, not lower than the minimum fee, as the Contracting Officer may determine to be appropriate. After payment of eighty-five percent (85%) of the applicable fee, the Contracting Officer may withhold further payment of fee until a reserve shall have been set aside in an amount which he considers necessary to protect the interests of the Government, but such reserve shall not exceed fifteen percent (15%) of the total applicable fee or one hundred thousand dollars ($100,000) whichever is less. When the Contracting Officer has ordered that fee payment be reduced in accordance with the foregoing, he may increase the basis for payment to an amount not to exceed the target fee upon an affirmative showing by the Contractor that such action is justified and equitable.

(d) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment

theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audits, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fee which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver—

(i) an assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) a release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) claims together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of the contract; provided, that such claims are not known to the Contractor on the date of the execution of the release; and provided further, that the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier;

(C) claims for reimbursement of costs, including reasonable expenses incidental, thereto, incurred by the Contractor under the provisions of this contract relating to patents; and

(D) when there is included in this contract a clause entitled "Data Requirements," claims pursuant to such clause when a written request by the Contracting Officer to furnish data is made within the one-year period following final payment.

Except as provided in (j) below, payments under the assignment and claims excepted from the release shall be subject to adjustment by reason of the adjustment of fee in accordance with (i) below.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

(h) When the work under this contract (including any supplies or services which are ordered separately under, or otherwise added to, this contract) is increased or decreased by contract modification or when any equitable adjustment in the target cost is authorized under any other clause of this contract, equitable adjustments in the target cost, target fee, minimum fee, maximum fee, or any or all of them, as appropriate, shall be set forth in an amendment or supplemental agreement to this contract.

(i) The fee payable hereunder shall be the target fee increased by (*insert contractor's participation*) cents for every dollar by which the total allowable cost is less than the target cost or decreased by (*insert contractor's participation*) cents for every dollar by which the total allowable cost exceeds the target cost. In no event shall the fee be greater than ____ percent nor less than ____ percent, of the target cost; and, except as provided in (j) below, within these limits such fee shall be subject to adjustment, by reason of increase or decrease of total allowable cost, on account of payments under the assignment required by (f) (i) above, and claims excepted from the release required by (f) (ii) above. If this contract is terminated in its entirety, the portion of the target fee payable shall not be subject to an increase or decrease as provided in this paragraph. The terminations shall be otherwise accomplished pursuant to other applicable provisions of this contract.

(j) For the purpose of the adjustment of the fee in accordance with (i) above, the term "total allowable cost" shall not include allowable costs arising out of:

(i) any of the causes specifically enumerated in the clause hereof entitled "Excusable Delays" to the extent they are without the fault or negligence of the Contractor or any subcontractor;

(ii) the taking effect, after the negotiation of the target cost of this contract, of a statute, court decision, written ruling or regulation which results in the Contractor's being required to pay or bear the burden of any tax or duty, or increase in the rate thereof.

(iii) any direct cost attributed to the Contractor's assistance or participation in litigation as required by the Contracting Officer pursuant to a provision of this contract, including the furnishing of evidence and information requested pursuant to the clause hereof entitled "Notice and Assistance Regarding Patent and Copyright Infringement";

(iv) the procurement and maintenance of additional insurance not included in the target cost and required by the Contracting Officer or claims for reimbursement for liabilities to third persons pursuant to the clause hereof entitled "Insurance—Liability to Third Persons";

(v) any claim, loss or damage resulting from a risk for which the Contractor has been relieved of liability pursuant to the clause hereof entitled "Government Property.".

Except as otherwise specifically provided in this contract, all other allowable costs shall be included in the term "total allowable cost" for the purpose of the adjustment of the fee in accordance with (i) above.

(k) The total allowable cost and the adjusted fee determined as provided in this clause shall be evidenced by a modification of this contract signed by the Contractor and the Contracting Officer.

In the event the contracts call for spare parts or other supplies and services which are to be ordered under a provisioning document or Government option, the following provision (l) shall be included:

(l) Compensation for supplies (including spare parts) and services which are to be furnished under this contract pursuant to a provisioning document or Government option shall be determined in accordance with the provisions of this clause notwithstanding any inconsistent provision in such provisioning document or Government option.

* * * * *

3. Section 18–7.404–52 is revised to read as follows.

§ 18–7.404–52 Date of incurrence of costs.

The clause set forth in § 18–7.205–52 may be inserted when authorized in accordance with § 18–15.205–30.

4. Section 18–7.451–3 is revised to read as follows.

§ 18–7.451–3 Allowable cost and payment.

Insert the clause set forth below.

ALLOWABLE COST AND PAYMENT (SEPTEMBER 1973)

(a) For the performance of this contract, the Government shall pay to the Contractor the cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with:

(i) Part 15, Subpart 3, of the NASA Procurement Regulation as in effect on the date of this contract, except that if the Contractor is not an educational institution the allowable costs shall be determined in accordance with Part 15, Subpart 2, of said Regulation; and

(ii) the terms of this contract.

(b) (1) Once each month (or at more frequent intervals, if approved by the Contracting Officer) the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor (except as provided herein with respect to pension contribution) in the performance of this contract and claimed to constitute allowable cost.

(2) When pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accrued costs therefor shall be excluded from indirect costs for payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, accruals therefor may be included in indirect costs for payment purposes provided that they are paid to the fund within 30 days after the close of the period covered. If payments are not made to the fund within such 30-day period, pension contribution costs shall be excluded from indirect cost for payment purposes until payment has been made.

(c) (1) Promptly after receipt of each invoice or voucher, the Government shall, subject to the provisions of paragraph (d) below, make payment thereon as approved by the Contracting Officer.

(2) After payment of an amount equal to eighty percent (80%) of the total estimated cost of performance of this contract set forth in the Schedule, further payment on account of allowable cost shall be withheld until a reserve of either one percent (1%) of such total estimated cost, or ten thousand dollars ($10,000), whichever is less, shall have been set aside.

(d) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) an assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) a release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract; *provided* that such claims are not known to the Contractor on the date of the execution of the release, and *provided further* that the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier;

(C) claims for reimbursement of costs, including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents; and

(D) when there is included in this contract a clause entitled "Data Requirements," claims pursuant to such clause when a written request by the Contracting Officer to furnish data is made within the one (1) year period after final payment.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

PART 18–15—CONTRACT COST PRINCIPLES AND PROCEDURES

1. Section 18–15.204 is revised to read as follows.

§ 18–15.204 Application of Principles and Procedures.

(a) Deviations from the cost principles in this Subpart 18–15.2 shall be processed in accordance with the procedures in § 18–1.109–3.

(b) Costs shall be allowed to the extent that they are reasonable (See § 18–15.201–3), allocable (see § 18–15.201–4), and determined to be allowable in view of the other factors set forth in §§ 18–15.201–2 and 18–15.205. These criteria apply to all of the selected items of cost which follow, notwithstanding that particular guidance is provided in connection with certain specific items for emphasis or clarity.

(c) Costs incurred as reimbursements to a subcontractor under a cost-reimbursement, fixed-price incentive, or price redeterminable type subcontract of any tier above the first firm fixed-price or fixed-price escalation subcontract are allowable to the extent that allowance is consistent with the subpart of this Part 18–15 which is appropriate to the subcontract involved. Thus, if the subcontract is for supplies, such costs are allowable to the extent that the subcontractor's costs would be allowable if this Subpart 18–15.2 were incorporated in the subcontract; if the subcontract is for construction, such costs are allowable to the extent that the subcontractor's costs would be allowable if Subpart 18–15.4 were incorporated in the subcontract. Similarly, costs incurred as payments under firm fixed-price or fixed-price escalation subcontracts or modifications thereto, when cost analysis was performed pursuant to § 18–3.807–10(b), shall be allowable only to the extent that the price was negotiated in accordance with the principles in § 18–15.106.

(d) Selected items of cost are treated in § 18–15.205. However, § 18–15.205 does not cover every element of cost and every situation that might arise in a particular case. Failure to treat any item of cost in § 18–15.205 is not intended to imply that it is either allowable or unallowable. With respect to all items, whether or not specifically covered, determination of allowability shall be based on the principles and standards set forth in this subpart and, where appropriate, the treatment of similar or related selected items.

2. Section 18–15.205–4 is revised to read as follows:

§ 18–15.205–4 Bonding costs.

(a) Bonding costs arise when the Government requires assurance against financial loss to itself or others by reason of the act or default of the contractor. They arise also in instances where the contractor requires similar assurance. Included are such bonds as bid, performance, payment, advance payment, infringement, and fidelity bonds.

(b) Costs of bonding required pursuant to the terms of the contract are allowable.

(c) Costs of bonding required by the contractor in the general conduct of his business are allowable to the extent that such bonding is in accordance with sound business practice and the rates and premiums are reasonable under the circumstances.

3. Section 18–15.205–6(f) is revised to read as follows.

§ 18–15.205–6 Compensation for personal services.

* * * * *

(f) *Deferred compensation.* (1) As used herein, deferred compensation includes all remuneration, in whatever form, for which the employee is not paid until after the lapse of a stated period of years or the occurrence of other events as provided in the plans, except that it does not include normal end of accounting period accruals. It includes (i) contributions to pension, annuity, stock bonus, and profit-sharing plans; (ii) contributions to disability, withdrawal, insurance, survivorship, and similar benefit plans; and (iii) other deferred compensation, whether paid in cash or in stock.

(2) Deferred compensation is allowable only to the extent that:

(i) It is, together with all other compensation paid to the employee, reasonable in amount; and

(ii) It is paid pursuant to an agreement entered into in good faith between the contractor and employees before the services are rendered, or pursuant to a plan established and consistently applied thereafter by the contractor; and either

(*a*) It is deductible for the same fiscal year for Federal income tax purposes under Section 404 (excluding subsection (a)(5)) of the Internal Revenue Code of 1954 as amended and the regulations of the Internal Revenue Service, *provided*, that

(1) Normal costs of pension plans incurred subsequent to the effective date of this paragraph, not funded in the year incurred, shall not be allowable in subsequent years (except that a payment made to a fund by the time set for filing of the Federal income tax return for any taxable year shall be deemed to have been made during such taxable year);

(2) Allowable costs of contributions for past service or supplementary pension or annuity credits (including contributions for the equivalent of interest that would have been earned on previously unfunded costs, sometimes called "freezing payments") shall not exceed, for any year, amounts required to systematically amortize the actuarial liability annually over not less than ten or more than forty years beginning with the year that the liability was first assumed, either by announcement, agreement, regular practice or other means which would reasonably inform employees that continuing service would result in retirement benefits based in part on the previously unfunded past service (but see paragraph (f)(2)(ii)(a)(3) of this section);

(3) Pension costs of previous years which have not been funded as of the effective date of this paragraph are allowable to the extent they are systematically funded over not less than ten years, provided the contractor can demonstrate that pension costs were allocated to Government contracts on a funding rather than an accrual basis in the accounting periods previous to the effective date of this paragraph and also provided that the systematic funding starts no later than the contractor's first full fiscal year after the effective date of this paragraph;

(4) The determination of allowable costs shall take into consideration unrealized, as well as realized appreciation in the market value of the fund assets, established in a rational and systematic basis. This recognition shall include unrealized appreciation on equity securities taking into account both the investment policy and prior growth experience of the fund. The appreciation to be recognized for equity securities generally shall be the amount by which 80 percent of the market value exceeds the total adjusted book value. The adjusted book value is defined as the acquisition cost adjusted for appreciation or depreciation previously recognized whether or not actually recorded in the asset account. Unrealized depreciation of equity securities may be recognized to the extent of unrealized appreciation previously recognized, but the total of value of all equity securities in a fund shall not be depreciated below the acquisition cost. Initial recognition of accumulated unrealized appreciation may be spread over a period of time not to exceed ten years. Ordinarily, appreciation and depreciation need not be recognized for debt securities expected to be held to maturity and redeemed at face value;

(5) Abnormal forfeitures, due to significant reduction in the contractor's level of employment, that are foreseeable and which can be currently evaluated with reasonable accuracy, by actuarial or other sound computation, shall be reflected by an adjustment of costs otherwise allowable; where abnormal forfeitures were not taken into account previously, appropriate credit shall be given to the Government pursuant to § 18-15.201-5;

(6) Any amount paid or funded and deductible in any year under section 404 (excluding section 404(a)(5)) of the Internal Revenue Code of 1954 as amended prior to the time it becomes allowable under this subdivision (a) shall be applied to future years, in order of time, as if actually paid and deductible in such years;

(7) Increased normal and past service cost caused by delay in funding the actuarial liability beyond 30 days after each quarter of the year to which such costs are assignable, are unallowable. Determination of unallowable costs shall be made in accordance with the actuarial method used in calculating the normal and past service costs.

* * * * *

The following revisions to Chapter 18 of Title 41 are prescribed as set forth below. These revisions to Chapter 18 covering changes made by Revision 7 of the NASA Procurement Regulation were effective July 31, 1973, except for interim changes made by Procurement Regulation Directives.

PART 18-13—GOVERNMENT PROPERTY

1. Section 18-13.301 (b) and (f) is revised to read as follows.

§ 18-13.301 Providing facilities.

* * * * *

(b) In the event a written determination is made by the head of the installation to provide new facilities pursuant to paragraph (a)(5)(i) of this section, a copy of the determination together with a brief statement by the contracting officer of the circumstances justifying the provision of such facilities shall be furnished to the Office of Supply and Equipment Management, NASA Headquarters (Code BE). A copy shall accompany the request for facilities project approval pursuant to § 18-13.302(b).

* * * * *

(f) Prior to acquiring new centrally reportable equipment (see B.102-22) except ADP in paragraph (g) of this section (see FSC 7440) which has an item acquisition cost of $1,000 or more, DOD Industrial Plant Equipment Requisition (DD Form 1419) shall be submitted via the Contracting Officer to the Installation Equipment Visibility System (EVS) Coordinator for EVS screening (including DIPEC screening of the items covered by § 18-13.312) in accordance with Subpart 18-13.50. The Contracting Officer shall insure that such screening for availability has been accomplished and that suitable equipment is not available.

* * * * *

2. Section 18-13.306-4 is revised to read as follows.

§ 18-13.306-4 Screening existing Government-owned special test equipment costing $1,000 or more.

In order to minimize the acquisition of new special test equipment or components thereof, the contracting officer shall consider the utilization of the NASA Equipment Visibility System (EVS) and DIPEC, when recommended by the EVS Coordinator, to ascertain whether any Government-owned property can be furnished in accordance with the policy set forth in § 18-13.306-1. To accomplish such screening, Department of Defense Industrial Plant Equipment Requisition (DD Form 1419) shall be submitted to the Equipment Visibility System (EVS) Coordinator of the cognizant NASA installation in accordance with Subpart 18-13.50. Where special test equipment is to be acquired in the manner described in § 18-13.306-3(b), the screening shall be accomplished before contract award. Where special test equipment is to be acquired in the manner described in § 18-13.306-3(c), the contracting officer shall normally accomplish the screening and notify the contractor of the Government's election within the notice period provided in the Special Test Equipment clause in § 18-13.705. Thereafter, the Government-owned items to be furnished shall be promptly shipped to the contractor and the contract shall be equitably adjusted pursuant to the Special Test Equipment clause. However, if the contracting officer determines that the savings anticipated from furnishing Government-owned items would be exceeded by costs that might be incurred as a result of delays or administrative actions, he may, except as to items identified in § 18-13.312, waive the screening and shall immediately advise the contractor that the Government will not furnish the equipment.

3. Section 18-13.405(a) is revised to read as follows.

§ 18-13.405 Non-Government use of industrial plant equipment (IPE).

(a) The prior written approval of the contracting officer is required for any non-Government use of active Government-owned industrial plant equipment (see B.102-11). Before non-Government use exceeding 25 percent may be authorized, prior approval of the Director of Procurement shall be obtained. In addition, non-Government use of machine tools, and secondary metalforming and cutting machines (Federal Supply Classes 3405, 3408, 3410, 3411 through 3419 and 3441 through 3449) in excess of 25 percent shall require the advance approval of the Office of Emergency Preparedness which shall be obtained through the Director of Procurement with the concurrence of the Director of Supply and Equipment Management, NASA Headquarters, (Code BE). Requests requiring the approval of the Director of Procurement or the Office of

Emergency Preparedness shall be submitted at least six weeks in advance of the projected use and shall include:

(1) The total number of active IPE items involved and total acquisition cost thereof; and

(2) An itemized listing of active equipment having an acquisition cost of $25,000 or more, showing for each such item the nomenclature, production equipment code, year of manufacture, and the acquisition cost.

* * * * *

4. Section 18–13.406 is revised to read as follows.

§ 18–13.406 Rent-free use of Government production and research property on work for foreign governments.

Upon the request of a foreign government, or a contractor certifying that he is acting on behalf of a foreign government, Government production and research property located in the United States, its possessions, or Puerto Rico, may be authorized for use without charge on contracts of foreign government or subcontracts thereunder if:

(a) Such use is approved by the Director of Procurement with the concurrence of the Director of Supply and Equipment Management, NASA Headquarters (Code BE);

(b) Such use is legally authorized;

(c) The foreign government's placement of the contract directly with the contractor is consistent with the best interest of the United States;

(d) It appears that the foreign government will place the contract with the contractor whether or not such use is authorized, or that no competitive pricing advantage will accrue to the contractor by virtue of such use;

(e) The contractor agrees that no charge for the use of such property will be included in the price charged the foreign government under the contract; and

(f) Such use will not interfere with foreseeable requirements of the United States.

5. Section 18–13.606 is revised to read as follows.

§ 18–13.606 Disposition.

(a) Except for nonseverable production and research property for which specific provision is made by § 18–13.307, the disposition of Government production and research property shall be in accordance with Part 18–24 of this chapter and NASA Management Instruction 4310.1, "Screening and Utilization of Excess Contractor Inventory".

(b) Contracts under which Government production and research property is provided to a contractor shall reserve to the Government the right to abandon such property in place, without any obligation to restore or rehabilitate the premises of the contractor. However, this right may be waived if the prior approval of the head of the installation is obtained. The authority to grant such approval shall not be delegated.

6. Subpart 18–50 is revised in its entirety as follows:

Subpart 18–13.50—Acquisition of Inactive Equipment

§ 18–13.5000 Scope of subpart.

This subpart establishes procedures for the acquisition of the equipment cited in B.306–1 from:

(a) The NASA Equipment Visibility System (EVS) prescribed in NPD 4000.2 and Part 4, Section V of NASA Equipment Management Manual (NHB 4200.1); and

(b) From the Department of Defense Industrial Plant Equipment Center (DIPEC) pursuant to the DOD–NASA Agreement for Utilization of Idle Industrial Plant Equipment set forth in NASA Management Instruction 1052.17.

§ 18–13.5001 General.

In accordance with the policy set forth in § 18–13.301, NASA will not provide contractors with new equipment unless fully justified and an economical, practical, and appropriate alternative does not exist. To implement this policy, contracting officers shall determine in addition to the procedures prescribed in this subpart, that:

(a) Suitable equipment at the installation or in the possession of the installation's contractors is not available for loan or transfer, and

(b) Current excess property listings promulgated by the Department of Defense and the General Services Administration have been screened, and that the requirement cannot be satisfied therefrom.

§ 18–13.5002 Procedure.

(a) *Requests for inactive equipment.* Requests for item(s) of equipment to be acquired by screening availability from NASA's EVS and DIPEC idle inventories shall be submitted on DD Form 1419 (DOD Industrial Plant Equipment Requisition) in an original and three (3) copies via the contracting officer to the Installation's EVS coordinator for processing in accordance with the further procedures prescribed in Part 4, Section V of NASA Equipment Management Manual (NHB 4200.1).

(b) *Instructions for preparation of DD Form 1419.* A separate DD Form 1419 will be completed for each item of equipment required, i.e., if sixteen (16) lathes of the same type and model are required, sixteen (16) DD Form 1419's will be completed as follows:

Requisition number. The EVS coordinator will assign a requisition number to each DD Form 1419 request. When DIPEC is to be screened, each number assigned will be coded for Automatic Data Processing by DIPEC. It will also identify the requiring installation and provide a serial number and date of submission for subsequent reference. The requisition number will begin with the appropriate FEDSTRIP/MILSTRIP Activity Address Code set forth below:

Ames Research Center	809101
Flight Research Center	809103
Goddard Space Flight Center	803201
Johnson Space Center	807402
Kennedy Space Center	804200
Langley Research Center	803301
Lewis Research Center	805501
Marshall Space Flight Center	804101
NASA Headquarters	803302
NASA Pasadena Office	809143
Wallops Station	803303

Next will be a four digit entry comprised of the last digit of the current calendar year and the Julian date of the year, i.e. 9035 for February 4, 1969. The last entry will be a four digit number from 0001 to 9999, to sequentially number requisition forms prepared on the same date. For example: the ninth requisition prepared on February 1, 1969 would be 9032–0009 preceded by the FEDSTRIP/MILSTRIP Activity Address Code, an example being Langley-"803301 3032-0009". When submitting subsequent DD Forms 1419 related to the item requested, the same requisition number is to be used and alpha code added to the end of the requisition number to indicate a second or third action on the basic request. Alpha "A" would indicate a second request, "B" a third, etc. In this manner, all actions, correspondence, etc., relative to a given request can be identified at all levels of processing, by the use of the requisition number.

SECTION I

Item Description. It is necessary to provide a complete description of the item desired, to obtain maximum screening results. Requests for single purpose or general purpose equipment with special features must contain detailed descriptive data as to the size and capacities, setting forth special operating features or particular operations required to be performed by the item.

Block 1. Enter the complete 12 digit Production Equipment Code (PEC) (see § 18–13.312 or Defense Industrial Plant Equipment Center Operations Manual DSAM 4215.1, Appendix 1C, Index of Industrial Plant Equipment Handbooks). If not available, enter the applicable 11 digit Federal Stock Number (FSN).

Block 2. Enter the manufacturer's name and Federal supply code for manufacturer's (Cataloging Handbook H4–1) of the item requested.

Block 2a. Enter the manufacturer's model, style or catalog number assigned to the equipment being requisitioned. Always use the model number if available. The style number is the next preference. Insert "NONE" in this block if the model, type or catalog number is not known.

Block 3. Activities using Federal Stock Numbers (FSN) as the identifying number will enter that number. When the FSN is known, it will be included in all reports in addition to the commodity code.

Block 4. Enter the 2 digit power code described in Appendix 1D of Defense Industrial Plant Equipment Center Operations Manual DSAM 4215.1. These codes designate the voltage, current, phase and cycle by which the item requested will be operated.

Block 5. Self-explanatory.

Block 6. Place an "X" in the applicable block to indicate whether physical inspection is or is not desired, prior to acceptance.

Block 7. Self-explanatory.

Block 8. Enter the complete description of the item, including the major group, class, subclass, type, subtype, size group, specifying size, etc., as selected from the appropriate directory or handbook. (See § 18–13.312, *Index of Industrial Plant Equipment Handbooks* for descriptive information.) Continue the item description in Block 51 if additional space is required to describe the item desired.

SECTION II

Block 9. Enter the NASA installation, the facility or contractor's name, street address,

city, state and zip code from which the requisition is being initiated. The address should be the one to which inquiries of a technical nature are to be referred. Include the name and telephone number of the individual to be contacted concerning the item requested.

Block 10 and 10a. Enter the contract number or document number and the date of the document which authorizes the acquisition of the items shown in Section I. Normally this will be a facility contract number, otherwise it should be a purchase order number or purchase request number.

Block 11. Not applicable.

Block 12. Indicate if the property is for NASA in-house use or a contractor facility. Disregard the "Military" block. Show NASA contract number and program for which item is to be used.

Block 13. Enter the specific function to be performed by the equipment. When applicable, enter the tolerances, capacities, specifications, etc., which equipment must satisfy.

Block 14. Enter the date the item must be installed in place to meet production requirements. From this date deduct the estimated number of days required for installation. Enter the adjusted date in this block.

Block 15. Enter the date by which DIPEC must issue a Certificate of Non-Availability. The date will be developed by subtracting the procurement leadtime and 45 days administrative leadtime from the date shown in Block 14.

Block 16. Enter the Defense Material System Priority Rating that is assigned to the contract or anticipated purchase order.

Block 17. Place an "X" in the appropriate box. If for replacement, identify the item to be replaced and the reason for replacement.

Block 18. Enter an "X" in the appropriate box. Show the appropriation symbol if answer is "yes".

Block 19. Not applicable.

Blocks 20 and 21. In addition to the official's title and signature, enter the signing official's typed name, office symbol or name, and telephone number and extension. For contractor's requirements, the signing official should be the company representative who prepares and submits the requirement to the cognizant NASA certifying office.

Block 22. Self-explanatory.

Block 23. Certification of need for the item requisitioned is the function of the contracting officer of the NASA installation having jurisdiction over the contract. For NASA in-house requirements certification can be made by the EVS coordinator.

Block 23a. Not applicable.

Block 23b. Name and address of the installation certifying the requirement.

Block 23c. Signature of the property administrator or contracting officer at plant level.

Block 23d. Self-explanatory.

Block 23e. Signature of NASA installation official certifying the requirement.

Block 23f. Self-explanatory.

SECTION III.

This section if for the EVS coordinator's certification of the requirement to DIPEC.

Block 24. Self-explanatory.

Block 25. Self-explanatory.

Block 26. Self-explanatory.

Block 27. Self-explanatory.

SECTION IV.

To be completed by DIPEC, copy is used for admittance to storage site for inspection of property offered.

SECTION V.

To be completed by DIPEC if equipment is not available.

SECTION VI.

Blocks 42, 43, 44 and 45. To be completed by the requesting official signing the requisition in Section II. (See Block 20.) Reasons for non-acceptance are to be shown in Section VIII-Remarks, or by separate document attached to the DD Form 1419.

SECTION VII.

Block 46. Enter complete name, street address, city, state and zip code of the contractor or installation to which the item is to be shipped. Indicate rail head and truck delivery points when other than the address named.

Block 47. Self-explanatory.

Block 48. Self-explanatory.

Blocks 49a and b. Insure that NASA appropriation symbols are included with work order number.

Block 49c. Enter NASA appropriation symbol chargeable for any special work ordered, i.e., rebuild, repair, accessory replacement.

Block 49d. Enter NASA installation and office symbol which will make payment for transportation and packing, crating and handling of item requisitioned.

Block 50. Self-explanatory.

SECTION VIII.

Block 51. This block can be used to expand or explain entries made in Blocks 1 through 50. When requisitioning equipment from excess listings, identify issuing office, list number, date, control number and item number assigned to equipment.

(c) *Processing DD Form 1419.* (1) The essential information, outlined in the above instructions, covering Sections I and II, is required to be completed prior to submission of DD Form 1419 to the EVS coordinator who will review each submission for completeness and authenticity. Incomplete or invalid requests will be returned for correction. The original and two (2) copies of the approved DD Form 1419 will be forwarded to DIPEC for screening of inventories. Upon completion of the screening process, DIPEC will annotate the results of the screening in Section IV or V. Certification of non-availability when cited in Section V is evidence that screening has been accomplished by DIPEC. The original and one (1) copy of the request will be returned by DIPEC to the EVS coordinator of the cognizant NASA installation indicated in Section III.

(2) When a suitable item is allocated in Section IV, inspection of the equipment is recommended. Notification of acceptance or rejection of the item offered must reach DIPEC within 30 days after allocation. A copy of the DD Form 1419 will serve as the clearance document to inspect the equipment at the storage site. Acceptance or rejection of item, without inspection or after inspection is to be noted in Section VI. If it is determined that the item is acceptable, Section VII is to be executed. The NASA appropriation symbol must be cited where applicable in Section VII. In either instance, acceptance or rejection, the original of the DD Form 1419 is to be returned to DIPEC by the EVS coordinator.

§ 18–13.5003 Transfers from NASA to the military departments.

Requests for NASA idle industrial plant equipment received directly by NASA installations from the military departments shall be referred to the EVS coordinator.

7. Section 18–13.5102(d) is deleted, the revised section to read as follows:

§ 18–13.5102 Procedure for determining facilities expansion.

The following procedures will be applied in determining the need for facilities expansion, to the extent applicable:

(a) When prime contractors are being selected or requested to submit proposals pursuant to § 18–3.802–3, for each procurement, the contracting officer will require all potential sources to state in writing whether additional facilities will be required, the estimated cost and nature of such facilities, and whether the contractor will furnish the facilities with contractor funds or will request the Government to provide the facilities.

(b) When the selected contractor has stated that additional Government facilities will be required, the contracting officer will advise the contractor to submit a formal application for facilities, furnishing the information indicated in §§ 18–13.5105 and 18–13.5106. The contractor may request assistance in preparing his application for facilities. In order to expedite processing the application, it is important that full and complete justification be given for the required facilities. When the application for facilities is prepared in conjunction with contract proposal for an end-item, nine (9) copies of the facility application should be forwarded together with the proposal, or as soon as practicable thereafter. Any facilities requirements by subcontractors shall be prepared in accordance with the procedures and provisions of this Subpart 18–13.51 and submitted through the prime contractor to the contracting officer for comments and evaluations. All facilities approved for subcontractors will be provided under separate facilities contracts except as may be provided under § 18–13.303–1.

(c) If a facilities project involves construction work, approval of the Deputy Administrator, or other designated officials, must be obtained by the cognizant NASA Headquarters Program Director prior to the initiation of the procurement action, in accordance with the policies and procedures set forth in NASA Handbook 7330.1, "Approval of Facility Projects."

8. Section 18–13.5103(a) is revised to read as follows.

§ 18–13.5103 Processing the application.

(a) Upon receipt of a formal facilities application, the contracting officer will:

(1) Forward three (3) copies of the application to the appropriate installation technical office for review and request comments and recommendations as to the technical aspects and overall scope of application.

(2) Forward one (1) copy to the Office of Supply and Equipment Management, NASA Headquarters, (Code BE).

* * * * *

9. Section 18–13.5104(b) is revised to read as follows.

§ 18–13.5104 Administration of approved facilities application.

* * * * *

(b) The contracting officer will require, prior to acquisition, the screening of equipment which may be available from existing Government inventories and will request assistance of the Equipment Visibility System (EVS) Coordinator in screening inactive and idle inventories. Allocation of such equipment will be requested by the contractor through and with the concurrence of the NASA contracting officer pursuant to Subpart 18–13.50. If screening of any item of idle Government production and research property on an approved application cannot be completed within 30 days the contracting officer or his representative may approve purchase of the item without further screening.

* * * * *

PART 18–24—DISPOSITION OF PERSONAL PROPERTY IN POSSESSION OF CONTRACTORS

1. Section 18–24.101–31 is added to read as follows:

§ 18–24.101–31 Centrally reportable equipment.

Centrally reportable equipment means that plant equipment (including industrial plant equipment), special test equipment, special tooling or non-flight space property which is:

(a) Used as a separate item or component of a system, and

(b) Valued at $1,000 or more, and

(c) Identifiable by function or description under one of the Federal Supply Groups or Classes except FSC 7440.

2. Section 18–24.203–1(e) is revised to read as follows.

§ 18–24.203–1 Submission of inventory schedules.

* * * * *

(e) If centrally reportable equipment (see § 18–24.101–31) has not previously been reported under B306–1(a)(3), it will be reported on DD Form 1342, marked "reutilization screening," 120 days prior to reporting such items as excess. The DD Form 1342 will be forwarded through the contracting officer of the cognizant NASA installation marked for EVS. Centrally reportable equipment which is not redistributed during this period of reutilization screening will be reported pursuant to § 18–24.203–2.

3. Section 18–24.205–4(c) is revised to read as follows.

§ 18–24.205–4 Special screening procedures.

* * * * *

(c) *Nuclear materials.* (1) The possession, use, and transfer of certain nuclear materials are subject to the controls of the United States Atomic Energy Commission (AEC) pursuant to the Atomic Energy Act of 1954, as amended. The materials are:

(i) *By-product material*—meaning any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material (see AEC Regulation 10 CFR, Part 30);

(ii) *Source material* meaning—

(*a*) Uranium, thorium, or any other material which is determined by AEC pursuant to the provisions of the Atomic Energy Act of 1954, as amended, to be source material, or

(*b*) Ores containing one or more of the foregoing materials, in such concentration as the AEC may, by regulation, determine from time to time (see AEC Regulation 10 CFR Part 40); and

(iii) *Special nuclear material* meaning—

(*a*) Plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the AEC, pursuant to the provisions of the Atomic Energy Act of 1954, as amended, determines to be special nuclear material, or

(*b*) Any material artificially enriched by any one of the foregoing (see AEC Regulation 10 CFR Part 70).

(2) Excess nuclear material in the categories described above shall be disposed of in accordance with instructions provided in the license agreement between the contractor in possession and the AEC. In the absence of specific instructions, excess materials described above shall be reported by letter to the Office of Supply and Equipment Management, NASA Headquarters. The nature of the material, quantity, location, and ownership shall be indicated.

* * * * *

4. Section 18–24.206–1(i) is revised to read as follows.

§ 18–24.206–1 General.

* * * * *

(i) Auction, spot bid, and retail sales: Auction, spot bid, and retail sales shall not be utilized for selling contractor inventory, unless approved on an individual case basis by the Director, Office of Supply and Equipment Management (Code BE), NASA Headquarters.

5. Section 18–24.206–2(e) is revised to read as follows.

§ 18–24.206–2 Competitive sales.

* * * * *

(e) *Approval of sale.* Bids shall be evaluated by the plant clearance officer to establish that the sale price is fair and reasonable in the light of reasonable knowledge or test of the market, due regard being given to current prices for products for which quotations are published and to the circumstances, nature, condition, quantity, and location of the property. Award shall be approved to that responsible bidder whose bid is most advantageous to the Government, price and other factors considered. Award shall not be approved to any bidder who would not be eligible to enter into a sales contract with NASA in accordance with the provisions of the Joint Consolidated List of Debarred, Ineligible and Suspended Contractors (see Subpart 18–1.6). If it is determined that an award to a contractor on a Joint Consolidated List would be in the best interest of the Government, the plant clearance officer shall request approval from the Director of Procurement, NASA Headquarters through the Director, Office of Supply and Equipment Management (Code BE), NASA Headquarters.

* * * * *

6. Section 18–24.206–5 is revised to read as follows:

§ 18–24.206–5 Applicability of antitrust laws.

Whenever an award is proposed to any private interest of personal property with an acquisition cost to the Government of $3 million or more, or of a patent, process, technique, or invention, irrespective of cost, the selling NASA installation shall promptly notify the Attorney General and the Administrator of the General Services Administration of the proposed disposal and the probable terms and conditions thereof. The installation shall include in the notification the following information:

(a) Location and description of property (specifying the tonnage if scrap);

(b) Proposed sale price of property (explaining the circumstances if proposed purchaser was not highest bidder);

(c) Acquisition cost of property to Government;

(d) Manner of sale, indicating whether by-.

(1) Sealed bid (specifying number of purchasers solicited and bids received),

(2) Auction or spot bid (stating how sale was advertised), or

(3) Negotiation (explaining why property was not offered for sale by competitive bid);

(e) Proposed purchaser's name, address, and trade name (if any), under which it is doing business;

(f) If a corporation, give name of State and date of incorporation, and name and address of-.

(1) Each holder of 25 percent or more of the corporate stock,

(2) Each subsidiary, and

(3) Each company under common control with proposed purchaser;

(g) If a partnership, give-.

(1) Name and address of each partner, and

(2) Other business connections of each partner;

(h) Nature of proposed purchaser's business, indicating whether its scope is local, statewide, regional, or national;

(i) Estimated dollar sales volume of proposed purchaser (as of latest calendar or fiscal year);

(j) Estimated net worth of proposed purchaser; and

(k) Proposed purchaser's intended use of property.

Upon request, the selling NASA installation shall furnish the Attorney General such additional information as it may possess concerning the proposed disposition. The Attorney General will advise the installation whether the proposed disposition would tend to create or maintain a situation inconsistent with the antitrust laws. A copy of the notification furnished the Attorney General will be forwarded by the selling NASA installation to the Director, Office of Supply and Equipment Management (Code BE), NASA Headquarters.

7. Section 18–24.208 is revised to read as follows.

§ 18–24.208 Destruction or abandonment.

Destruction or abandonment of surplus personal property may be accomplished only after every effort has been made to effect disposition by other authorized disposal methods. NASA Form 812, "Determination and Authorization to Abandon or Destroy Surplus Property" properly executed, reviewed, and approved by the installation Property Disposal Review Board and the Director, Office of Supply and Equipment management (Code BE), NASA Headquarters, when required, will be utilized to abandon or destroy surplus personal property. No personal property shall be abandoned or destroyed on a contractor's premises without the contractor's consent.

8. Section 18–24.211–1 is revised to read as follows.

§ 18–24.211–1 Property Disposal Review Board.

A Property Disposal Review Board shall be established at each NASA installation by the Head of the installation and at NASA Headquarters by the Director, Headquarters Administrative Office (see NASA Management Instruction 4320.1, "Disposal of Surplus Personal Property"). Board members, including a chairman and alternate members, shall be appointed in writing and shall serve for a period of one year. A quorum of three voting members shall be required at each Board meeting. No person shall serve as a member of a Property Disposal Review Board in reviewing any property action in which he has participated.

9. Section 18–24.301–6 is revised to read as follows.

§ 18–24.301–6 DD Form 1342, DOD Property Record.

Shall be used to report Centrally Reportable Equipment (See B.306–1 or C.306–1).

Appendix B—Control of Government Property in Possession of Contractors

1. B.102–6 is revised to read as follows.

B.102–6 *"Special test equipment"* means either single or multipurpose integrated test units engineered, designed, fabricated, or modified, to accomplish special purpose testing in the performance of the contract. Such testing units comprise electrical, electronic, hydraulic, pneumatic, mechanical, or other items or assemblies of equipment, that are mechanically, electrically, or electronically interconnected so as to become a new functional entity, causing the individual item or items to become interdependent and essential in the performance of special purpose testing in the development or production of particular supplies or services. The term *"special test equipment"* does not include:

(i) Material;

(ii) Special tooling;

(iii) Buildings and nonseverable structures (except foundations and similar improvements necessary for the installation of special test equipment); and

(iv) Plant equipment items used for general plant testing purposes.

2. B.102–22 is added to read as follows:

B.102–22 *"Centrally reportable equipment"* means that plant equipment (including industrial plant equipment), special test equipment, special tooling or non-flight space property which is (i) used as a separate item or component of a system, and (ii) is valued at $1,000 or more, and (iii) is identifiable by function or description under one of the Federal Supply Groups or Classes, except FSC 7440.

3. B.201(b) is revised to read as follows.

* * * * *

(b) *Direct Purchase by the Contractor.* Direct purchases shall be subject to a determination by the NASA contracting officer that the items are allocable to the contract involved and are reasonably necessary. In the case of purchase authorization of Centrally Reportable Equipment, such authorization shall include a citation of a certificate of nonavailability including a date by which the equipment must be purchased by the contractor. For purposes of property control within the scope of this appendix, it shall be considered that property purchased by the contractor, for which reimbursement is to be requested, becomes Government property upon its receipt by the contractor. This provision shall not be deemed to alter or modify contractual provisions relating to passage of title.

* * * * *

4. B.305 is revised to read as follows.

B.305 *Records of Special Test Equipment.* The contractor's property control system shall be such as to provide the following minimum information regarding each item of Government-owned special test equipment, except as indicated in (c) below:

(i) Contract number of equivalent code designation;

(ii) Nomenclature or description of item (including identification number and item on which used);

(iii) Identity of any general purpose test equipment incorporated as components in such a manner that removal and reutilization may be feasible and economical;

(iv) Quantity received or fabricated;

(v) Posting reference and date of transaction;

(vi) Location;

(vii) Disposition;

(viii) Unit or group price; and

(ix) Retention category (when required by the contract).

(a) In event group pricing of special test equipment is utilized by the contractor, as recognized in B.302–1, unit prices may be computed as and when required.

(b) Retention category, item (ix) above (when applicable), shall be established by the contractor at time of acquisition or fabrication of the item of special test equipment. Retention categories defined in B.304(b) will be used for special test equipment. This information will be utilized to expedite screening when the special test equipment becomes excess to contract requirements. After a major system has gone out of production, this information need not be required for those items of special test equipment which have been retained for spare production, overhaul or repair work.

(c) Records of items of special test equipment costing $1,000 or more and centrally reportable pursuant to B.306–1 will be maintained in accordance with B.306 "Record of Plant Equipment."

5. B.306 is revised to read as follows.

B.306 *Record of Plant Equipment.*

(a) *Plant Equipment Costing $1,000 or More.* The contractor shall maintain individual item records (manual or mechanized) of each item of Government-owned plant equipment having a unit cost of $1,000 or more which will provide the following minimum information:

(i) Federal Supply Code for Manufacturer (Cataloging Handbooks H4–1, H4–2) and, at the option of the contractor, the name and address of the equipment manufacturer;

(ii) Manufacturer's model/part number;

(iii) Serial number and year built (when available);

(iv) U.S. Government identification/tag number;

(v) Noun name of the item and Federal Supply Classification (Cataloging Handbook H2–1, H2–2, and H2–3);

(vi) Acquisition document reference and date;

(vii) Location;

(viii) Dispositon document reference and date;

(ix) Contract number or equivalent code designation; and

(x) Unit price when equipment is Government-furnished or cost (f.o.b. manufacturer) when contractor acquired. (Unit price will be reduced when accessory and auxiliary items are permanently separated from the basic item of plant equipment.)

DD Form 1342 may be used as a source document for setting up accounting records as prescribed herein.

(b) *Record of Accessory and Auxiliary Equipment.* Accessory and auxiliary equipment, which is attached to or otherwise a part of an item of plant equipment or has been acquired for use in connection with a specific item, shall be recorded on the record of the item of plant equipment. In the event the accessory or auxiliary item is not attached to, a part of, or acquired for use with a specific item of plant equipment, it shall be recorded as indicated in B.306(d).

(c) *Record of Manufacturing Systems.* Where plant equipment (including accessory or auxiliary type items) is assembled and interconnected to form a single operating unit to perform continuously the same manufacturing process, such equipment may, for property and inventory control purposes, be grouped and recorded as a single item of plant equipment on one plant equipment record in lieu of an individual item record for each component comprising the item of plant equipment. This does not obviate the requirement for adequately describing the component items on the plant equipment record nor does it preclude the use of more than one plant equipment record form when additional space is required.

(d) *Plant Equipment Costing More than $200 and Less Than $1,000.* Except where individual item records are necessary for effective control, calibration, or maintenance, summary stock records may be maintained for minor plant equipment and for plant equipment costing between $200 and $1,000 per unit. The contractor's property control

system shall be such as to provide the following minimum information:

(i) Contract number or equivalent code designation;

(ii) Noun name, Federal Supply Classification in Cataloging Handbooks H2–1, H2–2 and H2–3;

(iii) Manufacturer or Federal Supply Code for the manufacturer and model/part number;

(iv) Quantity received;

(v) Balance on hand;

(vi) Posting reference and date of transaction;

(vii) Unit price;

(viii) Location (see B.301(g)); and

(ix) Disposition.

In addition, where appropriate as determined by the property administrator the serial number or Government identification number or both for each item shall be recorded in a permanent manner in the property records and, upon disposition, lined out or otherwise deleted from the record. DD Form 1342 may be used for individual record cards for items costing between $200 and $1,000.

6. B.306–1 is revised to read as follows.

B.306–1 *Reporting Centrally Reportable Equipment.*

(a) NASA requires that certain NASA furnished or contractor acquired equipment as defined in B.102–22, centrally reportable equipment, be reported to the Equipment Visibility System (EVS). The contractor shall report all unreported items in the contractor's possession and, subsequently, shall report equipment items to EVS (1) at the time of receipt and acceptance of accountability, (2) when major changes occur in the data initially submitted to NASA, and (3) when the equipment is no longer required for or actively being used in pursuit of NASA programs or projects. Reporting will be accomplished by completion of Section I of DD Form 1342 or by other means acceptable to the contracting officer provided DD Form 1342 equivalent line item data is furnished. The data furnished at the time the equipment is reported pursuant to (a)(3) above will include the equipment's current condition code. Reportable data shall be forwarded through the contracting officer of the cognizant NASA installation marked for the Equipment Visibility System (EVS). Reportable data will be prepared and forwarded within 15 working days after the event which created the need for its preparation and forwarding.

(b) Equipment will be identified by noun name using the Joint DOD Handbooks as listed in § 18–13.312 and the Federal Cataloguing Handbooks H2–1 and H2–2. The forms prepared for components will be clearly marked with the word "component." Reporting of newly listed items which are in the possession of the contractor shall be accomplished within 180 days following the date of the new handbook or the page change.

7. Attachment 1 to Appendix B is revised to read as follows.

INSTRUCTIONS FOR THE PREPARATION OF NASA PROPERTY RECORD, DD FORM 1342, FEB. 1968 EDITION FOR REPORTING OF CENTRALLY REPORTABLE EQUIPMENT

This instruction is to be used in the preparation of DD Form 1342 to report newly acquired equipment, items not previously reported, when major changes occur in the data initially submitted or equipment which is no longer required for or actively being used in pursuit of NASA programs or projects. Only one initial report is required. In-use items will be reported initially to the equipment visibility system (EVS) through the contracting officer (see B.306–1) by use of this form by marking "active" and "initial" in Block 1. Idle items being initially reported are to be identified by marking "idle" and "initial" in Block 1.

Block 1. Check appropriate boxes to indicate "Active" or "Idle" report and that the report is an "Initial" or "Changed" report.

Block 2. Enter the Julian date of preparation of the form. The first character will be the last digit of the current calendar year, and the next three characters, the Julian date of the year.

Block 3. Enter the Identification Number/Government Tag Number as recorded on the identification plate affixed to the equipment.

SECTION I.—INVENTORY RECORD

Block 4. To obtain item identification data for reporting purposes use:

a. *Production Equipment Directories, D1 and D2.* The PEC selection for metalworking machinery and welding, heat cutting and metalizing equipment items being reported will be obtained by comparing and matching a directory entry by manufacturer's designation, nomenclature, and size of capacity data. After selection, enter a 12 digit code consisting of the 10 digit number and a 2 digit model code. When an item of IPE cannot be coded from the applicable directory, enter the first four digits of the applicable PEC.

b. *IPE Handbooks.* The PEC selection will be obtained from Section 3 of the appropriate Defense Supply Agency commodity handbook (see NASA PR 13.312) by the same method as outlined for directories as shown above. The PEC consists of 12 digits. For all other reportable items which cannot be identified to the order listed below:

(1) Section II of the IPE handbook will be screened for applicable entry. The PEC selected will be equal to a specific nomenclature and size or capacity data matching the item being reported.

(2) If Section II does not contain size or capacity data to cover the specific item, then the PEC representing the nomenclature only will be selected. The PEC for the nomenclature usually can be determined by presence of zeros in the 9th through the 12th position of the PEC, and the absence of a size or capacity in Column 2.

(3) Additional description as required by the applicable descriptive guide shown in Section IV will be included on all reports submitted.

c. When an item cannot be coded from the sources indicated above, enter the first four digits of the applicable PEC/FSC.

Block 5. Not applicable.

Block 6. Indicate in dollars (omit any symbols, decimal points, commas, etc.) the acquisition cost used for property accounting purposes. The acquisition cost will be the price of the basic item plus accessories and auxilliary equipment procured and delivered with the basic unit. If the initial acquisition cost data are not available, an appraised acquisition cost (based on known costs at the time of manufacture of the same or similar equipment), price lists for the period involved, or the best available price from other sources in NASA or DOD, should be used which will achieve conformity of prices for like items of equipment.

Block 7. Enter one of the three type codes (1, 2, or 3) listed in Appendix 1C of Defense Supply Agency Manual DSAM 4215.1.

Block 8. Enter the last two digits of the year the item was manufactured. If the actual year of manufacture cannot be determined, estimate the date, and place an "E" immediately preceding the entry.

Block 9. Enter the appropriate operating power code listed in Appendix 1C of DSAM 4215.1.

Block 10. Not applicable.

Block 11. Enter the two-digit code "32" to indicate NASA-owned equipment.

Block 12. Not applicable.

Block 13. Not applicable.

Block 14. Enter the name of the manufacturer of the equipment being reported. Do not use a distributor's or vendor's name.

a. Enter the name of the manufacturer under which the item is listed in the Directory of Metalworking Machinery, Directory of Welding, Heat Cutting, and Metallizing Equipment or appropriate Handbook. In some cases manufacturers have merged or become subsidiaries of another company; therefore, in reporting the manufacturer's name, use the appropriate manufacturing division of subsidiary name, and not the parent company.

b. Enter the word "Unknown" when the name of the manufacturer is not known.

Block 15. This is a five digit numerical code identifying the manufacturer. The manufacturer's code will be obtained from Production Equipment Directories D1 and D2, the DSAH series Industrial Plant Equipment Handbooks or Cataloging Handbook H4–1.

Block 16.

a. Enter the manufacturer's model, style, or catalog number for the equipment being reported. Always use the model number, if available. Style number would be next in preference. When the manufacturer does not assign a model, style, or catalog number, the word "None" will be inserted.

b. When the model number is obtained from IPE directories or handbooks, the model number must agree with the manufacturer's description, size, capacities of the equipment and Plant Equipment Code. All model numbers must be verified by a physical inspection of the equipment.

c. When unable to locate a model number, refer to manufacturer's brochure or purchase order. If the model number is obtained from other than the equipment, indicate the source in "Remarks", Block 54.

Block 17. Enter the serial number taken from the equipment. If a serial number is not assigned to the item, enter "NONE".

Blocks 18, 19, 20 and 21. The length, width and height including skid will be recorded to the next foot. Dimensions on boxed items should be to the next foot only.

a. Add 24" to the length, 4" to the width, and 10" to the height of the item for determining skidded dimensions. EXAMPLE: Actual machine measurements are 12'-3" long, 6'-10" wide, and 8'-4" high. By using the above formula, reporting measurements would be 15' long, 8' wide and 10' high.

b. Not applicable.

c. Weight will be recorded to the nearest hundred pounds, except for items weighing less than 500 pounds on which the weight will be indicated to the nearest 10 pounds. The weight will not be limited to that of the basic machine, but will include the weight of accessories and auxiliary equipment. This combined weight does not include skid weight. The carrier's inbound freight bill on machine tool manufacturer's specifications are normally an accurate source document for weight information.

Block 22. Not applicable.

Block 23. Not applicable.

Block 24. Not applicable.

Block 25. Enter the complete contract number under which the contractor is accountable for the item. This normally will be a facility contract number. Otherwise, the production, procurement, service, lease, or lay away contract number, as applicable, will be entered.

Block 26. Enter the complete description of the item, including the major group, class, subclass, type, subtype, size group, specific size, etc., as selected from the appropriate directory or handbook.

a. *Production Equipment Directories D1 and D2 or H2–1 or H2–2.* Beginning with the noun, insert the description of the item verbatim from the applicable directory for the PEC selected. Next, insert all sizes, capacities, and adjustments thereof, used by the manufacturer to describe the item if not included in the directory entry.

b. *IPE Handbooks.* Enter description from Sections I, II, or III of the handbook.

c. *General.*

(1) Physical inspection by qualified technical personnel will be performed on all items reported to obtain or verify condition, descriptive and capacity data.

(2) If the item being reported is a single purpose item, a complete description of the product produced will be entered with identifying drawing or part numbers, if available.

(3) If the item being reported is designated as general purpose with special features, the special features and their relation to the original design will be fully explained.

Block 27. This entry is to be completed for all IPE that includes electric motors. Enter the electrical characteristics and quantity of all motors. List the main drive motor(s) first, followed by all other motors in order of importance.

Block 28. Enter the NASA installation, or company name, street address, city, state and zip code of the actual location of the equipment in this block. If the actual location is a subcontractor's plant, enter the name of the prime contractor above the subcontractor's name. Do not use the office address if different from the plant address. If no street address exists, insert "No Street Address".

Block 28a. Not applicable.

Block 29. Not applicable.

SECTION II—INSPECTION RECORD

Not applicable.

SECTION III—REMARKS

Not applicable.

SECTION IV—DISPOSITION RECORD

Not applicable.

SECTION V—VALIDATION RECORD

Not applicable.

Appendix C—Control of Property in Possession of Nonprofit Research and Development Contractors

1. C.102–6 is revised to read as follows:

C.102–6 *"Special test equipment"* means either single or multipurpose integrated test units engineered, designed, fabricated, or modified, to accomplish special purpose testing in the performance of the contract. Such testing units comprise electrical, electronic, hydraulic, pneumatic, mechanical, or other items or assemblies of equipment, that are mechanically, electrically, or electronically interconnected so as to become a new functional entity, causing the individual item or items to become interdependent and essential in the performance of special purpose testing in the development or production of particular supplies or services. The term *"special test equipment"* does not include:

(i) Material;

(ii) Special tooling;

(iii) Buildings and nonseverable structures (except foundations and similar improvements necessary for the installation of special test equipment); and

(iv) Plant equipment items used for general plant testing purposes.

2. C.102–24 is added to read as follows:

C.102–24 *"Centrally reportable equipment"* means that plant equipment (including industrial plant equipment), special test equipment, special tooling or non-flight space property which is (i) used as a separate item or component of a system, and (ii) is valued at $1,000 or more, and (iii) is identifiable by function or description under one of the Federal Supply Groups or Classes, except FSC 7440.

3. C.305 is revised to read as follows.

C.305 *Records of Special Test Equipment.* The contractor's property control system shall be such as to provide the following minimum information regarding each item of Government-owned special test equipment; except as indicated in (b) below:

(i) Contract number or equivalent code designation;

(ii) Nomenclature or description of item (including identification number and item on which used);

(iii) Identity of any general purpose test equipment incorporated as components in such a manner that removal and reutilization may be feasible and economical;

(iv) Quantity received or fabricated;

(v) Posting reference and date of transaction;

(vi) Location;

(viii) Disposition; and

(viii) Unit or group price.

(a) In event group pricing of special test equipment is utilized by the contractor, as recognized in C.302–1, unit prices may be computed as and when required.

(b) Records of items of special test equipment costing $1,000 or more and centrally reportable pursuant to C.306–1 will be maintained in accordance with C.306 Record of Plant Equipment.

4. C.306–1 is revised to read as follows.

C.306–1 *Reporting centrally reportable equipment*

(a) NASA requires that certain NASA furnished or contractor acquired equipment as defined in C.102–24, centrally reportable equipment, be reported to the Equipment Visibility System (EVS). The contractor shall report all unreported items in the contractor's possession and, subsequently, shall report equipment items to EVS (1) at the time of receipt and acceptance of accountability, (2) when major changes occur in the data initially submitted to NASA, and (3) when the equipment is no longer required for or actively being used in pursuit of NASA programs or projects. Reporting will be accomplished by completion of Section I of DD Form 1342 or by other means acceptable to the Contracting Officer provided DD Form 1342 equivalent line item data is furnished. The data furnished at the time the equipment is reported pursuant to (a)(3) above will include the equipment's current condition code. Reportable data shall be forwarded through the Contracting Officer of the cognizant NASA installation marked for the Equipment Visibility System (EVS). Reportable data will be prepared and forwarded within 15 working days after the event which created the need for its preparation and forwarding.

(b) Equipment will be identified by noun name using the Joint DOD Handbooks as listed in §18–13.312 and the Federal Cataloguing Handbooks H2–1 and H2–2. The forms prepared for components will be clearly marked with the word "component". Reporting of newly listed items which are in the possession of the contractor shall be accomplished within 180 days following the date of the new handbook or the page change.

5. Attachment 1 to Appendix C is revised to read as follows.

INSTRUCTIONS FOR THE PREPARATION OF NASA PROPERTY RECORD, DD FORM 1342, FEB. 1968 EDITION FOR REPORTING OF CENTRALLY REPORTABLE EQUIPMENT

This instruction is to be used in the preparation of DD Form 1342 to report newly acquired equipment, items not previously reported, when major changes occur in data initially submitted or equipment which is no longer required for or actively being used in pursuit of NASA programs or projects. Only one initial report is required. In-use items will be reported initially to the Equipment Visibility System (EVS) through the contracting officer (see C.306–1) by use of this form by marking "active" and "initial" in Block 1. Idle items being initially reported are to be identified by marking "idle" and "initial" in Block 1.

Block 1. Check appropriate boxes to indicate "Active" report and that the report is an "Initial" report.

Block 2. Enter the Julian date of preparation of the form. The first character will be the last digit of the current calendar year, and the next three characters, the Julian date of the year.

Block 3. Enter the Identification Number/Government Tag Number as recorded on the identification plate affixed to the equipment.

SECTION I.—INVENTORY RECORD

Block 4. To obtain item identification data for reporting purposes use:

a. *Production Equipment Directories, D1 and D2.* The PEC selection for metalworking machinery and welding, heat cutting and metalizing equipment items being reported will be obtained by comparing and matching a directory entry by manufacturer's designations, nomenclature, and size or capacity data. After selection, enter a 12 digit code consisting of the 10 digit number and a 2 digit model code. When an item of IPE cannot be coded from the applicable directory, enter the first four digits of the applicable PEC.

b. *IPE Handbooks.* The PEC selection will be obtained from Section 3 of the appropriate Defense Supply Agency commodity handbook (see NASA PR 13.312) by the same method as outlined for directories as shown above. The PEC consists of 12 digits. For all other reportable items which cannot be identified to the order listed below:

(1) Section II of the IPE handbook will be screened for applicable entry. The PEC selected will be equal to a specific nomenclature and size or capacity data matching the item being reported.

(2) If Section II does not contain size or capacity data to cover the specific item, then the PEC representing the nomenclature only will be selected. The PEC for the nomenclature usually can be determined by presence of zeros in the 9th through the 12th position of the PEC, and the absence of a size or capacity in Column 2.

(3) Additional description as required by the applicable descriptive guide shown in Section IV will be included on all reports submitted.

c. When an item of IPE cannot be coded from the sources indicated above, enter the first four digits of the applicable PEC/FSC.

Block 5. Not applicable.

Block 6. Indicate in dollars (omit any symbols, decimal points, commas, etc.) the acquisition cost used for property accounting purposes. The acquisition cost will be the price of the basic item plus accessories and auxiliary equipment procured and delivered with the basic unit. If the initial acquisition cost data are not available, an appraised acquisition cost (based on known costs) at the time of manufacture of the same or similar

equipment, price lists for the period involved, or the best available price from other sources in NASA or DOD, should be used which will achieve conformity or prices for like items of equipment.

Block 7. Enter one of the three type codes (1, 2, or 3) listed in Appendix 1C of Defense Supply Agency Manual DSAM 4215.1.

Block 8. Enter the last two digits of the year the item was manufactured. If the actual year of manufacture cannot be determined, estimate the date, and place an "E" immediately preceding the entry.

Block 9. Enter the appropriate operating power code listed in Appendix 1C of DSAM 4215.1.

Block 10. Not applicable.

Block 11. Enter the two-digit code "32" to indicate NASA-owned equipment.

Block 12. Not applicable.

Block 13. Not applicable.

Block 14. Enter the name of the manufacturer of the equipment being reported. Do not use a distributor's or vendor's name.

a. Enter the name of the manufacturer under which the item is listed in the Directory of Metalworking Machinery, Directory of Welding, Heat Cutting, and Metallizing Equipment, or appropriate Handbook. In some cases, manufacturers have merged or become subsidiaries of another company; therefore, in reporting the manufacturer's name, use the appropriate manufacturing division of subsidiary name, and not the parent company.

b. Enter the word "Unknown" when the name of the manufacturer is not known.

Block 15. This is a five digit numerical code identifying the manufacturer. The manufacturer's code will be obtained from Production Equipment Directories D1 and D2, the DSAH series Industrial Plant Equipment Handbooks; or Cataloging Handbook H4–1.

Block 16.

a. Enter the manufacturer's model, style, or catalog number for the equipment being reported. Always use the model number, if available. Style number would be next in preference. When the manufacturer does not assign a model, style, or catalog number, the word "None" will be inserted.

b. When the model number is obtained from IPE directories or handbooks, the model number must agree with the manufacturer's description, size, capacities of the equipment and Plant Equipment Code. All model numbers must be verified by a physical inspection of the equipment.

c. When unable to locate a model number, refer to manufacturer's brochure or purchase order. If the model number is obtained from other than the equipment, indicate the source in "Remarks", Block 54.

Block 17. Enter the serial number taken from the equipment. If a serial number is not assigned to the item, enter NONE.

Blocks 18, 19, 20 and 21. The length, width and height including skid will be recorded to the next foot. Dimensions on boxed items should be to the next foot only.

a. Add 24" to the length, 4" to the width, and 10" to the height of the item for determining skidded dimensions. Example: Actual machine measurements are 12'–3" long, 6'–10" wide, and 8'–4" high. By using the above formula, reporting measurements would be 15' long, 8' wide and 10' high.

b. Not applicable.

c. Weight will be recorded to the nearest hundred pounds, except for items weighing less than 500 pounds on which the weight will be indicated to the nearest 10 pounds. The weight will not be limited to that of the basic machine, but will include the weight of accessories and auxiliary equipment. This combined weight does not include skid weight. The carrier's inbound freight bill on machine tool manufacturer's specifications are normally an accurate source document for weight information.

Block 22. Not applicable.

Block 23. Not applicable.

Block 24. Not applicable.

Block 25. Enter the complete contract number under which the contractor is accountable for the item. This normally will be a facility contract number. Otherwise, the production, procurement, service, lease, or lay away contract number, as applicable, will be entered.

Block 26. Enter the complete description of the item, including the major group, class, subclass, type, size group, specific size, etc., as selected from the appropriate directory or handbook.

a. *Production Equipment Directories D1 and D2, or H2–1 or H2–2.* Beginning with the noun, insert the description of the item verbatim from the applicable directory for the PEC selected. Next, insert all sizes, capacities, and adjustments thereof, used by the manufacturer to describe the item if not included in the directory entry.

b. *IPE Handbooks.* Enter description from Sections I, II, or III of the handbook.

c. *General.*

(1) Physical inspection by qualified technical personnel will be performed on all IPE reported to obtain or verify condition, descriptive and capacity data.

(2) If the item being reported is a single purpose item, a complete description of the product produced will be entered with identifying drawing or part numbers, if available.

(3) If the item being reported is designated as general purpose with special features, the special features and their relation to the original design will be fully explained.

Block 27. This entry is to be completed for all IPE that includes electric motors. Enter the electrical characteristics and quantity of all motors. List the main drive motor(s) first, followed by all other motors in order of importance.

Block 28. Enter the NASA installation, or company name, street address, city, state and zip code of the actual location of the equipment in this block. If the actual location is a subcontractor's plant, enter the name of the prime contractor above the subcontractor's name. Do not use the office address if different from the plant address. If no street address exists, insert "No Street Address."

Block 28a. Not applicable.

Block 29. Not applicable.

SECTION II—INSPECTION RECORD

Not applicable.

SECTION III—REMARKS

Not applicable.

SECTION IV—DISPOSITION RECORD

Not applicable.

SECTION V—VALIDATION RECORD

Not applicable.

Supplement 3—Property Administration

1. S3.603 is revised to read as follows:

S3.603 *Financial reports.* (a) The property administrator is responsible for obtaining, for all contracts assigned to him, financial reports from the contractor as required under the provisions of paragraph B.311 of Appendix B or paragraph C.311 of Appendix C, and the clause of the contract entitled "Financial Report of Government-Owned Space Hardware," when applicable. The reports shall be distributed in accordance with the procedures in paragraphs (b), (c), and (d) below.

(b) Four copies of each of the contractor's semiannual reports (NASA Forms 1017 and 1018), or a negative letter report, when appropriate, shall be reviewed and forwarded by the property administrator within three working days after receipt to the contracting officer, Attention: Industrial Property Specialist. The industrial property specialist will furnish one copy of each report to the cognizant financial management or fiscal officer and forward one copy of each report to the Director, Office of Supply and Equipment Management (Code BE), to arrive not later than July 29 covering the period December 1–June 30 and December 31 covering the period July 1–November 30.

(c) In the case of contracts being administered for the Department of Defense, the reports shall be sent as follows:

(i) *Army*—The procurement contracting officer.

(ii) *Navy*—Commanding Officer, Navy Finance Center, Attention: FPA 20, Washington, D.C. 20390

(iii) *Air Force*—(To be provided).

(iv) *Defense Supply Agency*—Director, Defense Supply Agency, Attention: DSAH–CFS, Cameron Station, Alexandria, Virginia 22314.

(d) For material, the annual contractor's reports specified in B.311(b) shall be accumulated by the property administrator and transmitted to the appropriate Military Department or the Defense Supply Agency, to arrive not later than August 30 of each year. The Army reports shall be sent to the Finance and Accounting Officer, U.S. Army Materiel Command, Washington, D.C. 20315. The Navy, Air Force, and Defense Supply Agency reports shall be sent to the addresses in (c) above.

J. O'NEIL MACKEY, Jr.,
Deputy Assistant Administrator for Procurement, National Aeronautics and Space Administration.

[FR Doc.74–11700 Filed 5–21–74;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—FELLOWSHIPS, INTERNSHIPS, TRAINING

PART 62—PUBLIC HEALTH AND NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM

Public Health and National Health Service Corps Scholarship Program

In the FEDERAL REGISTER of March 28, 1974 (39 FR 11430) the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposed to amend Title 42, Code of Federal Regulations, by adding thereto a new Part 62 to set forth conditions and procedures for the award of scholarships pursuant to section 225 of the Public Health Service Act.

Interested persons were afforded the opportunity to participate in the rule-making through submission of comments on or before April 12, 1974. Five comments from members of the public were received. Four of those comments requested that § 62.2(c) of the proposed regulation, which contains a non-exclusive list of health related specialties, be revised to include schools of social work, podiatry and rehabilitation therapy, so

that students therein could be supported under the program. Such section however neither precludes nor mandates which students will be supported and therefore no revision is necessary. The regulations provide instead that the Secretary will from time to time designate and publish in the FEDERAL REGISTER a list of those health-related specialties for which the United States Public Health Service has need and for which scholarship support will be available (§ 62.6(a)). Inasmuch as the predictable shortage of physicians in the Public Health Service in the mid-70's and beyond far exceeds that of any other health profession, it has been determined that the limited funds presently available will be used for the training of physicians (M.D. and D.O.). As necessary in the future, training in the other health-related specialties, including those referred to in the comments received, will be considered. The fifth comment received requested that the regulations be revised to provide that students who attend school on a 12-month rather than the traditional 9-month academic year basis receive stipend support for each month for which they attend school instead of the present policy, which has been retained, that stipend support be provided only on an academic year basis. We would point out that while it is correct that we will not be paying stipends to the 12-month student in an amount greater than that received by the student who is attending school during the traditional 9-month academic year, such student will be receiving full payment of tuition and fees, while his service commitment will be limited to that of a student attending school on a 9-month academic year basis. That comment also suggested that the service requirement accrue on a month to month basis commensurate with scholarship payments. Inasmuch as the statute provides otherwise that is, one year of service for each academic year of support, we are unable to adopt the proposed change. Further, such comment requested that even if the present stipend policy be retained, it would aid students in 12-month programs if the payment mechanism allowed for 12-monthly payments rather than the 9-monthly payments presently proposed. The 9-monthly payment mechanism was adopted, among the variety of reasonable payment options, expecting those students in programs covering longer periods to exercise the necessary financial self discipline to "stretch" the funds over their entire school year. Future regulatory changes will be considered however, if experience indicates that another payment mechanism is more reasonable.

Effective date: The regulation as set forth below shall become effective May 22, 1974.

Dated: May 9, 1974.

THEODORE COOPER,
Acting Assistant Secretary for Health.

Approved: May 17, 1974.

FRANK CARLUCCI,
Acting Secretary.

Sec.
62.1 Applicability.
62.2 Definitions.
62.3 Eligibility.
62.4 Application and selection.
62.5 Scholarship and tuition.
62.6 Designation of health related specialties and stipend amount.
62.7 Service to obligation.
62.8 Failure to perform.
62.9 Waiver or suspension.

AUTHORITY: Sec. 5, 86 Stat. 1293 (42 U.S.C. 234).

§ 62.1 Applicability.

The regulations in this part are applicable to scholarships awarded pursuant to section 225 of the Public Health Service Act, which authorized the Secretary to award scholarships in order to obtain trained physicians, dentists, nurses and other health-related specialists for the National Health Service Corps and other units of the Public Health Service.

§ 62.2 Definitions.

As used in this part, the following terms shall have the following meanings:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "School" means a public or private, school of medicine, osteopathy, dentistry, pharmacy, nursing or other health related specialty which provides a course of study, or a portion thereof, which leads respectively to a degree of Doctor of Medicine, Doctor of Osteopathy, Doctor of Dental Surgery or an equivalent degree, Bachelor of Science in pharmacy, an associate degree, diploma, or baccalaureate degree in nursing or an appropriate degree for the particular health specialty and which is accredited or assured accreditation by an accrediting agency or association that is recognized for such purpose by the United States Commissioner of Education, or where appropriate by the Secretary.

(d) "Full time student" means a student who is enrolled in a school pursuing a course of study leading to a degree or diploma and who is enrolled for a sufficient number of credit hours in any semester or other academic term to enable such student to complete the course of study within not more than the number of semesters or other academic terms normally required therefor at the school in which such person is enrolled.

(e) "Service" means the United States Public Health Service.

(f) "Academic year" means the traditional, approximately nine month September to June annual session. For the purpose of computing academic year equivalents for students who, during a twelve-month period, attend for a longer period than the traditional academic year, the academic year will be considered to be of nine-months duration.

(g) "Corps" means the National Health Service Corps.

§ 62.3 Eligibility.

To be eligible for a scholarship under this subpart an applicant must:

(a) Be accepted for enrollment, or be enrolled, as a full-time student in a school in the United States or its territories or possessions;

(b) Maintain an acceptable level of academic standing. For the purpose of this paragraph acceptable level of academic standing means the eligibility of a student to continue in attendance at the school where the student is enrolled in accordance with the school's standards and practices;

(c) Be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Service or be selected for civilian service in the National Health Service Corps;

(d) Agree in writing to serve, as described in § 62.7 in the Commissioned Corps of the Service or as a civilian member of the National Health Service Corps;

(e) Be a citizen of the United States.

§ 62.4 Application and selection.

(a) An application for a scholarship under this subpart shall be submitted in such form and at such time as the Secretary may require.

(b) Applicants in the health-related specialties so designated by the Secretary pursuant to section 62.6 will be evaluated and selected by the Secretary taking into consideration (1) academic performance, (2) faculty recommendations, (3) work experience, and (4) relative need of the Service for particular health-related specialties.

§ 62.5 Scholarship and tuition.

(a) The Secretary may award scholarships for each approved academic year of training not to exceed four years for any individual recipient. The amount of the scholarship stipend which will be paid monthly shall be an amount not in excess of the basic pay and allowances of a commissioned officer, without dependents, on active duty in pay grade 0–1 with less than two years of service as established by the Secretary pursuant to § 62.6.

(b) The Secretary will contract or otherwise arrange for the payment of those tuition and other educational fees necessarily incurred by a full-time student.

§ 62.6 Designation of health related specialties and stipend amount.

(a) The Secretary will from time to time designate and publish in the FEDERAL REGISTER those health-related specialties for which the Service has need and for which support under this subpart will be available.

(b) The Secretary will also from time to time determine and publish in the FEDERAL REGISTER the amount of the scholarship stipend for each health-related specialty for which support under this subpart will be available.

§ 62.7 Service obligation.

(a) A scholarship recipient is obligated to serve on active duty for one year as a Commissioned Officer in the Service

or as a civilian member of the National Health Service Corps following completion of academic training, for each academic year of support or fraction therefor received under this program: *Provided, however*, That in no event shall a recipient serve less than two years.

(b) At least one-half the total period of service required by paragraph (a) to be performed by each recipient shall be spent providing health care and services: (1) in an area designated under section 329(b) of the Act, as a critical health manpower shortage area; (2) as a member of the Indian Health Service or Bureau of Medical Services and in an area determined by the Secretary (under section 329 of the Act or otherwise) to have a health manpower shortage; or (3) in connection with any program of designated by the Secretary, for the provision of health care and services in such an area.

(c) For recipients receiving a degree from a school of medicine, osteopathy, or dentistry, the commencement of a period of obligated service may be deferred for a period of time not to exceed one year for internship (or equivalent training) and for good cause shown, at the option of the Secretary for an additional period of time for residency training. Such periods of internship and residency shall not be creditable in satisfying an active duty service obligation, unless such internship and residency is served in a facility of the Public Health Service, or other facility of the National Health Service Corps.

(d) For recipients receiving degrees in other health-related specialties the obligated service period will commence upon completion of their academic training.

§ 62.8 Failure to perform.

(a) If, for any reason, a participant fails to complete an active duty service obligation, such participant shall be liable for the payment of an amount equal to the scholarship payments, tuition and other educational fees paid, plus interest at the maximum legal prevailing rate running from the date such payments were made. Any amount which the United States is entitled to recover under this paragraph, shall within the three year period beginning on the date on which it is determined that a breach occurred, be paid to the United States. For the purpose of this paragraph maximum legal prevailing rate of interest shall mean the maximum permissible rate prescribed by the District of Columbia Code on the day of breach applicable to this type of debt.

(b) When a person undergoing training in the program terminates academic training, he shall be liable for repayment to the United States for an amount equal to the cost of tuition and other educational expenses paid to or for such person from Federal funds plus any scholarship payments received by such person under the program. Repayment of such amount shall be within three years of the date of termination.

§ 62.9 Waiver or suspension.

(a) A person who fails to complete an active duty service obligation or who fails to complete academic training may seek waiver or suspension of any obligation incurred pursuant to § 62.7 upon written request to the Secretary setting forth the basis, circumstances and causes which support the requested action.

(b) The Secretary may waive or suspend any obligation under § 62.7 with respect to any individual whenever compliance by such individual

(1) Is impossible or

(2) Would involve extreme hardship to such individual and if enforcement of such obligation with respect to any such individual would be against equity and good conscience.

(c) For the purpose of paragraph (b)(1) of this section compliance with an obligation by an individual will be deemed impossible, and such compliance will be waived, where the Secretary determines, on the basis of such information and documentation as he may require that the individual has died or suffers from a physical or mental disability that results in the inability of such individual to perform the services or other activities which would be necessary in order to comply with the obligation.

(d) For the purpose of paragraph (b)(2) of this section in determining whether to waive or suspend any or all of indebtedness or service obligation of an individual as imposing an undue hardship and being against equity and good conscience, the Secretary on the basis of such information and documentation as he may require, will take into consideration the following:

(1) The individual's present financial resources and obligations;

(2) The individual's estimated future financial resources and obligations;

(3) The extent to which the individual is practicing the profession for which support was provided in a manner which is similar to and consistent with the position which such individual would have occupied in the Public Health Service or the Corps;

(4) The extent to which the individual has problems of a personal nature, e.g. physical or mental disability, terminal illness in the immediate family, which so intrude on the individual's ability to perform as to raise a presumption that the individual will be unable to perform the obligations incurred.

[FR Doc.74-11729 Filed 5-21-74;8:45 am]

Title 45—Public Welfare

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

PART 123—BILINGUAL EDUCATION

Guidelines

Notice of proposed rulemaking was published in the FEDERAL REGISTER on October 1, 1973 (38 FR 27223), setting forth regulations for the Bilingual Education Act (Title VII of the Elementary and Secondary Education Act, as amended, 20 U.S.C. 880b—880b-5). Pursuant to Section 503 of the Education Amendments of 1972, a public hearing on the proposed regulations was held on October 30 in Washington, D.C. In addition, written comments on the proposed regulations were received.

As provided by section 708 of the Bilingual Education Act (20 U.S.C. 880b-5), the Advisory Committee on the Education of Bilingual Children, at meetings held in Washington, D.C. on January 10–11 and January 30–31, 1974, reviewed and commented upon the proposed regulations, including the criteria for approval of applications.

A. *Summary of comments; changes in the regulations.* The following comments were submitted to the Office of Education regarding the proposed regulations, either at the public hearing held on October 30, 1973, or in writing. After the summary of each comment, a response is set forth stating changes which have been made in the regulations, or the reasons why no change is deemed necessary. The comments are arranged in order of the sections of the final regulations. Where the section number in the final regulations differs from that in the proposed rule, the proposed section number is also identified.

1. Section 123.01 *Purpose.*

Comment. One commenter objected to the use of the term "special educational needs."

Response. The term is taken from Section 702 of the Bilingual Education Act. It is defined in § 123.02 as "needs associated with a limited ability to speak English," and should not be confused with needs associated with limited mental capacity. No change in the regulation is, therefore, deemed necessary.

Comment. Several commenters objected to the use of the term "children of limited English-speaking ability."

Response. The term is taken from Section 702 of the Bilingual Education Act. It is defined in § 123.02, pursuant to that section of the Act, as "children who come from environments where the dominant language is other than English." Since the regulation follows the statutory language, no change is deemed necessary.

2. Section 123.02 *Definitions.*

Comment. Several commenters suggested additions to the definition of "bilingual education," including particularly a provision relating to learning two languages within their cultural contexts.

Response. The definition ("the use of two languages, one of which is English, as media of instruction") is taken from the legislative history of the Bilingual Education Act (Sen. Rept. No. 91–634, 56 (1970)). It is intended to be sufficiently broad to permit the support of the "new and imaginative" programs referred to in Section 702 of the Act. Because of their importance to the success of any bilingual education program, "activities designed to impart to students a knowledge of the history and culture associated with their languages" are required as a part of the

instructional component described in § 123.12(b). Accordingly, the thrust of the commenters' suggestion is reflected in the regulations. No change in the definition of "bilingual education" is made.

Comment. Two commenters suggested revisions of the definition of "dominant language" to permit meeting the needs of children who come from homes but not communities in which a language other than English is most relied upon for communication.

Response. The reference to "the community" has been deleted from the definition.

Comment. One commenter questioned whether Indian children not enrolled in schools operated by tribal organizations or the Department of the Interior as described in the definition of "local educational agency" could be served by programs assisted under the Bilingual Education Act.

Response. It should be understood that any local educational agency may conduct a program under Part 123 to meet the needs of Indian children of limited English-speaking ability, regardless of their residence, so long as it complies in other respects with the requirements of the regulations. Section 706 of the Act (relating to children on or from reservations) does not confine the benefits of the Act to Indian children attending schools operated by tribal organizations or the Department of the Interior.

3. Section 123.12. *Authorized activities.*

Comment. One commenter suggested that a school be deemed to have a high concentration of children of limited English-speaking ability from low-income families where a lesser percentage of such children were enrolled therein. Another suggested defining such a school in relation to the enrollment of such children in the school district as a whole.

Response. Section 123.12(a)(1) has been amended to define such a school as one in which either 5 per centum of the enrollment or 25 children are children of limited English-speaking ability from low-income families. A more restrictive definition relating to the district-wide enrollment is deemed inadvisable.

Comment. One commenter suggested that the language skills set out in § 123.12(a)(3)(i) were described too narrowly.

Response. Section 123.12(a)(3)(i) has been amended to authorize activities designed to develop "listening, speaking, reading, writing, and other academic skills in two languages. These activities are required as a part of the instructional component described in § 123.12(b).

Comment. Several commenters suggested additions to the authorized activities enumerated in § 123.12(a).

Response. The enumerated activities with minor modifications are taken from Section 704 of the Bilingual Education Act. It should be noted that, where otherwise authorized by law, activities (in addition to those specifically enumerated in the regulation) which will make substantial progress toward achieving the purpose of the Act are authorized by § 123.12(a)(3)(viii). No change in the regulation is deemed necessary.

Comment. Two commenters supported mandatory staff training, but one suggested that preservice training should not be required. One commenter also suggested that early childhood education activities be required in certain circumstances.

Response. Section 123.12(b) has been amended to require inservice training of program personnel. Preservice training, while authorized, is not a required activity under the amended regulation. Early childhood education activities are not required because they are not deemed to be essential to the success of all bilingual education programs.

Comment. A number of comments were received concerning the participation of children whose dominant language is English in bilingual education programs. The most frequent suggestion was to require the participation of such children in a ratio approximating the ratio of such children enrolled in each school affected by the program. The comments also reflected concern that the participation of such children not dilute the benefits of the program to children of limited English-speaking ability.

Response. Section 123.12(d) has been amended to provide for the participation of children whose dominant language is English at each school affected by the bilingual education program, unless the applicant conclusively demonstrates that such participation would not contribute to the achievement of the purpose of the Bilingual Education Act. The reference to the ratio of such children to children of limited English-speaking ability participating in the program has been deleted from the regulation. A further safeguard against the dilution of the benefits of bilingual education programs is the requirement in § 123.01 that such programs be designed to meet the needs of children of limited English-speaking ability.

Comment. One commenter suggested that the limitation regarding the separation of children by language or ethnic background was educationally inadvisable, at least as applied to young children.

Response. Section 123.12(d) has been amended to permit such separation for a portion of the school day for specific language learning activities where the applicant demonstrates that it is essential to the achievement of the purpose of the Bilingual Education Act.

Comment. One commenter suggested that materials developed in bilingual education programs be required to be made available to local educational agencies conducting programs under Part 123.

Response. Section 123.12 has been amended by adding paragraph (e), which incorporates this suggestion.

4. Section 123.13 *Applications.*

Comment. One commenter suggested that the access of the public to applications and written materials relating thereto be facilitated.

Response. Section 123.13(a) has been amended to incorporate this suggestion.

Comment. Two commenters suggested that the reference in § 123.13(b)(5) to standardized achievement test scores as a measurement of the success of bilingual education programs be deleted.

Response. The regulation has been amended to incorporate this suggestion. It should be understood that standardized tests, if reliable and valid, are one acceptable measurement of the success of a program. Other objective measurements are also acceptable, and would be required in assessing the degree to which certain objectives of a program, such as those relating to inservice training or school-home activities, have been attained.

Comment. Two commenters suggested that the evaluations of bilingual education programs required by § 123.12(b)(5) be conducted by other than the applicant.

Response. Section 123.13(b)(5)(i) permits the evaluation of programs by the Commissioner or a public or private agency designated by him. The bi-annual evaluation reports described in § 123.13(b)(5)(ii) are to be prepared by the applicant with the participation of the community advisory group (see § 123.16(a)(3). Since the regulatory provisions regarding evaluation contemplate assessments by other than the applicant and since evaluations conducted by outside groups might result in a dilution of program benefits to children of limited English-speaking ability, the suggested requirement is deemed inadvisable.

Comment. Several commenters suggested additions to the provision in § 123.13(b)(7) regarding the use in bilingual education programs of "the assistance of persons with expertise in the educational problems of children of limited English-speaking ability," and of "cultural and educational resources."

Response. The regulation is taken from section 705(a)(8) of the Bilingual Education Act, and is intended to be sufficiently broad to permit the use of the assistance of any person with the required expertise and any cultural or educational resource in the area to be served. The definition of "cultural and educational resources" has been modified to conform to the statutory language.

Comment. Two commenters supported the provision in § 123.13(b)(10) for the coordination of bilingual education programs with activities funded under other Federal laws, and one suggested the provision be strengthened as to coordination with activities funded under Title VII of the Education Amendments of 1972 (the Emergency School Aid Act).

Response. The regulation has been modified to incorporate an explicit reference to the Emergency School Aid Act.

5. Section 123.14 *Criteria for assistance.*

Comment. Numerous and diverse comments were received regarding the numercial criteria for assistance contained in § 123.14(a) (and § 123.14(b) of the proposed regulations). Several commenters suggested revisions in weights of the criteria set out in § 123.14(a), including particularly increases in the number of points awarded for "staffing" (§ 123.14(a)(2)(iv)) and "parent and community involvement" (§ 123.14(a)(2)(vi)). Additional criteria were suggested

for inclusion in § 123.14(a), and one commenter suggested that the "objective criteria" contained in § 123.14(a)(1) be deleted. Several commenters stressed the importance of progress in meeting the needs of children of limited English-speaking ability as a criterion, either alone or together with the criteria in § 123.14(a), for the approval of applications for continued assistance under § 123.14(b) of the proposed regulations.

Response. The regulation has been modified in several respects. Point values for "staffing" (§ 123.14(a)(2)(iv)), "parent and community involvement" (§ 123.14(a)(2)(vi)), and "needs assessment" (§ 123.14(a)(2)(i)) have been increased; the point value of "continuation of program" (§ 123.14(a)(2)(xi)) has been decreased. Section 123.14(a)(1), "objective criteria," has been retained pursuant to sections 705(b)(2)(A) and 703(b) of the Act, but is assigned less weight relative to the "educational and programmatic criteria" set out in § 123.14(a)(2) because of the increase in points for the latter. Section 123.14(a)(2)(vii), "delivery of services," has been modified to include an assessment of the material required to be submitted by § 123.13(b)(1) and (4), since such material is deemed to be relevant to the likelihood of the success of bilingual education programs. Other changes in § 123.14(a) are not deemed to be advisable.

Section 123.14(b) of the proposed regulation has been deleted so as to permit all applications to be rated on the basis of the same criteria, except that the extent to which a program proposed to be continued has made substantial progress in meeting the needs of children of limited English-speaking ability is included in § 123.14(a)(2)(iii) as a criterion for approval of applications for the continuation of assistance. In connection with the involvement of the community advisory group in the review of applications suggested by one commenter, it should be noted that under § 123.16(a)(3), one of the functions of that group is to participate in the evaluation of bilingual education programs, and that evaluation reports constitute a part of the basis for an assessment of the progress achieved by such programs.

Comment. A number of comments were received regarding § 123.14(b) (§ 123.14(c) of the proposed regulations). Several commenters objected to the requirement that applicants for assistance to continue programs beyond the fifth year present more compelling reasons for funding, and several offered suggestions for a more precise definition of these reasons.

Response. The requirement for a more compelling justification for programs previously assisted for five years has been retained in modified form. This provision recognizes that applicants which have conducted such programs have to some extent addressed the needs of their students and are, by virtue of their experience with such programs, better able to continue to meet those needs without Federal assistance. Further, it reflects the purpose of the Bilingual Education Act to provide for the support of "new and imaginative" programs (see Section 702 of the Act). While the provision permits Federal assistance beyond the fifth year to support exceptionally meritorious programs, it is intended to facilitate the adoption by school districts of new approaches in meeting the needs of limited English-speaking children.

The regulation has been revised to make it clear that applicants which have conducted programs assisted under the Act for five previous years need not make the more compelling justification for continued funding if they choose to address the needs of new students and employ new educational approaches. Thus, the requirement for a special showing is confined to applicants which propose to continue programs which have been supported by Federal funds for a substantial period of time. The regulation has also been modified to make it clear that applications to continue programs previously assisted for five years will be assessed on the basis of the criteria in § 123.14(a).

6. Section 123.16 *Parent and community participation.*

Comment. One commenter suggested that the composition, by dominant language, of the community advisory group reflect the composition of the population to be served by the bilingual education program. Another suggested that members of such group be identified by ethnicity rather than dominant language.

Response. Section 123.16(c) has been amended to incorporate the first suggestion above. Since the Bilingual Education Act speaks in terms of needs related to language rather than ethnicity, incorporating the second suggestion into the regulation is deemed inadvisable.

7. *Other comments.*

Several commenters suggested requirements for which no authority can be found in the Bilingual Education Act and which therefore could not be incorporated into the regulations.

In addition, a number of comments were received regarding such matters as eligible applicants (§ 123.11(a)) and target schools (§ 123.12(a)(1)), which are governed by specific provisions of the Act and which therefore could not be changed as suggested.

B. *Other changes.*

Numerous minor changes have been made to correct clerical errors or to affect technical matters.

After consideration of the above comments and consultation with the Advisory Committee on the Education of Bilingual Children, Part 123 of Title 45 of the Code of Federal Regulations is amended to read as set forth below.

Effective date. Pursuant to section 503(d) of the Education Amendments of 1972 (Pub. L. 92-318), these regulations become effective on June 21, 1974.

(Catalog of Federal Domestic Assistance Programs No. 13.403, Bilingual Education)

Dated: April 8, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: May 17, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education and Welfare.

Sec.

AUTHORITY: Title VII of the Elementary and Secondary Education Act of 1965, as amended, 81 Stat. 816-819 (20 U.S.C. 880b-880b-5), unless otherwise noted.

§ 123.01 Purpose.

Assistance made available under this part shall be for the purpose of developing and carrying out new and imaginative elementary and secondary school programs designed to meet the special educational needs of children of limited English-speaking ability.

(20 U.S.C. 880b)

§ 123.02 Definitions.

Except as otherwise specified, the following definitions shall apply to the terms used in this part:

"Bilingual education" means the use of two languages, one of which is English, as media of instruction.

(Sen. Rept. No. 91-634, 56 (1970))

"Children of limited English-speaking ability" means children who come from environments where the dominant language is other than English.

(20 U.S.C. 880b)

"Dominant language" means the language most relied upon for communication in the home.

(20 U.S.C. 880b-880b-5)

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school. In addition, such term includes a nonprofit institution or organization of an Indian tribe which operates on or near a reservation an elementary or secondary school for Indian children and which is approved by the Commissioner of Education for purposes of this part, and an elementary or secondary school for Indian children on a reservation which is operated or funded by the Department of the Interior.

(20 U.S.C. 880b-3a, 881(f))

"Special educational needs" means the needs associated with a limited ability to speak English.

(20 U.S.C. 880b–880b–5)

"State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 881(j))

§ 123.03 General terms and conditions.

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters), except that such assistance shall not be subject to the provisions of § 100a.26(b) of this chapter, relating to criteria for awards.

(20 U.S.C. 880b–880b–5)

§ 123.11 Eligibility for assistance.

(a) Applications for assistance under this part may be submitted by (1) a local educational agency or a combination of such agencies, or (2) an institution of higher education (as such institutions are defined in 20 U.S.C. 881(e)) applying jointly with a local educational agency.

(b) In the case of applications submitted by a local educational agency in combination with an institution of higher education, where a single budget is submitted the local educational agency shall be considered the grantee. Where separate budgets are submitted, the Commissioner may consider each of the joint applicants as a grantee for the purpose of conducting its part of a joint program.

(20 U.S.C. 880b, 880b–3(a))

§ 123.12 Authorized activities.

(a) The following activities are authorized to be carried out with financial assistance made available under this part where such activities are designed to carry out the purpose described in § 123.01:

(1) Planning for and taking other steps leading to the development of bilingual education programs designed to meet the special educational needs of children of limited English-speaking ability in schools having a high concentration of such children from families (i) with incomes below $3,000 per year, or (ii) receiving payments under a program of aid to families with dependent children under a State plan approved under Title IV of the Social Security Act, including research projects, pilot projects designed to test the effectiveness of plans so developed, and the development and dissemination of special instructional materials for use in bilingual education programs. For purposes of this section, a school shall be deemed to have a high concentration of the children described in this subparagraph if such children constitute at least 5 per centum of the enrollment of such school or if at least 25 such children are enrolled in such school.

(2) Providing (i) preservice training designed to prepare persons to participate in the programs described in (a)(1) of this section as teachers, teacher-aides, or other ancillary education personnel such as counselors, and (ii) inservice training and development programs designed to enable such persons to continue to improve their qualifications while participating in such programs; and

(3) Establishing, maintaining, and operating the programs described in paragraph (a)(1) of this section, including (i) activities designed to develop listening, speaking, reading, writing, and other academic skills in the English language and in the dominant language of participating children of limited English-speaking ability; (ii) activities designed to impart to students a knowledge of the history and culture associated with their languages; (iii) activities to establish closer cooperation between the school and the home; (iv) early childhood education activities related to the purpose described in § 123.01 and designed to improve the potential for profitable learning activities by children of limited English-speaking ability; (v) adult education activities related to the purpose described in § 123.01, particularly for parents of children participating in the programs described in this paragraph; (vi) activities designed for dropouts or potential dropouts having need of the programs, described in this paragraph; (vii) activities conducted by accredited trade, vocational, or technical schools which are related to the purpose described in § 123.01; and (viii) other activities which will make substantial progress toward achieving the purpose described in § 123.01.

(20 U.S.C. 880b–2)

(b) Any program assisted under this part shall include, at a minimum, the activities described in paragraphs (a)(2)(ii) and (a)(3)(iii) of this section, and an instructional component which combines the activities described in paragraphs (a)(3)(i) and (a)(3)(ii) of this section.

(20 U.S.C. 880b–3(a)(3), 880b–3(b)(3)(A), Sen. Rept. No. 91–634, 57 (1970))

(c) Except as provided in § 123.15, activities assisted under this part shall be designed primarily to meet the special educational needs of children enrolled in schools operated by the applicant local educational agency.

(20 U.S.C. 880b, 880b–3)

(d)(i) Programs assisted under this part shall provide for the participation at each school affected by such programs of children whose dominant language is English as well as children of limited English-speaking ability, unless the applicant conclusively demonstrates that such participation of children whose dominant language is English will not contribute to the achievement of the purpose described in § 123.01. Such programs shall include such provisions as are necessary to prevent the separation of children by language or ethnic background in any activity included in such programs, unless the applicant demonstrates that such separation for a portion of the school day for specific language learning activities is essential to the achievement of the purpose described in § 123.01.

(ii) No child of limited English-speaking ability attending a school having a high concentration of the children described in paragraph (a)(1) of this section shall be prohibited from participating in a program assisted under this part on the ground that such child is not a member of a family described in paragraph (a)(1)(i) or (a)(1)(ii) of this section.

(20 U.S.C. 880b, 880b–2, 880b–3(a)(3), 880b–3(b)(3)(A); Sen Rept. No. 91–634, 56 (1970))

(e) Activities assisted under this part shall include provision for making available, at a cost not exceeding the actual cost of reproduction, sample copies of any materials resulting from the proposed program to any local educational agency which is receiving assistance under this part and which requests copies of such materials.

(20 U.S.C. 880b–3(a)(3))

(f) Federal funds made available under this part for any fiscal year shall be so used as to supplement and, to the extent practicable, increase the level of funds (including funds made available under Title I of the Elementary and Secondary Education Act of 1965) that would, in the absence of such Federal funds, be made available by the applicant for the activities described in § 123.12, and in no case as to supplant such funds.

(20 U.S.C. 880b–3(a)(4))

(g) Federal funds made available under this part shall not be used in connection with any sectarian activity or religious worship, or in connection with any part of a school or department of Divinity. "School or department of Divinity," for purposes of this paragraph, means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects. (*Lemon* v. *Kutrzman*, 403 U.S. 602 (1971)).

§ 123.13 Applications.

(a) An applicant desiring to receive assistance under this part for any fiscal year shall submit to the Commissioner an application therefor for that fiscal year, which application shall set forth a program of such size, scope, and design as will make a substantial step toward achieving the purpose described in § 123.01, and such policies and procedures as will assure that the applicant will use the funds received under this part only for the activities described in § 123.12. The Commissioner may require the information described in this section to be submitted either in a single application or sequentially, and may require additional information and assurances of selected applicants. Such application, together with all correspondence

and other written materials relating thereto, (including reports relating to performance and evaluation of approved programs), shall be made readily available to members of the public by the applicant and, pursuant to the Freedom of Information Act (5 U.S.C. 552) and implementing regulations (45 CFR Part 5), by the Commissioner. The applicant shall make copies of such materials available to such persons at a cost not exceeding the actual cost of reproduction.

(20 U.S.C. 880b-3(a)(3), 880b-3(b)(1), 1231d)

(b) Applications for assistance under this part shall contain the following assurances and information:

(1) *Administration by applicant.* An assurance that the activities for which assistance is sought under this part will be administered by or under the supervision of the applicant;

(2) *Methods of administration.* A description of such methods of administration as are necessary for the proper and efficient operation of the program;

(3) *Supplementation of funds.* A statement of the amount, source, and use of funds available for the activities described in § 123.12 from non-Federal sources and under Title I of the Elementary and Secondary Education Act of 1965 for the fiscal year for which assistance is sought, and for the fiscal year preceding such year;

(4) *Financial management.* A description of such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this part;

(5) *Evaluation, reports, and records.* An assurance (i) that the applicant will cooperate with the Commissioner (or a public or private agency designated by the Commissioner) in the evaluation of the extent to which funds made available under this part have been effective in improving the educational opportunities of children of limited English-speaking ability; and (ii) that the applicant will submit to the Commissioner an annual report and such other reports, in such form and containing such information, as he may reasonably require to carry out his functions under this part, and will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and vertification of such reports. Reports relating to performance and evaluation of approved programs shall be submitted to the Commissioner not less frequently than twice annually, and shall include averages of scores on reliable and valid tests or other objective measurements of the success of such programs in attaining the objectives stated in the applicant's program application.

(6) *Participation of part-time students.* An assurance that provision has been made for the participation in the proposed program of children of limited English-speaking ability who are not enrolled in the schools of the applicant on a full-time basis, and a description of the provisions for such participation;

(7) *Use of educational resources.* A description of provisions made by the applicant for the utilization in connection with the proposed program of the assistance of persons with expertise in the educational problems of children of limited English-speaking ability, and for optimum use in such program of the cultural and educational resources in the area to be served. For purposes of this subparagraph, the term "cultural and educational resources" includes State educational agencies, institutions of higher education, nonprofit private schools, and public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television outlets, and other cultural and educational resources.

(8) *Review by State educational agency.* A statement indicating that the appropriate State educational agency (as defined in 20 U.S.C. 881(k) has been given a reasonable opportunity (at least 15 days) to review the proposed program, including the identity of the State official or agency to whom the proposed program has been submitted for such review, and the date of such submission, and a copy of any recommendations made by such official or agency. In the case of an application submitted by an elementary or secondary school for Indian children on a reservation which is operated or funded by the Department of the Interior, the Secretary of the Interior or his designate shall be treated as the appropriate State educational agency for purposes of this subparagraph.

(9) *Coordination.* A statement of procedures employed by the applicant to coordinate its proposed program with activities funded under any other law of the United States, including Title VII of the Education Amendments of 1972 (Emergency School Aid Act);

(10) *Cross-reference.* The assurances and information described in §§ 123.15 (a) and 123.16(a).

(20 U.S.C. 880b-3(a) (1), (2), (4), (5), (6), (7), and (8), 880b-3(b)(4), 885, 1607(c)(3))

§ 123.14 Criteria for assistance.

(a) In approving applications submitted by local educational agencies (or by such agencies applying jointly with institutions of higher education), the Commissioner shall apply the following criteria:

(1) *Objective criteria.* (60 points) The need for such assistance, as indicated by the number and percentage of children of limited English-speaking ability between the ages of 3 and 18, inclusive, residing in the school district served by the applicant agency; and

(2) *Educational and programmatic criteria.* (140 points) The extent to which the proposed program promises to increase the educational opportunities of children of limited English-speaking ability in the school district served by the applicant agency, as indicated by the following:

(i) *Needs assessment.* (20 points) The extent to which the applicant has identified and demonstrated by objective evidence the nature and magnitude of the educational needs to be addressed by the proposed program, and the extent of the needs so identified;

(ii) *Statement of objectives.* (10 points) The extent to which the application sets forth objectives in relation to the needs assessed which are interrelated, specific, measurable, and realistically attainable within the specified periods;

(iii) *Activities.* (30 points) (*a*) The extent to which the activities included in the proposed program promise to result in the attainment of the applicant's stated objectives, and (*b*) in the case of an applicant which received assistance under this part during the fiscal year prior to the fiscal year for which assistance is sought, the extent to which the applicant demonstrates, by evaluation reports and other objective evidence, that any program proposed to be continued has made substantial progress in meeting the special educational needs of children of limited English-speaking ability;

(iv) *Staffing.* (15 points) The extent to which the application (*a*) sets forth an adequate staffing plan which includes provisions for making maximum use of present staff capabilities, and (*b*) provides for continuing training of professional and paraprofessional staff which promises to increase the effectiveness of the proposed program;

(v) *Use of educational resources.* (5 points) The extent to which the applicant proposes to utilize the expertise and cultural and educational resources described in § 123.13(b)(7);

(vi) *Parent and community involvement.* (20 points) The extent to which the application (*a*) delineates specific opportunities for the participation of the community advisory group described in § 123.16 in the planning, implementation, and evaluation of the proposed program, and (b) includes evidence that such participation has been encouraged and has in fact occurred;

(vii) *Delivery of services.* (5 points) The extent to which the application sets forth (*a*) a plan for meeting the logistical requirements of the proposed activities, including a description of adequate and conveniently available facilities and equipment, (*b*) a statement of methods of administration likely to ensure the proper and efficient operation of the proposed program, and (*c*) a statement of fiscal control and fund accounting procedures likely to ensure the proper disbursement of and accounting for funds made available under this part;

(viii) *Resource management.* (5 points) The extent to which the application contains evidence that (*a*) the costs of program components are reasonable in relation to the expected benefits; (*b*) the proposed program will be coordinated with existing efforts; and (*c*) all possible efforts have been made to minimize the amount of funds requested for purchase

of equipment necessary for implementation of the proposed program;

(ix) *Evaluation.* (15 points) The extent to which the application sets forth a format for objective, quantifiable measurement of the success of the proposed program in attaining the stated objectives, including (*a*) a statement of the criteria by which attainment of objectives is to be measured; (*b*) a description of the instruments to be used to collect data for evaluation of the proposed program (and the method to be used to validate such instruments where necessary), or a description of the procedure to be employed in selecting such instruments; (*c*) an assessment of the validity of such instruments when used to evaluate the language skills, academic achievement, academic aptitude, or general intelligence of children whose dominant language is other than English; (*d*) a timetable for the collection of data for evaluation, and a description of the method to be used to review the program in light of such data; and (*e*) provisions for comparison of evaulation results with norms, control group performance, results of other programs, or other external standards;

(x) *Dissemination.* (5 points) The extent to which the application sets forth provisions for disseminating the results of the proposed program and making materials, techniques, and other outputs resulting therefrom available to persons residing in the school district served by the applicant local educational agency, the general public, and those concerned with the educational opportunities of children of limited English-speaking ability; and

(xi) *Continuation of program.* (10 points) The extent to which the proposed program is designed in such a manner as to facilitate the continuation of such program as part of the regular school program of the applicant local educational agency upon the unavailability of assistance under this part.

(20 U.S.C. 880b–1(b), 880b–3(a) (2), (3), (5), (6), and (8), 880b–3(b) (1) and (2), 880b–3(b)(3)(A), 1231d, Sen. Rept. No. 91–634, 57 (1970); Sen. Rept. No. 90–726, 49 (1967))

(b) *Funding criteria.* (1) In approving applications for assistance under this part the Commissioner shall give preference to applications for assistance to continue programs assisted under this part during the fiscal year prior to the fiscal year for which assistance is sought, except that he shall not approve an application for assistance for any fiscal year after the fifth consecutive fiscal year for which assistance has been provided under this part, for a program proposed to be continued, unless such application sets forth a program of exceptional promise, for achieving the purpose described in § 123.01 on the basis of the criteria set out in paragraph (a) of this section. For purposes of this paragraph, a proposed program shall not be deemed to continue a program assisted under this part during the fiscal year prior to the fiscal year for which assistance is sought where such proposed program (i) serves no children previously served by a program assisted under this part and (ii) employs curricular materials and pedagogic methodology not employed by the applicant in a program previously assisted under this part.

(2) The Commissioner shall not be required to approve any application submitted by an applicant which received assistance under this part during the fiscal year prior to the fiscal year for which assistance is sought if such applicant fails to demonstrate, that it has made substantial progress in achieving the purpose described in § 123.01. The Commissioner shall not be required to approve any application for assistance under this part which does not meet the requirements of this part or which sets forth a program of such insufficient promise for achieving the purpose described in § 123.01 that its approval is not warranted.

(3) In approving applications for assistance under this part, the Commissioner shall take into consideration any recommendations offered by the appropriate State educational agency to the extent such recommendations are consistent with the criteria set out in this section.

(20 U.S.C. 880b–1(b), 880b–3(a)(3), 880b–3(b) (1), (3)(A), and (4))

§ 123.15 Participation of children enrolled in private schools.

(a) Applications submitted under this part shall contain an assurance that, to the extent consistent with the number of children of limited English-speaking ability enrolled in nonprofit private schools in the area to be served, provision has been made for participation of such children in the proposed program, and a description of the provisions which have been made for such participation. Such provisions shall assure that the special educational needs of such children are addressed to the same extent as the special educational needs of children of limited English-speaking ability enrolled in the schools of the applicant local educational agency.

(20 U.S.C. 880b–3(b)(3)(B))

(b) Any program involving the joint participation of children enrolled in both public and nonprofit private schools shall include such provisions as are necessary to prevent the separation of such children by school or religious affiliation in any program activity.

(c) The activities included in such programs shall be carried out at such locations as will efficiently and conveniently serve the children enrolled in the affected public and nonprofit private schools. Public school personnel may be made available in other than public school facilities to the extent necessary to provide special services for children of limited English-speaking ability, when such services are not normally provided by the affected nonprofit private school. The applicant local educational agency shall maintain administrative direction and control over any such services.

(d) Mobile and portable equipment may be used on nonprofit private school premises only for such time within the program period as may be necessary for the successful participation in such program by children enrolled in such private schools. Provisions for special services for children enrolled in nonprofit private schools shall not include the payment of salaries for teachers or other employees of such schools (except for services performed after school hours when such teachers or other employees are not under the direction and control of such schools), nor shall they include the use of equipment other than mobile or portable equipment on private school premises or any construction, remodeling, or repair of private school facilities. "Mobile or portable equipment," for purposes of this paragraph, means manufactured items which have an extended useful life and are not consumed in use, and which are not permanently fastened to the building or the grounds.

(20 U.S.C. 880b–3(b) (3)(B))

§ 123.16 Parent and community participation.

(a) Applications submitted under this part shall contain an assurance (1) that the applicant local educational agency will consult with a community advisory group established in accordance with paragraph (c) of this section at least once a month (in formal meetings open to the public) with respect to policy matters arising in the administration and operation of any program assisted under this part; (2) that such agency will provide such group with a reasonable opportunity periodically to observe (upon prior and adequate notice to such agency and at such time or times as such group and such agency may agree) and comment upon all activities included in any program assisted under this part; and (3) that such agency will make such provisions as are necessary to insure the participation of such group in the evaluation of any program assisted under this part.

(b) Applicants for assistance under this part shall afford the community advisory group established in accordance with paragraph (c) of this section a reasonable opportunity (not less than 15 days) to review and comment upon proposed programs prior to submission of applications for assistance to the Commissioner. In connection with such review, applicants which received assistance under this part during the fiscal year prior to the fiscal year for which assistance is sought shall furnish to such groups copies of the most recent reports and records described in § 123.13(b)(5). Applicants shall submit with their applications (1) a list of the name, address, and dominant language of each member of the community advisory group; (2) evidence that the names of the members of such group and a statement of the purpose of such group have been published in a newspaper of general circulation or otherwise made public; (3) a statement of the date the application was submitted to such group for review and comment;

and (4) the written comments or recommendations, if any, made by such group with respect to such application.

(c) At least 50 per centum of the members of the community advisory group required by this section shall be parents of children directly affected by the proposed program. In addition, the applicant local educational agency shall select as members of such group, other persons representative of the population to be served by the proposed program, such as members of civic and community organizations, teachers, and (where the program is designed to serve such students) secondary school students. The ratio of members of such group whose dominant language is English to members of such group whose dominant language is that of the children of limited English-speaking ability to be served, shall approximate the ratio of such persons in the population to be served by the proposed program.

(20 U.S.C. 1231d; Sen. Rept. No. 91-634, 57 (1970))

[FR Doc.74-11740 Filed 5-21-74;8:45 am]

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1060—GENERAL CHARACTERISTICS OF COMMUNITY ACTION PROGRAMS

Subpart—OEO Income Poverty Guidelines

This subpart revises the OEO poverty guidelines as required by section 625 of the Economic Opportunity Act of 1964, as amended. These guidelines are used to determine program eligibility. Accordingly, Chapter X, Part 1060 of Title 45 of the Code of Federal Regulations is revised to read as follows:

Sec.
1060.2-1 Applicability.
1060.2-2 Background.
1060.2-3 Policy.

AUTHORITY: Sec. 602, 78 Stat. 528, 42 U.S.C. 2942.

1060.2-1 Applicability.

This subpart applies to all programs financially assisted under Title II or III-B of the Economic Opportunity Act if such assistance is administered by the Office of Economic Opportunity.

1060.2-2 Background.

In August 1967, OEO issued uniform income guidelines for all programs it funds which use income to determine program eligibility. These guidelines were derived from poverty thresholds developed from a definition of poverty prepared for statistical purposes by the Social Security Administration in 1964. In September 1968; January 1970; December 1970; November 1971; October 1972, and June 1973, OEO issued new guidelines which reflected changes in these poverty thresholds.

1060.2-3 Policy.

(a) The 1972 Amendments to the Economic Opportunity Act of 1964 require the following:

SECTION 625(a) Every agency administering programs authorized by this act in which the poverty line is a criterion of eligibility shall revise the poverty line at annual intervals, or at any shorter interval it deems feasible and desirable.

(b) The revision required by paragraph (a) of this section shall be accomplished by multiplying the official poverty line (as defined by the Office of Management and Budget) by the average percentage change in the consumer price index during the annual or other interval immediately preceding the time at which the revision is made.

(c) Revisions required by paragraph (a) of this section shall be made and issued not more than 30 days after the date on which the necessary consumer price index data becomes available.

Pursuant to the above requirements the attached income poverty guidelines were prepared. These are based upon Table A-2 of Current Population Reports, P-60, No. 91, Bureau of the Census, December 1973, and the average percentage change in the Consumer Price Index from 1972 to 1973 as set forth in Table C-44 of the Economic Report of the President, February 1974.

(b) The following definitions, derived from Current Population Reports, P-60, No. 91, Bureau of the Census, December 1973, have been adopted by OEO for use with the attached poverty guidelines:

(1) *Income.* Refers to total cash receipts before taxes from all sources. These include money wages and salaries before any deductions, but not including food or rent in lieu of wages. They include receipts from self-employment or from own farm or business after deductions, for business or farm expenses. They include regular payments for public assistance, social security, unemployment and workmen's compensation, strike benefits from union funds, veterans benefits, training stipends, alimony, child support and military family allotments or other regular support from an absent family member or someone not living in the household; government employee pensions, private pensions and regular insurance or annuity payments; and income from dividends, interest, rents, royalties, or income from estates and trusts. For eligibility purposes, income does not refer to the following money receipts: any assets drawn down as withdrawals from a bank, sale of property, house or car, tax refunds, gifts, one-time insurance payments or compensation for injury; also to be disregarded is noncash income, such as the bonus value of food and fuel produced and consumed on farms and the imputed value of rent from owner-occupied farm or nonfarm housing.

(2) *A farm residence.* Is defined as any dwelling on a place of 10 acres or more with $50 or more annual sales of farm products raised there; or any place less than 10 acres having product sales of $250 or more.

(c) These new income guidelines are to be used for all those OEO-funded programs, whether administered by a grantee or delegate agency, which use OEO income poverty guidelines as admission standards. This revision of the income guidelines does not require current programs which have full enrollments to consider additional applicants. Agencies shall reflect the new income guidelines in reports required by OEO and submitted after July 1, 1974. The new income guidelines do not supersede alternative standards of eligibility approved by OEO, for Special Programs.

(d) These guidelines are also to be used in certain other instances where required by OEO as a definition of poverty; e.g., for purposes of data collection and for defining eligibility for allowances and reimbursements to board members. Agencies may wish to use these guidelines for other administrative and statistical purposes as appropriate.

Effective date. This subpart shall be come effective on June 21, 1974.

ALVIN J. ARNETT,
Director.

ATTACHMENT A

OEO POVERTY GUIDELINES FOR ALL STATES EXCEPT ALASKA AND HAWAII

Family size	Nonfarm family	Farm family
1	$2,330	$1,980
2	3,070	2,610
3	3,810	3,240
4	4,550	3,870
5	5,290	4,500
6	6,030	5,130
7	6,770	5,750

For families with more than 7 members, add $740 for each additional member in a nonfarm family and $630 for each additional member in a farm family.

OEO POVERTY GUIDELINES FOR ALASKA

Family size	Nonfarm family	Farm family
1	$2,910	$2,480
2	3,840	3,260
3	4,760	4,050
4	5,690	4,830
5	6,610	5,620
6	7,540	6,410
7	8,460	7,190

For families with more than 7 members, add $920 for each additional member in a nonfarm family and $780 for each additional member in a farm family.

OEO POVERTY GUIDELINES FOR HAWAII

Family size	Nonfarm family	Farm family
1	$2,680	$2,280
2	3,530	3,000
3	4,380	3,720
4	5,230	4,450
5	6,080	5,170
6	6,930	5,890
7	7,790	6,620

For families with more than 7 members, add $850 for each additional member in a nonfarm family and $720 for each additional member in a farm family.

[FR Doc.74-11765 Filed 5-21-74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

[CGD 72-132PH]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Licenses for Operation of Uninspected Towing Vessels

The purpose of this amendment is to change the date by which previously ex-

perienced towing vessel operating personnel may make application for a license issued by the U.S. Coast Guard and be administered an examination of reduced scope.

Authorization for this procedure was contained in the 2 March 1973 issue of the FEDERAL REGISTER (38 FR 5746), wherein implementing regulations for the Towing Vessel Operator Licensing Act (Pub. L. 92-339) were published. Entitlement was to expire on 1 June 1974.

It has been brought to the attention of the Coast Guard that this date would not allow the full-year "grandfather" period as was the intention of the first proposed regulations. The error stems, in part, from the delays encountered in promulgating the regulations subsequent to the August 1972 date, when this intention was published with the initial proposals for rule making.

Correction of this error would extend the initial licensing period to 1 September 1974. In view of critical personnel shortages within the industry, interested parties have requested that the period be further extended to the end of the year. The Coast Guard believes that this request can be granted without jeopardizing the safety of towing vessel operations. Because of the emergency created by these personnel shortages, the Coast Guard is publishing this amendment as a final rule at this time.

In consideration of the foregoing, 46 CFR Part 10 is amended as follows:

§ 10.16-71 [Amended]

In § 10.16-71, by striking the date "June 1, 1974," and inserting the date "December 31, 1974."

(R.S. 4427, as amended; 46 U.S.C. 405(b); 49 CFR 1.46(o)(3))

Effective date. This amendment shall become effective on May 22, 1974.

Dated: May 16, 1974.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.74-11724 Filed 5-21-74;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-106; Amdt. Nos. 172-26, 173-81, 174-22, 178-33, 179-13]

SHIPMENT OF HAZARDOUS MATERIALS

Correction

In FR Doc. 74-11220, appearing at page 17313 in the issue for Wednesday, May 15, 1974, the effective date should be changed to read: January 31, 1975.

G. ROUSSEAU,
Alternate Secretary, Hazardous Materials Regulations Board.

[FR Doc.74-11691 Filed 5-21-74;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-4; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Passive Belt Requirements; Correction

In FR Doc. 74-9522, appearing at page 14593 in the issue of Thursday, April 25, 1974, on page 14594, in the second column, second paragraph, the third line should read, "preting this concept as follows:".

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on May 17, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-11730 Filed 5-21-74;8:45 am]

Title 7—Agriculture

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

[Grapefruit Reg. 74, Amdt. 7]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Size Regulation

This amendment lowers to $3\frac{5}{16}$ inches the minimum diameter requirement applicable to the handling of white seedless grapefruit grown in the production area in Florida. The specification of such lower minimum size for Florida white seedless grapefruit is necessary to satisfy the current and prospective demand for such grapefruit. The amended regulation recognizes the size distribution of much of the white seedless grapefruit remaining for fresh shipment.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The lower minimum diameter requirement for fresh shipments of white seedless grapefruit is consistent with the available supply of and current and prospective demand for such smaller sizes of grapefruit by fresh market outlets. Fresh shipments of Florida grapefruit for the season through May 12, 1974, totaled 22,672 carlots, and there were an estimated 2,823 carlots remaining for shipment.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 533) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of white seedless grapefruit grown in Florida.

Order. In § 905.551 (Grapefruit Regulation 74, 38 FR 25665, 28063, 31414, 34454, 34986; 39 FR 6605, 16231) the provisions of paragraph (b)(4) are amended to read as follows:

§ 905.551 Grapefruit Regulation 74.

* * * * *

(b) * * *

(4) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{5}{16}$ inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

* * * * *

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

Dated: May 17, 1974, to become effective May 20, 1974.

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

[FR Doc.74-11781 Filed 5-21-74;8:45 am]

[Grapefruit Reg., Amdt. 4]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Size Requirement for Imports on White Seedless Grapefruit

This amendment lowers the minimum diameter restriction applicable to imported white seedless grapefruit to $3\frac{5}{16}$ inches on May 20, 1974. The restriction is the same as that applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

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

Order. In § 944.110 (Grapefruit Regulation 14; 38 FR 26108, 28286; 39 FR 7798, 16472) the provisions of paragraph (a) are amended to read as follows:

§ 944.110 Grapefruit Regulation 14.

(a) * * *

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than $3\frac{13}{16}$ inches in diameter except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit;

(2) Seedless grapefruit shall grade at least Improved No. 2 ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and (color); and

(3) Seedless grapefruit shall be not smaller than $3\frac{7}{16}$ inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) this amendment imposes the same restrictions on imports of white seedless grapefruit as are applicable under amended Grapefruit Regulation 74 (§ 905.551) to the shipment of white seedless grapefruit grown in Florida; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of white seedless grapefruit.

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

Dated: May 17, 1974, to become effective May 20, 1974.

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

[FR Doc.74–11782 Filed 5–21–74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Ins. 410.2]

PART 1801—RECEIVING AND PROCESSING APPLICATIONS

Credit Reports

Part 1801 of Subchapter A, General Regulations, Chapter XVIII, Title 7, Code of Federal Regulations (38 FR 4772) is amended by redesignating Subpart E as Subpart B, and amending it to provide for contracts with commercial credit reporting companies for credit reports for any applicants for financial assistance and any borrowers, instead of only those applicants for financial assistance under Title V of the Housing Act of 1949 and for any borrowers. Subpart E is therefore reserved. Inasmuch as this redesignated subpart, as amended, extends uniform internal procedures to all applicants for financial assistance rather than just those under Title V of the Housing Act of 1949, it is unnecessary to publish notice of proposed rule making as provided by 5 U.S.C. (b) and (e).

Pursuant to a notice published in the FEDERAL REGISTER on April 23, 1974 (39 FR 14499), the abbreviation for the Farmers Home Administration is now "FmHA" instead of "FHA." This document has been amended to reflect that change.

Section 1801.11 is added to read as follows:

§ 1801.11 Credit reports.

The Farmers Home Administration (FmHA) and the Department of Housing and Urban Development have contracted with credit reporting companies to obtain credit reports. Under the contracts, credit reports may be obtained for any applicants for financial assistance and for any borrowers. Such credit reports may be used whenever the FmHA county supervisor determines that one will be needed in connection with processing an application for assistance or servicing a loan account.

(a) When a loan is approved, a credit report fee will be collected by the designated closing official at the time of loan closing. Such fee will be included in the loan. When a loan is not made, the fee will be paid by the FmHA if the agency ordered the report.

(7 U.S.C. 1989, 5 U.S.C. 301, delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23, delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70)

Effective date. This amendment and redesignation shall become effective on May 22, 1974.

Dated: May 8, 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74–11734 Filed 5–21–74;8:45 am]

[FmHA Instruction 442.1]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Community Facility Loans

Subpart A, Community Facility Loans, of Part 1823, Title 7, Code of Federal Regulations (38 FR 29025; 39 FR 12728), is herewith amended. Inasmuch as the changes are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. The following procedural changes are being made:

1. Section 1823.2(a)(1)(i) is amended to delete fire and rescue facilities as a utility type service and clarify applicant's eligibility.

2. Section 1823.2(a)(1)(ii) is amended to clarify the type of facilities covered and to indicate that loans for the proposed facilities must meet appropriate security requirements.

3. Section 1823.3 (b) and (c)(5) are amended to clarify loan purposes for which funds may be used.

4. Section 1823.6(a)(4) is amended to clarify the types of facilities covered and to allow a loan to be considered when assured income security is not available.

5. Section 1823.6(b)(1) is amended to include natural gas distribution and cable TV systems as utility-type facility.

6. Section 1823.6(b)(3) is amended to clarify the types of facilities covered and to allow a loan to be considered under certain conditions when tax based security is not available.

As amended, these sections read as follows:

* * * * *

§ 1823.2 Applicant eligibility and priority.

(a) * * *

(1) * * *

(i) Loans for facilities providing a utility type service such as water and sewer systems, natural gas distribution systems and cable TV may be made to other than public body type organizations, when operated on a not-for-profit basis.

(ii) Loans for services and facilities basic to social, cultural, recreational needs, public health and safety, and the like, such as fire and rescue facilities, hospitals and health clinics, community and other public buildings, and similar facilities may be made to other than public body-type organization when such facilities are fully available to the public; it is not practicable for the public entity they serve to finance them; and the proposal meets appropriate security requirements of § 1823.6.

* * * * *

§ 1823.3 Eligible loan purposes.

* * * * *

(b) To construct, enlarge, extend, or otherwise improve community facilities providing essential service to rural residents. Such facilities include but are not limited to those providing or supporting overall community development such as fire and rescue services; transportation; traffic control; community, social, cultural, and recreational benefits; industrial parks including utilities and access ways but not improvements erected on the land such as businesses or industrial buildings.

(c) * * *

(5) Construct or relocate roads, bridges, utilities, fences, and other public improvements, or relocate roads, bridges, utilities, fences, and other private improvements.

* * * * *

§ 1823.6 Security.

(a) *Other-than-public bodies.* * * *

* * * * *

(4) Loans to incorporated nonpublic body borrowers for services and facilities for social, cultural, recreational needs, public health and safety may be secured through assignments of assured income which will have permanency for the life of the loan, from sources such as insurance premium rebates, or commitments from industries, counties, townships, or municipalities and the like. In those cases where an assignment of assured income is not available, a loan may be considered provided the organization and facilities have been in existence; is able to present evidence of financially successful operation for a period of time sufficient to indicate project success; and have available real and chattel property which has a current market value, determined by a qualified appraiser, equal to or exceeding the amount of the loan to be obtained plus any other indebtedness on the proposed security property. Ordinarily, such applicants shall have been in existence for at least ten years and shall have operated on a financially successful basis for at least the last five years, unless prior concurrence is obtained from the National Office. Such loans will be secured by a mortgage on real and chattel property, an assignment of income and any other security the State Director determines necessary for a sound loan.

(b) *Public bodies.* * * *

(1) Loans to borrowers operating utility-type facilities such as water and sewer systems, natural gas distribution systems and cable TV may be secured by:

* * * * *

(3) Loans for other community facilities such as social, cultural, recreational needs, public health and safety will be secured by general obligation bonds, assessments, bonds which pledge other taxes, or bonds pledging revenues of the facility being financed if such bonds provide for the mandatory levy and collection of general obligation taxes if revenues are insufficient to properly operate and maintain the facility and retire the loan. In those cases where this type of security is not available, a loan may be considered provided the facility has been in existence; is able to present evidence of financially successful operation for a period of time sufficient to indicate project success; and has available real and chattel property which has a current market value, determined by a qualified appraiser, equal to or exceeding the amount of the loan to be obtained plus any other indebtedness on the proposed security property. Ordinarily, such applicants shall have been in existence for at least ten years and shall have operated on a financially successful basis for at least the last five years, unless prior concurrence is obtained from the National Office. Such loans will be secured by a mortgage on real and chattel property, an assignment of income and any other security the State Director determines necessary for a sound loan.

* * * * *

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.)

Effective date. This amendment is effective on May 22, 1974.

Dated: April 24, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-11735 Filed 5-21-74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

Miscellaneous Amendments to Chapter

Notice is hereby given of the amendment of the Atomic Energy Commission's regulations in 10 CFR Parts 2, 20, 50, and 73.

The amendments of Part 2 amend § 2.104(e) to provide that the Secretary of the Commission, rather than the Director of Regulation, will transmit copies of the notice of hearing to State and local officials in accordance with the provisions of § 2.104(e). Section 2.700 is amended to clarify that the scope of Subpart G—Rules of General Applicability, includes rules governing procedure in adjudications initiated by issuance of a notice pursuant to § 2.102(d)(3) regarding the antitrust aspects of the application. A minor editorial change also is made in § 2.714.

Appendix D of Part 20 and Appendix A of Part 73 are amended to list the new daytime telephone number for the Region V office, Directorate of Regulatory Operations.

Section 50.30(c)(2) of Part 50 is amended to clarify that any amendments to the application served on the hearing board after the proceeding has been noticed must be filed also in the regular manner for filing such amendments with the Director of Regulation.

Inasmuch as the amendments set forth below are of a minor nature or are procedural and clarifying changes, notice of proposed rule making and public procedure thereon are not required by section 553 of title 5 of the United States Code, and the Commission has found good cause for making the amendments effective May 22, 1974.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 2, 20, 50, and 73 are published as a document subject to codification.

PART 2—RULES OF PRACTICE

§ 2.104 [Amended]

1. Paragraph 2.104(e) of Part 2 is amended by deleting the words "Director of Regulation" and substituting therefor the word "Secretary."

2. Section 2.700 is amended to read as follows:

§ 2.700 Scope of subpart.

The general rules in this subpart govern procedure in all adjudications initiated by the issuance of an order to show cause, an order pursuant to § 2.205(e), a notice of hearing, a notice of proposed action issued pursuant to § 2.105, or a notice issued pursuant to § 2.102(d)(3).

§ 2.714 [Amended]

3. Section 2.714 is amended by deleting the words "except as provided in § 2.102(d)(3)" and substituting therefor "or as provided in § 2.102(d)(3)".

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

4. Appendix D of Part 20 is amended by changing the daytime telephone number for the Region V Office, Directorate of Regulatory Operations, to read "415-486-3141".

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

§ 50.30 [Amended]

5. Paragraph 50.30(c)(2) of Part 50 is amended by deleting the sentence "Any subsequent amendments to the application filed prior to the public hearing shall be served in the same manner." and substituting therefor "Any subsequent amendments to the application shall be served in the same manner, and three signed originals and the specified number of copies of such amendments shall be filed with the Director of Regulation as provided in paragraph (c)(1)(i) of this section.".

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

6. Appendix A of Part 73 is amended by changing the daytime telephone number for the Region V Office, Directorate of Regulatory Operations, to read "415-486-3141".

Effective date. These amendments become effective on May 22, 1974.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201.))

Dated at Bethesda, Md., this 13th day of May 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74-11758 Filed 5-21-74;8:45 am]

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Procedures for Picking Up, Receiving and Opening Packages

On May 18, 1973, the Atomic Energy Commission published in the FEDERAL

REGISTER (38 FR 13033) proposed amendments to 10 CFR Part 20 of its regulations. The proposed amendments would require that licensees who pick up packages of radioactive materials at a carrier's facility do so "as expeditiously as possible" and that all labeled packages of radio active material in other than gaseous or special form be monitored "promptly" on receipt for significant, removable, external contamination.

Interested persons were invited to submit written comments and suggestions. Many comments were received, the majority coming from members of the medical profession. Most of the comments urged a greater distinction between packages with little chance of leakage and small potential hazard even if leakage occurred, and packages with greater potential leak-hazard.

On December 28, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 35489), a revised proposed amendment. That proposal recognized a greater distinction in the potential leak-hazard of different packages, and would have provided a number of exemptions from the package monitoring requirements for the lower potential leak-hazard packages.

As provided in the second notice of proposed rule making, a public meeting was held on January 17, 1974 to afford interested persons the opportunity to present statements and to discuss the proposed amendments with the regulatory staff. Representatives from the radiopharmaceutical industry, from Delta Airlines (the petitioner for rule making), and from the Society of Nuclear Medicine, participated in the meeting. The participants generally agreed that the amendments should include a provision that recipients of Type B packages maintain a 24-hour capability to be notified of the arrival of a package for pick up. Such a provision, together with a requirement that a Type B package recipient make arrangements for receipt of a Type B package at the time of its arrival, would provide assurance that Type B packages will be quickly transferred from the carrier to the recipient. Since it appears that recipients of Type B packages are able to be notified and to receive packages, the suggested requirements have been added to the rule without further opportunity for comment.

In view of the possibility that there may be some occasions where shipment of improperly prepared or damaged packages may have produced hazardous levels of radiation during transportation, the rule as adopted requires monitoring of packages for external radiation levels. This monitoring requirement is applicable to all packages containnig radioactive material in excess of Type A quantities, which are not transported under exclusive use conditions, where the consignee and consignor control the handling of packages. Where radiation levels are found to be in excess of limits specied in the regulations of the Department of Transportation (49 CFR Parts 170–189), the rule requires that the final delivering carrier and the AEC be notified immediately.

Ten written comments were received on the proposed rule, in addition to those offered at the public meeting. Some of the comments suggested additional exemptions from the proposed package monitoring requirement on the basis of small potential leak-hazard. These comments have, for the most part, been reflected in the amendments which follow. Some comments suggested more explicit and stringent requirements on the time periods allowed for the pick up or monitoring of packages, and other comments suggested less stringent requirements. The Commission has not found sufficient reason for modifying the proposed requirements.

Other comments suggested that pick up and monitoring of packages over weekends should not be required and that, for packages which are not removed from the carrier's vehicle for some period after delivery, monitoring be delayed until the package is unloaded from the vehicle. Others suggested that the rule apply only to packages which were damaged or showed evidence of leaking. Adoption of these suggestions would defeat a prime purpose of the amendments of promptly identifying packages which have excessive external radiation levels or leak in the absence of an accident or obvious damage, because they have not been properly assembled or closed.

One commenter maintained that the external contamination levels at which a report would have to be made were too high in comparison to acceptable levels established in the regulations of the Department of Transportation and to levels established elsewhere by AEC for unrestricted areas. The Commission agrees that the levels in this rule are not appropriate under normal working conditions, but has found them acceptable as an indicator of package leakage.

After consideration of the comments and other factors involved, the Commission has revised the proposed amendment as follows:

(1) A requirement has been added to the effect that persons who expect to receive a package containing radioactive material in excess of Type A limits make arrangements to receive the package when it is offered for delivery at his facility by the carrier, or, if the package is to be picked up by the licensee at the carrier's facility, make arrangements to receive notification from the carrier of the arrival of the package, at the time of arrival.

(2) An exemption has been added for packages containing up to 10 millicuries of tritium, carbon-14, sulfur-35, or iodine-125. These materials are extensively used in medicine and research and have a very low hazard potential even in the event of leakage. Considerable unnecessary effort and expense would be incurred if these materials were subjected to the rule.

(3) A requirement has been added that on receipt Type B packages be monitored for external radiation levels.

In summary, the amendments adopted impose the following requirements:

(1) A licensee who expects to receive a package containing quantities of radioactive material in excess of Type A limits (as detailed in the table in § 20.205(b)) must make arrangements (consistent with the manner in which he orders and receives packages of radioactive materials) to receive the package when it is offered for delivery at his facility by the carrier, or, if the package is routed to be picked up by the consignee, make arrangements to receive notification from the carrier of the arrival of the package, at the time of arrival.

(2) If the package routing requires pickup by the recipient, such packages must be expeditiously picked up from the carrier's facility upon notification. This does not require persons to pick up packages at the carrier's facility if they would not otherwise have done so.

(3) Packages containing radioactive material exceeding the quantities or in forms other than those specifically exempted in the amendment must be monitored for external contamination and packages containing more than Type A quantities must be monitored for external radiations levels as soon as practicable after receipt, within three hours if the package is received during normal working hours or within 18 hours if received outside of normal working hours.

(4) If contamination of external surfaces or radiation levels of a package above specified limits is found, the final delivering carrier and the Commission must be notified immediately.

The purpose of the amendments is to facilitate the transfer of radioactive material packages from the transportation system to the consignee, to assure that the relatively high potential radiation hazard packages are monitored for evidence of leakage or excessive external radiation levels in a reasonably short period after transportation, and that any such evidence is immediately reported to the carrier and to AEC in order that radiation exposures and spread of contamination can be minimized. A Regulatory Guide, "Procedures for Picking Up and Receiving Packages of Radioactive Material," to assist licensees in understanding and complying with the amendments has been prepared and is being made available concurrent with publication of the amendments.

In view of the fact that this amendment is intended to prevent excessive spread of contamination, as occurred in the aircraft incident in January 1972, and to make known at the earliest possible time any undue radiation exposures from the transportation of improperly packaged radioactive material as was the case in the recent aircraft incident of April 5, 1974, any delay in the implementation of the rules would be undesirable and contrary to the public interest. The Commission has therefore determined that good cause exists for making the rule effective on May 22, 1974.

The incidents referenced here have previously been described in AEC public announcements.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to 10 CFR Part 20, are published as a document subject to codification.

1. The section heading of § 20.205 is amended to read "Procedures for picking up, receiving, and opening packages."

2. The present text of § 20.205 is designated paragraph (d), and new paragraphs (a), (b), and (c) are added. As revised, § 20.205 reads as follows:

§ 20.205 Procedures for picking up, receiving, and opening packages.

(a) (1) Each licensee who expects to receive a package containing quantities of radioactive material in excess of the Type A quantities specified in paragraph (b) of this section shall:

(i) If the package is to be delivered to the licensee's facility by the carrier, make arrangements to receive the package when it is offered for delivery by the carrier; or

(ii) If the package is to be picked up by the licensee at the carrier's terminal, make arrangements to receive notification from the carrier of the arrival of the package, at the time of arrival.

(2) Each licensee who picks up a package of radioactive material from a carrier's terminal shall pick up the package expeditiously upon receipt of notification from the carrier of its arrival.

(b) (1) Each licensee, upon receipt of a package of radioactive material, shall monitor the external surfaces of the package for radioactive contamination caused by leakage of the radioactive contents, except:

(i) Packages containing no more than the exempt quantity specified in the table in this paragraph;

(ii) Packages containing no more than 10 millicuries of radioactive material consisting solely of tritium, carbon-14, sulfur-35, or iodine-125;

(iii) Packages containing only radioactive material as gases or in special form;

(iv) Packages containing only radioactive material in other than liquid form (including Mo-99/Tc-99m generators) and not exceeding the Type A quantity limit specified in the table in this paragraph; and

(v) Packages containing only radionuclides with half-lives of less than 30 days and a total quantity of no more than 100 millicuries.

The monitoring shall be performed as soon as practicable after receipt, but no later than three hours after the package is received at the licensee's facility if received during the licensee's normal working hours, or eighteen hours if received after normal working hours.

(2) If removable radioactive contamination in excess of 0.01 microcuries (22,000 disintegrations per minute) per 100 square centimeters of package surface is found on the external surfaces of the package, the licensee shall immediately notify[1] the final delivering carrier and, by telephone and telegraph, the appropriate Atomic Energy Commission Regulatory Operations Regional Office shown in Appendix D.

TABLE OF EXEMPT AND TYPE A QUANTITIES

Transport group[1]	Exempt quantity limit (in millicuries)	Type A quantity limit (in curies)
I	.01	0.001
II	0.1	0.050
III	1	3
IV	1	20
V	1	20
VI	1	1000
VII	25,000	1000
Special Form	1	20

[1] The definitions of "transport group" and "special form" are specified in § 71.4 of this chapter.

(c) (1) Each licensee, upon receipt of a package containing quantities of radioactive material in excess of the Type A quantities specified in paragraph (b) of this section, other than those transported by exclusive use vehicle, shall monitor the radiation levels external to the package. The package shall be monitored as soon as practicable after receipt, but no later than three hours after the package is received at the licensee's facility if received during the licensee's normal working hours, or 18 hours if received after normal working hours.

(2) If radiation levels are found on the external surface of the package in excess of 200 millirem per hour, or at three feet from the external surface of the package in excess of 10 millirem per hour, the licensee shall immediately notify,* by telephone and telegraph, the final delivering carrier and the appropriate Atomic Energy Commission Regulatory Operations Regional Office shown in Appendix D.

(d) Each licensee shall establish and maintain procedures for safely opening packages in which licensed material is received, and shall assure that such procedures are followed and that due consideration is given to special instructions for the type of package being opened.

3. In § 20.401, paragraph (b) is amended to read as follows:

§ 20.401 Records of surveys, radiation monitoring, and disposal.

* * * * *

(b) Each licensee shall maintain records in the same units used in this part, showing the results of surveys required by § 20.201(b), monitoring required by §§ 20.205(b) and 20.205(c), and disposals made under §§ 20.302, 20.303, and 20.304.

* * * * *

Effective date: This amendment becomes effective on May 22, 1974.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201).)

Dated at Germantown, Maryland this 17th day of May 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-11882 Filed 5-21-74;8:45 am]

[1] The reporting requirements in § 20.205 have been approved by GAO under number B-180 225 (R 0054).

CHAPTER II—FEDERAL ENERGY OFFICE

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Consignee-Agent Commissions

This amendment to § 212.83(c)(2) of the regulations is to provide for an adjustment in the amount of increased commissions to consignee-agents which may be passed through by refiners, in recognition of the varying amounts of increased costs and commission needs of consignee-agents.

On April 1, 1974, the FEO regulations were amended to allow a refiner that increased the commissions paid to its consignee-agents with respect to the distribution of covered products, to pass through the amount by which the commission was increased, provided the increase did not exceed ten percent of the amount of the commission that was in effect on May 15, 1973 (39 FR 12012, April 2, 1974). At the same time, a consignee agent was 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. Consignee agents have experienced varying amounts of increases in non-product costs. Since its April 1, 1974 amendment to the regulations with respect to consignee agents, FEO has been advised that the 10 percent limit on the amount of the commission increase that can be passed through by a refiner does not adequately take into account the needs of this broadly diversified sector of the petroleum distribution system. This amendment is intended to permit the amount of commission adjustment needed by each consignee-agent to cover increased non-product costs to be negotiated between the consignee-agent and the refiner, and for the increased amount actually paid to be passed through by the refiner in the form of higher prices for covered products. The amount of the commission paid to each consignee-agent which can be passed through by a refiner, beginning with June 1974 is, however, limited with respect to each product and each consignee-agent to an amount per gallon in excess of the commission paid to that consignee-agent on that product on May 15, 1973 which is not more than the non-product cost price increases that would be permitted under

§ 212.93(b) if the consignee-agent were a reseller.

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 this regulation.

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 June 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 June, 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 F.R. 33575)

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 June 1, 1974.

Issued in Washington, D.C., May 17, 1974.

JOHN C. SAWHILL,
Administrator,
Federal Energy Office.

Section 212.83 is amended in paragraph (c)(2) to revise the definition of the term "L_i'" to read as follows:

§ 212.83 Allocation of refiner's increased product costs.

* * * * *

(c) *Allocation of increased costs.* * * *

(2) *General formulae.*

* * * * *

L_i'=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 June 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 be an amount reasonably intended to cover increased non-product costs of the consignee-agent, and that it shall not exceed the amount of the non-product cost price increases that would be permitted under § 212.93(b) of this part if the consignee-agent were a reseller.

[FR Doc.74-11804 Filed 5-20-74;12:06 pm]

proposed rules

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Ch. V]

[Administrative Order No. 631]

SPECIAL INDUSTRY COMMITTEES FOR NEWLY COVERED EMPLOYMENT IN PUERTO RICO

Appointment; Convention; Notice of Hearings

Paragraph 6(c)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (c)(3)), as amended by the Fair Labor Standards Amendments of 1974 (P. L. 93–259, approved April 8, 1974) provides that in the case of any employee employed in Puerto Rico brought within the purview of the minimum wage provisions by those amendments, special industry committee shall be appointed under section 5 of the Act (29 U.S.C. 205) to recommend the highest minimum wage rate or rates which accord with the standards prescribed by section 8 of the Act (29 U.S.C. 208) and which shall be not less than 60 per centum of the otherwise applicable minimum wage rate in effect under section 6(b), or $1.00 an hour, whichever is greater, to be applicable to such employee in lieu of the rate or rates prescribed by subsection (b). The rate or rates recommended by the special committee shall not exceed the rates prescribed in section 6(b) for nonagricultural employees and 6(a)(5) for agricultural employees.

Thus, for nonagricultural employees the rates recommended shall not be in excess of $1.90 an hour for the period ending December 31, 1974; $2.00 an hour during the year beginning January 1, 1975; $2.20 an hour during the year beginning January 1, 1976, and $2.30 an hour after December 31, 1976. For agricultural employees the rates recommended shall not exceed $1.60 an hour during the period ending December 31, 1974; $1.80 an hour during the year beginning January 1, 1975; $2.00 an hour during the year beginning January 1, 1976; $2.20 an hour during the year beginning January 1, 1976, and $2.30 an hour after December 31, 1976.

Pursuant to the above cited statutory authority and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004) I hereby appoint Industry Committee No. 123–A for Government Workers in Puerto Rico and Industry Committee No. 123–B for Newly-Covered Employments in Puerto Rico Other Than Government Service and to make recommendations in their respective industries, convene such committees, and give notice of the hearings to be held by them.

Industry Committee No. 123–A for Government Workers in Puerto Rico is to recommend minimum rates for all employees of the Government of Puerto Rico and its political subdivisions except those covered by the Wage Orders for the Education Industry (29 CFR 725) and the Hospital and Related Institutions Industry (29 CFR 724). Industry Commitee No. 123–B for Newly Covered Employment in Puerto Rico Other Than Government Service is to consider and recommend minimum rates for all newly-covered employees in Puerto Rico except employees of the Government of Puerto Rico or its political subdivisions. These newly covered employees include the following:

1. *Domestic service workers:* Domestic service means services of a household nature performed by an employee in or about the private home of the person by whom he or she is employed. A private home is a fixed place of abode of an individual or family. A separate and distinct dwelling maintained by an individual or family in an apartment house or motel may constitute a private home. However, a dwelling house primarily used as a boarding or lodging house for the purpose of supplying such services to the public as a business enterprise is not a private home.

Domestic service in and about a private home includes services performed by persons employed as cooks, butlers, valets, maids, housekeepers, governesses, janitors, laundresses, caretakers, handymen, gardeners, footmen, grooms and chauffeurs.

2. Employees employed in retail and service establishments that are parts of covered enterprises and that have an annual dollar volume of sales which is not less than $225,000 after January 1, 1975, and is not less than $200,000 after January 1, 1976, and in any amount after January 1, 1977.

3. Employees engaged in handling telegraphic messages for the public where the revenue does not exceed $500 a month.

4. Employees of motion picture theaters.

5. Agricultural employees engaged in processing shade-grown tobacco prior to stemming.

6. Employees in forestry or lumbering operations where the number of employees is eight or less.

7. Agricultural employees of conglomerates with an annual gross volume of sales exceeding $10 million regardless of the number of employees engaged in agriculture.

Industry Committee No. 123–A will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 11 a.m. on Monday, June 3, 1974. Industry Committee No. 123–B will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 11 a.m. Monday, June 10, 1974.

The hearings will take place in the office of the Wage and Hour Division on the seventh floor of the Condominio San Alberto Building, 1200 Ponce De Leon Avenue, Santurce, P.R.

Promptly after the receipt of evidence and submissions, each committee shall resolve the issues before it and prepare a report containing its findings of facts, and conclusions as well as the reasons and basis therefor.

Each committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give such industry a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands or American Samoa; except that the minimum rate or rates recommended shall not be less than 60 per centum of the otherwise applicable wage rate in effect under subsection (b) or $1.00 an hour, whichever is greater, to be applicable to such employee in lieu of the rate or rates prescribed by section 6(b) (or $1.14 an hour for nonagricultural employees or $1.00 for agricultural employees for the period ending December 31, 1974); and with the further exception that each committee shall recommend the minimum wage prescribed in section 6(b), unless there is substantial documentary evidence, including pertinent unabridged profit and loss statements and balance sheets for a representative period of years or in the case of employees of public agencies other appropriate information, in the record which establishes that the industry, or a predominant portion thereof, is unable to pay that wage.

Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a

competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classification, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living, and production costs; (b) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters referred to them. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the U.S. Department of Labor as soon as they are completed and prior to the hearings. The industry committees shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in any of the hearings are required to file prehearing statements, as provided in 29 CFR 511.8, containing the data specified in that section not later than 10 days before the hearing date set for each committee, namely, May 24, 1974 for Industry Committee 123–A and May 31, 1974 for Industry Committee 123–B. However, in view of the need to give adequate time to prepare such statements for Industry Committee 123–A prehearing statements received on or before May 30, 1974, shall be considered just as if they were received on May 24, 1974.

Signed at Washington, D.C., this 17th day of May 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74–11741 Filed 5–21–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Irradiation of Ethylene-Vinyl Acetate Copolymers

An order published in the FEDERAL REGISTER of August 22, 1970 (35 FR 13436), amended § 121.2570 (21 CFR 121.2570) to provide for the irradiation of ethylene-vinyl acetate copolymers as articles or components of articles intended for use in contact with food to produce molecular crosslinking of the copolymers in order to impart desired properties, such as increased ability to shrink when exposed to heat, subject to the following conditions:

1. Electron beam source shall not exceed 3 million volts intensity.

2. The irradiated copolymers shall have a minimum melt index of 0.01 as determined by ASTM Method D–1238–65T modified by 0.1 percent dusting the irradiated copolymers with 2,6-ditertiary-butyl-4-methyl phenol.

A minimum melt index specification of 0.01 limits irradiation of the copolymers to a maximum dosage of approximately 3 megarads.

Notice was given by publication in the FEDERAL REGISTER of September 12, 1972 (37 FR 18483) that a petition (FAP 3M2825) had been filed by W.R. Grace and Co., Cryovac Division, P.O. Box 464, Duncan, SC 29334, proposing safe use of ethylene-vinyl acetate copolymers irradiated to dosage levels not exceeding 8 megarads at a maximum energy of 3 million electron volts of ionizing radiation to produce additional crosslinking of copolymers intended for use in contact with food.

The Commissioner of Food and Drugs, having evaluated data in the petition (FAP 3M2825), and other relevant material, concludes that the food additive regulations should be amended to provide for the irradiation of ethylene-vinyl acetate copolymers at a maximum energy of 3 million electron volts of ionizing radiation from an electron beam source, at dosage levels not exceeding 8 megarads. Additionally, the Commissioner concludes that the present method for determining minimum melt index, which is inapplicable to copolymers irradiated at dosage levels higher than presently permitted, should be replaced by the extraction end test described below.

The Commissioner further concludes that a dosage limit should be placed on ethylene-vinyl acetate films irradiated for crosslinking purposes and later exposed to further radiation to control the growth of microorganisms. This limit is necessary to hold the total accumulated dosage from both the electron beam and the gamma ray exposure to not more than 8.0 megarads.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 121.2570 be amended by revising paragraph (d) to read as follows:

§ 121.2570 Ethylene-vinyl acetate copolymers.

* * * * *

(d) Ethylene-vinyl acetate copolymers may be irradiated under the following conditions to produce molecular crosslinking of the polymers to impart desired properties such as increased strength and increased ability to shrink when exposed to heat:

(1) Electron beam source at a maximum energy of 3 million electron volts of ionizing radiation; maximum dosage not to exceed 8 megarads.

(2) The finished food-contact film shall meet the extractives limitations prescribed in pargaraph (e)(2) of this section.

(3) The ethylene-vinyl acetate copolymer films may be further irradiated in accordance with the provisions of paragraph (e)(1) of this section: *Provided*, That the total accumulated radiation dosage from both electron beam and gamma ray exposures does not exceed 8.0 megarads.

Interested persons may, on or before July 22, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: May 16, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–11689 Filed 5–21–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 74 117]

DRAWBRIDGE OPERATION REGULATIONS

Lake Worth, A.I.W.W., Fla.

At the request of the Town of Palm Beach, Florida, the Coast Guard is considering amending the regulations for the Southern Boulevard bridge across the Atlantic Intracoastal Waterway at Palm Beach to allow closed periods during the morning and evening vehicular traffic rush hour periods from Monday through Friday, except holidays. The draw is presently required to open on signal. This change is being considered to relieve vehicular traffic congestion during these periods.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 SW. 1st Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before June 25, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on

this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.440a immediately after § 117.440 to read as follows:

§ 117.440a Southern Boulevard bridge, A.I.W.W., Palm Beach, Fla.

(a) The draw shall open on signal except that from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday, except Federal and State holidays, the draw need not open for the passage of vessels. However, the draw shall open at 8:15 a.m. and 5:30 p.m. if any vessels are waiting to pass.

(b) The draw shall open at any time to allow the passage of public vessels of the United States, tugs with tows and vessels in distress. The opening signal from these vessels is 4 blasts of a whistle, horn or by shouting.

(c) The owner of or agency controlling the bridge shall place conspicuously on both sides of the bridge, signs of such size that they can easily be read at any time from an approaching vessel, clearly indicating the nature of these regulations.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: May 14, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-11725 Filed 5-21-74;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-GL-9]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Chicago, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before June 21, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposed amendment in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

There is an operational requirement to extend the Greenwood 700-foot transition area to join with the Chicago 700-foot transition area. This will allow aircraft in the Galt airport area to be radar vectored at 2000 and 3000 feet MSL and allow the use of the 2000-foot cardinal altitude when aircraft are utilizing Runway 14L at O'Hare International Airport. This cardinal altitude cannot be used at present as it would place the aircraft out of controlled airspace in some areas.

A review of the Chicago transition areas shows it is made up of eleven different citations, ten of which have been added to the original citation. This makes a very irregular area with a boundary very difficult for the pilot and controller to define.

It is proposed to consolidate the transition area citations and make the boundary more regular. This will add a little more controlled airspace, but it is believed it will be beneficial and not restrictive to the pilot or airport operations.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

CHICAGO, ILLINOIS

That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at Latitude 42°-29'00" N, Longitude 88°30'00" W, to Latitude 42°29'00" N, Longitude 88°03'00" W, to Latitude 42°40'00" N, Longitude 88°03'00" W, to Latitude 42°43'00" N, Longitude 87°-57'00" W, to Latitude 42°30'00" N, Longitude 87°35'00" W, to Latitude 41°55'00" N, Longitude 87°19'00" W, to Latitude 41°38'-00" N, Longitude 87°19'00" W, to Latitude 41°33'00" N, Longitude 87°10'00" W, to Latitude 41°28'00" N, Longitude 87°14'00" W, to Latitude 41°22'00" N, Longitude 87°40'00" W, to Latitude 41°22'00" N, Longitude 88°30'00" W, to Latitude 41°41'00" N, Longitude 88°30'00" W, to Latitude 41°53'00" N, Longitude 88°50'00" W, to Latitude 42°01'00" N, Longitude 88°50'00" W, to Latitude 42°-00'00" N, Longitude 88°25'00" W, to Latitude 42°15'00" N, Longitude 88°25'00" W, to Latitude 42°21'00" N, Longitude 88°30'00" W, to point of beginning.

In § 71.181 (39 FR 440) the following transition areas are deleted:

Crystal Lake, Illinois	Griffith, Indiana
De Kalb, Illinois	Joliet, Illinois
Frankfort, Illinois	Kenosha, Wisconsin
Gary, Indiana	Lockport, Illinois
Greenwood, Illinois	Morris, Illinois

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

Issued in Des Plaines, Illinois, on May 3, 1974.

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

[FR Doc.74-11670 Filed 5-21-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-GL-12]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Mt. Carmel, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before June 21, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing, in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An instrument approach procedure has been developed for the Mt. Carmel Municipal Airport, Mt. Carmel, Illinois. Accordingly, the Mt. Carmel, Illinois transition area must be established to adequately protect aircraft executing the new procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

VINCENNES, INDIANA

Add "within a five-mile radius of the Mt. Carmel Municipal Airport (latitude 38°36'30" N., longtitude 87°43'30" W.) and within three miles either side of the 038° bearing from the Mt. Carmel Airport extending from the five-mile radius area northeast to join the Lawrenceville and O'Neal radius areas".

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

Issued in Des Plaines, Illinois, on May 7, 1974.

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

[FR Doc.74-11669 Filed 5-21-74;8:45 am]

National Highway Traffic Safety Administration

Federal Highway Administration

[23 CFR Part 1214]

[Docket No. 74-22]

HIGHWAY SAFETY PROGRAMS

Incentive Grant Criteria for Reduction of State Highway Fatality Rates

This notice proposes a new Part 1214 in title 23, Code of Federal Regulations, that would specify criteria for selection of the States that make the most significant reduction of their annual highway fatality rates. States that satisfy the criteria through their reductions in calendar years 1973 and 1974 would qualify to receive incentive grants for fiscal years 1975 and 1976 under section 219 of the 1973 Highway Safety Act (23 U.S.C. 402(j)(2)).

In section 402(j)(2), Congress authorizes the Secretary of Transportation to make incentive grants for fiscal years 1974 through 1976 to the States that:

> * * * have made the most significant progress in reducing traffic fatalities based on the reduction in the rate of such fatalities per one hundred million-vehicle miles during the calendar year immediately preceding the fiscal year for which such incentive funds are authorized compared with the average annual rate of such fatalities for the four calendar year period preceding such calendar year.

NHTSA and FHWA plan to begin making such grants for fiscal year 1975, based on State performance in the immediately preceding calendar year, 1973. The recipient States will be selected in accordance with criteria which section 402(j)(2) requires the Secretary to establish and publish.

Any State that satisfies the criteria will be eligible for an incentive grant equal to 25 percent of the Federal highway safety funds apportioned to it under section 402 for the fiscal year for which the grant was made. For example, if a State were apportioned $1,000,000 in such fiscal year and were eligible for a fatality reduction incentive grant, the State could receive an additional $250,000 in incentive funds. Although section 402(j)(3) permits the amount of a grant to be based on a State's apportionment under section 405 as well as section 402, NHTSA and FHWA plan to use section 402 only, so as to increase the number of States able to participate in the incentive program. The selection of the activities to be funded by a State with the fatality reduction incentive grant will be at the sole discretion of the State, subject only to the condition that the State be able to demonstrate that the funded acivities advance the purposes of chapter 4 of title 23.

The fatality reduction incentive program was established by the Congress to encourage the States to develop increasingly more effective methods for reducing the highway death and injury toll. The ultimate goal of section 402 is, after all, not the establishment of specific highway safety program elements in each State, but the reduction of the highway carnage by whatever means are found to be most effective by the various States.

The incentive program complements the provision in section 402(c) which requires the States to implement the highway safety program standards issued under that section, as a condition to continued receipt of Federal highway safety funds and a portion of the Federal highway construction funds. While the provision provides a foundation for State highway safety efforts by ensuring compliance with the minimum requirements in the standards, the incentive program will give due recognition to the States that achieve above average results.

The proposed criteria specify four requirements governing the eligibility of a State for an incentive grant. To become eligible, a State would have to satisfy the first and second requirements and either the third or fourth requirement. The first requirement would be that a State must have a fatality rate reduction. That is, the State's number of highway fatalities per 100,000,000 vehicle miles of travel within the State during the calendar year immediately preceding the fiscal year for which funds are authorized under section 402(j)(2) must be less than the State's number of fatalities per 100,000,000 vehicle miles of travel within the State during the four calendar years immediately preceding the base calendar year. The base calendar year is the calendar year immediately and fully preceding a fiscal year for which incentive grants are made.

While section 402(j)(2) puts the emphasis on fatality rates, instead of absolute numbers of fatalities, it would be inconsistent with the section's purpose of recognizing improved highway safety to award an incentive grant to a State with a disproportionately large increase in fatalities. A State has a fatality increase for the purposes of this incentive program if its fatalities for the base calendar year exceed its average annual fatalities for the preceding four calendar years. The second requirement would be, accordingly, that if there were no national fatality increase, a State could not have a fatality increase. If there were a national increase, a State could have a fatality increase only if its percentage did not exceed that of the national increase.

The third and fourth requirements are intended to ensure that grants would be given to only those States that make the most significant progress in reducing their fatality rates. A State would have to satisfy only one of these requirements. A State could satisfy the third requirement which would require that the State must have reduced its rate to an exceptional extent, i.e., so that its rate for the base calendar year is not more than one-half the national rate for such year. Since the national rate for calendar year 1973 has been preliminarily estimated at 4.3, States seeking to qualify under the third requirement for fiscal year 1975 grants would have to achieve a rate of not more than 2.15. Alternatively, a State could satisfy the fourth requirement which would require that the State must have a percent reduction in its fatality rate that is at least 10 percent greater than the percent reduction in the national fatality rate. If there were no national fatality rate reduction, a State with any fatality rate reduction, regardless of its percentage, would satisfy this requirement.

Since there may not be sufficient funds for a particular fiscal year to award a 25 percent incentive grant to all eligible States, the States would be ranked so that the most meritorious States receive the grants. Eligible States that had a fatality rate in the base calendar year of not more than one-half the national rate for the same year would be placed at the top of the list in ascending order of their rates. The other eligible States, those whose percent reduction in their fatality rates were not less than 10 percent greater than the percent reduction in the national fatality rate, would be ranked next, in descending order of their percent reductions. The grants would be made to the States in the order of their ranking until there were insufficient funds left to make a full grant to the next State on the list. That State would receive the remaining funds. Lower-ranked eligible States would receive no incentive funds.

To facilitate analysis of the proposed criteria by interested persons, the following table lists the States that would have been eligible for a grant under the criteria had grants been awarded for fiscal year 1974.

RANKING OF ELIGIBLE STATES FOR FISCAL YEAR 1974

(BASE CALENDAR YEAR—1972)

State [1]	Fatality rate for base year	Percent reduction in fatality rate	Percent change in fatalities	Grant limit [2]
1. Rhode Island	2.20	24.52	−11.19	$150,000
2. Alaska	3.80	42.90	−26.58	150,000
3. District of Columbia	2.48	41.07	−38.90	150,000
4. New Hampshire	3.53	21.75	−8.56	150,000
5. Delaware	3.85	19.37	−4.00	150,000
6. Indiana	4.23	15.90	−2.32	720,574
7. Ohio	3.86	15.68	−4.71	1,337,374
8. Virginia	3.84	15.28	+1.07	610,625
9. Illinois	3.80	15.27	−7.79	1,424,078
10. New Jersey	2.79	14.71	+0.65	817,783
11. Maryland	3.45	14.62	+0.22	462,396
12. Pennsylvania	3.51	14.14	+0.46	1,466,633
13. Oklahoma	4.20	14.02	−0.38	482,298
14. Hawaii	3.89	13.71	−0.34	150,000
15. West Virginia	5.40	13.01	+0.24	251,688
16. Kansas	4.54	12.96	−3.62	489,044
17. Michigan	3.91	12.40	−1.91	1,161,856
United States	4.41	11.05	+3.05	
Total grant amount				10,124,349

[1] Although the percent reductions in the fatality rate of Tennessee (19.25), Florida (17.33), Arizona (13.69) Kentucky (12.84), and Colorado (12.45) were at least 10 percent greater than the national percent reduction, none of these States would have been eligible because their percent increase in fatalities exceeded the national percent increase.

[2] The Congressional appropriation process and obligational limitations may reduce the number of eligible States that will receive a grant.

The fatality and vehicle miles of travel data used to determine the ranking of the eligible States for fiscal year 1974 are the data submitted by the States to FHWA in accordance with "Instructions for Reporting Highway Traffic and Accidents", issued on January 26, 1968. Data submitted pursuant to that memorandum will be used, subject to verification by NHTSA and FHWA, for future fiscal years also. A copy of the memorandum may be obtained, without charge, by writing to the address provided in this notice for the submission of comments.

Comments are invited on methods for determining the eligibility of the Indian reservations for an incentive grant. Gathering of the necessary data would be complicated by several problems, including the inability to calculate precise vehicle miles of travel and the dispersal of the reservations in 25 States. One approach might be to base the Indian fatality rate on population, instead of vehicle miles of travel.

Promulgation of the criteria for the fatality reduction incentive program does not require public notice and comment pursuant to statute. This request for comments is issued, however, because the States and the public should be afforded an opportunity to participate in the establishment of the criteria so that the widest possible range of views is obtained.

Interested persons, States, and public and private highway safety organizations are invited to submit written data, views, and arguments concerning the criteria proposed by this notice. Comments should refer to Docket No. 74–22. All comments should be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested, but not required, that 3 copies be submitted.

All comments received before the close of business on July 5, 1974, will be considered, and will be available at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered. However, action may be taken at any time after that date, and comments filed after the above date and too late for consideration in regard to the establishment of the criteria will be treated as suggestions for future action, NHTSA and FHWA will continue to file relevant material, as it becomes available, in the docket after the closing date. It is recommended that interested persons continue to examine the docket for new material.

It is proposed that the final criteria be promulgated and published in the FEDERAL REGISTER in approximately two months.

In consideration of the foregoing, it is proposed that a new Part 1214 be added to 23 CFR Chapter II, Subchapter B, to read as set forth below.

Issued on May 15, 1974.

NORBERT T. TIEMANN,
Administrator, Federal Highway Administration.

JAMES B. GREGORY,
Administrator, National Highway Traffic Safety Administration.

PART 1214—INCENTIVE GRANT CRITERIA FOR REDUCTION OF STATE ANNUAL HIGHWAY FATALITY RATES

Sec.

AUTHORITY: Sec. 219, Pub. Law 93–87, 87 Stat. 290, 23 U.S.C. 402(j); and delegation of authority at 49 CFR 1.48 and 1.51.

§ 1214.1 Scope.

This part establishes criteria, in accordance with 23 U.S.C. 402(j)(2), for the awarding of incentive grants to States that make the most significant progress in reducing their annual highway fatality rates.

§ 1214.2 Purpose.

The purpose of this part is to encourage the States to develop and implement effective measures for reducing their highway fatalities.

§ 1214.3 Definitions.

(a) "Base calendar year" means the calendar year immediately and fully preceding a fiscal year for which grants are made under this part.

(b) "Fatality increase" means an increase in the number of fatalities for the base calendar year relative to the average annual number of fatalities for the preceding four calendar years.

(c) "Fatality rate reduction" means a decrease in the fatality rate for the base calendar year relative to the fatality rate for the preceding four calendar years.

§ 1214.4 Award procedures.

For each fiscal year, beginning with fiscal year 1975, for which funds are authorized for implementation of 23 U.S.C. 402(j)(2), grants of 25 percent of a State's apportionment of highway safety funds under 23 U.S.C. 402 will be made to the States eligible under section 1214.5 in the order of their ranking pursuant to § 1214.6. Such grants will be made until all eligible States have received a grant or until there are insufficient funds to award a 25 percent grant to the State with the next highest ranking. That State will be granted the balance of the funds.

§ 1214.5 Eligibility requirements.

To be eligible for an incentive grant under this part, a State shall satisfy the requirements specified in paragraphs (a) and (b) and either paragraph (c) or paragraph (d), of this section. Calculations of vehicle miles of travel fatalities, and fatality rate will be made as specified in §§ 1214.7 and 1214.8. An eligible State shall—

(a) Have a fatality rate reduction;

(b) Not have a fatality increase of a percentage greater than that of any national fatality increase; and either

(c) Have a fatality rate for the base of calendar year not greater than one-half the national fatality rate for such year; or

(d) Have a fatality rate reduction of a percentage not less than 10 percent greater than that of any national fatality rate reduction.

§ 1214.6 Ranking of the eligibility States.

(a) The States that satisfy § 1214.5 (a) through (c) will initially be ranked in ascending order of their fatality rates for the base calendar year.

(b) After the States are ranked pursuant to paragraph (a) of this section, the States that satisfy § 1214.5 (a), (b), and (d), but not (c), will be appended to the ranking in descending order of their fatality rate reductions.

§ 1214.7 **Calculation of a State's vehicle miles of travel, facilities, and fatality rates.**

A State's vehicle miles of travel, fatalities, and fatality rate will be calculated in accordance with the following procedures.

(a) Calculate the State's vehicle miles of travel and determine its highway fatalities for the base calendar year and for each of the four preceding calendar years using the data submitted by the State, as of the October 1 immediately following the base calendar year, in accordance with the latest revision of "Instructions for Reporting Highway Traffic and Accidents," issued by the Federal Highway Administration on January 26, 1968.

(b) Calculate the State's fatality rate for the base calendar year by dividing the State's highway fatalities for such year by the number of vehicle miles of travel in the State for such year and multiplying the result by 100,000,000.

(c) Calculate the State's fatality rate for the four preceding calendar years by dividing the sum of the State's fatalities for such years by the sum of the vehicle miles of travel in the State during such years and multiplying the result by 100,000,000.

(d) Calculate the State's fatality rate reduction percentage by dividing the reduction by the State's fatality rate for the four preceding calendar years and multiplying the result by 100.

§ 1214.8 **Calculation of the national vehicle miles of travel, fatalities, and fatality rate.**

The national vehicle miles of travel, fatalities, and fatality rate will be calculated in accordance with the procedures specified in § 1214.7, except that the vehicle miles of travel and fatality data will be that of all the States.

[FR Doc.74-11564 Filed 5-17-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Approval of Compliance Schedules for Oklahoma

Section 110 of the Clean Air Act, as amended, and the implementing regulations in 40 CFR Part 51 require each State to submit plans which provide for the attainment and maintenance of national ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), the Administrator of the Environmental Protection Agency approved that portion of the Oklahoma implementation plan containing compliance schedules. Final dates by which air pollution sources were to be in compliance with the applicable emission limiting regulations of Oklahoma's plan were clearly prescribed and met the requirements of § 51.15.

On January 8, April 18, July 12 and October 3, 1973, Oklahoma submitted to the Administrator individual source compliance schedules as proposed revisions to the approved plan pursuant to § 51.6. These schedules were established by the State as industrial variances to regulations already in effect. Each schedule was adopted by the State after public notice and hearing in accordance with the procedural requirements of §§ 51.4 and 51.6 and the substantive requirements of § 51.15. Those compliance schedules extending over a period of more than one year and extending beyond January 31, 1974, contain legally enforceable increments of progress, and these increment dates are a part of the schedules described in the regulation proposed today.

Each compliance schedule establishes a new date by which the individual source must comply with the applicable emission limiting regulation, referred to as the "Final Compliance Date". Even though the final compliance date for several of the schedules has now passed, the Administrator proposes their approval as a matter of record.

Under Oklahoma law, variances cannot be granted for more than one year. However, some of the final compliance dates are later than the date of the end of the variance. For this reason, the Administrator proposes to approve unconditionally those schedule portions which fall within the variance period and to condition approval of schedule portions extending beyond the present variance period on the State's renewal of the variance in form and substance identical to the present variance. If the variance is renewed in this manner, the condition will be satisfied and the approval of the next segment of the schedule will not require further action by the State or the Administrator. If the variance is not renewed or is modified, the condition will not be satisfied, and the remainder of the schedule is not approved by the regulation proposed today.

Provisional approval of final compliance dates which are dependent upon extensions of variances is considered to be justifiable only because of the one-year variance limitation in Oklahoma law. Since public notices and hearings concerned the complete schedules and since renewal of variances will not change the schedules, there is no reason to require compliance with § 51.6 procedures at the time Oklahoma renews the variances.

The compliance schedules which the Administrator proposes to approve are described in the regulation proposed today only by name of source, location, regulation involved, date schedule adopted, variance expiration date, and final compliance date. Copies of the full schedules and the Administrator's detailed reasons for proposing approval of each schedule are available for inspection at the following locations: Environmental Protection Agency, Region VI, 1600 Patterson Street, Suite 1100, Dallas, Texas 75201 and the Office of Public Affairs, Freedom of Information Center, Environmental Protection Agency, 232 Waterside Mall West, Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator at 1600 Patterson Street, Suite 1100, Dallas, Texas 75201, attention: Director, Enforcement Division. All comments received on or before June 21, 1974, will be considered and will be available for inspection during normal business hours at the Region VI office. Comments should not repeat or duplicate testimony already presented at the public hearings previously held by the State, because the review of this information has already been completed and duly considered by the Administrator.

This notice of proposed rulemaking is issued under the authority of section 110 of the Clean Air Act, as amended, 42 U.S.C. 1857c-5.

Dated: May 15, 1974.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

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

Subpart LL—Oklahoma

1. In § 52.1920, paragraph (c) is revised to read as follows:

§ 52.1920 **Identification of plan.**

* * * * *

(c) Supplemental information was submitted on:

(1) February 15, February 25, May 4, and October 16, 1972, and April 20 and July 3, 1973, by the Oklahoma State Department of Health, and

(2) July 14 and October 4, 1972, and

(3) January 8, April 18, July 12, and October 3, 1973.

2. Section 52.1926 is added as follows:

§ 52.1926 **Compliance schedules.**

(a) The compliance schedules for the sources identified below are approved as revisions to the plan pursuant to §§ 51.6 and 51.15 of this chapter. All regulations cited are air pollution control regulations of the State and have immediately effective dates.

OKLAHOMA

Source	Location	Regulation involved	Date schedule adopted	Variance expiration date	Final compliance date [1]
American Smelting & Refining Co.:					
(a) Horizontal retort process	Sand Springs	7, 8	Sept. 23, 1973	Jan. 1, 1974	Jan. 1, 1974
A. & S. Metals, Inc.:					
(a) Furnace smelter	Tulsa	7, 8	Nov. 9, 1972	Feb. 1, 1973	Feb. 1, 1973
Empire Foundry Co.:					
(a) Wheelabrator	do	7, 8	do	May 15, 1973	May 15, 1973
Sun Oil Co.:					
(a) Catalytic cracking unit regenerator.	do	7, 8	do	Sept. 10, 1973	Sept. 10, 1973
Oklahoma Cement Corp.:					
(a) No.'s 1 and 2 kilns	Pyror Creek	7, 8	Sept. 23, 1973	Sept. 1, 1973	Sept. 1, 1973
Midwest Carbide Corp.:					
(a) Calcium Carbide electric furnace	do	7, 8	Nov. 9, 1972	July 1, 1973	July 1, 1973
(b) Associated screening equipment	do	7, 8	do	do	June 1, 1973
Kaiser Magnesium Co.:					
(a) Scrap remelt smelting process	Tulsa	7, 8	do	Jan. 15, 1973	Jan. 15, 1973
Great Lakes Carbon Corp.:					
(a) Calciner No. 1	Kremlin	7, 8	do	Oct. 31, 1973	Nov. 1, 1973
(b) Calciner No. 2	do	7, 8	do	do	July 1, 1974
(c) Calciner No. 3	do	7, 8	do	do	Jan. 1, 1975
Chandler Materials Co.:					
(a) No.'s 1, 2, and 3 kilns	Choctaw	7, 8	do	June 15, 1973	June 15, 1973
(b) Crushing and screening	do	7, 8, 9	do	do	Dec. 20, 1972
Chandler Materials Co.:					
(a) No.'s 1, 2, 3, and 4 kilns	Tulsa	7, 8	do	May 31, 1973	May 31, 1973
(b) Crushing and screening	do	7, 8, 9	do	do	do
Chandler Materials Quarry:					
(a) Crushing and screening	do	7, 8, 9	do	Feb. 15, 1973	Feb. 15, 1973
Ward Industries, Inc.:					
(a) Sanding operations	Miami	7, 8, 9	do	June 1, 1973	June 1, 1973
(b) Dryer and pulverizer	do	7, 8, 9	do	do	do
(c) Primary and secondary sawing operations.	do	7, 8, 9	Sept. 23, 1973	Oct. 18, 1973	Oct. 18, 1973
Delta Mining Co.:					
(a) Dryers, intermittent baghouse, transfer, and loading points.	Mill Creek	7, 8	Dec. 3, 1972	Sept. 28, 1973	Sept. 28, 1973
Allied Materials Corp.:					
(a) Asphalt roofing process	Stroud	7, 8	do	Mar. 15, 1973	Mar. 15, 1973
Shawnee Paving Co.:					
(a) Spray tower scrubber	Shawnee	7, 8	do	Jan. 15, 1973	Jan. 15, 1973
Nipak, Inc.:					
(a) Urea prill tower	Pryor Creek	7, 8	do	Aug. 15, 1973	Aug. 15, 1973
Decker Foundry Co., Inc.:					
(a) Cupola	Henryetta	7, 8	Sept. 23, 1973	June 19, 1974	Aug. 10, 1974
Blackwell Zinc Co.:					
(a) 22 retort furnaces	Blackwell	7, 8	Dec. 3, 1972	Nov. 28, 1973	Dec. 31, 1973
OKC Refining, Inc.:					
(a) TCC unit kiln	Okmulgee	7, 8	do	Apr. 15, 1973	Apr. 15, 1973
Hammond Mills, Inc.:					
(a) Cyclone collector on grain grinding unit.	Oklahoma City	7, 8	do	May 12, 1973	May 12, 1973
Sooner Rock & Sand Co.:					
(a) Rock crushing and screening processes.	do	7, 8	do	June 30, 1973	June 30, 1973
Ideal Cement Co.:					
(a) Precipitator and dust disposal system.	Ada	7, 8	Mar. 4, 1973	Feb. 20, 1974	June 22, 1973
(b) Two cement kilns	do	7, 8	do	do	Feb. 1, 1975
National Zinc Co.:					
(a) Sintering process	Bartlesville	7, 8	do	do	July 1, 1974
(b) Retort furnace smelting process	do	7, 8	do	do	May 31, 1975
Corning Glass Works:					
(a) Glass melting furnance tank No. 101.	Muskogee	7, 8	June 3, 1973	Dec. 31, 1973	Oct. 1, 1974
(b) Glass melting furnace tank No. 102.	do	7, 8	do	do	do
Tulsa Iron Works Co.:					
(a) Cupola	Tulsa	7, 8	Sept. 23, 1973	Feb. 15, 1974	Feb. 15, 1974
Petrolite Corp.:					
(a) Two stacks on wedge furnace	Barnsdall	7, 8	do	Aug. 23, 1974	Aug. 23, 1974
(b) Microcrystalline wax prill tower	do	7, 8	do	do	May 31, 1974

[1] Final compliance dates that extend beyond existing variance expiration dates are provisionally approved on condition that the State renew currently effective variances in form and substance identical with that already federally approved and on condition that no variance will be extended past the final compliance date set forth in this table. All schedules in this table are effective immediately.

[FR Doc.74-11587 Filed 5-21-74;8:45 am]

[40 CFR Part 180]

PICLORAM

Proposed Interim Tolerances

Correction

In FR Doc. 74-10366, appearing on page 15880 in the issue of Monday, May 6, 1974, on page 15881, second column, in the sixth full paragraph, the figure reading "0.5" should read "0.05".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20012; RM-1927]

FM BROADCAST STATIONS

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

In the matter of amendment of Part 73 of the Commission's rules and regulations concerning the transmission of non-aural signals on an FM broadcast station subcarrier pursuant to a subsidiary communications authorization.

1. On April 9, 1974, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on April 22, 1974, 39 FR 14230. Comment and reply comment dates are presently May 23 and June 3, 1974.

2. On May 14, 1974, Information Transmission Corporation (ITX) filed a request for extension of time in which to file comments to and including June 14, 1974. ITX states that the additional time is necessary in order to prepare the technical analysis of the matters raised in the Commission's notice of proposed rule making.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *It is ordered*, that the dates for filing comments and reply comments are extended to and including June 14 and June 28, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: May 16, 1974.

Released: May 16, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

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

[FR Doc.74-11708 Filed 5-21-74;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

Agency for International Development

[Delegation of Authority No. 100]

ASSISTANT ADMINISTRATORS

Delegation of Authority to Determine Adequacy of Assurances of Host Country Participation

Pursuant to the authority vested in me by Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961, as amended, I hereby delegate to the Assistant Administrator for Africa, the Assistant Administrator for Asia, the Assistant Administrator for Supporting Assistance, the Assistant Administrator for Latin America, the Assistant Administrator for Program and Management Services, the Assistant Administrator for Program Policy Coordination, the Assistant Administrator for Technical Assistance and the Assistant Administrator for Population and Humanitarian Assistance, each for the projects, activities, countries, or areas within their responsibility the authority to receive and to determine the adequacy of the assurances required by section 110(a) of the Foreign Assistance Act of 1961, as amended,

If assurances are made with respect to all or part of a sectoral program rather than with respect to an individual program or activity, the authority to receive and to determine the adequacy of such assurances is reserved to the Assistant Administrator for Africa, the Assistant Administrator for Asia, the Assistant Administrator for Supporting Assistance and the Assistant Administrator for Latin America, each for the countries or areas within his responsibility.

The authority to receive and to determine the adequacy of assurances with respect to any individual project or activity may be redelegated by the above-named officers of this Agency to those having authority to authorize such projects or activities.

Dated: May 8, 1974.

DANIEL PARKER,
Administrator.

[FR Doc.74-11675 Filed 5-21-74;8:45 am]

COMMODITIES AND COMMODITY-RELATED SERVICES

List of Ineligible Suppliers

The following "List of Ineligible Suppliers" under A.I.D. Regulation 8 is currently in effect. All persons who anticipate A.I.D. financing for a transaction involving any person whose name appears on this list should take special notice of its contents.

LIST OF INELIGIBLE SUPPLIERS

SECTION 1. *Purpose of the List.* The List of Ineligible Suppliers implements the provisions of A.I.D. Regulation 8, "Suppliers of Commodities and Commodity-Related Services Ineligible for A.I.D. Financing" (22 CFR Part 208). Subject to the conditions described below A.I.D. will not make funds available to finance the cost of commodities or commodity-related services furnished by any supplier whose name appears on the list. A debarred supplier whose name appears in section 4 of a printed or published list has been placed thereon for the causes specified in § 208.7 of Regulation 8; a suspended supplier whose name appears in section 4 of a printed or published list has been placed thereon for the causes specified in § 208.7 of Regulation 8. A.I.D. has taken such action in accordance with the procedures described in Subpart D of Regulation 8.

With respect to the interest of any U.S. bank which holds an A.I.D. Letter of Commitment special attention is called to the fact that the List as periodically modified by A.I.D. constitutes a special amendment to every Letter of Commitment to the effect that A.I.D. will not provide reimbursement to a bank for payment to any supplier whose name appears on the List, excepting only (a) a payment made to a supplier on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date, and (b) a payment made to a supplier under an irrevocable Letter of Credit opened or confirmed on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date. A bank which receives copies of the List and the periodic modifications thereto shall be held in its relationship with A.I.D. to the standard of care described in § 201.73(f) of Regulation 1 (22 CFR 201.73(f)) with respect to every transaction governed by an A.I.D. Letter of Commitment issued to that bank.

SEC. 2. *Contents of the List.* The List of Ineligible Suppliers consists of all suppliers and affiliates who have been debarred or suspended by A.I.D. Additions to or deletions from the List are communicated directly to every U.S. bank holding an A.I.D. Letter of Commitment as they occur. A.I.D. endeavors to keep printed and published lists as current as possible by superseding or supplementary issuance. No prejudice whatsoever shall attach to a supplier whose name has been removed from this list.

SEC. 3. *Suppliers Debarred from A.I.D. financing.* None.

SEC. 4. *Suppliers Suspended from A.I.D. financing.* The following suppliers have been suspended from A.I.D. financing until further notice pending completion of an A.I.D. investigation of facts which may lead to the eventual debarment of such suppliers:

NAME, ADDRESS, AND INITIAL DATE OF SUSPENSION

Colony Steel Co., 122 East 42nd St., New York, N.Y., March 26, 1968.
Concepcion, Mr. Segismundo, 160 Broadway, New York, N.Y. 10038, April 22, 1969.
Domestic Export Corp., 288 New York Avenue, Huntington, New York, February 14, 1972.
Eastar Trading Co., 1830 W. Olympic Blvd., Los Angeles, Calif. 90006, May 20, 1970.
International Enterprises, Inc., 160 Broadway, New York, N.Y. 10038, April 22, 1969.
Kim, Mr. Peter, Eastar Trading Co., 1830 W. Olympic Blvd., Los Angeles, Calif. 90006, May 20, 1970.
LeVita Industries, 35 LaPatera Lane, Golete, Calif. 93016, November 2, 1971.
LeVita, Mr. Frank O., North American Steel Co., Pontiac State Bank Building, Pontiac, Michigan 48058, November 2, 1971.
North American Steel Co., Pontiac State Bank Building, Pontiac, Michigan 48058, November 2, 1971.
R & Z Co., Inc., 2041-47 Pitkin Ave., Brooklyn, N.Y. 11207, October 23, 1969.
Rogers, Mr. Henry, 2041-47 Pitkin Ave., Brooklyn, N.Y. 11207, October 23, 1969.
Rolquin, Mr. E. R., President, Domestic Export Corp., 288 New York Avenue, Huntington, N.Y., February 14, 1972.
Scheinis, Mr. Samuel, 122 East 42nd St., New York, N.Y. 10017, March 25, 1971.
Spe-D-Magic Co., 660 Capri Blvd., Treasure Island, Fla. 33706, April 5, 1967.
Tricon International, Inc., 160 Broadway, New York, N.Y. 10038, April 22, 1969.
White Magic Co., 660 Capri Blvd., Treasure Island, Fla. 33706, April 5, 1967.
Wolff, Mr. Tom G., 787 Tucker Road, North Dartmouth, Mass., October 23, 1969.
Zubof, Mr. Samuel, 2041-47 Pitkin Ave., Brooklyn, N.Y. 11207, October 23, 1969.

Dated: May 10, 1974.

WILLARD H. MEINECKE,
Acting Assistant Administrator for Program and Management Services.

[FR Doc.74-11676 Filed 5-21-74;8:45 am]

ENGINEERING, ARCHITECTURAL AND CONSTRUCTION INDUSTRY ADVISORY COMMITTEE

Determination

The Engineering, Architectural and Construction Industry Advisory Committee provides a systematic dialogue

between A.I.D. and the engineering, architectural and construction industry in the interest of improving A.I.D. policies and procedures and industry performance relating to A.I.D.-financed activities. There continues to be a significant need for such a systematic dialogue.

Accordingly, I hereby determine, purpursuant to the provisions of section 14(a)(1)(A) of the Federal Advisory Committee Act (Pub. L. 92–463) and paragraph 7 of OMB Circular A–63 (Revised) that renewal of the Engineering, Architectural and Construction Industry Advisory Committee for a two-year period beginning May 17, 1974, is in the public interest.

Dated: April 27, 1974.

DANIEL PARKER,
Administrator.

[FR Doc.74–11684 Filed 5–21–74;8:45 am]

Office of the Secretary

[Public Notice CM–141]

U.S. ADVISORY COMMITTEE OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION

Notice of Meeting

The Advisory Committee to the United States Section of the Inter-American Tropical Tuna Commission will meet Friday, June 7, 1974, in the auditorium of the Southwest Fisheries Center, National Marine Fisheries Service, 8604 La Jolla Shores Drive, La Jolla, California at 10 a.m. The agenda items are: 1974 fishing experience and outlook, 1975 preliminary outlook, domestic and international fleet development, the international enforcement picture, U.S. tuna regulations, post Mexico City alternative management schemes, other Latin American considerations, and options for Ottawa and longer range positions. The meeting will be open to the public.

Dated: May 16, 1974.

RICHARD T. LEROY,
Acting Executive Secretary.

[FR Doc.74–11431 Filed 5–21–74;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

COMPTROLLER OF THE CURRENCY'S REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE ELEVENTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Eleventh National Bank Region will be held at The Hilton Inn, Dallas, Texas from 1:30 to 5 p.m., on June 28, 1974 and from 9 a.m. to 12 m., on June 29, 1974 at the same location.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Eleventh National Bank Region.

It is hereby determined pursuant to section 10(d) of Public Law 92–463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10(a)(1) and (a)(3) of the Act (Pub. L. 92–463) relating to open meetings and public participation therein.

Dated: May 16, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74–11681 Filed 5–21–74;8:45 am]

DEPARTMENT OF JUSTICE

REPUBLIC STEEL CORP. AND STATE OF OHIO

Proposed Consent Judgment in Action To Enjoin Discharge of Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on May 10, 1974, a proposed consent decree in United States v. Republic Steel Corporation and the State of Ohio was lodged with the United States District Court for the Northern District of Ohio. The proposed decree would abate discharges from the company's manufacturing facility in Cuyahoga County, Ohio into the Cuyahoga River.

The Department of Justice will receive on or before June 21, 1974, written comments relating to the proposed decree. Comments should be addressed to either the United States Attorney, 400 United States Courthouse, Cleveland, Ohio 44114 or to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to United States v. Republic Steel Corporation and the State of Ohio, D.J. Ref. 90–5–1–1–133.

The proposed consent decree may be examined at the office of the United States Attorney, Room 400, United States Courthouse, Cleveland, Ohio 44114 and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2623, Department of Justice Building, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. Copies may also be obtained by mail from the Pollution Control Section. In requesting a copy, please enclose a check in the amount of $2.20 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

WALLACE H. JOHNSON,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc.74–11683 Filed 5–21–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 28556]

MONTANA

Order Providing for Opening of Public Lands

MAY 15, 1974.

In an exchange made under the provisions of section 8 of the Act of June 28, 1934, as amended, 43 U.S.C. 315g, the following described land has been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 17 N., R. 27 E.,
Sec. 34, E½NE¼; and
Sec. 35, W½NW¼.

The area described contains 160 acres.

The land is in Petroleum County, Montana, approximately 15 miles north by east of Winnett. The land is adjacent to a large block of public land and will provide better access to these lands which will enhance the present range management and wildlife habitat programs. Topography is hilly, soils are shallow clay loam, vegetation is native grass with small area of land seeded to crested wheatgrass. There are some ponderosa pine groves. There is no surface water. This land will be managed for multiple use with the adjoining national resource lands.

At 10 a.m. on July 1, 1974, subject to valid rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will be open to the operation of the public land laws.

The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands is not affected by this order.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 316 North 26th Street, Billings, Montana 59101.

KENNETH J. SIRE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–11694 Filed 5–21–74;8:45 am]

Office of the Secretary

MAXWELL S. McKNIGHT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 26, 1974.

Dated: April 26, 1974.

MAXWELL S. MCKNIGHT.

[FR Doc.74–11697 Filed 5–21–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

INTRA INVESTMENT CO.

Proposed Public Sale of Stock

Notice is hereby given that the Commodity Credit Corporation ("CCC") proposes to sell 730,468 shares of stock it owns in Intra Investment Company, S.A.L. of Beirut, Lebanon ("Intra"), successor to Intra Bank, S.A.L. This amount represents approximately 7 percent of the total stock outstanding in Intra. CCC, a wholly owned Government corporation within the United States Department of Agriculture, acquired these shares in settlement of a claim it had against Intra Bank based on 53 letters of credit issued by Intra Bank in favor of CCC assuring payment of amounts due for export credit sales of grain and other agricultural commodities under CCC's Export Credit Sales Program. The claim, which was originally in the amount of a little over $21,000,000, was, at the time of its final liquidation by the issuance of the Intra stock to CCC, approximately $10,150,000.

On the basis of the most recent financial information available, the book value of these shares on December 31, 1972, was about LL27 per share or, at the present exchange rate, a total of about $8.5 million. The principal assets of Intra consist of interests in Middle East Airlines, Casino du Liban and the Shipyards Company of La Ciotat.

Invitation For Offers. By this notice, CCC hereby invites offers for the purchase of the above described 730,468 shares of stock. An offer of $7,771,000 has already been received for such stock and, therefore, no offer in a lesser amount will be considered. No offer will be considered which includes a deferred payment arrangement. All offers received will be subject to further negotiation between the parties and CCC. In addition, the selected best offer must be submitted first to the other major Intra stockholders who have the right of first refusal to purchase CCC's shares.

CCC reserves the right to consider only those offers submitted by offerors who CCC determines are financially and otherwise responsible to meet the contractual obligations contemplated in this notice. The offeror shall furnish to CCC, on request, such information as CCC may require to determine the responsibility of the offeror.

Where And How To Submit Offers. Offers, and any modification or withdrawal of offers, shall be submitted to the Controller, Commodity Credit Corporation, U.S. Department of Agriculture, Room 6096 South Building, 14th Street and Independence Avenue, SW., Washington, D.C. 20250, and must be received in that office by 2 p.m. (e.d.t.) on June 24, 1974. Inquiries concerning this notice may be directed to the Controller, CCC, in writing or by telephone—Area Code 202–447–6163.

Offers are to be submitted by letter or telegram. Letter offers shall be in duplicate in sealed envelopes marked with the name and address of the offeror. The postmark shall be used by CCC to determine if the date of mailing was timely enough to allow receipt by the time stated above. Offers submitted by telegram should indicate the date and time of filing for the same reason.

Acceptance of offer. Acceptance by CCC will be by telegram no later than 3 p.m. (e.d.t.) on June 28, 1974. CCC reserves the right to reject any or all offers and to waive any informality therein. Failure to accept shall be construed as rejection or, if so requested in the offer, CCC shall advise the offeror by telegram of rejection.

Signed at Washington, D.C. on May 16, 1974.

H. R. GOLDSTEIN,
Acting Controller,
Commodity Credit Corporation.

[FR Doc.74–11671 Filed 5–21–74;8:45 am]

Farmers Home Administration

[Designation No. A046]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Iowa:

Adair	Jasper
Audubon	Jones
Carroll	Mills
Cass	Montgomery
Cedar	Polk
Clarke	Pottawattamie
Crawford	Poweshiek
Dallas	Shelby
Decatur	Tama
Greene	Taylor
Guthrie	Union
Harrison	

The Secretary has found that this need exists as a result of a natural disaster consisting of severe snowstorms with high winds causing blizzard conditions occurring between April 8 and 10, 1973.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for emergency loans must be received by this Department no later than June 30, 1974, for both physical losses and production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 15th day of May, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–11702 Filed 5–21–74;8:45 am]

[Designation No. AO47]

MICHIGAN

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agriculture credit exists in the following counties in Michigan:

Allegan	Leelanau
Antrim	Manistee
Benzie	Mason
Berrien	Montcalm
Cass	Muskegon
Charlevoix	Newaygo
Grand Traverse	Oceana
Ionia	Ottawa
Kalamazoo	Van Buren
Kent	

The Secretary has found that this need exists as a result of a natural disaster consisting of freezes in April and May 1973 in all of the listed counties; damaging freezes as early as January 1973 in Benzie, Kalamazoo and Manistee Counties; a windstorm July 2, 1973, and drought in July and August 1973 in Berrien County; and a drought June 23 through September 1973 in Cass County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William G. Milliken that such designation be made.

Applications for emergency loans must be received by this Department no later than June 30, 1974, for both physical losses and production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 15th day of May 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–11703 Filed 5–21–74;8:45 am]

Forest Service

PROPOSED MADERA CANYON LAND USE PLAN

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 a Proposed Madera Canyon Land Use Plan, Coronado National Forest, USDA–FS–FES (Adm) 74–40.

The environmental statement considers probable environmental effects of the proposed land use plan.

The final environmental statement was filed with CEQ on May 14, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
14th & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Southwestern Region
517 Gold Avenue, SW.
Albuquerque, New Mexico 87102

Coronado National Forest
130 South Scott
Tucson, Arizona 85702

A limited number of single copies are available upon request to the Forest Supervisor, Coronado National Forest, 130 South Scott, P.O. Box 551, Tucson, Arizona 85702.

Copies are also available from the Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

W. L. EVANS,
Deputy Regional Forester, R3.

MAY 14, 1974.

[FR Doc. 74-11682 Filed 5-21-74;8:45 am]

PRESCOTT NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Prescott National Forest Grazing Advisory Board will meet at 9 a.m. on May 31, 1974, at the Forest Supervisor's Office in Prescott, Arizona.

The purpose of this meeting is to review items of mutual interest to grazing permittees and the Forest Service, including the current issue of preparing Environmental Statements for grazing on public lands.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Prescott National Forest, 344 South Cortez Street, Prescott, Arizona, telephone number 602-445-4860, extension 311. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation:

Members of the public will be given an opportunity for comments and questions following discussion by the Advisory Board.

JOHN W. BOHNING,
Acting Forest Supervisor.

MAY 14, 1974.

[FR Doc.74-11693 Filed 5-21-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Systems Technical Advisory Committee of the U.S. Department of Commerce will meet June 6, 1974, at 10 a.m. in Room 3817 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Report on Licensing Procedures subgroup meeting of April 29, 1974.
4. Report on the work program.
5. Executive Session:
   a. Continuation of report on Licensing Procedures subgroup meeting.
   b. Discussion of, and preparation of working papers on, the work program:
      (1) Foreign availability.
      (2) Performance characteristics.
      (3) Safeguards.

The Computer Systems Technical Advisory Committee was established January 3, 1973, and consists of technical experts from a representative cross-section of the industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a two-year term.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (5), "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined, pursuant to section 10(d) of Pub. L. 92-463, that this agenda item should be exempt from the provision of section 10 (a) (1) and (a) (3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b) (1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230. (A/C 202-967-4196).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C.

Dated: May 17, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.74-11749 Filed 5-21-74;8:45 am]

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Performance Characteristics and Performance Measurements Subgroup of the Computer Systems Technical Advisory Committee will be held June 6, 1974 at 8:30 a.m. in Room 3817 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by Henry S. Forrest, Chairman.
2. Presentation of papers or comments by the public.
3. Review of work objectives and goals of the subgroup.
4. Discussion and modification of reports prepared by members of the subgroup.
5. Executive session: Continuation of discussion and modification of reports prepared by members of the subgroup.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the subgroup. Interested persons are also invited to file written statements with the subgroup.

With respect to agenda item 5, "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974 determined, pursuant to section 10(d) of Pub. L. 92-463, that this agenda item should be exempt from the provisions of sections 10(a) (1) and (a) (3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b) (1).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: May 17, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FD Doc.74-11750 Filed 5-21-74;8:45 am]

National Bureau of Standards

RECOMMENDED VOLUNTARY STANDARD

Notice of Circulation

The National Bureau of Standards is giving public notice that it is circulating the following recommended voluntary standard for a determination of its acceptability: TS 217b, "Construction and Industrial Plywood" (a revision of Voluntary Product Standard PS 1–66, "Softwood Plywood, Construction and Industrial").

This circulation is being made in accordance with the provisions of §§ 10.5 and 10.10 of the Department of Commerce "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as amended; 35 FR 8349 dated May 28, 1970).

The purpose of this standard is to establish nationally recognized requirements for the principal types and grades of construction and industrial plywood and to provide a basis for common understanding among producers, distributors, and users of the product.

Copies of this recommended standard may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. Written comments or objections concerning the standard should be addressed to the Office of Engineering Standards Services on or before July 8, 1974.

Dated: May 16, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74–11698 Filed 5–21–74;8:45 am]

RECOMMENDED VOLUNTARY STANDARD

Notice of Circulation

The National Bureau of Standards is giving public notice that it is circulating the following recommended voluntary standard for a determination of its acceptability: TS 198a, "Plastic-Coated Fabric Wallcovering."

A recommended Voluntary Product Standard TS 198, "Plastic-Coated Wallcovering" had been previously circulated to determine its acceptability (38 FR 17520 dated July 2, 1973), but failed to gain consensus.

This recirculation is being made in accordance with the provisions of § 10.5 of the Department of Commerce "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as amended; 35 FR 8349 dated May 28, 1970).

The purpose of the standard is to establish on a voluntary basis nationally recognized quality requirements for plastic-coated fabric wallcovering, and thus provide producers, distributors, and users with a basis for common understanding of the characteristics of this product. The standard defines three types and two classes of plastic-coated fabric wallcovering based on coating weight and flammability. Other requirements include tear strength, abrasion resistance, shrinkage, stain resistance and colorfastness.

Copies of this recommended standard may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. Written comments or objections concerning the standard should be addressed to the Office of Engineering Standards Services on or before July 8, 1974.

Dated: May 16, 1974.

RICHARD W. ROBERTS,
Director.

MAY 16, 1974.

[FR Doc.74–11699 Filed 5–21–74;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT–APPL number and the title.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

DEPARTMENT OF THE AIR FORCE
AF/JACP
Washington, DC 20314

Patent application 310,037: Air Floatation Cargo Handling System; filed 28 November 1972; PC $4.00/MF $1.45.

Patent application 314,053: Time Differentiating Passive Impulse Gage; filed 11 December 1972; PC $4.00/MF $1.45.

Patent application 315,748: Adapter for Installing Components in Wire Harness; filed 15 December 1972; PC $4.00/MF $1.45.

Patent application 343,315: Mechanical Door Interlock System; filed 21 March 1973; PC $4.00/MF $1.45.

Patent application 392,376: Balance Type Angle of Attach Indicator, filed 28 August 1973; PC $4.00/MF $1.45.

Patent application 392,377: Shock Heated, Wall Confined Fusion Power System; filed 28 August 1973; PC $4.00/MF $1.45.

Patent application 392,378: Method of Making Substrates for Microwave Microstrip Circuits; filed 28 August 1973; PC $400/MF $1.45.

Patent application 392,386: V-Band Coupling; filed 28 August 1973; PC $4.00/MF $1.45.

U.S. DEPARTMENT OF AGRICULTURE, Chief, Research Agreements and Patent Mgmt. Branch, Federal Building, General Services Division, Agricultural Research Service, Hyattsville, Maryland 20782.

Patent application 293,744: Activated, Recurable, Durable-Press Fabrics; filed 29 September 1972; PC $4.25/MF $1.45.

Patent application 328,198: Water Repellent Cotton Textiles; filed 31 January 1973; PC $4.00/MF $1.45.

Patent application 334,318: N-Substituted Fatty Acid Amide Lubricants; filed 21 February 1973; PC $5.25/MF $1.45.

Patent application 348,539: Catalyst Assist Agents Using Leaving Group Effects; filed 6 April 1974; PC $4.00/MF $1.45.

Patent application 348,555: Uniform Planar Strain Tester; filed 6 April 1973; PC $4.00/MF $1.45.

Patent application 348,557: A Durable-Press Starch Finish for Cotton and Cotton/Polyester Textiles; filed 6 April 1973; PC $4.00/MF $1.45.

Patent application 351,936: Fiber Condenser for Textile Processing; filed 17 April 1973; PC $4.00/MF $1.45.

Patent application 365,899: Pyrolyzed Rosin Products as Synthetic Rubber Tackifiers; filed 1 June 1973; PC $4.00/MF $1.45.

Patent application 368,280: Boll-Weevil Sex Attractant; filed 14 May 1973; PC $4.00/MF $1.45.

Patent 3,713,979: Production of Mannans by Fermentation; filed 28 May 1971, patented 30 January 1973; not available NTIS.

Patent 3,745,088: Active Water-Insoluble Enzymes; filed 23 December 1970, patented 10 July 1973; not available NTIS.

Patent 3,749,681: Catalyst for Selective Hydrogenation of Polyunsaturated Vegetable Oils; filed 26 February 1971, patented 31 July 1973; not available NTIS.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 300 7th Street, SW., Washington, DC 20590.

Patent application 453,332: Magnetic Gradient Vehicle Detector; filed 21 March 1974; PC $4.00/MF $1.45.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW., Washington, DC 20240.

Patent application 440,432: Chemical Mining of Copper Porphyry Ores; filed 7 February 1974; PC $4.00/MF $.45.

Patent application 447,716: Chemical Mining of Copper Porphyry Ores; filed 4 March 1974; PC $4.00/MF $1.45.

Patent 2,810,637: Method of Extracting Aluminum from Aluminum-Silicon Alloys by Low Pressure; filed 13 February 1953, patented 22 October 1957; not available NTIS.

Patent 2,996,292: Gravity-Fed Combustion Equipment Applying Crossfeed Ignition Principle; filed 12 June 1958, patented 15 August 1961; not available NTIS.

Patent 3,005,690: Multiple Compartment Rotary Drum for the Leaching of Ores or Related Products in a Continuous Countercurrent System; filed 15 January 1960, patented 24 October 1961; not available NTIS.

Patent 3,075,710: Process for Wet Grinding Solids to Extreme Fineness; filed 18 July 1960, patented 29 January 1963; not available NTIS.

Patent 3,195,354: Inclined-Piston Dead-Weight Pressure Gauge; filed 29 February 1963, patented 20 July 1965; not available NTIS.

Patent 3,238,652: Mechanical Programming Device; filed 31 December 1963, patented 8 March 1966; not available NTIS.

Patent 3,243,889: Elimination of Agglomeration by Freezing of Lignite or Other Moisture-Containing or Wetted Aggregates During Shipment; filed 23 April 1963, patented 5 April 1966; not available NTIS.

Patent 3,244,475: Solvent Extraction Process for Separating Rhenium from Molybdenum; filed 31 October 1962, patented 5 April 1966; not available NTIS.

Patent 3,244, 480: Synthesis of Fibrous Silicon Nitride; filed 3 March 1964, patented 5 April 1966; not available NTIS.

Patent 3,244,480: Synthesis of Fibrous Siliceous Solids; filed 22 September 1971, patented 17 July 1973; not available NTIS.

Patent 3,794,420: Photomechanical Apparatus for Manipulating Image Form; filed 8 February 1973, patented 26 February 1974; not available NTIS.

Patent 3,798,140: Process for Producing Aluminum and Silicon from Aluminum Silicon Alloys; filed 1 February 1973, patented 19 March 1974; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP–2, Washington, DC 20546.

Patent application 393,524: Shared Memory for a Fault-Tolerant Computer; filed 31 August 1973; PC $4.25/MF $1.45.

Patent application 428,994: Digital Transmitter for Data Bus Communications System; filed 27 December 1973. PC $4.00/MF $1.45.

Patent application 429,437: Wide Angle Sun Sensor; filed 28 December 1973; PC $4.00/MF $1.45.

Patent application 446,562: Combined Dual Scatter, Local Oscillator Laser Doppler Velocimeter; filed 28 March 1974; PC $4.00/MF $1.45.

Patent application 447,124: Flow Measuring Apparatus; filed 28 February 1974; PC $4.00/MF $1.45.

Patent application 449,118: Motor Run-Up System; filed 7 March 1974; PC $4.25/MF $1.45.

Patent 3,789,920: Heat Transfer Device; Patented 5 February 1974; not available NTIS.

Patent 3,789,947: Omnidirectional Wheel; patented 5 February 1974; not available NTIS.

Patent 3,790,432: Reinforced Polyquinoxaline Gasket and Method of Preparing the Same; patented 5 February 1974; not available NTIS.

Patent 3,790,795: High Field CDS Detector for Infrared Radiation; patented 5 February 1974; not available NTIS.

Patent 3,790,906: System for Stabilizing Cable Phase Delay Utilizing a Coaxial Cable under Pressure; patented 5 February 1974; not available NTIS.

Patent 3,792,399: Banded Transformer Cores; patented 12 February 1974; not available NTIS.

Patent 3,793,109: Method of Fabricating an Article with Cavities; patented 19 February 1974; not available NTIS.

Patent 3,795,858: Inverter Ratio Failure Detector; patented 5 March 1974; not available NTIS.

Patent 3,795,862: Demodulator for Carrier Transducers; patented 5 March 1974; not available NTIS.

Patent 3,795,900: Multifunction Audio Digitizer; patented 5 March 1974; not available NTIS.

[FR Doc.74–11680 Filed 5–21–74;8:45 am]

Office of the Secretary

COMMERCIAL TECHNICAL ADVISORY BOARD

Notice of Meeting

A meeting of the Department of Commerce Technical Advisory Board will be held on Wednesday, June 5, 1974 from 9:30 a.m. to 5 p.m., and Thursday, June 6, 1974 from 9 a.m. to 12 noon in Room 6802, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community. Tentative agenda items include:

1. Report on Generation of New Technical Enterprises.
2. Discussion of Antitrust White Paper.
3. Progress Reports on other CTAB Studies.
4. Planning Session for CTAB Panel Study on Synthetic Fuels Industry.

A limited number of seats will be available to the press and to the public. The public will be permitted to file written statements or inquiries with the Chairman before or after the meeting.

Persons desiring to attend the meeting or obtain further information concerning the Board should contact Mrs. Florence S. Feinberg, Room 3877, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230; Telephone (202) 967–5065.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

MAY 16, 1974.

[FR Doc.74–11731 Filed 5–21–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CGR MEDICAL CORP.

Approval of Variance for Diagnostic X-ray Systems and Their Major Components

Pursuant to § 1010.4 (21 CFR 1010.4) of the regulations for the administration and enforcement of the Radiation Control for Health and Safety Act of 1968, published in the FEDERAL REGISTER of April 18, 1974 (39 FR 13879), concerning the granting of variances to electronic products for which there are performance standards promulgated pursuant to section 358 of the act (42 U.S.C. 263f), notice is hereby given that a variance has been granted by the Director, Bureau of Radiological Health, Food and Drug Administration, to CGR Medical Corp., 2519 Wilkens Ave., Baltimore, MD 21203.

This variance will apply to removable, fixed-aperture, beam-limiting devices intended for use with the Senographe mammography unit, a diagnostic x-ray system marketed by the applicant. These products will deviate from the requirements of § 1020.31(f)(3) (21 CFR 1020.31(f)(3)) and the performance standard for diagnostic x-ray systems and their major components (21 CFR 1020.30), in that means will not be provided to align the center of the x-ray field with the center of the image receptor to within 2 percent of the source-image receptor distance (SID), and the devices will not be marked to indicate the SID for which they are designed.

The applicant has stated in his petition for this variance that the patient-positioning technique employed with the Senographe unit involves immobilization of the breast by placement between the end of the beam-limiting device and the film holder, and that variations in breast thickness preclude specification of a single SID. The applicant has also stated that since the film holder is usually placed against the rib cage at the base of the breast, the center of the x-ray field cannot be aligned with the center of the image receptor to within 2 percent of the SID over the range of SID's normally used. In lieu of the applicable requirements of § 1020.31(f)(3), the applicant has proposed to provide clear and permanent markings upon each beam-limiting device indicating the film holder for which it is designed, and clear and permanent markings upon each film holder relating to the size of the film for which it is intended. When designated combinations of beam-limiting devices and film holders are used, the x-ray field shall not extend beyond any edge of the film holder.

The Director has determined that in addition to the conditions above, the following provisions shall apply to this variance:

(1) In accordance with § 1020.30(h)(1), the information provided to users of these products shall clearly state that designated combinations of beam-limiting devices and film holders must be used to achieve proper radiation protection.

(2) The information provided to assemblers of the Senographe mammography system in accordance with § 1020.30(g) shall clearly designate the beam-limiting devices and film holders which are compatible with this system.

The Director has concluded that under the conditions above these products will provide radiation protection equal to that provided by products meeting all applicable requirements of the performance standard for diagnostic x-ray systems and their major components (21 CFR 1020.30) and is therefore granting the variance in accordance with the provisions of § 1010.4(a)(1) for a period of 1 year. The applicant has also been directed to modify, in accordance with § 1010.4(d), the tags, labels, or other certification required by § 1010.2 which are permanently affixed to or inscribed upon the products marketed under this variance. In accordance with § 1010.4(d)(3), the applicant must state the following: "This product complies with Variance No. 74001 effective on August 1, 1974."

Pursuant to provisions of § 6.1(b) (21 CFR 6.1(b)) the possible environmental consequences of this variance have been carefully considered. It has been determined that the action will have neither a marginal nor a significant impact upon the environment. Based upon this determination, it has been concluded that an environmental impact statement pursuant to section 102(2)(c) of the National Environmental Policy Act is not required.

A copy of the environmental analysis report is available for public review in

the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

Variance No. 74001 shall become effective August 1, 1974, and terminate on August 1, 1975, unless written objections and supporting information are filed with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, on or before June 21, 1974, requesting that the variance be modified or not be granted. Upon receipt of such objections and supporting documentation, the effective date of the variance will be stayed until the Director, Bureau of Radiological Health, rules on them. Pursuant to § 1010.4(c)(3), the applicant shall be notified by certified mail, and a notice of the stay shall be published in the FEDERAL REGISTER. The ruling on the objections shall be made within 60 days, shall be published in the FEDERAL REGISTER, and shall constitute final agency action subject to judicial review pursuant to section 358(d) of the act. The application for this variance and all related correspondence are available for public disclosure in the office of the Hearing Clerk, except for information covered by the confidentiality provisions of section 360A(e) of the act.

Dated: May 16, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–11690 Filed 5–21–74;8:45 am]

National Institutes of Health

CANCER CONTROL EDUCATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Control Education Review Committee, National Cancer Institute, July 12, 1974, 8:30 a.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 8:30 a.m. to 10:30 a.m., July 12, 1974, to discuss minutes of last meeting, announcements, and future meeting dates. Attendance by the public will be limited to space available. The meeting will be closed to the public on July 12, 1974 from 10:30 a.m. to 5 p.m. to review contract proposals in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Margaret H. Edwards, Executive Secretary, Blair Building, Room 729, National Institutes of Health, Bethesda, Maryland 20014 (301/427–8080), will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated: May 9, 1974.

ROBERT S. STONE,
Director, National Institutes of Health.

[FR Doc.74–11665 Filed 5–21–74;8:45 am]

EPIDEMIOLOGY AND BIOMETRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Epidemiology and Biometry Advisory Committee, National Heart and Lung Institute, June 20, 1974, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m. on June 20 to discuss the current stage of progress of the Hypertension Detection and Follow-Up Program. Attendance by the public will be limited to space available.

The meeting will be closed to the public from 9:30 a.m. to 4 p.m. on June 20 for the review and discussion of ongoing contracts in the hypertension area in accordance with the provisions set forth in section 552(b)(4) of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463.

Mr. Hugh Jackson, Information Officer, National Heart and Lung Institute, Room 5A20, Building 31, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. William J. Zukel, Executive Secretary of the Committee, Room C809C, Landow Building, phone (301) 496–2533, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.826, National Institutes of Health)

Dated: May 15, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74–11661 Filed 5–21–74;8:45 am]

NANDS COUNCIL RESEARCH SUBCOMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the NANDS Council Research Subcommittee, June 6, 1974, at 8:30 a.m. in the Connecticut Room, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland. The meeting will be open to the public from 8:30 a.m. to 10:30 a.m. on June 6, 1974, to discuss program planning and program accomplishments and closed to the public from 10:30 a.m., June 6, 1974, until the conclusion of the meeting to review, discuss and evaluate and/or rank research grant applications in accordance with the provisions set forth in section 552(b)4 of Title V, U.S. Code and section 10(d) of Pub. L. 92–463. Attendance by the public will be limited to space available.

Mrs. Ruth Dudley, Information Officer, NINDS, Building 31, Room 8A03, phone: 496–5751, will provide summaries of the meeting and rosters of the committee members.

Dr. O. Malcolm Ray, Executive Secretary of the Committee, Room 7A18A, Westwood Building, NIH, phone: 496–7220, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

Dated: May 9, 1974.

ROBERT S. STONE,
Director, National Institutes of Health.

[FR Doc.74–11660 Filed 5–21–74;8:45 am]

NATIONAL ADVISORY NEUROLOGICAL DISEASES AND STROKE COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Neurological Diseases and Stroke Council, June 20, 21, and 22, 1974, at 9 a.m., in Conference Room 9, Building 31–C, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public on June 20, 1974, from 9 a.m. until 1:30 p.m. and on June 21, 1974, from 1:30 p.m. until the conclusion of the meeting, to discuss program planning and program accomplishments and closed to the public from 1:30 p.m. on June 20, 1974, until 1:30 p.m. on June 21, 1974, to review, discuss and evaluate and/or rank research grant applications in accordance with the provisions set forth in section 552(b)4 of Title V, U.S. Code and section 10(d) of Pub. L. 92–463. Attendance by the public will be limited to space available.

Mrs. Ruth Dudley, Information Officer, NINDS, Building 31, Room 8A03, phone: 496–5751, will provide summaries of the meeting and rosters of the committee members.

Dr. Murray Goldstein, Executive Secretary of the committee, Room 757, Westwood Building, NIH, phone: 496–7705, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

Dated: May 9, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74–11664 Filed 5–21–74;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE A

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Virus

Cancer Program Scientific Review Committee A, National Cancer Institute, June 13 and 14, 1974, National Institutes of Health, Building 37, Room 1B04. This meeting will be open to the public on June 13, 1974 from 9 a.m. to 9:30 a.m., to discuss segment program objectives and management practices. Attendance by the public will be limited to space available. The meeting will be closed to the public on June 13, 1974 from 9:30 a.m. to adjournment on June 14, 1974, to review contract proposals, in accordance with the provisions set forth in section 552(b)4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Elke Jordan, Executive Secretary, Building 37, Room 1A01, National Institutes of Health, Bethesda, Maryland 20014 (301/496–2760) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated: May 15, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74–11663 Filed 5–21–74;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE B

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Virus Cancer Program Scientific Review Committee B, National Cancer Institute, June 19, 1974, National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public on June 19, 1974 from 8:30 a.m. to 9 a.m., to discuss new approaches in tumor virus detection. Attendance by the public will be limited to space available. The meeting will be closed to the public on June 19, 1974 from 9 a.m. to 5 p.m., to review contract proposals, in accordance with the provisions set forth in section 552(b)4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301–496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Elke Jordan, Executive Secretary, Building 37, Room 1A01, National Institutes of Health, Bethesda, Maryland 20014 (301–496–2760) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

MAY 15, 1974.

[FR Doc.74–11662 Filed 5–21–74;8:45 am]

Office of Education

SUPPLEMENTARY EDUCATION CENTERS AND SERVICES

Special Programs and Projects; Extension of Closing Date for Receipt of Applications

On February 21, 1974, there was published in the FEDERAL REGISTER (39 FR 6631), a notice of acceptance of applications, with a closing date of April 11, 1974, for the receipt of applications for grants for special programs and projects not previously funded, under section 306 of Title III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 844b).

It appears that some confusion has resulted as to the effect of airmailed applications postmarked prior to the deadline date, but received after this date. In light of this situation the closing date for receipt of applications in this category is being extended by this notice to May 31, 1974, affording applicants or prospective applicants an additional period of time in which to apply or to revise applications. All applications sent back to applicants by the Application Control Center must be resubmitted by this new closing date in order to be considered.

Applications already received in this category will be considered in their present form unless revised and received by the new closing date. New or revised applications must also be received by the Office of Education Application Control Center on or before May 31, 1974.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The applications are received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

(3) An application to be hand delivered must be delivered to the U.S. office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will not be accepted by the Application Control Center after 4 p.m. Washington, D.C. time, on the closing date.

Information and application forms may be obtained from Special Programs and Projects, section 306 of Title III, ESEA, U.S. Office of Education, Room 3682, ROB #3, 400 Maryland Avenue SW., Washington, D.C. 20202.

(20 U.S.C. 844B)

(Catalog of Federal Domestic Assistance Number 13.516: Pre-School, Elementary Education—Special Programs and Projects)

Dated: May 20, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74–11938 Filed 5–21–74;9:16 am]

Social Security Administration

ADVISORY COUNCIL ON SOCIAL SECURITY

Public Meeting; Correction

Notice is hereby given, pursuant to Pub. L. 92–463, that the Advisory Council on Social Security, established pursuant to section 706(a) of the Social Security Act, as amended, will meet on Friday, May 24, 1974, at 10 a.m. to 6 p.m. and Saturday, May 25, 1974, from 9 a.m. to 4 p.m. in Room 917, Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland. During the period 4 p.m. to 6 p.m. on Friday, May 24, two subcommittees whose establishment has been completed since the last meeting of the Advisory Council will meet to discuss plans for their work. One subcommittee will deal with social security financing, another with the status of women under the social security program. The meetings of the Advisory Council and its subcommittees are open to the public.

This notice corrects FR Doc. 74–11413, published at page 17460 of the issue of Thursday, May 16, 1974, which stated that the meeting on Saturday, May 25, 1974, would be held in Room 5051 HEW-North Building, Third and Independence Avenues, SW., Washington, D.C.

Further information on the Council may be obtained from John Trout, Executive Secretary of the Council, Room 440 Altmeyer Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–2510. Further information on the Council's subcommittee on financing may be obtained from Mary Ross, Executive Secretary of the Subcommittee, Room 438 Altmeyer Building, telephone (301) 594–2514. Further information on the Council's subcommittee on the status of women under social security may be obtained from James Crum, Executive Secretary of the Subcommittee, Room 454 Altmeyer Building, telephone (301) 594–2834. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Program Numbers 13.800–13.807, Social Security Programs)

Dated: May 20, 1974.

JOHN TROUT,
Executive Secretary, Advisory Council on Social Security.

[FR Doc.74–11929 Filed 5–21–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA–430–DR; Docket No. NFD 198]

MISSISSIPPI

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Mississippi, dated April 18, 1974, and amended April 20, 1974, April 26, 1974, May 7, 1974, and May 8, 1974, is hereby further amended. Notice is hereby given that on May 14, 1974, the President amended his declaration of a major disaster of April 18, 1974, for Mississippi as follows:

I have determined that the damage in certain areas of the State of Mississippi from heavy rains and flooding beginning about April 12, 1974, and economic injuries and dislocations as a result of reduced salinity in the Mississippi Sound and the Gulf of Mexico caused by flooding and heavy rains during an indeterminate period commencing on or about May 1, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of Mississippi. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: May 16, 1974.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.74–11704 Filed 5–21–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 74 136]

BOATING SAFETY ADVISORY COUNCIL

Notice of Open Meeting

This is to give notice pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972 that the Boating Safety Advisory Council, U.S. Coast Guard will conduct an open meeting on Tuesday and Wednesday, June 11–12, 1974 in the Safeco auditorium, Safeco Plaza, Seattle, Washington, beginning at 9 a.m.

The Boating Safety Advisory Council is a 21 member Council authorized by section 33 of the Federal Boat Safety Act of 1971. The Council must be consulted by the Coast Guard in establishing a need for formulating and prescribing regulations which establish minimum safety standards for boats and associated equipment. In addition, the Coast Guard is required to consult with the Council on any other major boat safety matter related to the Act.

The agenda for the June 11–12 meeting consists of the following:

A discussion of the proposed Starting-In-Gear Protection standard, the proposed Fuel and Electrical System standards, proposed changes to capacity formula for low and non-powered boats, a report on the visual distress signal study and an update on the Coast Guard's Boating Safety program.

Any member of the public who wishes to do so may file a written statement with the committee, before or after the meeting, or may present an oral statement with the advance approval of the Chairman.

Interested persons may request addition information concerning the June 11–12 meeting and other matters relating to the Boating Safety Advisory Council (pursuant to the Federal Advisory Committee Act, section 10(b), dated October 6, 1972) from the Executive Director, Boating Safety Advisory Council, U.S. Coast Guard Headquarters (G–BR/62), Washington, D.C. 20590 or by calling (202) 426–4176.

Dated: May 15, 1974.

J. H. DURFEE,
Captain, U.S. Coast Guard, Acting Chief, Office of Boating Safety.

[FR Doc.74–11727 Filed 5–21–74;8:45 am]

[CGD 74 135]

CERTIFICATION REVISION SUBCOMMITTEE BOATING SAFETY ADVISORY COUNCIL

Notice of Open Meeting

A Subcommittee of the Boating Safety Advisory Council will meet on Wednesday and Thursday, June 12 and 13, 1974, at the Seattle Yacht Club, 1807 East Hamlin Street, Seattle, Washington, beginning at 1:30 p.m. on Wednesday and at 8:30 a.m. on Thursday.

The Subcommittee as authorized by the Federal Boat Safety Act of 1971 was established to review current and anticipated future problems with the present Certification of Compliance regulation and to recommend changes to the Council. The Subcommittee will consist of BSAC members.

The meeting is open to the public.

Dated: May 15, 1974.

J. H. DURFEE,
Captain, U.S. Coast Guard, Acting Chief, Office of Boating Safety.

[FR Doc.74–11726 Filed 5–21–74;8:45 am]

National Highway Traffic Safety Administration

MAVERICK AND COMET FRONT SEATBELT ASSEMBLIES

Compliance Investigation; Notice of Public Proceeding

The public proceeding in the above matter announced by notice published in the FEDERAL REGISTER on April 25, 1974 (39 FR 14662), will be held on June 12, 1974, rather than May 24, 1974, as originally scheduled. The address and time of the proceeding remain the same: Room 2230/32, Department of Transportation Headquarters, 400 Seventh Street, SW., Washington, D.C., at 10 a.m. Persons wishing to make oral presentations should notify Mrs. Barbara L. Mandley, Office of Standards Enforcement, National Highway Traffic Safety Administration, Washington, D.C. 20590, Tel. (202) 426–2832, before the close of business (4:15 p.m.) on June 10, 1974.

(Sec. 112, 113, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1401, 1402); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on May 17, 1974.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.74–11762 Filed 5–20–74;11:24 am]

CIVIL AERONAUTICS BOARD

[Docket 26720; Order 74–5–87]

ALOHA AIRLINES, INC. AND HAWAIIAN AIRLINES, INC.

Air Freight Rate Increase; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of May, 1974. By tariff revisions filed April 5 and 17, 1974, and marked to become effective May 20, 1974, Aloha Airlines, Inc. (Aloha) and Hawaiian Airlines, Inc. (Hawaiian Air) propose to increase their freight rates as follows:

1. General commodity rates

a. Under 500 pounds by 2.0 cents per pound;

b. 500–999 pounds by 1.8 cents per pound;

c. 1,000 pounds and over by 1.52 cents per pound.

2. Specific commodity rates—Cancel or add some specific commodity rates and increase others by amounts ranging from 1.0 to 2.7 cents per pound;

3. Minimum charge per bulk shipment from $3 to $5;

4. Minimum charge on shipments of whole blood from $1.50 to $2.50; and

5. Human remains—Caskets of 17 cubic feet or less by $15 to $40 and caskets over 17 cubic feet by $30 to $80 in all markets.

A joint complaint requesting suspension and investigation of Aloha's and Hawaiian's proposals has been filed by the State of Hawaii, City and County of Honolulu, County of Hawaii, County of Kauai, and County of Maui (the State). The complaint alleges, inter alia, that (1) Hawaiian Air is the dominant carrier in the market and carries approximately 88 percent of the total cargo traffic moving by air between the island, while Aloha carries the remaining 12 percent; (2) it is misleading to refer to Hawaiian Air's service as an "all-cargo" service, since the aircraft is used for passengers during the day and for cargo at night and this operational scheme must be fully recognized in costing for pricing purposes; (3) both Aloha and Hawaiian Air emerged from 1973 operations with extremely high profits; (4) Hawaiian Air's methods

of allocation for pricing purposes are not completely acceptable and will not measure up to standards and guidelines already established by the Board in other proceedings; (5) Hawaiian Air's all-cargo costing methodology is based on a 46.2 percent load factor performance, and this is far from adequate; and (6) where there is a large unused capacity on scheduled cargo flights, sound pricing practice would dictate lowering prices to attract new customers and cargo instead of increasing prices, resulting in less cargo and more unused space.

In support of their proposals and in answer to the complaint,[1] the carriers variously contend, inter alia, that (1) there have been no freight rate increases for the inter-island carriers since May 1968, while Mainland carriers have increased their rates numerous times; (2) carrier costs of operation have risen substantially during this period; (3) the intra-Hawaiian air freight rates are comparatively lower than those of the local service carriers, i.e., inter-island rates range from 40 to 70 percent below rates charged by the local service carriers for similar distances; (4) proposals will generate $475,000 additional annual revenue for Hawaiian Air and $228,000 for Aloha; (5) without the currently proposed rate increases, Hawaiian Air forecasts a return of 2.5 percent on its investment in 1974 and Aloha 4.8 percent; (6) even with the proposed increase, Hawaiian Air estimates that it will still incur an operating loss of $673,000 from its freight operations, while Aloha estimates the proposal will increase its return on investment from 4.8 to 5.6 percent; and (7) Hawaiian Air cannot be expected to continue to absorb the losses generated by the freight operation.

The instant filings are two of a series of rate increases filed by domestic carriers in recent weeks, and the first one in intra-Hawaiian rates. The Board has reviewed these proposed rates in the light of industry domestic costs of carrying air freight, which include recognition of the sharp increases in fuel costs recently experienced by the industry. We are also giving consideration to the current and proposed levels of freight rates of Aloha and Hawaiian Air in comparison to Mainland rate levels, the financial results of Hawaiian Air's all-cargo services, and the overall present and forecast profitability of the carriers.

In view of the foregoing and upon consideration of all other relevant factors, the Board finds that the proposed rates, to the extent that they apply to human remains shipments in caskets over 17 cubic feet appear to be excessive in relation to costs and thus may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that those rates should be suspended pending investigation.

The remaining portions of the proposals appear sufficiently related to costs that the Board will permit them to become effective. The Board does not find that investigation of these rate increases is warranted and the request therefor will be denied and the complaint dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the rates and provisions described in Appendix A attached hereto, and rules, regulations, and practices affecting such rates and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A [1] are suspended and their use deferred to and including August 17, 1974, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the joint complaint of the State of Hawaii, City and County of Honolulu, County of Hawaii, County of Kauai, and County of Maui in Docket 26667 is dismissed;

4. The proceeding herein, designated Docket 26720, be assigned before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon Aloha Airlines, Inc., Hawaiian Airlines, Inc., the State of Hawaii, City and County of Honolulu, County of Hawaii, County of Kauai, and County of Maui, which are hereby made parties to Docket 26720.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-11736 Filed 5-21-74;8:45 am]

[Docket 25519 Order 74-5-89]

NATIONAL AIR CARRIER ASSOCIATION ET AL.

Order Approving Discussions Relating to Transatlantic Passenger Charter Rate Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of May, 1974.

Application of member carriers of the National Air Carrier Association et al. to engage in transatlantic passenger charter rate discussions.

By application filed May 16, 1974, the member carriers of the National Air Carrier Association (NACA),[1] Pan American World Airways, Inc. (Pan American), and Trans World Airlines, Inc. (TWA) request the Board to renew for a period of ninety days the authority previously granted by the Board in Order 73-6-79 (June 19, 1973) and Order 73-10-99 (October 26, 1973) to engage in discussions relating to transatlantic passenger charter rates, subject to the same terms and conditions of the previous orders.

In support, the applicants state that although discussions held pursuant to our June 1973 authorization at Brighton, England, resulted in no agreement, a Steering Committee was established with authorization to monitor developments and to decide when and if a further conference should be called, and state that, if the instant request is granted this Committee could be reconvened to lay groundwork for a new conference. The applicants further maintain that although the Board extended the discussion authority in October 1973, the carriers involved became preoccupied with other more pressing concerns resulting in no further charter rate discussions.

The applicants contend that the adverse economic circumstances which prompted the Board's prior grant of discussion authority have not abated, and state that the recent increases in charter rates have not kept pace with rising costs with the result that anticipated operating results for 1974 will be far worse than for 1973. The applicants believe that a requisite of correcting this uneconomic situation in the Atlantic market is achievement of some method to assure charter rates are at economic levels and in proper relationship with scheduled fares. The applicants hold the most desirable means towards this objective is through some form of intercarrier agreement. In conclusion, the applicants contend that since 1975 charter sales have already begun, meaningful discussions would have to begin almost immediately.

In view of the impending series of IATA conferences to determine the North Atlantic fare structure for effect after November 1974; our previous approvals of such discussions, and the matters submitted by the applicants, we will approve the instant request without awaiting responsive pleadings. In our view, a prompt determination whether carriers can in fact agree on a future industry approach to charter rates could well significantly affect other important rate questions in the scheduled service area now under consideration in IATA. Our present action merely reconfirms the policies articulated in greater detail in our orders on this matter last year.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, 412 and 414 thereof,

It is ordered, That:

1. All U.S.- and foreign-flag carriers holding certificate or permit authority to provide passenger charter services on

[1] Only Hawaiian Air answered the complaint.

[1] Filed as part of the original document.

[1] Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

the North Atlantic may engage in discussions, for a period not to exceed 90 days from the date of this order, on the subject of rules, practices, procedures, and minimum rate levels applicable to transatlantic passenger charter service, and the relationship of charter rates to fares in scheduled service;

2. The director of the Bureau of Economics be given at least 48 hours' notice of the time and place of the meetings;

3. The carriers keep complete and accurate minutes of such discussions and that a true copy of such minutes and all documenation be filed with the Board's Docket Section not later than two weeks after close of each meeting;

4. Any interested person may advise a direct air carrier participant of his interest in these discussions and upon request all meeting notices and agendas shall be mailed to such interested third person with such notice to include an invitation to submit comments upon the agenda matters and to request appointments for personal appearance;

5. Any agreement or agreements reached as a result of such discussions be filed with the Board in accordance with section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being incorporated in a tariff filing or otherwise placed in effect; and

6. This order be served upon all U.S. and foreign-flag carriers holding certificate or permit authority to provide passenger charter service on the North Atlantic and on counsel on behalf of 56 prominent U.S. independent tour operators.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-11907 Filed 5-21-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

MICHIGAN STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on May 24, 1974, in Room 210, Michigan State University, Kellogg Center, East Lansing, Michigan 48823.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purposes of this meeting shall be to review reports of Committee members on the Native American Project and discuss plans for the proposed factfinding meeting on Women's Rights tentatively scheduled for June 17-19, 1974.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 16, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-11733 Filed 5-21-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

IMPORTERS TEXTILE ADVISORY COMMITTEE

Notice of Meeting

MAY 17, 1974.

The Importers' Textile Advisory Committee will meet at 10:30 a.m. on June 6, 1974, in Room 4833, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The Committee, which is comprised of 20 members representing importing firms and a trade association, advises Department officials of the effects on import markets of the cotton, wool and man-made fiber textile agreements.

The agenda for the meeting is as follows:

1. Review of Import Trends.
2. Implementation of Textile Agreements.
3. Report on Conditions in the Domestic Market.
4. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Maine Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-11672 Filed 5-21-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

TECHNICAL ADVISORY COMMITTEE ON POISON PREVENTION PACKAGING

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following committee meeting:

Name: Technical Advisory Committee on Poison Prevention Packaging.
Dates: June 6-7, 1974.
Time: 9:30 a.m. to 5 p.m., June 6; 9:30 a.m. to 2 p.m., June 7.
Place: Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C., 6th Floor Conference Room.

Proposed Agenda:

Thursday, June 6: Status report of poison prevention packaging activities; present regulations; activities planned for FY 75; exemption requests from PPPA regulations—criteria and effects.

Friday, June 7: National Formulary Proposed Standard for Tightness of Drug Containers; consumer participation in field programs related to poison prevention packaging activities; withdrawal of proposed standards; modification of testing protocol.

The Technical Advisory Committee on Poison Prevention Packaging was established in 1971 by the Secretary of DHEW under the statutory authority in section 6(a) of the Poison Prevention Packaging Act of 1970 (Public Law 91-601; 15 U.S.C. 1475(a)). The purpose of the Technical Advisory Committee is to provide advice and recommendations on the types and kinds of packaging that will protect children from injury or illness resulting from handling or ingestion of household substances. The administration of the Poison Prevention Packaging Act of 1970, including the use and management of the Technical Advisory Committee, was transferred to the Consumer Product Safety Commission on May 14, 1973, by section 30(a) of the Consumer Product Safety Act (Public Law 92-573; 15 U.S.C. 2079(a)).

The meeting of the Technical Advisory Committee will be open to the public, however, space is limited. Further information concerning this meeting may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C., phone (202) 634-7700.

Dated: May 17, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-11732 Filed 5-21-74;8:45 am]

DELAWARE RIVER BASIN COMMISSION

[Docket No. EU-D-71-167]

JERSEY CENTRAL POWER AND LIGHT CO.

Availability of Final Environmental Impact Statement

In the matter of final environmental statement on proposed addition to Gilbert Generating Station, Holland Township, New Jersey, Docket No. EU-D-71-167.

In accordance with the National Environmental Policy Act of 1969, and the Delaware River Basin Commission's rules of practice and procedure (Article IV), notice is hereby given of the availability of the FINAL environmental impact statement as of May 24, 1974 which discusses the environmental impact of the project.

The Jersey Central Power and Light Company's proposed project consists of a 130 MW steam turbo-generator utilizing the waste heat from four existing combustion turbines having a combined capacity of 190 MW through the use of

four heat recovery steam generators. This potential combined cycle operation is a combination of combustion turbine and steam turbine generators whereby 70 percent of the waste heat from each combustion turbine exhaust is utilized to generate steam for the steam turbine. The proposed project also includes a mechanical draft wet cooling tower, waste water treatment facilities, expansion of the existing electric switchyard, and a steam turbine building containing a generator, condenser, control room, offices and other auxiliary equipment. Existing on-site oil tank storage will be utilized for the fuel oil.

Copies of the FINAL environmental impact statement may be examined in the library at the headquarters of the Delaware River Basin Commission, 25 State Police Drive, West Trenton, N.J. Copies of the FINAL may also be examined in the library of the Water Resources Association of the Delaware River Basin, 21 South 12th Street, Philadelphia, Pa. Limited additional copies of the FINAL are available from the Commission upon request.

The FINAL statement will be submitted to the Council on Environmental Quality as of May 20, 1974.

W. BRINTON WHITALL,
Secretary.

MAY 17, 1974.

[FR Doc.74-11677 Filed 5-21-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL CONTRACT PAYMENT OFFICES

Opportunity for Comment

The Office of Management and Budget (OMB), in memoranda to Heads of Executive Departments and Agencies, dated December 7, 1972, and March 14, 1973, established and outlined plans for coordination of executive branch efforts in response to the Commission on Government Procurement (COGP) Report. Interagency task groups made up of assigned lead and participating agencies were formed to examine and recommend executive branch positions on each of the 149 COGP recommendations. Direction of executive branch efforts on COGP matters is a function which was delegated to the General Services Administration (GSA) by Executive Order 11717 on May 9, 1973.

COGP Recommendation A-32 calls for the establishment of contract payment offices to make payments for all Federal agencies in each of the ten Federal regional areas. The reasons given for this recommendation were that, in the opinion of the COGP, the centralization of payment offices would improve promptness in payments which would have a significant impact on the profits realized by Government contractors; that the present multiplicity of paying offices throughout the country is inefficient and costly; and that, therefore, all contract payments for Government agencies should be processed by regional offices using standardized procedures.

COGP Recommendation A-32 reads as follows:

> Establish contract payment offices to make payments for all Federal agencies in each of the ten Federal regional areas. This could be accomplished by a lead agency designated to formulate standard procedures to implement this recommendation.

Following is a summary of a proposal for an executive branch position on COGP Recommendation number 32 in Part A of the Report. The proposal was drafted by a task group which was led by the Department of Defense.

TASK GROUP PROPOSAL FOR AN EXECUTIVE BRANCH POSITION ON COGP RECOMMENDATION A-32 (SUMMARY)

After a detailed analysis which included a thorough questioning of twenty-three executive agencies, the Task Group concluded that the COGP recommendation should not be adopted. In reaching this conclusion, the Task Group employed a questionnaire technique which was designed to elicit agency responses relative to the primary COGP recommendation and to statements made in the COGP Report which depicted confusing duplications and delays in the present procedures. Responses to the questionnaire resulted in the negative conclusion and provided information which refuted the COGP view. Specifically, the responses indicated that: (1) regional disbursing service (check writing) furnished by the Treasury Department and by the Department of Defense disbursing network is prompt and efficient; (2) to establish separate regional offices to make contract payments only would be an unnecessary fragmentation of the Treasury's disbursing system; (3) many of the individual agencies favor regionalization and/or centralization of the payment function within their own agency, but are not willing to delegate payment responsibility to a regional complex not under their control; (4) authority for contract management and payment should not be delegated beyond agency level because personalized and timely service to both contractor and Government would deteriorate and separating the accounting and paying offices would not be feasible since these functions are considered inseparable; (5) there are far less contract payment processing offices in the Federal Government than the COGP Report indicated; (6) the Task Group review of the potential improvements in service to contractors and Government activities and the economies that might accrue from regional paying offices as cited by the COGP indicated that there were no obvious cost advantages in such an arrangement—in fact, there appeared to be cost disadvantages due to a probable overlap of personnel required to man the regional offices and those within the agencies; (7) the study and analysis by the Task Group failed to produce any major shortcomings of the present system; and, on the contrary, revealed that many problems would surface from a regionalized arrangement such as the one recommended by the COGP.

Purpose of Notice. This notice is published for the purpose of public information and to offer an opportunity for public comment on the above Task Group proposal on COGP Recommendation A-32. Interested persons should submit their comments to the General Services Administration (AMC), Washington, D.C. 20405. To be given consideration, written comments must be received not later than July 8, 1974.

Publication of this notice does not imply acceptance by the executive branch of the proposed executive branch position. Responses received from interested parties regarding this notice of opportunity for comment will be given careful consideration in the formulation of a final executive branch position.

Dated at Washington, D.C., on May 16, 1974.

R. E. ZECHMAN,
Acting Associate Administrator for Federal Management Policy.

[FR Doc.74-11695 Filed 5-21-74;8:45 am]

[Temp. Reg. F-221]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in a telecommunications practices inquiry.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Communications Commission in a proceeding (Docket No. 20003) involving the economic implications and interrelationships arising from policies and practices relating to customer interconnection, jurisdictional separations and rate structures.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: May 15, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74-11696 Filed 5-21-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS

Availability of Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of April 16, 1974 and April 30, 1974.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classification of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: May 10, 1974.

SHELDON MYERS,
Director, Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between April 16, 1974, and April 30, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Atomic Energy Commission:			
D-AEC-06124-FL	St. Lucie Nuclear Power Plant No. 2, Florida	ER-1	A
D-AEC-06125-VA	Surry Power Station, Units 3 and 4, Surry County, Va.	ER-2	A
Department of Agriculture:			
D-AFS-61220-00	Absaroka, Beartooth, and Cutoff Wilderness, Mont. and Wyo.	LO-1	I
D-AFS-65062-CO	Meadow Mountain, White River National Forest, Colo.	3	I
D-AFS-65069-MT	Swan Lake Planning Unit, Flathead National Forest, Mont.	LO-1	I
D-AFS-65078-VA	Laurel Fork Unit Plan, George Washington and Monongahela National Forest, Va.	ER-2	D
D-AFS-65079-FL	Withlacoochee State Forest, Limestone Mining, Fla.	ER-2	E
D-AFS-65080-OR	Timber Management Plan for Deschutes National Forest, Oreg.	LO-1	K
D-AFS-65083-MT	Spotted Bear Planning Unit, Mont.	LO-1	I
D-AFS-65085-VA	North River Unit Plan, George Washington National Forest, Va.	LO-1	D
D-AFS-65089-ID	Elk Summit Planning Unit, Idaho	LO-2	K
D-AFS-65090-MN	Timber Management Plan, Chippewa National Forest, Minn.	LO-1	F
D-AFS-82085-00	Aquatic Weed Control, Apache National Forest, Ariz. and N. Nex.	LO-1	J
D-SCS-64034-AR	White Oak Creek Fish and Wildlife Development, Arkansas.	LO-1	G
Corps of Engineers:			
D-COE-32488-00	Locks and Dam No. 26, Mississippi River, Miss. and Ill.	ER-2	H
D-COE-32498-MS	Gulfport Harbor Navigation, Mississippi	ER-2	E
D-COE-32501-AK	Operation and Maintenance of the Dillingham Small Boat Harbor, Alaska.	LO-1	K
D-COE-34113-WA	McNary Dam Project, Wash.	LO-1	K
D-COE-34115-OK	Waurika Lake, Beaver Creek, Okla.	LO-2	G
D-COE-35116-MI	Modification of Ludington Harbor and Channel, Mich.	LO-2	F
D-COE-36367-IL	Rock Island local protection project, Illinois	LO-2	F
D-COE-39003-MO	Union Lake, Bourbeuse River, Mo.	ER-2	H
Delaware River Basin Commission:			
D-DRB-07084-NJ	Addition to Gilbert Generating Station, Hunterdon, N.J.	ER-2	C
Federal Power Commission:			
D-FPC-03050-00	Loudoun-Leidy, Consolidated Liquid Natural Gas Co., Virginia, Maryland, Pennsylvania.	LO-2	D
Department of Housing and Urban Development:			
D-HUD-85014-CA	Parkway Plaza Neighborhood Development, Napa, Calif.	ER-2	J
D-HUD-85015-IL	Rush-Hubbard Apartments, Chicago, Ill.	LO-2	F
D-HUD-89139-VA	St. Paul Development project, St. Paul, Va.	ER-2	D
Department of Interior:			
D-BPA-08019-WA	Maple Valley 500 KV transmission line, Washington	LO-1	K
D-BPA-08020-WA	San Juan Island Electrical Service, Washington	LO-1	K
D-BPA-08021-WA	Ashe-Hanford 500 KV transmission line, Washingron	LO-1	K
D-BPA-08022-WA	Richland Area electrical service transmission line, Washington.	LO-1	K
D-BPA-09011-WA	Mount Pleasant Substation, Washington	LO-1	K
D-BPA-09012-WA	Stevenson Substation, Washington	LO-1	K
D-BPA-09013-WA	Eastern Clark County, Sifton Substation, Washington	LO-1	K
D-BPA-09014-WA	Lane Electric Cooperative, Lowell substation, Washington.	LO-1	K
D-BPA-09015-WA	Sappho Substation, Washington	LO-1	K
D-IBR-38008-00	Klamath Straits Drain Enlargement California and Oregon.	LO-1	K
D-NPS-61236-CA	Master Plan, Pinnacles National Monument, Monterey County, Calif.	LO-2	J
D-BPA-08018-WA	Raver-Tacoma 500 KV transmission line, Washington	LO-2	K
D-SFW-61241-MS	Noxubee Wilderness Area, Oktibbeha County, Miss.	LO-1	E
Department of Transportation:			
D-FAA-51841-IA	Independence Municipal Airport, Independence, Iowa	LO-2	H
D-FAA-51842-AL	Andalusia-Opp Airport, Ala.	LO-2	E
D-FAA-51844-IA	Oelwein Municipal Airport, Oelwein, Iowa	LO-2	H
D-FAA-51845-AL	Moton Field Municipal Airport, Tuskegee, Ala.	LO-2	E
D-FAA-51847-TN	Elizabethtown-Hardin County Airport, Tenn.	ER-2	E
D-FAA-51849-ID	Southern Idaho Regional Airport, Jerome County, Idaho	LO-1	K
D-FAA-51853-TX	Alpine Municipal Airport, Alpine, Tex.	LO-2	G
D-FHW-42124-VA	I-66, Front Royal to Gainesville, Va.	ER-2	D
D-FHW-42161-MI	Gallagher-Hess One-way street system, Michigan	ER-1	F
D-FHW-42162-ID	U.S. 93, SH 75, Junction SH 68 U.S. Forest Boundary, Idaho.	LO-2	K
D-FHW-42163-MA	Rest Area on I-495 at Boulton-Harvard town line, Massachusetts.	LO-2	B
D-FHW-42169-IL	Supplemental freeway, FAP 408, Pike and Adams Counties, Ill.	LO-1	F
D-FHW-42194-AR	Job 5643 Bald Knob Newport, White and Jackson Counties, Ark.	LO-2	G
D-FHW-42195-TX	U.S. H 259, Daingerfield to F.M. Road 250, Lone Star County, Tex.	LO-2	G
D-FHW-42201-FL	Escambia County Scenic Highway, SR 10A, Florida	LO-2	E
D-FHW-42202-FL	Dade, Broward and Palm Beach Counties, SR 25, U.S.-27, Fla.	LO-2	E
D-FHW-42205-ID	St. Maries River at Santa Benewah County, Idaho	LO-2	K
D-FHW-42210-IL	University Street, Peoria County, Ill.	LO-2	F
D-CGD-32486-WA	Radar Addition to Puget Sound Vessel Traffic, Washington.	LO-1	K

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of Objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is re-

quired and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory. EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between April 16, 1974, and April 30, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-AFS-61237-KY...	Beaver Creek Eastern wilderness, Daniel Boone National Forest, Ky.	EPA did not receive the draft statement for review. However, EPA had no objections to the project as reflected in the final statement.	E
F-AFS-65052-NV...	Herbicide control of Sagebrush and Wyethia, Nevada.	The final statement adequately assessed the environmental impact of the proposed action and responded to the various concerns raised with respect to the draft statement.	J
F-AFS-65061-NV...	Pinyon-Juniper Chaining program on forest land, Nevada.	do	J
Corps of Engineers (civil works):			
F-COE-21028-OH...	Huron Harbor diked disposal area, Eve County, Huron, Ohio.	EPA had no objections to the project as proposed.	F
F-COE-31039-CA...	Kern River Aqueduct intertie, Kern County, Calif.	do	J
Department of Transportation:			
F-FHW-50067-LA...	Route 61, Kenner Overpass and approaches, Jefferson Parish, La.	do	G
F-FHW-42196-LA...	I-410, Junction I-10 to junction U.S. 90, New Orleans, La.	EPA recommended that a comprehensive analysis of the entire I-410 project be undertaken.	G
FS-FHW-42209-NM.	Roy-North SR 39, Harding County, F-044-1(3), N. Mex.	This final impact supplement does not contain sufficient air quality data on estimates of existing/expected pollutant concentrations.	G
F-FHW-42055-AZ...	Otero-Carmen section of freeway project I-19-1 (25) Santa Cruz County, Ariz.	EPA had no objections to the project as proposed.	J
F-FHW-42176-LA...	Chase-Winnsboro Highway, State Highway 15, Franklin Parish, La.	do	G
FS-FHW-41829-LA.	State Route 67, from Clinton, La., to Mississippi State Line, East Feliciana Parish, La.	This final statement supplement provided traffic volume data which was inconsistent with the final statement. Furthermore, EPA questioned other air quality data.	G
F-FHW-40845-NM..	Wilbarger, Route 287 and U.S., 67, Hardeman to Pease River, N. Mex.	EPA had no objections to the project as proposed.	G
F-FHW-40846-TX..	I-35E, North Witlock Lane to Hickory Creek Bridge, Dallas and Denton Counties, Tex.	do	G
F-FHW-09014-OH...	Linworth to Huntley Utility Line, I-270, Franklin County, Ohio.	do	F
FS-FHW-40389-LA..	Chinchuba-Covington Highway, St. Tammany Parish, La.	This supplement to the final statement provided traffic volume data which was inconsistent with the final statement. Furthermore, EPA questioned other air quality data.	G
FS-FHW-40827-TX.	Spur 354 at Loop 12, Dallas, Tex.	EPA questioned the adequacy of the air quality data provided in the final statement supplement.	G
F-FAA-51258-IN....	Starke County Airport, Knox, Ind.	EPA agreed with the project as proposed	F
Department of Defense:			
F-USN-11046-FL...	Family Housing, McCoy AFB, Orlando, Fla.	EPA generally agreed with the project as proposed. However, EPA made several comments with respect to the stringency of effluent standards for Boggy Creek and the achievement of acceptable noise levels in the area.	E

APPENDIX IV.—*Regulations, legislation and other federal agency actions for which comments were issued between April 16, 1974, and April 30, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Interstate Commerce Commission: R-ICC-99080-00.....	49 CFR Part 1100—Freight rates for recyclables.	EPA recommended revision of the ICC's definition of "recyclable materials." EPA felt that the ICC definition was insufficient to adequately assess whether discrimination in freight rates existed.	A

APPENDIX V

SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Room 2303, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.74-11594 Filed 5-21-74;8:45 am]

[OPP-32000/62]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before July 22, 1974 any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after July 22, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 100-LUR. Ciba-Geigy Corporation, Agricultural Division, P.O. Box 11422, Greensboro, North Carolina 27409. *Ciba-Geigy Technical Simazine.* Active Ingredients: Simazine: 2-chloro-4,6-*bis* (ethylamino)-s-triazine 97 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 682-IA. Crop King Chemical, P.O. Box 1016, Yakima, Washington 98907. Crop King Technical Naled 4 percent Dust. Active Ingredients: Naled (O, O-dimethyl O-(1,2-dibromo-2,2-dichloroethyl) phosphate) 3.6 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8764-EL. FMC Corporation, Citrus Machinery Division, P.O. Box 552, Riverside, California 92503. *Fungicide Concentrate 6.* Active Ingredients: Thiabendazole 0.67 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5748-UE. Household Products Division, Conwood Corporation, P.O. Box 217, Memphis Tennessee 38101. *Hot Shot Improved Fly and Mosquito Insect Killer.* Active Ingredients: Pyrethrins .10 percent; Technical Piperonyl Butoxide .20 percent; N-Octyl Bicycloheptene Discarboximide .33 percent; Petroleum Distillate .48 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 407-GTU. Imperial Inc., P.O. Box 423, Shenandoah, Iowa 51601. *Imperial Tomato Gard Insecticide and Fungicide.* Active Ingredients: Captan 5.0 percent; Malathion 4.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-REG. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Dibrom Sevin Sulfur Dust No. 4-5-25.* Active Ingredients: Naled 4.0 percent; Carbaryl 5.0 percent; Sulfur 25.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-REL. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Dibrom Sevin Dust No. 4-5.* Active Ingredients: Naled 4.0 percent; Carbaryl (1-naphthyl N-methylcarbamate) 5.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-REU. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Maneb-Sulfur Dust No. 5, 6-50.* Active Ingredients: Maneb 5.60 percent; Sulfur 50.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2155-TO. I. Schneid, Inc., 1429 Fairmont Ave., N.W., Atlanta, Georgia 30318. *Smite.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250 percent; Related compounds 0.034 percent; Pyrethrins 0.150 percent; Piperonyl butoxide technical 0.600 percent; Aromatic petroleum hydrocarbons 0.331 percent; Petroleum distillate 98.625 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1193-TT. The 707 Company, 1530 Stillwell Ave., New York, New York 10461. *707 Formula 2 Automatic Indoor Fogger.* Active Ingredients: d-trans-chrysanthemum monocarboxylic acid ester of d-2-allyl-4-hydroxy-3-methyl-2-cyclo-penten-1-one .2 percent; N-Octyl-bicycloheptene dicarboximide 1 percent; Petroleum distillates 18.75 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11214-RO. Target Chemical Company, 17710 Studebaker Road, Cerritos, California 90701. *Target Trifluralin Emulsifiable Concentrate-A Herbicide for Professional Use in Ornamentals.* Active Ingredients: Trifluralin (a,a,a-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine) 44.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33722-0. Tex-Ag Company, Inc., P.O. Box 633, Mission, Texas 78572. *Mission Brand Diazinon AG 500.* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 48.0 percent; Xylene Range Aromatic Hydrocarbon Solvent 39.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEMS

The following items represent a correction and/or change in the list of Applications Received previously published in the FEDERAL REGISTER of May 9, 1974 (39 FR 16512).

EPA File Symbol 33861-E. Agri-Future Company, 15708 Loop Road, Burnsville, Minnesota 55337. *"Sowmatic" I Seed Box Seed Protectant.* Correction: Originally published as 15708 Lop Road.

EPA File Symbol 1871-IO. Farmcraft, Inc., 8900 S.W. Commercial Street, Tigard, Oregon 97223. *Farmcraft Dust Captan 5.* Correction: Originally published as EPA File Symbol 1871-IA.

Dated: May 14, 1974.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.74-11584 Filed 5-21-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19897; File No. BP-19073; FCC 74R-177, etc.]

CAVALLARO BROADCASTING CORP., ET AL.

Memorandum Opinion and Order; Enlarging Issues

In re applications of Cavallaro Broadcasting Corp., San Juan, Puerto Rico, Docket No. 19897, File No. BP-19073; Boricua Broadcasting Corp., San Juan, Puerto Rico, Docket No. 19898, File No. BP-19201; Summit Broadcasting of Puerto Rico, Inc., San Juan, Puerto Rico, Docket No. 19899, File No. BP-19202; Jose A. Figueroa and Antonio L. Ochoa, d/b as FIGUEROA AND ASSOCIATES, Rio Grande, Puerto Rico, Docket No. 19900, File No. BP-19203; Vieques Radio Corp., Isabel Segunda, Vieques, Puerto Rico, Docket No. 19901, File No. BP-19204; for construction permits.

1. Jose A. Figueroa and Antonio L. Ochoa, d/b as Figueroa and Associates (Figueroa) is an applicant in this proceeding for a construction permit for a standard broadcast station to be located at Rio Grande, Puerto Rico. The application was filed April 27, 1972. It had not been amended, at the time the petition was filed, to reflect Figueroa's interest in an application for construction permit for a new FM broadcast station to be operated in Charlotte Amalie, St. Thomas, Virgin Islands, which was filed on July 20, 1973. These facts are the grounds for the petition filed by Boricua Broadcasting Corporation, one of the applicants herein, asking for the specification of a § 1.65 issue against Figueroa.[1]

2. The facts warrant the addition of a § 1.65 issue against Figueroa. However, because Figueroa revealed in the Charlotte Amalie application that he is a partner in the instant Rio Grande application, and in view of his sworn statement that he believed that he had adequately informed the Commission concerning his applications, no intent to withhold or conceal information is apparent. This is the only omission cited against Figueroa. Therefore, the Board will add the Section 1.65 issue on a comparative basis, only.[2]

3. *Accordingly, it is ordered,* That the petition to enlarge issues filed by Boricua Broadcasting Corporation on January 21, 1974, is granted to the extent that the issues are enlarged in the following respect: [3]

To determine, with respect to Jose A. Figueroa and Antonio L. Ochoa, d/b as Figueroa and Associates, whether that applicant has failed to report substantial and significant changes in its application, in violation of Section 1.65 of the Commission's Rules; and, if so, the effect thereof on that applicant's comparative qualifications.

Adopted: May 14, 1974.

Released: May 16, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-11706 Filed 5-21-74;8:45 am]

[FCC 74-504]

PUBLIC AND BROADCASTING PROCEDURAL MANUAL

Notice to All Broadcast Licensees

MAY 16, 1974.

In our Memorandum Opinion and Order in Docket 19153 (38 FR 3541) the effective date of § 1.526(a)(6) of our rules requiring licensees to retain a copy of the Public and Broadcasting Procedural Manual in their local public file was stayed until a revised version of the Manual was mailed to all licensees.

In view of the anticipated early resolution of certain issues in Docket 19260 (in the matter of the Handling of Public Issues Under the Fairness Doctrine and the Public Interest Standard of the Communications Act) and the probability that such action will necessitate some additional revisions being made to the Manual, we have decided to briefly delay the issuance of a revised Procedural Manual.

Until the Manual has been mailed to all licensees, the effective date of § 1.52 (a)(6) will continue to be stayed. Moreover, the texts of the new renewal announcements (pre-filing and post-filing), contained in revised § 1.580 and scheduled to first be broadcast on June 1, 1974 by stations with licenses which expire on December 1, 1974, are hereby temporarily amended, with the final two paragraphs being combined to read as follows:

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the Commission by (date first day of last full calendar month prior to the month of expiration) by writing the FCC, Washington, D.C. 20554.

Upon the completion of the mailing of a revised Procedural Manual, § 1.526(a)(6) will take effect, and the texts of the new renewal announcements will be those which are contained in revised §1.580 and were included in the December 17, 1973 Public Notice on Renewal Procedures (FCC 73-1318) sent to all licensees.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-11707 Filed 5-21-74;8:45 am]

[Docket Nos. 20045, 20046; File Nos. BPH-7960, BPH-8056]

VAIL BROADCASTING CORP. AND RADIO VAIL, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In reapplications of: Vail Broadcasting Corp., Vail, Colorado, Docket No. 20045, File No. BPH-7960, requests: 104.7 MHz, #284; 100 kW (H), 20.3 kW (V), 1367.5 feet; and Radio Vail, Inc., Vail Colorado, Docket No. 20046, File No. BPH-8056, requests: 104.7MHz, #284; 75.57 kW (H & V); 1186 feet, for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in the same community.

2. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

3. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which, if either, of the applications should be granted.

[1] The petition was filed on January 21, 1974; an opposition was filed by Figueroa on April 1, 1974, and the Broadcast Bureau and Cavallaro Broadcasting Corporation filed comments on March 1, and February 11, 1974, respectively.

[2] The factual basis for the addition of this issue differs in material respects from that which led the Commission, in the designation Order, to add a 1.65 issue against Summit Broadcasting to determine the effect of non-compliance on that applicant's basic and/or comparative qualification.

[3] Action on this petition moots a similar request which is included in a petition filed by Cavallaro Broadcasting Corporation and which will be acted on separately.

[4] By the Review Board: Board Member Nelson absent.

[1] Action by the Commission May 14, 1974. Commissioners Wiley (Chairman), Lee, Reid and Hooks with Commissioner Quello not participating.

4. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, 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 fixed for the hearing and present evidence on the issues specified in this Order.

5. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 14, 1974.

Released: May 16, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-11710 Filed 5-21-74;8:45 am]

[Docket Nos. 20047, 20048; File Nos. BPH-8458, BPH-8562]

ZAP COMMUNICATIONS, INC. AND BRECKENRIDGE BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Zap Communications, Inc., Breckenridge, Colorado, Docket No. 20047, File No. BPH-8458, requests: 102.3 MHz, #272; 100 W (H & V); 1,425 feet; Robert A. Theobald and Robin G. Theobald, d/b as Breckenridge Broadcasting Co., Breckenridge, Colorado, Docket No. 20048, File No. BPH-8562, requests: 102.3 MHz, #272; 3 kW (H & V); −230 feet, for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in the same community.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications Are Designated For Hearing in a Consolidated Proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

a. To determine which of the proposals would, on a comparative basis, better serve the public interest.

b. To determine, in light of the evidence adduced pursuant to the foregoing issue which, if either, of the applications should be granted.

5. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, 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 fixed for the hearing and present evidence on the issues specified in this Order.

6. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 14, 1974.

Released: May 16, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-11709 Filed 5-21-74;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF KODIAK/SEA-LAND SERVICE, INC.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 11, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Gerald A. Malia, Esq.
Ragan & Mason
The Farragut Building
900 Seventeenth Street NW.
Washington, D.C. 20006

Agreement No. T-2582-1, between the City of Kodiak (City) and Sea-Land Service, Inc. (Sea-Land), modifies the basic agreement between the parties which provides for the preferential use by Sea-Land of a containership terminal constructed by City for a term of 20 years, with renewal options. The purpose of this modification is to (1) provide for the purchase by City of a Sea-Land container crane, (2) allow for further adjustment of the monthly charge to be paid by Sea-Land to City for overhead, maintenance and repair, (3) restrict use of the container crane solely for the handling of containerized cargo, and (4) release and discharge any claims between the parties for cost overruns, expenses, or delays arising out of the construction of the containership terminal.

By Order of the Federal Maritime Commission.

Dated: May 17, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-11739 Filed 5-21-74;8:45 am]

GULF/MEDITERRANEAN PORTS CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 11, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the

United States is alleged, the statement shall set forth with particularity the act and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Leon M. Paine, Jr., Secretary
Suite 927—Whitney Building
New Orleans, Louisiana 70130

Agreement No. 134–37 among the member lines of the Gulf/Mediterranean Ports Conference modifies the basic agreement to exclude therefrom cargo moving on through bills of lading for transshipment at a port within the scope of the agreement and destined for interior points not within the scope of the agreement.

It also specifies the North African countries covered by the basic agreement as "Morocco, Algeria, Tunisia, and Libya."

By Order of the Federal Maritime Commission.

Dated: May 17, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–11738 Filed 5–21–74;8:45 am]

TRANS-PACIFIC AMERICAN FLAG BERTH OPERATORS

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 11, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

E. A. Wester, Secretary
Trans-Pacific American Flag Berth Operators
676 Santa Rosa Avenue
Berkeley, California 94707

Agreement No. 8493–8 modifies the Trans-Pacific American Flag Berth Operators' agreement (TPAFBO) by clarifying and further defining the responsibilities of TPAFBO carriers in connection with transshipped movements of military cargoes, including household goods and personal effects, between Pacific Coast ports of the United States and the Far East. Further, Agreement No. 8493–8 deletes all references to interport movements in the Far East.

By order of the Federal Maritime Commission.

Dated: May 17, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–11737 Filed 5–21–74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ENVIRONMENTAL BIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Advisory Panel for Environmental Biology to be held at 9 a.m. on June 6 and 7, 1974, in Room 511 at 1800 G Street, NW., Washington, D.C. 20550.

The purpose of the panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of Section 10(d) of Pub. L. 92–463.

Individuals requiring further information about this panel may contact Dr. John L. Brooks, Program Director, General Ecology Program, Room 331, 1800 G Street NW., Washington, D.C. 20550.

ELDON D. TAYLOR,
Acting Assistant Director for Administration.

MAY 8, 1974.

[FR Doc.74–11673 Filed 5–21–74;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 *May 17, 1974* (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529).

NEW FORMS

NATIONAL SCIENCE FOUNDATION

Quick-Response Survey of Energy Related Scientists and Engineers Requirements, Form ____, Single time, Weiner, R & D Reforming companies.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service; Regulations—Special Supplemental Food Program for Women, Infants, and Children (WIC), Form ____, Occasional, Sheftel, State agencies and local agencies (Health Clinics).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service; QC Manual—QC in AFDC and the Adult Programs (Guam, Puerto Rico, Virgin Islands), Form SRS QC 342, Semi annual, Evinger, Welfare recipients.

DEPARTMENT OF THE INTERIOR

National Park Service, Fishing and Creel Census, Form ____, Occasional, Planchon, Cross section of fishermen in Park.

EXTENSIONS

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service, Canadian Border Boat Landing Card, Form I–68, Occasional, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–11807 Filed 5–21–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 513]

ASSIGNMENT OF HEARINGS

MAY 17, 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 May 22, 1974.

MC-F-11951, Jones Truck Lines, Inc.,—Cont. & Merger—M-F Express, Inc., and Poplarville Truck Line, Inc., now assigned June 3, 1974, at New Orleans, Louisiana, will be held in Room 265, West Courtroom, 600 Camp Street.

MC-107295 Sub 664, Pre-Fab Transit Co., now assigned June 3, 1974, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC-C-8041, Garrett Freight Lines, Inc., et al-V-Puget Sound Truck Lines, Inc., now being assigned hearing July 16, 1974 (2 days) at Olympia, Wash., in a hearing room to be later designated.

MC-F-12084, Transervice Corp.—Purchase—Moore-Flesher Hauling Co., MC-F-12085, J. Miller Express, Inc.—Purchase (Portion)—Transervice Corp., MC-F-12100, Transervice Corp.—Purchase (Portion)—Miller's Motor Freight, Inc., A.A.A. Trucking Corporation — Purchase (Portion) — Miller's Motor Freight, Inc., MC-F-74937, Lobianco Trucking Co., Inc., York, Pennsylvania, Transferee, and Miller Motor Freight, Inc., York, Pennsylvania, Transferor, MC-FC-74948, Midd-Penn Transportation, Inc., York, Pennsylvania, Transferee and Miller's Motor Freight, Inc., York, Pennsylvania, Transferor, MC-FC-74949, P-Y Transport, Inc., York, Pennsylvania, Transferee and Miller's Motor Freight, Inc., York, Pennsylvania, Transferor, now being assigned hearing July 15, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139504, Shea/Rustin Transport Company, now being assigned hearing June 27, 1974 (2 days), in Room 305, 1252 West Peachtree St. NW., Atlanta, Ga.

MC-79525 Sub 2, The Norris Brothers Company now being assigned hearing July 15, 1974 (1 week), at Cleveland, Ohio in a hearing room to be later designated.

MC 121658 Sub 4, Steve D. Thompson, now being assigned hearing July 15, 1974 (1 week), at Jackson, Miss., in a hearing room to be later designated.

MC-C-8314, F. Randolph Jones, James H. Reese, and Virginia Homes Manufacturing Corporation—Investigation of Operations and Practices, now being assigned July 17, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134599 Sub-99, Interstate Contract Carrier Corp., now being assigned July 23, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139226 Sub-1, Sentry Transport, Inc., now being assigned July 24, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-11719 Filed 5-21-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

MAY 17, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 3, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-730 (Sub-No. E24), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland California 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petoleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 (except petroleum products which require special equipment for the application of heat or to facilitate unloading), in bulk, tank vehicles, from points in Los Angeles, Orange, and Ventura Counties, Calif., to points in Wyoming. The purpose of this filing is to eliminate the gateways of Las Vegas, Nev., and points in Utah.

No. MC-11207 (Sub-No. E5), filed May 3, 1974. Applicant: DEATON, INC., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: C. N. Knox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plant site of Vancouver Plywood Company at Charlotte, N.C., to points in Texas and Oklahoma (except points in Craig and Ottawa Counties, Okla.). The purpose of this filing is to eliminate the gateway of the plant site of Georgia-Pacific Corporation at Taylorsville, Miss.

No. MC-25798 (Sub-No. E21), filed May 2, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, in containers, (1) from points in Texas to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, Virginia, and the District of Columbia, (2) from points in Texas north of U.S. Highway 70 to points in New York on and east of New York Highway 14 and points in Pennsylvania on and east of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC-76177 (Sub-No. E5), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: J. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and blasting supplies*, between points in Ohio, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway of McAdory, Ala.

No. MC-76177 (Sub-No. E6), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and blasting supplies*, between points in Louisiana, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of McAdory, Ala.

No. MC-76177 (Sub.-No. E10), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32d Street, Birmingham, Ala. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives*, and *blasting supplies*, between points in Louisiana and Mississippi, on the one hand, and, on the other, points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Energy and Wolf Lake, Ill.

No. MC-76177 (Sub-No. E11), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in South Carolina, on the one hand, and, on the other, points in Arizona, Colorado, Kansas, Montana, North Dakota, South Dakota, Minnesota, Utah, and Wyoming. The purpose of this filing is to eliminate the gateways of McAdory, Ala., and Wolf Lake, Ill.

No. MC-76177 (Sub-No. E15), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in New Jersey, on the one hand, and, on the other, points in Arkansas, Kentucky,

Tennessee, Georgia, and South Carolina. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Allentown and Reynolds, Pa.

No. MC–76177 (Sub-No. E16), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in Maine, Massachusetts, Connecticut, New Hampshire, Rhode Island, and New Jersey, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Allentown and Reynolds, Pa.

No. MC–76177 (Sub-No. E17), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in Georgia, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateways of points in Alabama, and points within 15 miles of both Energy and Wolf Lake, Ill.

No. MC–76177 (Sub-No. E18), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala., 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in Delaware, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Reynolds and Allentown, Pa.

No. MC–76177 (Sub-No. E19), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, and blasting supplies*, between points in Mississippi, on the one hand, and, on the other, points in Wyoming, South Dakota, and North Dakota. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Energy and Wolf Lake, Ill.

No. MC–76177 (Sub-No. E20), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, and blasting supplies*, between points in Alabama and Florida, on the one hand, and, on the other, points in Utah, Wyoming, Colorado, and Kansas. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Energy and Wolf Lake, Ill.

No. MC–76177 (Sub-No. E24), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in New York, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Allentown and Reynolds, Pa.

No. MC–76177 (Sub-No. E25), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in New Jersey and Delaware, on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, and Indiana. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Allentown and Reynolds, Pa.

No. MC–76177 (Sub-No. E27), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tarnsporting: *Classes A and B explosives, and blasting supplies*, between points in Florida, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Allentown and Reynolds, Pa.

No. MC–76177 (Sub-No. E28), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in Alabama, on the one hand, and, on the other, points in Delaware and New Jersey. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Allentown and Reynolds, Pa.

No. MC–76177 (Sub-No. E29), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Alabama 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies* between points in Florida, on the one hand, and, on the other, points in Missouri, Illinois, and Indiana. The purpose of this filing is to eliminate the gateway of McAdory, Ala.

No. MC–76177 (Sub-No. E30), filed April 24, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in New Jersey, Delaware, and Maryland, on the one hand, and, on the other, points in Mississippi, Louisiana, and Texas. The purpose of this filing is to eliminate the gateway of McAdory, Ala.

No. MC–95540 (Sub-No. E151), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, other than frozen, in vehicles equipped with mechanical refrigeration, in mixed loads with citrus products, not canned and not frozen, from points in Florida to points in Michigan (except points in that part of Michigan on and south of Michigan Highway 21). The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E153), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Madison, Wis., to points in Florida (except points in that part of Florida on and west of U.S. Highway 319). The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E156), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, and frozen meat products*, from Jacksonville, Fla., to points in Oklahoma. The purpose of this filing is to

eliminate the gateway of Tifton, Ga., and Florence, Ala.

No. MC–95540 (Sub-No. E157), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, and frozen meat products*, from Dade City, Fla., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and Florence, Ala.

No. MC–95540 (Sub-No. E158), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Orangeburg, S.C., to points in Florida on and west of a line beginning at the Georgia-Florida State line, and thence along Florida Secondary Highway 255 to its intersection with Florida Highway 53, thence along Florida Highway 53 to its intersection with U.S. Highway 27, thence along U.S. Highway 27 to its intersection with Florida Highway 51, thence along Florida Highway 51 to Steinhatchie on the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E162), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, from Dade City, Fla., to points in Missouri. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and Florence, Ala.

No. MC–95540 (Sub-No. E164), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, from Jacksonville, Fla., to points in Kans. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and Florence, Ala.

No. MC–95540 (Sub-No. E165), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, in vehicles equipped with mechanical refrigeration, in mixed loads with citrus products not canned and not frozen, from points in Florida to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E168), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rr. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, in vehicles equipped with mechanical refrigeration, in mixed loads with citrus products, not canned and not frozen, from points in Florida to points in Vermont. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E170), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus fruits*, in mixed loads with citrus fruits, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from those points in Florida on and east of U.S. Highway 331 to points in Missouri. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E173), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, and frozen meat products* from Dade City, Fla., to points in Kansas. The purpose of this filing is to eliminate the gateways of Tifton, Ga., and Florence, Ala.

No. MC–95540 (Sub-No. E176), filed April 25, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Canned citrus products*, in mixed loads with citrus products, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in Florida to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. 189), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *citrus products*, not canned and not frozen, from points in Florida to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Bridgeton, N.J.

No. MC–95540 (Sub-No. E193), filed Aplil 28 , 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, in vehicles equipped with mechanical refrigeration, in mixed loads with citrus products, not canned and not frozen, from points in Florida to points in Minnesota. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC–95540 (Sub-No. E194), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salad dressing, canned tuna*, and *canned and preserved olives*, from San Diego, Calif., to points in Vermont. The purpose of this filing is to eliminate the gateway of the plant site and warehouse sites of the Commercial Cold Storage, Inc., located at or near Doraville, Ga.

No. MC–107002 (Sub-No. E4), filed April 18, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Liquid chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Mobile, Ala., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Cedartown, Ga. (b) *Liquid chemicals*, in bulk, in tank vehicles, from Mobile, Ala., to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Hattiesburg, Miss. (c) *Liquid chemicals*, in bulk, in tank vehicles, from Mobile, Ala., to points in Texas. The purpose of this filing is to eliminate the gateway of points in Harrison and Jackson Counties, Miss.

No. MC–110525 (Sub-No. E9), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to those points in that point of New Hampshire

on and south of U.S. Highway 302 and on and east of U.S. Highway 3. The purpose of this filing is to eliminate the gateways of New York, N.Y., commercial zone and Stoneham, Mass.

No. MC–110525 (Sub-No. E10), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk in tank vehicles, from those points in Alabama (except Anniston) on and east of a line beginning at the Tennessee-Alabama State line, thence along Interstate Highway 65 to Montgomery, thence along U.S. Highway 331 to the Alabama-Florida State line, to those points in that part of Oregon on and west of U.S. Highway 395. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E14), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from those points in Alabama (except Anniston) on and east of a line beginning at the Tennessee-Alabama State line, thence along Interstate Highway 65 to Montgomery, thence along U.S. Highway 331 to the Alabama-Florida State line, to points in Washington. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E91), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Montana. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E92), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Nebraska. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E93), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Nevada. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E96), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in New Mexico. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E98), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in North Carolina. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC–110525 (Sub-No. E99), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in North Dakota. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–114045 (Sub-No. E3), filed May 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A 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 Fort Smith, Ark., to points in Ohio and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC–114045 (Sub-No. E23), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies* and *frozen bakery products* from Chadds Ford, Pa., to points in Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E24), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies* and *frozen bakery products*, from Winchester, Va., to points in Arizona, California, Colorado, Nevada, and New Mexico, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E26), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies* and *frozen bakery products*, from Red Hook, N.Y., to points in Nevada, Oregon, Utah, and Washington, restricted to the transportation of traffic originating at Red Hook, N.Y. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E27), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries*, and *frozen vegetables*, in vehicles equipped with mechanical refrigeration, from Pittsburgh and Saltsburg, Pa., to points in Florida and South Carolina. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC–114045 (Sub-No. E28), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Oregon, to points in Oklahoma, Arkansas, Louisiana, Tennessee, Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–114045 (Sub-No. E29), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meats*, in containers, from Columbus, Ohio, to points in Colorado, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of

this filing is to eliminate the gateway of Dodge City, Kans.

No. MC–114045 (Sub-No. E30), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Dayton, Ohio, to points in California. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC–114045 (Sub-No. E31), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, and fresh meat products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Nashville, Knoxville, Jackson, and Chattanooga, Tenn., to points in Idaho, Colorado, Montana, Oregon, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Dodge City, Kans.

No. MC–114045 (Sub-No. E42), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lake Charles, La., to points in New Hampshire and Vermont. The purpose of this filing is to eliminate the gateway of Mt. Pleasant, Tex.

No. MC–114045 (Sub-No. E43), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Idaho to points in Kentucky and Tennessee (except Memphis, Tenn.). The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–114045 (Sub-No. E45), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Baltimore, Md., to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC–114045 (Sub-No. E46), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except hides and commodities in bulk), from Springhill, La., to points in Michigan and Ohio. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC–114045 (Sub-No. E47), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from Lexington, Ky., to points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC–114045 (Sub-No. E48), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Lexington, Ky., to points in Texas. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC–114045 (Sub-No. E49), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries*, and *frozen vegetables*, from points in Idaho to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of points in Texas, Oklahoma, or Louisiana.

No. MC–114045 (Sub-No. E50), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, as described in Section A of Appendix I to the report in *Description in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Lexington, Ky., to points in California. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC–114045 (Sub-No. E53), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities and hides in bulk), from Pratt, Kans., to points in New York. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC–119777 (Sub-No. E30), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fibreboard*, from Laurel, Miss., to points in Arizona, California, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Wright City, Mo., or the plant site of the Permaneer Corporation in Calhoun County, Ark.

No. MC–124211 (Sub-No. E23), filed April 22, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Malt beverages*, (a) from Monroe, Wis., to points in Arizona, California, Colorado, Kansas, Nevada, New Mexico, Oklahoma, Utah, Texas, and Wyoming, and to points in Missouri on and west of U.S. Highway 59, points in South Dakota on and south of U.S. Highway 14, and points in Fremont, Mills, Montgomery, Page, and Pottawattamie Counties, Iowa; (b) from Sheboygan, Wis., to points in Arizona, California, Colorado, Kansas, Nevada, New Mexico, Oklahoma, Utah, Texas, and Wyoming, and to points in Fremont, Mills, Montgomery, Page, and Pottawattamie Counties, Iowa, points in Missouri on and west of U.S. Highway 59, and points in South Dakota on and south of Interstate Highway 90. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC–124211 (Sub-No. E25), filed April 22, 1974. Applicant: HILT TRUCK LINES, INC., P.O. Box 988 D.T.S. Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*

(except in bulk, in tank vehicles), from points in Vermilion County, Ill., to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of points in Nebraska located in the Council Bluffs, Iowa, commercial zone.

No. MC–127689 (Sub-No. E1), filed May 3, 1974. Applicant: PASCAGOULA DRAYAGE CO., INC., P.O. Box 987, Hattiesburg, Miss. 39401. Applicant's representative: W. G. Rains (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the plantsite of the Celotex Corporation at Marrero, La., to points in Georgia, North Carolina, South Carolina, points in Florida on and east of U.S. Highway 231, and Chapman, Greenville, and Selma, Ala. The purpose of this filing is to eliminate the gateway of Beaumont, Miss.

By the Commission.

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

[FR Doc.74–11715 Filed 5–21–74;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 17, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Florida Docket No. 74292–CCT, filed April 30, 1974. Applicant: GOLD COAST TRUCKING & EXPRESS INC., 278 SW. 32nd Court, Fort Lauderdale, Fla. 33315. Applicant's representative: Richard B. Austin, 214 Palm Coast II Building, 5255 NW. 87th Ave., Miami, Fla. 33166. Certificate of public convenience and necessity sought to operate a freight service as follows:

NOTE.—Applicant seeks to extend its Certificate No. 742 so as to authorize the transportation of *general commodities*, excluding articles of unusual value, household goods, as defined by the Commission, commodities in bulk, or which, by reason of their size and weight, require specialized handling or equipment on regular routes and schedules as follows: (1) Between Fort Lauderdale, Fla., over U.S. Highway 1 to West Palm Beach, Stuart, Fort Pierce, and Vero Beach, thence over State Road 60 to the Flordia Turnpike, thence northerly on the Florida Turnpike to Orlando, Fla., and its commercial zone; (2) From Fort Lauderdale, Fla., over I–95 to the Palmetto Expressway, thence southerly over the Palmetto Expressway to its intersection to U.S. Highway 1, thence to Homestead, Fla., and its commercial zone; and (3) From Fort Lauderdale, Fla., over State Road 84 to Naples, thence northerly over U.S. Highway 41, to Fort Myers, Fla. NOTE 1.—Applicant seeks to serve all points not named in Indian River, St. Lucie, Martin, Palm Beach, Broward, Dade, Collier, and Lee Counties, Fla., and the Cities of Clewiston and Punta Gorda, and their Commercial zones as off route points in connection with the above stated regular routes services. NOTE 2.—that the regular routes service is between Fort Lauderdale and the specified northerly, southerly and westerly points and return the same route; and NOTE 3.—Applicant seeks the Florida Turnpike between Orlando and Homestead as an alternate route for operating conveniences. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T–9233 filed March 18, 1974. Applicant: QUAD–M DELIVERY SERVICES, INC., 8 Birchknoll Drive, Scotia, N.Y. 12302. Applicant's representative: DiFabio and Couch, 4 Automation Lane, Computer Park, Albany, N.Y. 12205. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Schenectady County and all points in the State. Limited to shipments of fifty pounds or less, with packages of twenty-five pounds or less. Intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y. 12226, and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC–23466 (Sub-No. 4), filed April 30, 1974. Applicant: CENTRAL OKLAHOMA FREIGHT LINES, INC., 2945 North Toledo, Tulsa, Okla. 74115. Applicant's representative: Rufus H. Lawson, 2400 Northwest 23d Street, Oklahoma City, Okla. 73107. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except classes A and B explosives and commodities which require the use of special equipment, over regular routes: Between Oklahoma City, Okla., and Waukomis, Okla., serving the intermediate points of Okarche, Kingfisher, Dover, Hennessey, and Bison, Okla.: From Oklahoma City, Okla., over State Highway 3 to its intersection with U.S. Highway 81, thence via U.S. Highway 81 to Waukomis, Okla., and return over the same route. This authority is to be unitized with applicant's now existing authority at Waukomis, Okla. Interstate, intrastate and foreign commerce authority sought.

HEARING: June 3, 1974, in the Jim Thorpe Office Building, 3d Floor, Oklahoma City, Okla., at 9 a.m. Requests for procedural information should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.74–11718 Filed 5–21–74;8:45 am]

[Notice No. 9]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 17, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC–45626 (Deviation No. 34), VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vermont 05401, filed April 30, 1974. Carrier proposes to operate as a common carrier by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 5 and Interstate Highway 91 (Interchange No. 28) at Newport, Vermont, thence over Interstate Highway 91 to junction U.S. Highway 5 (Interchange No. 13) at Norwich, Vermont, with the following access routes: (a) From the junction of U.S. Highway 5 and unnumbered highway, thence over unnumbered highway to access road, thence over access road to Interstate Highway 91 (Interchange 27), (b) From the junction of

Interstate Highway 91 and access road (Interchange 26) to junction of Vermont Highway 58, (c) From junction Interstate Highway 91 and access road (Interchange 25), over access road to Vermont Highway 16, thence over Vermont Highway 16 to U.S. Highway 5, (d) From junction Interstate Highway 91 and access road (Interchange 24) to junction Vermont Highway 122, thence over Vermont Highway 122 to U.S. Highway 5, (e) From junction Interstate Highway 91 and access road (Interchange 23), thence over access road to U.S. Highway 5, (f) From junction Interstate Highway 91 and access road (Interchange 22 to be constructed), thence over access road to junction Highway 5, (g) From junction Highway 91 and access road (Interchange 21 to be constructed), to junction U.S. Highway 2, thence over U.S. Highway 2 to junction U.S. Highway 5, (h) From junction Interstate Highway 91 and access road (Interchange 20 to be constructed), over access road to U.S. Highway 5, (i) From junction Interstate Highway 91 and access road (Interchange 19 to be constructed), to junction Interstate Highway 93, (j) From junction Interstate Highway 91 and access road (Interchange 18 to be constructed), to junction U.S. Highway 5, (k) From junction Interstate Highway 91 and access road (Interchange 17 to be constructed), to unnumbered highway, thence over unnumbered highway to junction U.S. Highway 5, (l) From junction Interstate Highway 91 and access road (Interchange 16), to junction Vermont Highway 25, thence over Vermont Highway 25 to junction U.S. Highway 5, (m) From junction Interstate Highway 91 and access road (Interchange 15), thence over access road to U.S. Highway 5, (n) From junction Interstate Highway 91 and access road (Interchange 14), thence over access road to Vermont Highway 113A, thence over Vermont Highway 113A to junction U.S. Highway 5, at or near Norwich, Vermont, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service route as follows: From Norwich, Vermont over U.S. Highway 5 to Newport, Vermont, and return over the same route.

No. MC–45626 (Deviation No. 35), VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vermont 05401, filed May 7, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From Boston, Mass., over Interstate Highway 93 to the junction of Interstate Highway 93 and Massachusetts Highway 128, thence over Massachusetts Highway 128 to the junction of Massachusetts Highway 128 and Massachusetts Highway 3A and return over the same route, for operating convenience only. The notice indicates that the carrier presently has authority to transport passengers and the same property over a pertinent service route as follows: From Boston, Mass., over U.S. Highway 3 to junction Massachusetts Highway 3A, thence over Massachusetts Highway 3A to North Chelmsford, Massachusetts, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–11720 Filed 5–21–74;8:45 am]

[Notice No. 18]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 17, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before June 21, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–3560 (Deviation No. 20), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colorado 80223, filed April 22, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation routes as follows: From Cleveland, Ohio, over Interstate 480 to junction of Interstate 80, thence over Interstate 80 to junction of U.S. Highway 209, thence over U.S. Highway 209 to junction of Interstate Highway 84, thence over Interstate Highway 84 to junction of U.S. Highway 9 at or near Newburgh, New York, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Cleveland over U.S. Highway 422 to junction Ohio Highway 8, thence over Ohio Highway 8 to Canton, Ohio, and (2) From Canton, Ohio over U.S. Highway 30 to junction Pennsylvania Turnpike near Irwin, Pa., thence over Pennsylvania Turnpike to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 22 to junction unnumbered highway near Paxtonia, Pa., thence over unnumbered highway via Paxtonia, Manadahill, Grantville, East Hanover, Jonestown, and Fredericksburg, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Bethel, Pa., thence over unnumbered highway via Bethel and Strausstown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Walbert, Pa., thence over unnumbered highway via Allentown, Bethlehem, Butztown, and Wilson, Pa., to Easton, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion of U.S. Highway 22), thence over unnumbered highway to Clinton, N.J., thence over unnumbered highway via Annandale, Lebanon, Potterstown, and Whitehouse, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 28, thence over New Jersey Highway 28 to junction U.S. Highway 1 near Elizabeth, N.J., and (3) From Elizabeth, N.J., over U.S. Highway 1 to junction U.S. Highway 9W, thence over U.S. Highway 9W to at or near Newburg, New York, and return over the same route.

No. MC–30319 (Sub-No. 65) (Deviation No. 7), SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, 1517 West Front Street, Tyler, Texas 75701, filed May 8, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Corpus Christi, Tex., over Texas Highway 44 to Robstown, Tex., thence over U.S. Highway 77 to Harlingen, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Corpus Christi, Tex., via State Highway 44 to Alice, Tex., thence over U.S. Highway 281 to Edinburg, Tex., thence over State Highway 107 to Harlingen, Tex., and return over the same route.

No. 36473 (Deviation No. 2), CENTRAL TRUCK LINES, INC., P.O. Box 18464, Tampa, Florida 33609, filed April 22, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cartersville, Ga., over U.S. Highway 411 to Maryville, Tenn., thence over U.S. Highway 411 to U.S. Highway 129, thence over U.S. Highway 129 to Knoxville, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service route as follow: From Cartersville, Ga., over U.S. Highway 41 to Chattanooga,

Tenn., thence over U.S. Highway 11 to Knoxville, Tenn., and return over the same route.

No. MC-103435 (Deviation No. 24), UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince Street, Littleton, Colorado 80120, filed April 26, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Ft. Wayne, Indiana, over Interstate Highway 69 to junction Interstate Highway 465 near Indianapolis, Indiana, thence over Interstate Highway 465 to junction U.S. Route 36, thence over U.S. Route 36 to Decatur, Illinois, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Fort Wayne, Indiana, over Indiana Highway 3 to Kendallville, Ind., thence over U.S. Highway 6 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill., thence over U.S. Highway 54 to junction Business Route U.S. Highway 54 (formerly portion U.S. Highway 54), thence over Business Route U.S. Highway 54 to Kankakee, Illinois, thence over Illinois Highway 17 to Dwight, Ill., thence over unnumbered highway (formerly portion U.S. Highway 66), to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly portion U.S. Highway 66), thence over unnumbered highway via Odell, Ill., to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly portion U.S. Highway 66), thence over unnumbered highway via Pontiac, Ill., to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly portion U.S. Highway 66), thence over unnumbered highway via Chenoa, Ill., to junction U.S. Highway 66, thence over Highway 66 to junction unnumbered highway (formerly portion U.S. Highway 66), thence over unnumbered highway via Lexington, Ill., to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Business Route U.S. Highway 66 (formerly portion U.S. Highway 66), thence over Business Route U.S. Highway 66 to Normal, Ill., thence over U.S. Highway 51 to Decatur, Ill., and return over the same route.

By the Commission.

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

[FR Doc.74-11717 Filed 5-21-74;8:45 am]

[Notice No. 41]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 17, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 3114 (Sub-No. 30) (REPUBLICATION), filed November 13, 1973, and published in the FEDERAL REGISTER issue of December 20, 1973, and republished this issue. Applicant: T. H. COMPTON, INC., R.F.D. No. 1, Berkeley Springs, W. Va. 25411. Applicant's representative: William P. Sullivan, 1819 H Street, NW., Washington, D.C. 20006. An Order of the Commission, Operating Rights Board, dated April 25, 1974, and served May 13, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, (1) of *sand*, from Berkeley Springs, W. Va., to points in Alabama, Arkansas, Connecticut, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Massachusetts, Mississippi, Missouri, New Jersey, New Hampshire, New Mexico, North Carolina, Ohio (except points in Cuyohoga, Geauga, Portage, and Lorain Counties, Ohio), Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and Wisconsin; and (2) of lithium ore, from Berkeley Springs, W. Va., to destinations authorized in (1) above and points in Maryland and Pennsylvania; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to show the addition of South Carolina as a destination point. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128633 (Sub-No. 9) (REPUBLICATION), filed June 5, 1973, and published in the FEDERAL REGISTER issue of July 12, 1973, and republished this issue. Applicant: LAUREL HILL TRUCKING COMPANY, a Corporation, 614 New County Road, Secaucus, N.J. 07094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. An Order of the Commission, Review Board Number 3, dated April 19, 1974, and served May 9, 1974, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, (1) of *such commodities* as are dealt in by department stores, and (2) of *supplies and equipment* used in the conduct of such business, between points in that portion of the New York, N.Y., Commercial Zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone), on the one hand, and, on the other, Dearborn, Detroit, Lincoln Park, Pontiac, and Roseville, Mich., and Akron, Bedford, Cleveland, Cuyahoga Falls, Middleburg Heights, Rocky River, Tallmadge, and Wickliffe, Ohio, under a continuing contract or contracts with Atlantic Department Stores, Inc., of New York, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to show the movement sought is to be a two-way "between" movement rather than a one-way "from and to" service as was implied in a previous publication. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 42487 (Sub-No. 391) (Notice of filing of petition to renew explosives authority), filed May 2, 1974. Petitioner: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Petitioner's representative: Robert M. Bowden, 1621 NW. 21st Ave., Portland, Oreg. 97209. Petitioner holds a motor *common carrier* certificate No. MC 42487 (Sub-No. 31) issued September 6, 1968, authorizing transportation, over irregular routes, of general commodities (except commodities in bulk, household goods as defined by the Commission and those of unusual value), between Seattle,

Wash., and Seward and Valdez, Alaska on the one hand, and, on the other, points in Alaska (except those south of Yukutat Bay). By the instant petition, petitioner seeks to renew its explosives authority contained in the certificate specified above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 59323 (Sub-No. 4) (Notice of filing of petition to modify a territorial description), filed May 1, 1974. Petitioner: Bay Motor Express Inc., 150th and Exterior Streets, Bronx, N.Y. 10451. Petitioner's representative: Edward L. Nehez and William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Petitioner holds a motor *common carrier* certificate No. MC 59323 (Sub-No. 4) issued December 4, 1972, authorizing transportation, over irregular routes, of *automobile parts and accessories*, from Bethpage, Long Island City, and Bronx, N.Y., and Hillside, Edgewater, and Englewood, N.J., to points in Fairfield, New Haven, Litchfield and Hartford Counties, Conn. By the instant petition, petitioner seeks to modify its territorial description to read: "between Bethpage, Long Island City, and Bronx, N.Y., and Hillside, Edgewater, and Englewood, N.J., on the one hand, and, on the other, points in Fairfield, New Haven, Litchfield, and Hartford Counties, Conn." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115279 (NOTICE OF FILING OF PETITION TO AMEND AN EXCEPTION), filed May 6, 1974. Petitioner: CLICK MESSENGER SERVICE, INC., 922 South Ave. West, Westfield, N.J. 07090. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *common carrier* certificate in No. MC 115279 issued May 22, 1957, authorizing transportation, over irregular routes, of *general commodities*, in shipments of 100 pounds or less moving from one consignor to consignee (except commercial papers, documents and other written instruments, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), in specialized delivery service, between points in Bergen, Passaic, and Essex Counties, N.J., on the one hand, and, on the other, New York, N.Y. By the instant petition, petitioner seeks to modify its exception to read: "(except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commercial papers, documents and other written instruments used by banking institutions), in specialized delivery service". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 119456 (NOTICE OF FILING OF PETITION TO MODIFY PERMIT), filed May 6, 1974. Petitioner: J. CAPONE & SONS, INC., 78 Rapelye St., Brooklyn, N.Y. 11237. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *contract carrier permit* in No. MC 119456 issued June 25, 1964, authorizing transportation, over irregular routes, of *cocoa products, gelatin, gums, cream of tartar, pectin, egg products, seaweed products, fruits, nuts, cocoanuts, dates, honey, and ginger*, between Clifton, N.J., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission, under a continuing contract or contracts with Duche UNI-GUM, Division of Stein Hall & Company, Inc., of Clifton, N.J. By the instant petition, petitioner seeks (1) to modify its commodity description by deleting the commodities cocoa products, gelatin, pectin, egg products, fruits, nuts, cocoanuts, dates, honey, and ginger, and substituting in lieu thereof, the commodities dextrin, starch, tapioca, flour, and sodium alginate; and (2) modify its contracting shipper by deleting the name Duche UNI-GUM, Division of Stein Hall & Company, Inc. of Clifton, N.J., and substituting in lieu thereof the name of Stein-Hall & Co., Inc., Subsidiary of Celanese Corp. to reflect a change in name of said shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240.)

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 24379 (Sub-No. 39) (CORRECTION), filed March 7, 1974, published in the FEDERAL REGISTER issue of April 3, 1974, and May 1, 1974, republished, in part, as corrected this issue. Applicant: LONG TRANSPORTATION COMPANY, a Corporation, 3755 Central Avenue, Detroit, Mich. 48210. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215.

NOTE.—The purpose of this republication is to change the publication date from March 20, 1974, to March 21, 1974, which was previously published incorrect. The rest of the notice remains as previously published. This is a matter directly related to a Section 5 proceeding in No. MC-F-12165 published in the FEDERAL REGISTER issue of March 21, 1974. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 951), filed April 22, 1974. Applicant: RAUN TRANSPORT CORPORATION, Third at Keosauqua Way, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk (except as described in Appendix XIII, to the Descriptions case); (2) *acids and liquid chemicals*, in bulk; (3) *liquid chemicals*, in bulk; and (4) *pentachlorophenol*, in bulk, (1) from St. Louis, Mo.-East St. Louis, Ill., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Mississippi, New York, Ohio, Oklahoma, Tennessee, and Texas; (2) from St. Louis, Mo.-East St. Louis, Ill., to points in Maryland; (3) from St. Louis, Mo.-East St. Louis, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Louisiana, Massachusetts, Nebraska, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and that part of Maine south of a line beginning at the Maine-New Hampshire state line and extending along U.S. Highway 2 to Bangor, Maine, thence along Maine Highway 9 to the United States-Canada boundary line (except maleic anhydride to points in Connecticut, Delaware, Massachusetts, New Jersey, Rhode Island, and West Virginia); and (4) from St. Louis, Mo.-East St. Louis, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York (except points in Kings, Queens, Nassau, and Suffolk Counties), Pennsylvania, Ohio, Oklahoma, Texas, Wisconsin, and points in that part of Tennessee west of U.S. Highway 27.

NOTE.—Common control may be involved. This is a matter directly related to the Section 5 proceeding in MC-F-12207 published in the FEDERAL REGISTER issue of May 8, 1974. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Des Moines, Iowa.

No. MC 139583 (Sub-No. 1), filed February 26, 1974. Applicant: DEDICATED FREIGHT SYSTEMS, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundts, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories, and related publications, advertising material, and packaging, and shipping supplies*, between the Ford

Marketing Corporation Parts Distribution Center located in Cuyahoga Heights, Ohio, on the one hand, and, on the other, points in Ashland, Ashtabula, Auglaize, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Delaware, Erie, Fairfield, Franklin, Geauga, Guernsey, Hancock, Hardin, Holmes, Huron, Knox, Lake, Licking, Logan, Lorain, Mahoning, Marion, Medina, Mercer, Morgan, Morrow, Muskinghum, Noble, Ottawa, Perry, Portage, Richland, Sandusky, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Union, Wayne, and Wyandot Counties, Ohio; Allegany, Cattaraugus, Cayuga, Chautaugua, Erie, Genesee, Jefferson, Livingston, Monroe, Niagara, Ontario, Orleans, Oswego, Schuyler, Seneca, Steuben, Wayne, Wyoming, Yates Counties, N.Y., and Crawford, Erie, Mercer, Venango, and Warren Counties, Pa., under continuing contract with Ford Marketing Corporation.

NOTE.—Common control may be involved. This is a matter directly related to the Section 5 proceeding in MC–F–12205 published in the FEDERAL REGISTER issue of May 8, 1974. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC–F–12202. (Correction) (C W TRANSPORT, INC.—CONTROL AND MERGER—THE OVERLAND TRANSPORTATION COMPANY), published in the May 1, 1974, issue of the FEDERAL REGISTER on pages 15187 and 15188. Prior publication should have included the following regular route authority: Between Junction West Virginia Highway 3 and Interstate Highway 77, located about 2 miles northwest of Beckley, W. Va., and Hillsville, Va., serving no intermediate points, and serving the termini for purposes of joinder only, between Junction North Carolina Highway 16 and U.S. Highways 64 and 70, located about 2 miles north of Newton, N.C., and Junction North Carolina Highway 90 and Interstate Highway 40, located about 1 mile west of Statesville, N.C., serving no intermediate points, and serving Taylorsville and Stoney Point, N.C., and points in Catawba and Iredell Counties, N.C., as off-route points, between Junction Interstate Highway 40 and North Carolina Highway 90, located about 1 mile west of Statesville, N.C., and junction U.S. Highway 70 and U.S. Highway 601, located about 2 miles northwest of Salisbury, N.C., serving various intermediate and off-route points, between junction U.S. Highway 21 and North Carolina Highway 115, located about 3 miles north of Charlotte, N.C., and junction U.S. Highway 21 and North Carolina Highway 150, located about 2 miles west of Mooresville, N.C., serving various intermediate and off-route points.

No. MC–F–12214. Authority sought for purchase by SIOUX TRANSPORTATION COMPANY, INC., 1230 Steuben, Sioux City, IA 51102, of the operating rights and property of LOUISVILLE TRANSFER, INC., 1624 Nicholas St., Omaha, NE 68102, and for acquisition by F. ROBERT BECK, and F. PAUL BECK, both of Sioux City, IA 51102, of control of such rights and property through the purchase. Applicants' attorneys: Earl H. Scudder, Jr., and Thomas D. Sutherland, P.O. Box 82028, Lincoln, NE 68501. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–121478 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Nebraska. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Indiana, and Nebraska. Application has been filed for temporary authority under section 210a (b).

No. MC–F–12215. Authority sought for purchase by H.M.E. MOTOR EXPRESS CO., INC., 2122 Tonnelle Ave., North Bergen, N.J. 07047, of a portion of the operating rights of TREDWAYS EXPRESS, INC., 512 Myrtle Ave., Boonton, N.J., and for acquisition by HAROLD HACKETT, also of N. Bergen, N.J. 07047, of control of such rights through the purchase. Applicants' attorneys: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048, and William J. Angello, P.O. Box Z, 120 Main St., Huntington, N.Y. 11748. Operating rights sought to be transferred: *General commodities*, accepting, among others, classes A and B explosives, livestock, household goods and commodities in bulk, as a *common carrier*, over irregular routes, from points in Essex, Hudson, Bergen, Passaic, and Union Counties, N.J., to points on Long Island, on and west of New York Highway 112. Vendee is authorized to operate as a *common carrier* in New Jersey and New York. Aplication has not been filed for temporary authority under sction 210a(b).

No. MC–F–12216. Authority sought for purchase by C. R. ENGLAND & SONS, INC., 975 W. 21st S. Salt Lake City, UT 84119, of the operating rights of TRANSPORTATION, INC., 930 W. 21st S. Salt Lake City, UT 84119, and for acquisition by EUGENE K. ENGLAND AND WILLIAM K. ENGLAND both of Salt City, UT 84119, of control of such rights through the purchase. Applicant's attorney Daniel B. Johnson, 1123 Munsey Bldg., 1329 E St. NW., Washington, D.C. 20004. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier* over irregular routes, from Los Angeles, Azusa, Van Nuys, and San Francisco, Calif., and Pueblo, Colo., to Cedar City, Provo, Salt Lake City, Ogden, and Price, Utah. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii), and as a *contract carrier*, in Utah, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, Wyoming, Ohio, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12218. Authority sought for control by CROUCH BROS., INC., doing business as CROUCH FREIGHT SYSTEMS INC., P.O. Box 1059, St. Joseph, MO 64502, of CADDO EXPRESS, INC., 1257 E. Reno, Oklahoma City, OK 73100, and for acquisition by UNITED TRUCK SERVICE, O.N.C. FREIGHT SYSTEMS, and ROCOR INTERNATIONAL, all of 2800 West Bayshore Road, Palo Alto, CA 94303, of control of CADDO EXPRESS, INC., through the acquisition by CROUCH BROS., INC. Applicant's attorneys: Martin J. Rosen, 140 Montgomery St., San Francisco, CA 94104, and Roland Rice, 1111 E St., Washington, D.C. 20004. Operating rights sought to be controlled: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Oklahoma City, Okla., and Forgan, Okla., serving various intermediate and off-route points, between Oklahoma City, and Richards Spur, Okla., serving all intermediate points, between Oklahoma City, and Richards Spur, Okla., serving no intermediate points, between Elmwood, and Felt, Okla., serving all intermediate points, between Woodward, and Fargo, Okla., serving various off-route points, between Woodward, and Forgan, Okla., serving various intermediate or off-route points, between Forgan, and Woodward, Okla., serving various off-route points, between Woodward, and Forgan, Okla., serving no intermediate points, CROUCH BROS, INC., is authorized to operate as a *common carrier* in Arizona, Arkansas, California, Connecticut, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Washington, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[FR Doc.74–11716 Filed 5–21–74;8:45 am]

[Notice No. 85]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 11, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon

by petitioners must be specified in their petitions with particularity.

No. MC–FC–75099. By order entered May 15, 1974, the Motor Carrier Board approved the transfer to Hiltgen Truck Line, Inc., Greenleaf, Kansas, of the operating rights set forth in Certificates Nos. MC–107324 and MC–107324 (Sub-No. 2), issued January 6, 1947, and October 10, 1952, respectively, to Arthur Hiltgen, doing business as Hiltgen Truck Line, Greenleaf, Kansas, authorizing the transportation of general commodities, with the usual exceptions, household goods, and various specified commodities, from, to, or between specified points in Kansas and Missouri. John E. Jandera, 641 Harrison St., Topeka, Kans. 66603, attorney for applicants.

No. MC–FC–75109. By order of May 15, 1974, the Motor Carrier Board approved the transfer to Glasgow Hauling, Inc., Glenside, Pa., of the operating rights in Certificate No. MC–8497 issued August 24, 1962, to James Glasgow, Glenside, Pa., authorizing the transportation of contractors' equipment and building materials, except liquid commodities in bulk, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware and New Jersey. E. Stephen Heisley, Esq., 666 Eleventh Street NW., Washington, D.C. 20001.

No. MC–FC–75114. By order of May 15, 1974, the Motor Carrier Board approved the transfer to Mark III Trucking, Inc., 335 18th Street, Dunbar, W. Va., of the operating rights in Permit No. MC–136399 (Sub-No. 2), issued June 6, 1973, to Doris S. Baker, Ronald W. Fisher, and Jackie H. Browning, a partnership, doing business as BF&B Trucking Co., Dunbar, W. Va., authorizing the transportation of electrical products from Charleston, W. Va., to Belpre, Riverview, and Marietta, Ohio, and Catlettsburg and Ashland, Ky.

No. MC–FC–75150. By order of May 15, 1974, the Motor Carrier Board approved the transfer to L. Gary Morton, Worcester, Mass., of the operating rights in Certificate No. MC–2059 issued October 3, 1955, to S & H Transfer, Inc., Westminster, Mass., authorizing the transportation of various commodities between specified points and areas in Massachusetts, Connecticut, and New York. David M. Marshall, 135 State St., Springfield, Mass. 01103, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–11713 Filed 5–21–74;8:45 am]

[Ex Parte 241; Rule 19, 4th Rev. Exemption No. 10]

CENTRAL RAILROAD CO. OF NEW JERSEY

Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous 40–ft. 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. 391, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 ft. 6 in. or less, 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).

The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ.
(Detroit and Mackinac Railway Company eliminated)

Effective May 10, 1974, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., May 10, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74–11714 Filed 5–21–74;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—MAY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

14 CFR—Continued Page

71 15099, 15259, 15383, 16118, 16119, 16339, 16439, 16440, 16877, 17097, 17098, 17221, 17304, 17431, 17538, 17849, 17850, 17929
73 15259, 16339, 17097, 17758
75 16340, 17098, 17432, 17850
95 17432
97 15259, 16340, 17433
217 16878
221 16119
239 16879, 17929
241 16120
242 16879, 17929
243 16880, 17929
292 17758
298 16341, 16881, 17759

PROPOSED RULES:

25 16900
39 15143, 16900, 17862
71 15143, 15307, 15308, 16153, 16364–16366, 16901, 17108, 17109, 17236, 17336, 17563, 17862, 17978
103 16481
213 16902
378 17564
399 15309, 17566

15 CFR

370 17098
377 15112
379 17098

16 CFR

13 15115, 15116, 15384, 15385, 17098, 17100, 17434, 17759, 17929
432 15387, 17838
1105 16202, 17760
1500 17435
1507 17435

PROPOSED RULES:

3 17238

17 CFR

210 15260, 17931
230 15261
239 17931
240 15402
241 16440
249 15755, 17939
259 17943

PROPOSED RULES:

240 15145, 17770, 17867
249 17864

18 CFR

2 16338, 16441
159 16338

PROPOSED RULES:

34 17567
35 15510, 17111
157 16487

19 CFR

1 17539
4 15116
19 15117
148 16343
153 17944

PROPOSED RULES:

133 17105, 17446
141 17105, 17446

20 CFR Page

405 16882

PROPOSED RULES:

404 16152
405 15230
602 15307

21 CFR

1 15268, 16227
3 15269
8 16884
10 17304
15 16227
18 15993
19 16227
121 15269, 15753, 15996, 16884, 16885, 17944
135 15270, 17305
135b 15996
135c 15270, 17306
135e 15270, 17305
141 16442
1481 15753
1002 16227
1010 16227
1301 17838
1304 17838
1305 17838
1308 16442

PROPOSED RULES:

3 15306
121 15879, 17977
141a 15879
146a 15879
149h 15879
310 17447, 17448

22 CFR

201 17946

23 CFR

17 17306
640 17309
655 16443
740 17221
790 16122

PROPOSED RULES:

1214 17979

24 CFR

201 17440
275 17678
1274 17186
1914 15100, 15101, 15870–15872, 16468, 17513–17515
1915 15102, 15873, 15874, 17515

25 CFR

PROPOSED RULES:

221 17330

26 CFR

301 15854
601 15854

PROPOSED RULES:

1 17323
20 15878
48 17328

27 CFR

PROPOSED RULES:

4 16892

28 CFR Page

0 15875
16 15875
45 16444

29 CFR

97 17182
102 15271
511 17947
519 15117
522 15122
525 17509
1915 15124
1916 15125
1917 15125
1952 15394

PROPOSED RULES:

Ch. V 17976
1602 16157
1910 16896
1928 17448

30 CFR

71 17101

PROPOSED RULES:

77 17234
250 17446

31 CFR

300 17839
315 17222
601 17839

32 CFR

1613 17539

33 CFR

3 17312
82 16230
110 15271, 17539
117 16231
213 17312

PROPOSED RULES:

117 17977

36 CFR

261 17102

PROPOSED RULES:

7 16151, 17851
211 17852
212 16479

37 CFR

2 16885
6 16885

38 CFR

3 15125, 17222
17 17223
36 17440

39 CFR

132 15271, 17948
135 15271
136 15271

40 CFR

35 15760, 17202
51 16122, 16343
52 16272, 16123, 16344, 16348, 16887, 17441, 17442, 17839
60 15396
61 15396
80 16123
108 15398
165 15236

FEDERAL REGISTER PAGES AND DATES—MAY

Pages	*Date*	*Pages*	*Date*
15087–15241	May 1	17087–17206	May 13
15245–15375	2	17207–17293	14
15377–15741	3	17295–17421	15
15743–15983	6	17423–17501	16
15985–16217	7	17503–17746	17
16219–16432	8	17747–17823	20
16433–16824	9	17825–17920	21
16825–17085	10	17921–18060	22

federal register

WEDNESDAY, MAY 22, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 100

PART II

FEDERAL ENERGY OFFICE

■

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Suppliers Percentage Notice

FEDERAL ENERGY OFFICE

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Suppliers Percentage Notice

Pursuant to the provisions of 10 CFR 211.163(b), 211.164 and 211.165(d)(2), the Federal Energy Office (FEO) hereby provides notice of the volumes of residual fuel oil allocated to each utility for June 1974, and the percentages of such volumes required to be supplied by each supplier for delivery in June 1974. This information is set forth in the Appendix to this notice. Adjustments of certain supplier base period percentages have been made at the request of affected utilities, pursuant to the criteria of 10 CFR 205.24, and are reflected in the Appendix.

The utility allocations were determined after review of the impact of reduced fuel supplies between utility and non-utility uses of residual fuel oil. In calculating the allocation level for each utility the FEO considered all of the factors enumerated in 10 CFR 211.163(b) and also the following other factors:

1. The data contained in the revised Federal Power Commission (F.P.C.) form 23 submitted by utilities for June;

2. Utility residual fuel oil requirements were assumed to be reduced as a result of conservation efforts by utilities designed to achieve at least seven (7) percent load reduction below normal trends;

3. Residual fuel oil needs for utilities were assumed to be reduced as the result of contemplated power purchases from coal and hydro-based utility systems which were considered feasible by the Federal Power Commission;

4. FEO analysis that the supply level of residual fuel oil is expected to be at or slightly below a constrained demand. Inventory buildup by utilities, therefore may be accomplished only to the extent of excess supply.

The amounts shown in the Appendix are the quantities of fuel oil to be delivered to the utility listed during the month of June 1974. Some utilities will not receive any allocation for June. This is due to the fact that these utilities either burn other fuels primarily and use residual fuel oil only for stand-by inventory purposes, or use residual fuel oil as a small percentage of the utility's capacity. In some of the latter instances, even the small amount of residual fuel oil involved is eliminated by the conservation guides established for utilities.

The Appendix provides the names of the suppliers obligated to supply each utility and each supplier's percentage and volume of the month's allocation to a utility. The first column of the Appendix lists each utility with its suppliers. The second column sets forth the recommended FEO burn level for the month of June. The third and forth columns provide each supplier's respective percentage and volume share of a utility's allocated volume of residual fuel oil. The fifth column provides the total volume of residual fuel oil for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parenthesis. The supplier in parenthesis is presumed, on the basis of the best information available, to be the source of supply for certain resellers supplying utility end-users. This information is provided for the convenience of such suppliers and the FEO requests any additions or corrections in this regard be forwarded to: Residual Fuels Manager for Utilities, P.O. Box 2887, Washington, D.C. 20013.

FEO will consider special circumstances such as unexpected outages which may cause fuel consumption to exceed FEO burn levels in any month. Adjustments have been made in the allocation levels of certain utilities to reflect necessary corrections in the delivery levels authorized in previous months. It is contemplated that corrections or adjustments to delivery levels for certain utilities may be required during the month of June to avoid undue hardship. Such corrections or adjustments may be made pursuant to 10 CFR 205.21 et seq.

FEO expects the utilities to consume supplies at or below FEO burn levels which are based on the utilities' proposed burn level less adjustments for conservation efforts. Where a utility fails to encourage conservation to observe FEO burn levels, its allocation for following months will be appropriately adjusted downward.

The utility residual fuel oil allocation program is based in part on the data derived from utilities' filings of FPC Forms 23 and 23A. To insure timeliness and uniformity of data, Form 23 has been revised by FPC. A new Form (FPC Form 23A) has been issued to provide a rolling yearly projection of proposed monthly utility electric generation and corresponding fuel requirements. Utilities which have previously filed Form 23 for July and subsequent months are required to refile using the revised Form 23.

Each utility must mail a completed revised Form 23 to FEO and FPC by June 5, 1974. FPC has mailed copies of revised Form 23 to each utility.

Each utility has also been mailed a set of FPC Form 23A. The filing of this form will be due June 1, for the period July 1, 1974, through June 30, 1975. It is contemplated that residual fuel oil allocations will be issued each utility in June covering the third calendar quarter (July–September). Thus, the timely submission of Form 23A will be a necessary prerequisite to such quarterly allocation.

Reports should be addressed to "Data Collection," FEO, Box 2887, Washington, D.C. 20013.

Issued in Washington, D.C., May 20, 1974.

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

APPENDIX

RESIDUAL FUEL OIL ALLOCATIONS TO UTILITIES FOR THE MONTH OF JUNE 1974

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)				
CONNECTICUT				
NORTHEAST UTILITIES	2,249,718			2,249,718
AMERADA HESS CORP		68.0	1,529,808	
TAD JONES CO (GULF)		21.0	472,441	
WYATT INC (EXXON)		10.0	224,972	
H N HARTWELL&SON INC		1.0	22,497	
UNITED ILLUMINATING CO	669,717			669,717
TEXACO		87.0	582,554	
WYATT INC (EXXON)		13.0	87,063	
MAINE				
BANGOR HYDRO ELEC. CO.	35,709			35,709
SPRAGUE		100.0	35,709	
CENTRAL MAINE POWER CO.	347,555			347,555
TEXACO		100.0	347,555	
MAINE PUBLIC SERVICE CO.	0			0
MASSACHUSETTS				
BOSTON EDISON CO.	1,093,859			1,093,859
WHITE FUEL (TEXACO)		46.0	503,175	
EXXON		42.0	459,421	
SPRAGUE		12.0	131,263	
BRAINTREE ELEC. LT. DEPT.	19,882			19,882
CK SMITH(GOLD.EAGLE)		100.0	19,882	
E.UTIL.ASSOC.(MONTAUP&BLACKS	383,442			383,442
TEXACO		100.0	383,442	
FITCHBURG GAS & EL.	6,723			6,723
NORTHEAST PETROLEUM		100.0	6,723	
HOLYOKE GAS AND ELECTRIC	4,446			4,446
WYATT INC (EXXON)		100.0	4,446	
NEW ENG. ELEC	790,950			790,950
ASIATIC PETRO CORP		60.0	474,570	
GOLD.EAGLE		40.0	316,380	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
NEW ENG. G & E	161,113			161,113
NEW ENGLAND PETRO		84.8	136,624	
WHITE FUEL(TEXACO)		15.2	24,489	
PEABODY ELECTRIC LT DEPT	0			0
TAUNTON MUN. LT.	29,998			29,998
QUINCY OIL CO (EXXON		100.0	29,998	
NEW HAMPSHIRE				
PUB SER OF N.H.	288,179			288,179
SPRAGUE		26.3	75,791	
CONOCO		73.7	212,388	
NEW YORK				
CENTRAL HUDSON GAS & ELEC CO	361,882			361,882
AMERADA HESS CORP		100.0	361,882	
CONSOL EDISON OF NY	3,625,891			3,625,891
NEW ENGLAND PETRO		45.5	11,649,780	
EXXON		20.8	754,185	
AMERADA HESS CORP		22.3	808,574	
TEXACO		11.4	413,352	
FREEPORT, VILLAGE OF	23,600			23,600
BURNS BROS O.(NEPCO)		100.0	23,600	
LAWRENCE PARK HEAT & LIGHT	0			0
LONG ISLAND LIGHT CO.	1,659,090			1,659,090
NEW ENGLAND PETRO		100.0	11,659,090	
NIAGARA MOHAWK POWER CO.	267,891			1,000,000
NEW ENGLAND PETRO		100.0	11,000,000	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
ORANGE & ROCKLAND UTILITIES	1,136,593			1,136,593
NEW ENGLAND PETRO		31.6	359,163	
HOWARD FUEL CORP		68.4	777,430	
ROCHESTER GAS & ELECTRIC	9,445			9,445
ALLIED O		29.7	2,805	
MONOCO OIL COMPANY		70.3	6,540	
RHODE ISLAND				
NEWPORT ELECTRIC CORP	7,000			7,000
CK SMITH		100.0	7,000	

2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)

DELAWARE				
DELMARVA PWR & LT	757,065			757,065
STEUART PETROLEUM CO		22.0	166,554	
TEXACO		5.0	37,853	
GULF		8.0	60,565	
CONOCO		65.0	492,092	
DOVER, CITY OF	34,847			34,847
TEXACO		100.0	34,847	
DISTRICT OF COLUMBIA				
POTOMAC ELEC. PWR.	984,909			984,909
ASIATIC PETRO CORP		79.0	778,073	
STEUART PETROLEUM CO		21.0	206,831	
MARYLAND				
BALTIMORE GAS & ELECTRIC	1,486,859			1,486,859
AMERADA HESS CORP		52.7	783,575	
EXXON		47.3	703,284	
NEW JERSEY				
ATLANTIC CITY ELECTRIC COMPA	175,104			175,104
AMERADA HESS CORP		100.0	175,104	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
GPU INTEGRATED SYSTEM	523,126			523,126
AMERADA HESS CORP		94.0	491,738	
SWANN OIL INC		5.0	26,156	
SHIPLEY-HUMBLE		1.0	5,231	
PUBLIC SERVICE ELECTRIC	1,822,646			1,822,646
AMERADA HESS CORP		83.4	1,520,087	
EXXON		16.6	302,559	
VINELAND,CITY OF ELEC.	67,200			67,200
SWANN OIL INC		100.0	67,200	
PENNSYLVANIA				
PENNSYLVANIA & LGT CO	0			0
PHILADELPHIA ELECTRIC CO.	1,200,188			1,200,188
ARCO		28.5	342,054	
AMERADA HESS CORP		21.5	258,040	
GULF		9.0	108,017	
NEW ENGLAND PETRO		2.1	25,204	
TEXACO		24.0	288,045	
CONOCO		14.9	178,828	

3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)

FLORIDA				
FLORIDA KEYS ELEC COOP	6,520			6,520
BELCHER OIL(EXXON)		100.0	6,520	
FLORIDA P & L	3,397,918			3,397,918
EXXON		15.0	509,688	
BELCHER OIL(EXXON)		85.0	2,888,230	
FLORIDA POWER CORPORATION	1,837,000			1,837,000
EXXON		60.0	1,102,200	
AMERADA HESS CORP		40.0	734,800	
FORT PIERCE, CITY OF	25,000			25,000
NEW ENGLAND PETRO		100.0	25,000	
GAINESVILLE, CITY OF	59,045			59,045
EASTERN SEABOARD		100.0	59,045	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
GULF POWER CO.	0			0
JACKSONVILLE ELEC. AUTH.	813,460			813,460
VEN FUEL INC		82.6	671,918	
CONOCO		17.4	141,542	
KEY WEST UTILITIES	69,921			69,921
STD.OIL-KY		100.0	69,921	
LAKE WORTH UTIL AUTHORITY	7,595			7,595
BELCHER OIL(EXXON)		100.0	7,595	
LAKELAND LIGHT & WTR DEPT	113,683			113,683
BELCHER(STD.OIL-KY)		100.0	113,683	
NEW SMYRNA BEACH	0			0
ORLANDO UTILITIES COMM.	456,581			456,581
NEW ENGLAND PETRO		100.0	456,581	
SEBRING UTILITIES COMM.	4,655			4,655
UNION OIL OF CA		100.0	4,655	
TALLAHASSEE, CITY OF	95,917			95,917
UNION OIL OF CA		100.0	95,917	
TAMPA ELECTRIC CO.	57,923			57,923
WESTERN (STD.OIL-KY)		100.0	57,923	
VERO BEACH MUNICIPAL POWER	20,573			20,573
BELCHER OIL(EXXON)		100.0	20,573	
GEORGIA				
GEORGIA POWER COMPANY	0			0
SAVANNAH ELECTRIC & POWER CO	236,610			236,610
COLONIAL OIL(EXXON)		100.0	236,610	
MISSISSIPPI				
MISSISSIPPI POWER CO.	0			0

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
SOUTH MISSISSIPPI ELEC	42,748			42,748
SOUTHLND OIL		83.0	35,481	
AMERADA HESS CORP		17.0	7,267	
NORTH CAROLINA				
CAROLINA POWER & LT.	0			0
SOUTH CAROLINA				
S.CAROLINA ELEC & GAS CO	406,205			406,205
EXXON		100.0	406,205	
S.CAROLINA PUB SERV AUTH	16,722			16,722
AMERADA HESS CORP		100.0	16,722	
VIRGINIA				
VIRGINIA ELECTRIC POWER	1,369,900			1,369,900
EXXON		68.6	939,751	
AMERADA HESS CORP		24.2	331,516	
AMOCO		7.2	98,633	

4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)

ARKANSAS				
ARKANSAS ELEC COOP	63,700			63,700
LOGICON INC (SHELL)		80.0	50,960	
E L BRIDE(TEXACO)		20.0	12,740	
JONESBORO WATER AND LIGHT PL	9,654			9,654
DELTA REFINING CO		83.0	8,013	
E L BRIDE(MIDLAND)		17.0	1,641	
COLORADO				
CI&U, S.COLO PWR DIV.	0			0
KANSAS				
CENTRAL KANSAS PWR	0			0

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
CHANUTE,CITY OF	3,500			3,500
MID AMER.REFINING		100.0	3,500	
CLAY CENTER LT&WTR	0			0
COFFEYVILLE LT & PWR	4,450			4,450
CRA-FARMLAND		100.0	4,450	
CT&U, WESTERN PWR DIV	0			0
KANSAS GAS & ELEC	0			0
KANSAS POWER & LIGHT	0			0
LARNED WTR & ELEC	0			0
MCPHERSON BD OF PUB UTIL	0			0
OTTAWA WTR & LT	0			0
LOUISIANA				
CENTRAL LOUISIANA ELECTRIC C	0			0
JONESBORO POWER & LIGHT	0			0
MIDDLE SOUTH SERVICES	1,753,887			1,753,887
MURPHY OIL CORP		30.0	526,165	
TAUBER OIL CO		20.5	359,547	
SHELL		21.3	373,578	
EXXON		12.9	225,251	
GULF		9.5	166,519	
ERGON INC (EXXON)		3.8	66,648	
E L BRIDE(OKC REF.)		1.7	29,815	
REESE OIL(SUN OIL)		.3	5,262	
SOUTHWESTERN ELECTRIC POWER	0			0
MISSISSIPPI				
CLARKSDALE WTR & LT	0			0

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
YAZOO CITY PUB SERV	0			0
MISSOURI				
EMPIRE DIST ELEC	0			0
ST JOSEPH LT & PWR	0			0
OKLAHOMA				
BLACKWELL WTR & LT	0			0
OKLAHOMA GAS & ELEC	0			0
WESTERN FARMERS ELEC COOP	0			0
TEXAS				
GULF STATES UTILITIES	820			820
COASTAL STATES MKTG		37.5	308	
TENNECO		16.1	132	
UNITED PETRO DISTRIB		4.0	33	
EXXON		20.1	165	
SOUTH HAMPTON CO		22.3	183	

5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)

AUSTIN CITY ELEC DEPT	0			0
BRAZOS ELEC COOP	0			0
BRYAN, CITY OF	5,020			5,020
PETROLEUM T&T(3 RIVE		100.0	5,020	
DALLAS POWER &LT.	10,000			10,000
WINSTON REF CO		18.2	1,820	
KERR MCGEE OIL CO		18.9	1,890	
J&W REFINING		47.2	4,720	
BEE OIL&REFINING		15.6	1,560	
GARLAND,CITY OF	0			0
HOUSTON LIGHTING	517,284			517,284
AMERADA HESS CORP		100.0	517,284	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
LOWER COLORADO RIVER AUTH	0			0
MEDINA ELEC COOP	0			0
SAN ANTONIO PUB SERV	109,231			109,231
TESORO		100.0	109,231	
TEXAS ELEC SERV	0			0
TEXAS PWR & LT	0			0
WEST TEXAS UTIL	66,117			66,117
PRIDE REFINING INC		100.0	66,117	

6. MID-AMERICA INTERPOOL NETWORK (MAIN)

ILLINOIS				
COMMONWEALTH EDISON CO.	345,048			345,048
ALLIED O.		98.0	338,147	
CLARK OIL&REF.CORP		2.0	6,901	
ILLINOIS POWER CO	0			0
MISSOURI				
UNION ELECTRIC	0			0
WISCONSIN				
SUPERIOR WTR & LT	0			0
WISCONSIN ELEC PWR	41			41
INDUST FUEL&ASPHALT		100.0	41	

7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)

IOWA				
ATLANTIC MUNICIPAL UTILITIES	0			0

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
INTERSTATE POWER	0			0
LAMONI MUNIC	0			0
MINNESOTA				
AUSTIN UTILITIES	0			0
FAIRMONT WTR & LT	0			0
MARSHALL MUNICIPAL UTIL	0			0
MINNESOTA PWR & LT	18,373			18,373
MURPHY OIL		100.0	18,373	
NORTHERN STATES PWR	0			0
OWATONNA MUN UTIL	0			0
WORTHINGTON, CITY OF	0			0
NEBRASKA				
CENTRAL NEBRASKA PUBLIC	0			0
FAIRBURY LT & WTR	0			0
GRAND ISLAND ELEC	0			0
HASTINGS UTILITIES DEPT	0			0
LINCOLN ELECTRIC SYSTEM	0			0
NEBRASKA PUBLIC POWER DISTRI	0			0
OMAHA PUB PWR DIST	0			0

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
WISCONSIN				
LAKE SUPERIOR DIST PWR	0			0
8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)				
MICHIGAN				
CLINTON LT & WTR	613			613
CRYSTAL REFINING CO		100.0	513	
CONSUMERS POWER	180,490			180,490
CONSUMERS PWR-CRUDE		54.0	97,465	
LAKESIDE REFINING CO		14.0	25,269	
OSCEOLA REFINING CO		8.0	14,439	
TOTAL LEONARD INC		4.0	7,220	
MURPHY MI.DIV.AMOCO		6.0	10,829	
ENTERPRISE OIL CO		6.0	10,829	
BORON OIL(STANDARD)		3.0	5,415	
INDUST FUEL&ASPHALT		2.0	3,610	
RUPP OIL COMPANY		2.0	3,610	
GLADIEUX REF		1.0	1,805	
DETROIT EDISON CO.	668,197			668,197
SUN OIL LTD		70.0	467,738	
CANADIAN FUEL MKTRS		9.9	66,152	
ENTERPRISE OIL CO		4.8	32,073	
PETRO PRODUCTS		5.4	36,083	
MARATHON OIL		9.9	66,152	
GRAND HAVEN BD PUB	0			0
HILLSDALE BD OF PUB WORKS	1,299			1,299
LEWIS(GLADIEUX REF)		100.0	1,299	
OHIO				
CLEVELAND ELEC ILLUMIN	95,667			95,667
ALLIED O.(ASHLAND)		100.0	95,667	
TOLEDO EDISON	8,045			8,045
SUN OIL		100.0	8,045	

	RECOMMENDED FEO BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
PENNSYLVANIA				
ALLEGHENY POWER SERVICE	0			0
9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)				
ARIZONA				
ARIZONA PUBLIC SERVICE CO.	0			0
SALT RIVER PROJECT	169,408			169,408
TESORO		12.4	21,007	
DOUGLAS OIL CO		2.8	4,743	
GUSTAFSON OIL CO		.9	1,525	
MACMILLAN		17.0	28,799	
POWERINE OIL CO		18.1	30,663	
LITTLE AMERICA		19.7	33,373	
SAN JOAQUIN REF		29.1	49,298	
TUCSON GAS & ELEC	55,020			55,020
GOLDEN GATE PETRO		22.0	12,104	
NAVAJO REFINING		5.0	2,751	
TOSCO		43.0	23,659	
UNION OIL OF CA		25.0	13,755	
HOLLAND OIL(TOSCO)		5.0	2,751	
CALIFORNIA				
BURBANK CITY PUBLIC SER.	44,000			44,000
CARSON(GOLD.EAGLE)		100.0	44,000	
GLENDALE PUBLIC SERVICES	32,927			32,927
POWERINE OIL CO		100.0	32,927	
IMPERIAL IRRIGATION DISTR	36,800			36,800
CRESCENT REF&O(GULF)		100.0	36,800	
LOS ANGELES DEPT OF WATER &	1,172,000			1,172,000
ARCO		59.8	700,856	
EDGINGTON OIL CO		20.9	244,948	
PETROBAY		7.6	89,072	
NEWHALL REFINING CO		5.0	58,600	
SAN JOAQUIN REF		3.5	41,020	
POWERINE OIL CO		3.2	37,504	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
PACIFIC GAS & ELECTRIC CO	280,000			280,000
ARCO		71.3	199,540	
UNION OIL OF CA		4.7	13,160	
PHILLIPS PETROLEUM		24.0	67,200	
PASADENA POWER CO.	56,885			56,885
GOLD.EAGLE		100.0	56,885	
SAN DIEGO GAS & ELECTRIC CO.	477,000			477,000
UNION OIL OF CA		29.8	142,145	
HIRI		16.2	77,274	
EDGINGTON OIL CO		21.3	101,501	
TESORO		32.7	155,979	
SOUTHERN CALIF EDISON	2,750,000			2,750,000
SID.OIL-CAL		50.1	1,377,750	
TEXACO		9.7	266,750	
ARCO		7.8	214,500	
EXXON		20.4	561,000	
PACIFIC RESOURCES		6.8	187,000	
MACMILLAN R.F.OIL		3.0	82,500	
CONOCO		2.2	60,500	
COLORADO				
COLORADO SPRINGS LT & PWR	0			0
LAMAR LT & PWR	0			0
PUB SERV COLORADO	0			0
MONTANA				
MONTANA POWER	0			0
NEVADA				
NEVADA POWER COMPANY	0			0
SIERRA PACIFIC POWER	0			0

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
NEW MEXICO				
PLAINS ELEC GEN & TRANSM	0			0
PUB SERV NEW MEXICO	0			0
OREGON				
PACIFIC POWER & LIGHT CO	0			0
TEXAS				
COMMUNITY PUB SERV	1,952			1,952
STD.OIL-TEXAS		100.0	1,952	
EL PASO ELECTRIC	94,705			94,705
STD.OIL-TEXAS		74.5	70,555	
TESORO		25.5	24,150	
UTAH				
UTAH POWER &LIGHT CO.	0			0
WASHINGTON				
PUGET SOUND POWER &LIGHT CO.	0			0
SEATTLE DEPT OF LI	0			0
TACOMA DEPT OF PUBLIC UTILIT	0			0
10. ASCC				
ALASKA				
CORDOVA, TOWN OF	1,976			1,976
TESORO		100.0	1,976	
HAWAII				
HAWAIIAN ELECTRIC COMPANY	632,837			632,837
STD.OIL-CA		100.0	632,837	
HILO ELEC LT	40,790			40,790
STD.OIL-CA		100.0	40,790	
KAUAI ELECTRIC	13,441			13,441
STD.OIL--CA		100.0	13,441	
MAUI ELECTRIC	39,621			39,621
STD.OIL-CA		100.0	39,621	
11. NOT OTHERWISE CLASSIFIED				
UNK				
GUAM PWR AUTH	88,103			88,103
U.S.NAVY		100.0	88,103	
PUERTO RICO WATER RESOURCES	1,863,161			1,863,161
COMMONWEALTH OIL		50.0	931,581	
PUERTO RICO SUN OIL		30.0	558,948	
CARIBBEAN GULF REF		20.0	372,632	
ST CROIX, V.I. WTR PWR	45,730			45,730
AMERADA HESS CORP		100.0	45,730	
ST THOMAS, V.I. WTR PWR	32,394			32,394
AMERADA HESS CORP		100.0	32,394	

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