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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)

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

Commerce/EDA—Excess property; grant and loan program..... 6769; 2–14–75

DOT/CG—Anchorage regulations; Beverly and Salem Harbors, Mass. special anchorage areas..... 6339; 2–11–75

Loran-C system rate structure change 6338; 2–11–75

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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HIGHLIGHTS—Continued

SUPPLEMENTARY MEDICAL INSURANCE—HEW/SSA adopts quarterly billing for Title II beneficiaries; effective 4–14–75 11865

TENANT SELECTION—HUD proposes requiring landlords in Rent Supplement program to declare criteria; comments by 4–15–75 11893

INVESTMENT ADVISERS—SEC proposes requiring disclosure to clients of qualifications, methods and services; comments by 4–30–75 11897

COASTAL ZONE MANAGEMENT—Commerce/NOAA allocates funds to states for program development 11863

CONCORDE SST—DOT/FAA hearings on Draft Environmental Impact Statement concerning proposed limited operations; hearing dates 4–14 (Washington, D.C.) and 4–18–75 (Queens, N.Y.) 11933

MEETINGS—
USDA/ASCS: National Peanut Advisory Council, 3–20–75 11922
CPSC: Technical Advisory Committee on Poison Prevention Packaging, 4–29 and 4–30–75 11936
FEA: Retail Dealers Advisory Committee, 3–28–75 11936
FPC: Technical Advisory Committee on the Impact of Inadequate Electric Power Supply, 4–2–75 11948
HEW: President's Biomedical Research Panel, 3–31 and 4–1–75 11928
NIH: Advisory Committee meetings for April and May 11924–11928
Interior/Bonneville Power Administration: Draft Facility Location, comments solicited, 4–26–75 11920
NPS: Golden Gate National Recreation Area Citizens' Advisory Commission, 4–8–75 11921
Ozark National Scenic Riverways Advisory Commission, 4–11–75 11921
NASA: Research and Technology Advisory Council, 4–3 and 4–4–75 11948
DOD: DDR&E High Energy Laser Review Group, 4–1 thru 4–4–25 11918
DOT/FRA: Railroad Operating Rules Advisory Committee, 4–8–75 11933
Treasury: Joint Board for the Enrollment of Actuaries, 3–19 and 3–20–75 11918

contents

CONTENTS

CONTENTS

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

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

5 CFR

213 (8 documents) 11859

7 CFR

106 11860
910 11860
1207 11860

PROPOSED RULES:

911 11876
915 11876
1094 11878
1096 11879

9 CFR

82 11861

PROPOSED RULES:

112 11879
113 11879

14 CFR

39 (3 documents) 11861, 11862
71 (3 documents) 11862, 11863

PROPOSED RULES:

71 (2 documents) 11893

15 CFR

926 11863

17 CFR

PROPOSED RULES:

275 11897

18 CFR

PROPOSED RULES:

141 11896

20 CFR

405 11865

21 CFR

133 11865
436 11869
444 (2 documents) 11869, 11870
446 (2 documents) 11869, 11870
448 11870

PROPOSED RULES:

1 (2 documents) 11882
630 11884

23 CFR

1214 11870

24 CFR

PROPOSED RULES:

405 11893

29 CFR

529 11872
701 11872
1952 11872

PROPOSED RULES:

1910 11890

36 CFR

PROPOSED RULES:

7 (2 documents) 11876

37 CFR

1 11873

40 CFR

52 11874
180 (2 documents) 11874
432 11874

PROPOSED RULES:

52 (2 documents) 11894, 11895
141 11990

42 CFR

PROPOSED RULES:

71 11887

45 CFR

PROPOSED RULES:

126 11885

50 CFR

2 11874
33 (2 documents) 11875

CUMULATIVE LIST OF PARTS AFFECTED—MARCH

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 March.

1 CFR

301 ... 10441
302 ... 10442
304 ... 10442

3 CFR

PROCLAMATIONS:

3279 (Amended by Proc. 4355) ... 10437
4313 (Amended by Proc. 4353) ... 8931, 10433
4345 (Amended by Proc. 4353) ... 8931, 10433
4353 ... 8931, 10433
4354 ... 10435
4355 ... 10437

EXECUTIVE ORDERS:

Dec. 9, 1920 (Revoked in part by PLO 5491) ... 11727
10973 (Amended by E.O. 11841) ... 8933
11803 (Amended by E.O. 11842) ... 8935
11837 (Amended by E.O. 11842) ... 8935
11841 ... 8933
11842 ... 8935

5 CFR

213 ... 8937, 10655, 11705, 11859
2401 ... 10951

7 CFR

20 ... 11345
53 ... 11535
68 ... 10472
106 ... 11860
271 ... 8937, 10165
272 ... 8937
301 ... 8763, 11705
401 ... 8770, 8771
650 ... 10951
905 ... 11345
907 ... 10474, 11706
908 ... 8772
910 ... 10655, 11860
944 ... 11346
966 ... 10953
971 ... 10165
982 ... 8773
1207 ... 11860
1801 ... 10953
1806 ... 10953
1813 ... 11707

PROPOSED RULES:

25 ... 8824
25A ... 8824
29 ... 10190
102 ... 11728
210 ... 10192
220 ... 11729
271 ... 10481
908 ... 11587
911 ... 11876
915 ... 11876
916 ... 11729
917 ... 11729
959 ... 10996
1094 ... 11878
1096 ... 11879
1464 ... 10192
1701 ... 10192, 11357

9 CFR

73 ... 8938
78 ... 8773
82 ... 11861
97 ... 11346

9 CFR—Continued

91 ... 10443
113 ... 8774, 11587
304 ... 11346
305 ... 11346
317 ... 11346, 11347
381 ... 11347

PROPOSED RULES:

112 ... 11879
113 ... 11587, 11879
317 ... 10191
381 ... 10191

10 CFR

Ch. I ... 8774
202 ... 11707
211 ... 10165, 10444
212 ... 10444
661 ... 10953
Ch. III ... 8794

RULINGS:

1975-2 ... 10655

PROPOSED RULES:

2 ... 8832
21 ... 8832
31 ... 8832
35 ... 8832
40 ... 8832
210 ... 10195, 11363

12 CFR

Ch. II ... 10660
225 ... 11710
270 ... 10661
272 ... 10661
309 ... 11547
329 ... 11711
545 ... 8795, 11548, 11711
564 ... 10449
584 ... 11712
602 ... 10450
701 ... 8938
708 ... 10167
720 ... 10450

PROPOSED RULES:

11 ... 10602
205 ... 11739
206 ... 10322
335 ... 10376
531 ... 11363
701 ... 8967
745 ... 8967

13 CFR

114 ... 10661

PROPOSED RULES:

107 ... 11740
121 ... 10486

14 CFR

39 ... 8795, 8796, 8937, 10450, 10661, 10662, 10951, 11549, 11550, 11861, 11862
71 ... 8796, 8797, 10169-10172, 10662, 10663, 10951, 11550, 11551, 11712, 11862, 11863
73 ... 8940, 10663
91 ... 10451
97 ... 10451, 11712
121 ... 10173
139 ... 11713
288 ... 10174, 10663
302 ... 10967

14 CFR—Continued

310 ... 10663
311 ... 10664

PROPOSED RULES:

21 ... 10802
23 ... 10802
25 ... 10802
27 ... 10802
29 ... 10802
31 ... 10802
33 ... 10802
35 ... 10802
37 ... 11002
39 ... 11003, 11596
71 ... 8830, 8958, 10193, 10194, 10692, 11003, 11597, 11893
73 ... 11597
91 ... 10802
121 ... 8830, 10802, 11004, 11736, 11737
127 ... 10802
133 ... 10802
135 ... 10802
137 ... 8831
Chapter II ... 11601
221 ... 11602

15 CFR

4 ... 11551
926 ... 11863

16 CFR

13 ... 10452, 10453, 10665, 10993-10994
142 ... 11714

17 CFR

1 ... 11561
18 ... 11562
19 ... 11562
200 ... 8797

PROPOSED RULES:

200 ... 11739
201 ... 11739
250 ... 8968
270 ... 11613, 11614
275 ... 11613, 11614, 11897

18 CFR

3 ... 8940
35 ... 8946
141 ... 8803, 11347
154 ... 8946, 8947
260 ... 8940
301 ... 10668
701 ... 10668

PROPOSED RULES:

2 ... 11739
141 ... 10196, 11896
154 ... 11739
157 ... 11739
260 ... 10196

19 CFR

111 ... 11562

PROPOSED RULES:

1 ... 8955

20 CFR

405 ... 11865

PROPOSED RULES:

405 ... 10687

49 CFR—Continued

396 10685
571 ..... 8953, 11004, 11355, 11584
575 11727
1033 ..... 8823, 10685
1300 11356
1303 11356
1304 11356
1306 11356
1307 11356
1308 11356
1309 11356

PROPOSED RULES:

179 11362
256 8958
571 ..... 8962, 10483, 11598, 11738
581 11598
609 10697

50 CFR

2 11874
28 ..... 11356, 11585
33 ..... 8954, 11586, 11727, 11875
216 ..... 10182, 11586
280 10988

PROPOSED RULES:

216 10193
278 11729

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	*Date*
8764–8929	Mar. 3
8931–10163	4
10165–10432	5
10433–10654	6
10655–10950	7
10951–11344	10
11345–11534	11
11535–11704	12
11705–11858	13
11859–12066	14

rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Confidential Assistant to the Director, Office of Justice Policy and Planning, is excepted under Schedule C.

Effective on March 14, 1975, § 213.3310(x) is added as set out below.

§ 213.3310 Department of Justice.

* * * * * *

(x) *Office of Justice Policy and Planning.* (1) One Confidential Assistant to the Director.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–6802 Filed 3–13–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to reflect the following title change from one Private Secretary to the Deputy Under Secretary for Legislative Affairs to one Private Secretary to the Assistant to the Secretary for Congressional Affairs.

Effective on March 14, 1975, § 213.3314 (a) (10) is amended as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* * * *

(10) One Private Secretary to the Assistant to the Secretary for Congressional Affairs.

* * * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–6797 Filed 3–13–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Secretary to the Deputy Assistant Secretary for Education is excepted under Schedule C.

Effective on March 14, 1975, § 213.3316 (r) (7) is added as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * * *

(r) *Office of the Assistant Secretary for Education.* * * *

(7) One Confidential Secretary to the Deputy Assistant Secretary for Education.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–6800 Filed 3–13–75;8:45 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one additional position of Special Assistant to the Administrator is excepted under Schedule C.

Effective on March 14, 1975, § 213.3318 (a) (1) is amended as set out below.

§ 213.3318 Environmental Protection Agency.

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

* * * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–6798 Filed 3–13–75;8:45 am]

PART 213—EXCEPTED SERVICE

International Trade Commission

Section 213.3339 is amended to show that one position of Staff Assistant to a Commissioner is excepted under Schedule C.

Effective March 14, 1975, § 213.3339(f) is amended as set out below.

§ 213.3339 U.S. International Trade Commission.

* * * * * *

(f) One position of Staff Assistant to each of three Commissioners.

* * * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–6801 Filed 3–13–75;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Home Loan Bank Board

Section 213.3354 is amended to show that one position of Secretary (Typing) to an Assistant to a Board Member is reestablished under Schedule C.

Effective on March 14, 1975, § 213.3354 (d) is amended as set out below.

§ 213.3354 Federal Home Loan Bank Board.

* * * * * *

(d) One Secretary (Typing) to an Assistant to a Board Member.

* * * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–6799 Filed 3–13–75;8:45 am]

PART 213—EXCEPTED SERVICE

ACTION

Section 213.3359 is amended to show that one position of Special Assistant to the Director of ACTION is excepted under Schedule C.

Effective on March 14, 1975, § 213.3359 (r) is added as set out below.

§ 213.3359 ACTION.

* * * * * *

(r) One Special Assistant to the Director.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–6796 Filed 3–13–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Congressional Liaison Officer is reestablished under Schedule C.

Effective on March 14, 1975, § 213.3394 (a) (17) is amended as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(17) Seven Congressional Liaison Officers, Office of the Director of Congressional Affairs.

* * * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-6803 Filed 3-13-75;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—WAREHOUSE REGULATIONS

PART 106—DRY BEAN WAREHOUSES

Licensing of Inspectors Otherwise Licensed and Exemption From License Fees; Correction

Notice is hereby given that in 40 FR 6475, dated Wednesday, February 12, 1975, several words were in inadvertently omitted from § 106.55. The corrected section should read as follows:

§ 106.55 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to an inspector or weigher except that no fee shall be charged for issuance of a license to an inspector who holds an unsuspended and unrevoked license under the Agricultural Marketing Act of 1946 and regulations thereunder to inspect and grade any beans and to certificate the grade thereof.

Done at Washington, D.C., March 11, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-6805 Filed 3-13-75;8:45 am]

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

[Lemon Reg. 683]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 16–22, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.983 Lemon Regulation 683.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons started active on Monday of this week but eased off on Tuesday. Average f.o.b. price was $5.04 per carton the week ended compared to $4.99 per carton the previous week. Track and rolling supplies at 130 cars were down 25 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 11, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 16, 1975, through March 22, 1975, is hereby fixed at 250,000 cartons.

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

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

Dated: March 13, 1975.

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

[FR Doc.75-7027 Filed 3-13-75; 12:11 pm]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

[Amdt. 1]

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Increase in Expenses

Notice was published in the February 19, 1975, issue of the FEDERAL REGISTER (40 FR 7099) regarding a proposed increase in expenses of $207,000 recommended by the National Potato Promotion Board for its fiscal period ending June 30, 1975. The Potato Board was established pursuant to the Potato Research and Promotion Plan (7 CFR Part 1207) issued under the Potato Research and Promotion Act (7 U.S.C. 2611–2627).

The notice afforded interested persons an opportunity to file written comments not later than March 7, 1975. None was filed.

On June 19, 1974, the Secretary approved Potato Board expenses of $1,968,937 for the fiscal period ending June 30, 1975 (39 FR 22941).

On October 25, 1974, the Administrative Committee voted to budget an additional $50,000 for its merchandising project. Due to unexpectedly heavy participation by food chains in the improved retail display program, there is a need

to buy more material and pay a temporary helper to properly service the program.

On February 1, 1975, the Administrative Committee voted to budget an additional $157,000 for a new advertising campaign to market the plentiful supplies of potatoes available by informing consumers that potatoes are now an even better bargain as an economical source of nutrients.

The proposed increase will result in a Potato Board budget of $2,175,937 for the fiscal period ending June 30, 1975.

After consideration of all relevant matter, including the proposal set forth in the notice, it is hereby found that the increase in expenses will tend to effectuate the declared policy of the act.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 in that (1) funds will need to be expended for these two projects shortly; (2) the increases were recommended by the National Potato Promotion Board on October 25, 1974, and February 1, 1975; and (3) information regarding this increase in expenses was published in the FEDERAL REGISTER on February 19, 1975.

The amendment is as follows:

Revise § 1207.403 (39 FR 22941) as follows:

§ 1207.403 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1975, by the National Potato Promotion Board for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to $2,175,937.

* * * * *

(Title III of Pub. L. 91-670; 84 Stat. 2041; (7 U.S.C. 2611-2627))

Dated: March 11, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-6754 Filed 3-13-75;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

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

Area Quarantined

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

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

In § 82.3, paragraph (a) is amended to read:

§ 82.3 Areas quarantined.

(a) Notice is hereby given that exotic Newcastle disease exists in the States of New York and Puerto Rico, and the following areas in said States are hereby quarantined:

(1) *New York.* The premises of Robert Novak d/b/a Novak Tropical Aviary, located at 1472 Sunrise Highway, Bay Shore, Long Island, in Suffolk County.

(2) *Puerto Rico.* The entire Commonwealth.

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

Effective date. The foregoing amendment shall become effective on March 11, 1975.

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

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

Done at Washington, D.C., this 11th day of March, 1975.

JOHN W. WALKER,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-6806 Filed 3-13-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-CE-5-AD, Amdt. 39-2129]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 60 and A60 Airplanes

Amendment 39-1463 (AD 72-13-1), published in the FEDERAL REGISTER on June 15, 1972, is an Airworthiness Directive (AD) applicable to Beech Models 60 and A60 airplanes, which requires repetitive inspections of the elevator inboard hinge supports for cracks until they are replaced by improved supports developed by the manufacturer. AD 72-13-1 superseded Amendment 39-1097, AD 70-22-3 published in the FEDERAL REGISTER on October 24, 1970. The superseded AD required a one time dye penetrant inspection of each elevator inboard hinge support (bracket) for cracks on Beech Models 60 and A60 airplanes and the replacement of cracked hinge supports.

Subsequent to the issuance of AD 72-13-1 an inspection revealed that one of the support bearings had worked out of its housing because the recess diameter was found to be oversize. This condition may exist in other aircraft of the same type design and could result in failure or malfunction of the elevator control system. Since inspection for this oversize condition is not feasible an AD is being issued superseding AD 72-13-1 which will require elevator inboard hinge support replacement with the manufacturer's improved design on Beech Models 60 and A60 airplanes. These improved design supports are part of Beech Kit No. 60-4005 which was an alternative modification per AD 72-13-1.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models 60 and A60 (Serial Numbers P-3 through P-200) airplanes with more than 150 hours' time in service.

Compliance: Required as indicated, unless already accomplished.

To prevent malfunctions of the elevator inboard hinge supports, within the next 100 hours' time in service after the effective date of this AD, accomplish the following:

Remove the left and right elevator inboard hinge supports (P/N 60-524078-1 and 60-524078-2) and install improved supports in accordance with Beech Kit No. 60-4005 or any equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Beechcraft Service Instruction No. 0342-132, Revision III, or later revision refers to this subject.

This amendment supersedes Amendment 39-1463, AD 72-13-1.

This amendment becomes effective March 20, 1975.

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

Issued in Kansas City, Mo., on March 6, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-6669 Filed 3-13-75;8:45 am]

[Docket No. 75-CE-1-AD, Amdt. 39-2130]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna T310, 320, 340, 401, 402, 411, 414 and 421 Series Airplanes

AD 75-04-01, Amendment 39-2083 (40 FR 5348), is an Airworthiness Directive

(AD) superseding AD 72-10-5, Amendments 39-1442 (37 FR 9385, 9386), and 39-1562 (37 FR 25021), applicable to Cessna T310, 320, 340, 401, 402, 411, 414 and 421 series airplanes. AD 75-04-01 requires repetitive inspections of the exhaust system and replacement of certain exhaust system clamps on these airplanes in accordance with Cessna Service Letter ME74-21, dated December 18, 1974. The effective date of AD 75-04-01 was February 11, 1975.

Subsequent to the issuance of AD 75-04-01 the manufacturer has advised that parts are not readily available to effect compliance with the AD. This is substantiated by numerous requests from owners/operators of these airplanes requsting additional time for compliance with the AD. If the effective date of AD 75-04-01 were extended, inspection of the exhaust system to detect incipient failures of engine exhaust system components and replacement thereof where necessary would still be required by AD 72-10-5. In addition, a substantial number of affected airplanes have already been modified and others will be modified as parts become available. In view of the foregoing, the FAA believes safety will not be compromised by extending the effective date of AD 75-04-01. Accordingly, a new effective date of March 20, 1975, is being established.

Since this amendment is relaxatory in nature and imposes no additional burden on any person, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not necessary and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), §39.13 of Part 39 of the Federal Aviation Regulations, the effectivity paragraph of AD 75-04-01, is amended so that it now reads as follows:

This amendment becomes effective March 20, 1975.

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

Issued in Kansas City, Mo., on March 7, 1975.

JOHN R. WALLS,
Acting Director,
Central Region.

[FR Doc.75-6670 Filed 3-13-75;8:45 am]

[Airworthiness Docket No. 75-SW-6, Amdt. 39-2127]

PART 39—AIRWORTHINESS DIRECTIVES

Mooney Models M20C, M20E and M20F Airplanes

Amendment 39-2091 (40 FR 6641), AD 75-04-09, requires the replacement of landing gear actuator, International Telephone and Telegraph Corporation P/N LA11C2110, on Models M20C, M20E and M20F airplanes having that part installed. After issuing Amendment 39-2091 the Agency determined that confusion existed regarding the serial numbers specified and that at least one owner believed the use of the word "should" indicated the change was not mandatory. Therefore, the AD is being amended to provide for clarification of the serial numbers as airplane serial numbers, and removal of the word "should" to emphasize the mandatory nature of the airworthiness directive.

Since this amendment provides a clarification only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 31 FR 13697, § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2091 (40 FR 6641), AD 75-04-09 is amended by clarifying the serial numbers specified to be airplane serial numbers and rewording the third paragraph as follows:

MOONEY. Applies to Models M20C, M20E, and M20F airplanes manufactured after October 1974 with the following serial numbers on which the landing gear actuator, P/N LA11C2110, manufactured by International Telephone and Telegraph Corporation, is installed:
Model M20C: 20-0037, 0038, 0039, 0040, 0041, 0042, 0043, 0044, 0045, and 0046;
Model M20E: 21-0050, 0051, 0052, 0053, 0054, 0055, 0056, 0057, 0058, 0059, and 0060;
Model M20F: 22-0065, 0066, 0067, 0068, 0069, 0070, 0071, 0072, 0073, 0074, 0075, 0076, 0077, and 0078.

Compliance is required prior to further flight except that airplanes may be flown to a facility for actuator replacement after fixing the landing gear in the extended position in accordance with instructions included in Mooney Aircraft Corporation Service Bulletin M20-191, dated January 28, 1975, or later FAA approved revision, or an FAA approved equivalent procedure.

To prevent further failures, replace the International Telephone and Telegraph Corporation P/N LA11C2110 landing gear actuator with a Mooney Aircraft Corporation P/N 950227-501 landing gear actuator in accordance with Mooney Aircraft Corporation Service Bulletin M20-191, dated January 28, 1975, or later FAA approved revision, or by an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, Federal Aviation Administration, Fort Worth, Texas.

This amendment becomes effective on March 20, 1975.

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

Issued in Fort Worth, Tex., on March 5, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-6668 Filed 3-13-75;8:45 am]

[Airspace Docket No. 75-RM-1]

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

Alteration of Transition Area

On January 28, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 4152) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Rugby, No. Dak. transition area.

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

Effective date. This amendment shall be effective 0901 G.m.t., June 19, 1975.

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

Issued in Aurora, Colo., on March 12, 1975.

M. M. MARTIN,
Director,
Rocky Mountain Region.

In § 71.181 (40 FR 441) the description of the Rugby, No. Dak. 1,200-foot transition area is amended by adding:

RUGBY, NO. DAK.

"* * * and within 9.5 miles south and 4.5 miles north of the 314° T bearing from the Rugby, No. Dak. NDB, extending from the NDB to 18.5 miles northwest of the NDB."

[FR Doc.75-6671 Filed 3-13-75;8:45 am]

[Airspace Docket No. 74-GL-56]

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

Alteration of Transition Area

On Page 3313 of the FEDERAL REGISTER dated January 21, 1975, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Sturgis, Michigan.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.M.T. May 1, 1975.

(Secs. 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 Des Plaines, Ill., on February 24, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (39 F.R. 440), the following transition area is amended to read:

STURGIS, MICHIGAN

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of Kirsch Airport, Sturgis, Michigan (Latitude 41°48'35" N., Longitude 85°26'10" W.); within 3½ miles either side of the 059° bearing from the airport, extending from the 5.5 mile radius area to 1.3 miles northeast of the airport and within 3 miles either

side of the 341° bearing from the airport, extending from the 5.5 mile radius area to 8 miles north of the airport.

[FR Doc.75-6672 Filed 3-13-75;8:45 am]

[Airspace Docket No. 74-GL-53]

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

Alteration of Transition Area

On Page 2824 of the FEDERAL REGISTER dated January 16, 1975, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Dowagiac, Michigan.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.M.T., April 24, 1975.

(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 Des Plaines, Ill., on February 25, 1975.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

DOWAGIAC, MICHIGAN

That airspace extended upward from 700 feet above the surface within a seven-mile radius of Cass County Memorial Airport (Latitude 41°59'30" N., Longitude 86°07'37" W.); within two miles each side of the Keeler, Michigan 181° radial extending from the seven-mile radius area to the VOR, excluding the portion which overlies the South Bend, Indiana transition area.

[FR Doc.75-6673 Filed 3-13-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 926—COASTAL ZONE MANAGEMENT PROGRAM DEVELOPMENT GRANTS, ALLOCATION OF FUNDS TO STATES

This document supersedes the previous allocation of coastal zone program development grants to State governments published April 2, 1974, in the FEDERAL REGISTER (15 CFR Part 926). For the purposes of allocating coastal zone program development funds pursuant to section 305(e) of the Coastal Zone Management Act of 1972, as amended (Pub. L. 92-583; 86 Stat. 1280 and Pub. L. 93-612; 88 Stat. 1974) for fiscal year 1975, this document shall be controlling.

Under section 305 of the Act, the Secretary of Commerce is authorized to make annual grants to any coastal State for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone. Such grants shall not exceed 66⅔ percent of the costs of the program in any one year and no State shall be eligible to receive more than three annual grants under section 305. In addition, no grant may be made under this section in excess of 10 percent nor less than 1 percent of the total amount appropriated under this section. However, the Secretary shall waive the 1 percent minimum requirement for any grant under this section, when a coastal State requests such a waiver.

Section 305(e) of the Act states in part:

Grants under this section shall be allocated to States based upon rules and regulations promulgated by the Secretary • • •

The rules and regulations set forth below establish the policy and means of allocating grant funds under section 305 to the coastal States and are to fulfill the above requirements of section 305(e). Such rules and regulations are intended primarily for allocation of funds made available for grants under section 305 in Fiscal Year 1975. Allocations to States in subsequent fiscal years may reflect changes in these rules and regulations; such changes, if made, will be duly published.

ROBERT L. CARNAHAN,
Acting Assistant Administrator for Administration.

AUTHORITY: Sec. 305(e) of the Coastal Zone Management Act of 1972, as amended (Pub. L. 92-583).

§ 926.1 Purpose of rules and regulations.

Twelve million dollars has been appropriated by the Congress for Fiscal Year 1975 to implement the Coastal Zone Management Act of 1972 (Pub. L. 92-583) as amended. Of this amount $9 million has been made available for coastal zone management program development grants-in-aid to the 34 coastal States and territories under section 305 of that Act. It is the purpose of this part to establish the rules and regulations for allocation of grant-in-aid funds under section 305 of the Coastal Zone Management Act of 1972, as amended (Pub. L. 92-583; 86 Stat. 1280; and Pub. L. 93-612; 88 Stat. 1974) pursuant to the requirements of section 305(e) which states:

Grants under this section shall be allocated to the States based on rules and regulations promulgated by the Secretary: *Provided, however,* That no management program development grant under this section shall be made in excess of 10 percentum nor less than 1 percentum of the total amount appropriated to carry out the purposes of this section: *And provided further,* That the Secretary shall waive the application of the 1 percentum minimum requirement as to any grant under this section, when the coastal State involved requests such a waiver.

§ 926.2 Definitions.

As used in this part, the following terms shall have the meanings indicated below:

(a) The term "Act" means the Coastal Zone Management Act of 1972, Pub L. 92-583, 86 Stat. 1280, as amended by Pub. L. 93-612, 88 Stat. 1974.

(b) "Secretary" means the Secretary of Commerce or his designee.

(c) "Coastal State" means a State of the United States in, or bordering on, the Atlantic, Pacific or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. The term also includes specifically Puerto Rico, the Virgin Islands, Guam and American Samoa. This definition is interpreted as including the following States and territories:

1. Alabama
2. Alaska
3. American Samoa
4. California
5. Connecticut
6. Delaware
7. Florida
8. Georgia
9. Guam
10. Hawaii
11. Illinois
12. Indiana
13. Louisiana
14. Maine
15. Maryland
16. Massachusetts
17. Michigan
18. Minnesota
19. Mississippi
20. New Hampshire
21. New Jersey
22. New York
23. North Carolina
24. Ohio
25. Oregon
26. Pennsylvania
27. Puerto Rico
28. Rhode Island
29. South Carolina
30. Texas
31. Virginia
32. Virgin Islands
33. Washington
34. Wisconsin

(d) "Shoreline" means, in tidal waters, the length of "tidal shoreline" as defined by the National Ocean Survey, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, and published in that agency's brochure, "The Coastline of the United States." For purposes of computation of the nation's total "tidal shoreline", figures for the Canal Zone, Navassa, Swan Islands, and Baker, Howland, Jarvis, Johnston, Midway, Palmyra, and Wake Islands shall not be included. "Shoreline", in Great Lakes States, shall mean the length of shoreline as established by the Lake Survey Center, National Ocean Survey, NOAA, U.S. Department of Commerce, and contained in an unpublished manuscript entitled, "Shoreline of the Great Lakes and Connecting Rivers" by Robert Hagen and P. H. Judd, dated 1948, with additions made in 1952 by G. E. Ropes and E. F. Kulp, Jr. The total "shoreline" of the United States shall be the sum of the tidal shoreline and Great Lakes shoreline, as defined above.

(e) "Coastal counties" means those counties or parishes which appear, in the judgment of the Assistant Administrator for Coastal Zone Management, NOAA, to abut upon coastal waters. A listing of such counties is available for inspection at the Office of Coastal Zone Management, NOAA, U.S. Department of Commerce, Rockville, Maryland 20852.

§ 926.3 Basis of allocation.

(a) Funds available under section 305 will be allotted to the 34 coastal States and territories on the following basis:

(1) *Uniform allocation.* Each State will initially be allotted the legal minimum of 1 percent of funds available, regardless of size, length of coastline, population, or other factors.

(2) *Variable allocation.* The amount remaining after allocation of the uniform amount will be allocated as follows:

(i) *Shoreline criterion.* Forty percent will be allocated to the coastal States and territories on the basis of shoreline. Each State or territory will receive a shoreline allotment equal to the total amount available under this criterion multiplied by a factor equal to the ratio of that State or territorial shoreline divided by the total national shoreline (including Great Lakes).

(ii) *Population criterion.* Forty percent will be allocated to the coastal States and territories on the basis of coastal population. It is the intent of the Office of Coastal Zone Management to include that population which is included within the "coastal zone" as defined in section 304(a) of the Act and as used in the allocation system for grants under section 306 as described in section 306(b). However, since no State or territory has as yet formally identified its "coastal zone" pursuant to the Act, the Office will initially utilize the population of the coastal zone as recorded in the 1970 decennial U.S. Census contained within coastal counties (or parishes) as defined in § 926.2. Since this designation is judgmental, it is subject to change in subsequent fiscal years, based upon the inclusion or exclusion of certain counties, or upon definition of the coastal zone by a State. The coastal population used herein has been increased from that computed for FY 1974 by the inclusion of additional counties in California, Florida, Louisiana, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, South Carolina, Texas and Virginia.

(iii) *Needs criterion.* Twenty percent will be reserved for additional allocation to the coastal States and territories at the discretion of the Assistant Administrator for Coastal Zone Management, based upon demonstration of need for such funds in order to assure completion of work designated by the State or territory as necessary to the timely completion of a coastal zone management program. Examples of such need may include, but need not be limited to:

(A) States or territories which have a legislative mandate, or express a strong desire to complete development of their programs in less than three years and specifically require such funds.

(B) States or territories which contain geographic coastal areas with particularly pressing developmental problems whose resolution in a management program would be materially assisted by additional funds.

(C) States or territories which propose particularly creative or innovative elements in the management program development phase where there is apparent national applicability.

(D) States or territories where special institutional conditions exist which require additional funds and for which adequate account is not made in the shoreline and/or population criteria.

(b) The minimum figure shown for each coastal State or territory in § 926.6 represents the sum of the uniform allocation, and the shoreline and population criteria of the variable allocation only; it does not include any allocation under the needs criterion. Such funds will be available to them for Fiscal Year 1975, in the event they:

(1) Choose to participate in the program,

(2) Can provide the necessary matching funds,

(3) Submit a satisfactory application and work program pursuant to the conditions set forth in Part 920 of this chapter, and

(4) Otherwise meet the applicable requirements of the Coastal Zone Management Act of 1972, as amended.

States need not utilize nor be limited by the minimum amount allocated and applications may be made for any amount deemed appropriate: *Provided,* That the statutory maximum or minimum of 10 percent and 1 percent of all appropriations, respectively, is not exceeded, except upon request of a State for waiver of the 1 percent minimum.

§ 926.4 Allocation of non-distributed funds.

Those funds allocated to coastal States and territories which choose not to participate in the program as well as those funds which are allocated but which States or territories choose not to utilize, will be added to those funds to be distributed to the States and territories on the basis of the needs criterion, as will any amounts in excess of the 10 percent maximum limitation.

§ 926.5 State allocation computation examples.

The following computation indicates the procedure by which a State's minimum allocation is derived. As an example, the State of Massachusetts was selected.

Basic information:

U.S. shoreline: 95,223 miles.
Massachusetts shoreline: 1,519 miles.
U.S. coastal population: 89,086,762.
Massachusetts coastal population: 2,862,290.
Total funds available for Sec. 305 grants in fiscal year 1975: $9,000,000.
National allocation by criteria:

Uniform allocation: 1 percent ×$9,000,000×34 States	$3,060,000
Variable allocation:	
Shoreline criterion: 40 percent×($9,000,000 − 3,060,000)	2,376,000
Population criterion: 40 percent×($9,000,000 − 3,060,000)	2,376,000
Needs criterion: 20 percent ×($9,000,000−3,060,000)	1,188,000
Total	9,000,000

Minimum State allocation (Massachusetts):

Uniform allocation: 1 percent ×$9,000,000	90,000
Variable allocation:	
Shoreline criterion:	
1,519 miles	
95,223 miles×$2,376,000	
Population criterion:	
2,862,290	
89,086,762×$2,376,000	76,270
Minimum Massachusetts allocation	204,048

To this minimum allocation may be added an appropriate amount from the needs criterion funds.

§ 926.6 State allocations.

Using the method described in § 926.5 above, allocations (excluding needs criterion funds) for each eligible State and territory follow:

1. Alabama[1]	$115,000
2. Alaska (maximum)	900,000
3. American Samoa	94,000
4. California	620,000
5. Connecticut	156,000
6. Delaware	114,000
7. Florida	446,000
8. Georgia	156,000
9. Guam	95,000
10. Hawaii	137,000
11. Illinois	248,000
12. Indiana	111,000
13. Louisiana	342,000
14. Maine	189,000
15. Maryland	249,000
16. Massachusetts	204,000
17. Michigan	301,000
18. Minnesota	101,000
19. Mississippi	105,000
20. New Hampshire	99,000
21. New Jersey	284,000
22. New York	567,000
23. North Carolina	188,000
24. Ohio	178,000
25. Oregon	156,000
26. Pennsylvania	169,000
27. Puerto Rico	180,000
28. Rhode Island	125,000
29. South Carolina	176,000
30. Texas	254,000
31. Virginia	222,000
32. Virgin Islands	96,000
33. Washington	233,000
34. Wisconsin	162,000
Subtotal	7,772,000
Needs criterion allocation[2]	1,228,000
Total	9,000,000

[1] Rounded to nearest $1,000.
[2] Includes $42,271 excess over 10 percent limit in Alaska.

§ 926.7 Duration of allocation.

The allocations as determined and computed above are published for the distribution of coastal zone management program development grants during Fiscal Year 1975, which is the second year for which these funds are available. NOAA will monitor the progress of States under this program and make an assessment during Fiscal Year 1975 of the relative financial needs of the States. This assessment may lead to alterations in the method of allocation and the allocation figures for fiscal years subsequent to Fiscal Year 1975. Such revisions will be duly published.

[FR Doc.75-6666 Filed 3-13-75;8:45 am]

Title 20—Employees' Benefits

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

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965.....)

Subpart I—Premiums for Supplementary Medical Insurance Benefits

SUPPLEMENTARY MEDICAL INSURANCE BENEFITS PREMIUM BILLING

On October 2, 1974, there was published in the FEDERAL REGISTER (39 FR 35577 a notice of proposed rulemaking with a proposed amendment to Subpart I, Regulations No. 5. The proposed regulation permits beneficiaries whose title II benefits are not payable because of work or for other reasons to be billed quarterly for supplementary medical insurance (SMI) premiums, but not necessarily (as is provided under present regulations) on a calendar-quarter basis. Interested persons were given 30 days within which to submit written comments or suggestions thereon.

The proposed regulation revises section 405.912(b) to permit the Social Security Administration, at its option, to bill monthly title II beneficiaries (other than those receiving age-72 special payments), who are in suspense status, for any 3 month quarter instead of restricting such billings to a calendar quarter basis.

A suggestion was received but not adopted that would allow individuals to be billed annually or semiannually if they so desired. This is not within the scope of the proposed amendment, which only conforms the SMI premium billing and collection procedures for beneficiary enrollees with those for nonbeneficiary enrollees. Moreover, experience has shown that most individuals find it convenient to be billed for premiums on a quarterly basis. In any event, the regulation expressly provides (and will continue to provide) that any enrollee may pay more than 1 quarter's premiums at a time if he so chooses; of course, if his premium for a quarter has been paid, he will not be billed for that quarter.

Accordingly, the proposed amendment is adopted without change as set forth below.

(Secs. 1102, 1840(e), 1871, Social Security Act, as amended; 49 Stat. 647, as amended; 79 Stat. 307, 331, as amended; (42 U.S.C. 1302, 1395s(e), 1395hh))

Effective date. These amendments will be effective on or before April 14, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged and Disabled—Supplementary Medical Insurance.)

Dated: February 24, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 10, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

Paragraph (b) of § 405.912 is revised to read as follows:

§ 405.912 Collection of premiums while monthly benefits are suspended.

* * * * *

(b) *Collection of premiums where monthly benefit payments will not be resumed during the current taxable year.* Where an enrollee's monthly title II benefit payments (other than age-72 special payments (see § 405.916)) are being suspended for an indefinite period or for a definite period which will not permit collection of all premiums due from monthly benefits payable in the current taxable year, the enrollee should pay his premiums by direct remittance when he is billed. The first billing will be for whatever premiums are necessary to place him in a quarterly cycle. Thereafter, assuming such premiums are promptly paid, the enrollee will be billed on a quarterly basis for 3 months' premiums (see § 405.913). If the enrollee, however, wishes to pay premiums for more than 1 quarter at a time, he may do so.

[FR Doc.75-6763 Filed 3-13-75;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 133—DRUGS; CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURE, PROCESSING, PACKING, OR HOLDING

Asbestos-Form Particles in Drugs for Parenteral Injection

The Commissioner of Food and Drugs published in the FEDERAL REGISTER of September 28, 1973 (38 FR 27076), a notice proposing to restrict the utilization of asbestos filters in the manufacture of parenteral drugs and parenteral drug ingredients, and to prohibit the use of asbestos-containing talc as a food, or food or drug ingredient, or in food and drug packaging materials, within certain analytical restrictions. The notice provided for the filing of comments within 90 days.

Asbestos fibers are known to cause cancer when inhaled in large amounts. Also, asbestos and other fibers are considered likely to have a similar adverse effect if present in parenteral drugs, although this has not been proven. Because of this likelihood, this order provides that, whenever possible, asbestos-containing or other fiber-releasing filters not be used in the manufacture, processing or packaging of drugs intended for parenteral injection in humans. Also, it provides for measures to reduce the amount of fibers present in such products, where it is not possible to eliminate these filters in the production of a drug.

The comments made in response to the September 28, 1973 proposal fall into two main categories. One concerns provisions to decrease the potential for ingestion of asbestos fibers. The other concerns provisions to decrease the potential for injection of asbestos fibers. A discussion of each category of comments, and the Commission's conclusions, are set forth below.

A. Comments on provisions dealing with ingestion potential of asbestos fibers:

1. The Commissioner proposed that any food, food packaging material, drug, drug ingredient or drug packaging material containing talc that is not free from asbestos fibers as determined by a particular analytical method should be deemed adulterated in violation of section 402(a)(1) of the Federal Food, Drug, and Cosmetic Act.

Nineteen comments related to the proposed analytical method for talc under § 121.2006 (21 CFR 121.2006). The comments were primarily from representatives of food, drug, and talc mining firms, but also included four consultant laboratories and two other federal agencies. Although it is apparent that most of these respondents did not actually use the designated method, and were, therefore, reflecting their general experience with optical crystallography or a personal preference for other analytical methods, none of the respondents supported the proposed method for compliance purposes. The predominant objections to the proposed method were that it is difficult to use, laborious, and not practical for its intended purpose. Several comments offered the opinion that only the most highly trained microscopists would be capable of using the method with any reasonable accuracy or precision. Members of one trade association collaboratively studied the method with 10 microscopists, each examining seven samples of talc. Four participants admittedly could not use the method to count the samples, and there was obvious inconsistency in the results reported by other microscopists.

A number of alternative methods for determining asbestos particles in talc were suggested by the respondents. Although optical microscopy using dispersion staining was the most frequently suggested method, others suggested x-ray diffraction, spectrophotometry, and several electron microscopy and microprobe techniques as preferred or supportive analytical methods. Many of the respondents additionally expressed their willingness to join a Food and Drug Administration analytical task force to evaluate applicable methodology.

Although the Commissioner cannot agree that the designated optical crystallographic method is unreliable when used by those experienced in the art, he recognizes that an effective compliance method must have greater utility and acceptance than indicated by the comments on the proposed method.

The Commissioner has, therefore, decided to delay any final regulation for talc until an acceptable method for determining the presence of asbestos particles can be developed for this substance. This

area of research currently is being actively pursued by the Food and Drug Administration.

2. Several comments objected to the purity limitations for talc which were established by the proposed method. Many thought that requirements that talc be 99.9 percent amphibole-free and 99.99 percent chrysotile-free unreasonable, while others insisted that any limitation was unreasonable unless it could be demonstrated to reflect known hazard levels by ingestion. While one respondent calculated that 20,000 amphibole and 3,500 chrysotile fibers (of 5 micrometers x 1.7 micrometers size) should be permitted before any talc sample exceeded the established limits, another respondent observed that individual asbestos particles often vary in size a million-fold, thus making it difficult to relate particle counts to the percentage of asbestos contamination in talc.

Although the decision of the Commissioner to delay any final regulation on talc has rendered these comments moot, the Commissioner wishes to respond to these comments to clarify his position on posssible future talc regulations.

As indicated in the proposal, the Commissioner recognizes that the evidence concerning the possible hazard from ingestion of asbestos particles is contradictory and inconclusive. The method was therefore not proposed in order to indicate any known hazard from asbestos, but was intended to establish a good manufacturing practice limitation for the use of talc in food and drugs until an assessment of the hazard, if any, of ingested asbestos can be determined.

The particle limitation accompanying the proposed method represents the best assessment by the Food and Drug Administration of the probability of occurrence of such particles in natural talc deposits, the ability of the method to detect such particles, and the need to assign a limit to define the absence of asbestos. The Food and Drug Administration has also examined numerous talc samples of undefined grade in the past 2 years, using the proposed methodology, and finds that approximately two-thirds of such samples are within these limitations. The Commissioner therefore concludes that the proposed particle limitations would not impose an unreasonable burden on manufacturers of talc if these limitations are ultimately adopted.

The Food and Drug Administration has been aware of the possible extreme variation in asbestos particle size that may occur in natural deposits of talc. Eliminating particles less than 5 micrometers long or with less than a 3-to-1 length-to-width ratio considerably narrows the range of permissible particles counted by the proposed method. Considering the variation in particle size that may yet be possible, however, a typical particle of 300 cubic micrometers, weighing approximately 1 nanogram (Ref. 1) was used to assure a purity of talc at least 99.9 percent free of amphibole types of asbestos fibers and at least 99.99 percent free of chrysotile asbestos fibers.

3. Three comments from industrial firms objected to the proposed analytical requirements for talc used in the manufacture of paper and paperboard in § 121.101(h) (21 CFR 121.101(h)). All of these comments contended that asbestos, in asbestos-containing talc, does not migrate to packaged food when talc is used for this purpose. One of these comments contained results of recently conducted studies which were intended to prove this contention.

After a thorough review of submitted comments, and examination and evaluation of additional requested studies, the Commissioner concludes that this comment has demonstrated the validity of this contention in a manner consistent with available methodology. In the conducted studies, the comment has demonstrated that dry packaged and shipped salt contains less than 0.01 part per billion asbestos when in direct and continuous contact with uncoated paper containing up to 6 percent tremolitic asbestos. Although detection was limited by the bulk of ash recovered from other products, such as fresh wrapped and frozen meat, dry packaged macaroni, dried milk, rice, and corn flakes, the comment has also demonstrated that these products contain less than 10 parts per billion asbestos under test and market conditions. The analytical details of these studies are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner concludes that the above reported salt study represents a practical upper limit of migration of asbestos from food-contact paper and paperboard. This conclusion is based upon consideration of the extreme abrasive nature of salt as compared to other dry foods, and the unusually high tremolitic asbestos content of the test paper (6 percent) as compared to reported levels of use (0.02–0.4 percent) in food-contact paper and paperboard.

The Commissioner therefore concludes that the comment has demonstrated that the asbestos content of talc used in the manufacture of food- or drug-contact paper and paperboard does not represent a potential contaminant of packaged food or drugs, as assessed by currently available methodology. Accordingly, the Commissioner is withdrawing the analytical limitations proposed for talc in § 121.101(h), unless new methodology or toxicological assessment requires further evaluation of this question.

4. The Commissioner stated in the proposal that it had been decided not to promulgate a proposed regulation governing the utilization of asbestos filters in the processing of food and beverages. One comment stated that this was inconsistent with the Commissioner's proposed regulation on the asbestos content of food-grade talc, and that attempts to limit asbestos ingestion should apply uniformly to all sources. Another comment stated that the Commissioner's decision not to regulate the use of asbestos filters in food, beverage and nonparenteral drug preparations was based on the unproven notion that the amounts of asbesots which are contributed to man's overall exposure by these substances are small. The comment contended that evidence is lacking to show that the ingestion of small amounts of asbestos is safe and that the responsibilities of the Food and Drug Administration for promulgation of regulations to lessen the total human exposure to asbestos were not mitigated by the fact that all human exposure to asbestos cannot be regulated by the agency.

The Commissioner agrees that uniform and consistent regulations should be adopted on an industry-wide basis. In this instance, the lack of available reproducible methodology for determining asbestos-form fibers in beverages and other foods led the Commissioner to propose the regulation of talc before handling other related matters. In any event, the comment has now become moot since the Commissioner has decided to delay a final ruling on talc as a direct food or drug ingredient.

The Commissioner also concludes that neither the available data on the addition of fibers to foods and nonparenteral drugs by use of asbestos filters nor the data on the asbestos content of municipal water are sufficiently reliable to permit promulgation of regulatory controls at this time. Evidence indicates a wide variation of asbestos fiber contamination in the water supply of the cities of the United States, with some reports that the waters of the San Francisco, CA, and the Duluth, MN, areas are among the highest in asbestos content. However, the lack of consistency of test methods and their applications leads to questions concerning these data. A recent epidemiological study of cancer mortality in Duluth over the last 14 years (Ref. 2) has concluded that, up to this time, no carcinogenic effect could be demonstrated from ingestion of the municipal waters. Some reports have been received, claiming little or no asbestos addition to the aforementioned products by the use of filters (Ref. 3). Other reports from Canada, which indicate some increases in the asbestos content of beverages (Ref. 4 and 5) over background water, show that the final levels are comparable to the background levels in areas of the United States. Therefore, the Commissioner has decided to delay the promulgation of any regulation on the prohibition of use of asbestos filters for the preparation of foods and nonparenteral drugs until more reliable data can be obtained on the background concentrations of asbestos in drinking water and the role of asbestos filters in regard to the addition of fibers to ingestible products.

5. Many comments endorsed or condemned the proposals, or parts of them, with respect to water, food, and beverage contamination. Although most of these comments did not supply any additional data or information, a current asbestos feeding study by J. M. G. Davis (Ref. 6) and a 1967 study by G. M. Bonser and D. B. Clayton (Ref. 7) were cited as further evidence of no harm from ingested asbestos. Other comments cited the 1972 conclusion of the Advisory Committee on Asbestos Cancers (Ref. 8) that there

was no evidence of an increased risk of cancer from asbestos fibers in water, beverages, and food, or in fluids used for the administration of drugs, and one comment cited a recent study by Kleinfeld, Messite, and Zaki (Ref. 9) which reports no increase of gastrointestinal and peritoneal cancer among talc workers exposed to talc dusts for a minimum of 15 years.

From analysis of the foregoing comments received concerning the limitation of asbestos in talc, from thorough re-review of the scientific evidence available concerning the adequacy of the available methodology to determine the amount of asbestos in talc, and from consideration of the controversial nature of evidence to demonstrate the hazard to health presented by ingestion of the amounts of asbestos fibers normally to be expected in talc used in food or drugs, or in food or drug packaging materials containing talc, or in beverages, other foods and nonparenteral drugs prepared with the use of asbestos filters, the Commissioner concludes that the promulgation of regulations on the limitations or prohibition of the use of asbestos filters for the preparation of foods and nonparenteral drugs and of the amount of asbestos fibers in talc for use in food and drugs or which might migrate into food or drugs from talc-containing packaging materials is unwarranted until more reliable data can be obtained concerning these matters.

The Food and Drug Administration, in conjunction with other agencies, is planning extensive experiments to determine if long term exposure to ingested asbestos fibers represents a definitive hazard to human health. As noted, until this study is completed or other data become available, the Commissioner has determined that a prohibition of the use of asbestos-containing filters in the processing of food and beverages, and of asbestos-containing talc as a food or food additive or in drugs or drug ingredients is unwarranted due to lack of sufficient data. In the interim, maufacturers of food and drugs are urged to investigate all means of eliminating the use of such filters and talc, and to keep the Food and Drug Administration informed about changes in formulation and processing of this type.

B. In order to deal with the injection potential of asbestos fibers, the Commissioner proposed that the good manufacturing practice regulations for drugs be amended to require that filtration procedures for parenteral drugs shall utilize either a non-fiber-releasing filter such as a membrane filter or, if an asbestos-containing filter is used because it is necessary, the procedures shall also utilize an additional non-asbestos-containing or non-fiber-releasing filter such as a membrane filter to reduce asbestos fiber content to the minimum level feasible unless such a subsequent filter will compromise the safety, identity, strength, quality, or purity of the product.

Comments received in response to this part of the notice, dealing with the injection potential of asbestos fibers, are as follows:

1. A number of comments stated that there is no conclusive evidence that asbestos filters add fibers to the filtrate, or that asbestos has caused deleterious effects as a result of parenterally administered drugs.

Asbestos fibers were found in a number of samples of parenteral drugs by Nicholson et al. (Ref. 10) and also by a subsequent Food and Drug Administration investigation of parenterals. Although the Food and Drug Administration has demonstrated that filtration through asbestos of a water sample highly contaminated with asbestos fibers can significantly reduce the number of fibers present, the Food and Drug Administration also has direct evidence that the utilization of asbestos filters can cause asbestos contamination. The preliminary report of the latter study is on public display in the office of the Hearing Clerk. The evidence of the deleterious effects of parenteral asbestos administration (Ref. 1, 11, 12, and 13) requires that the amount of contamination in these products be minimized. Consequently, the Commissioner has determined that it is important that asbestos-containing filters be replaced with non-fiber-releasing filters unless it is demonstrated that it is not possible to manufacture a safe and effective parenteral drug or parenteral drug ingredient without the use of such an asbestos-containing filter. In the latter instance, a final non-fiber-releasing filter shall be used to reduce the content of any asbestos-form particles in the drug or drug ingredient. Use of an asbestos-containing filter with subsequent use of an additional non-asbestos-containing, non-fiber-releasing filter shall be permissible only upon submission of evidence to the appropriate bureau of the Food and Drug Administration that substitution for the asbestos filter of a non-fiber-releasing filter will or is likely to compromise the safety or effectiveness of the drug. Use of an asbestos-containing filter without subsequent use of an additional non-asbestos-containing, non-fiber-releasing filter shall be permissible only upon submission of evidence that neither the substitution for the asbestos-containing filter nor the use of a subsequent non-fiber-releasing filter can be accomplished without compromising the safety or effectiveness of the drug.

2. One comment noted that, although there have been several demonstrations of the addition of nonasbestos filters as final filters in the production of injectable biologics, there remains concern that the replacement of asbestos filters with non-asbestos-containing filters would upset delicate filtration parameters of the product preparation process. An 18-month period was suggested as the allowable period of time for technical development of the new processes.

The Commissioner agrees that a specific period for process development and modification should be provided in the regulations. Therefore, 18 months will be allowed for compliance. Firms not conforming to these regulations within 12 months of the date of publication of this regulation will be required to submit monthly progress reports thereafter concerning attempts to implement the required procedures and any difficulties in maintenance of product quality.

3. A large number of comments stated that many parenteral products would suffer in safety and quality because of a requirement to replace asbestos-containing filters in the manufacturing process.

The Commissioner agrees that it is essential that there be no increase in risk to the public as a result of this action. The regulation provides for continued use of asbestos filters where no alternative is feasible. The responsibility for demonstrating that the replacement of asbestos filters or the utilization of a final non-fiber-releasing, non-asbestos-containing filter decreases product quality and effectiveness of safety remains that of the manufacturer. Evidence for such product alteration must be submitted to the appropriate bureau of the Food and Drug Administration for approval of the continued use of the unmodified asbestos filtration processes.

4. One comment objected to the utilization of the terms "membrane filter" and "non-fiber-releasing filter," stating that the former term was too limiting as a recommendation for a replacement of filters which may release asbestos fibers and that the latter phrase should be changed to "asbestos-containing or media-migration-exhibiting filter." This comment claimed that the term "non-fiber-releasing" should be replaced since small quantities of the fibrous support used in many cellulose-ester membrane filters, as well as fibers and particles from the manufacturing process for cartridge and other type filters, are released by cleaning and flushing prior to marketing of the product. Another comment stated that the proposed regulations did not contain a definition of a non-fiber-releasing filter. Comments also stated that § 133.8 should not use the terms "fiber-releasing" and "asbestos-containing" interchangeably, and one comment objected to the synonomous use of the terms "fiber" and "asbestos fiber."

The Commissioner agrees that the regulation should not specify only one type of filter which would satisfy the new requirements, and thus has deleted the term "membrane filter." The Commissioner also concludes that, for the purposes of these regulations, a non-fiber-releasing filter shall be defined as a nonasbestos, nonglass fiber filter which, after any appropriate pretreatment such as washing or flushing, will not continue to release fibers into the drug or drug ingredient which is to be filtered. The distinction is, therefore, made between filters which release fibers by media migration, i.e., continuous release due to the nature of the filter, and filters which contain fibers from structural supports and contamination. The utilization of nonasbestos, nonglass fiber filters in the latter category will be permitted provided that appropriate pretreatment,

which eliminates fiber contaminant release, has been accomplished. As the similarity between the carcinogenicities of asbestos and fibrous glass has been noted, fibrous glass filters have been added to this definition to prevent the widespread conversion from asbestos to this type of filter (Ref. 14 and 15). A fiber is defined as "any particle with length at least three times greater than its width" (Ref. 15 and 16).

The Commissioner realizes that the definition of a fiber-releasing filter excludes the possibility of the use of an asbestos or fibrous glass filter locked into a matrix which precludes the release of fibers. However, no such technology was presented as feasible by any of the comments. Therefore, the Commissioner concludes that the definition of a fiber-releasing filter is appropriate for this regulation and that, should a method for production of such a non-fiber-releasing asbestos or glass containing filter become available, the definition will be subject to review.

5. One comment suggested that the proposed requirement that "no asbestos-containing filter may be used unless it is not possible to manufacture a drug without the use of such a filter" be replaced by "when an asbestos-containing filter is utilized, a suitable after-filter must also be utilized to retain fibers."

The Commissioner concludes that such a change would be unacceptable since the purpose of these regulations is to minimize the amount of asbestos or asbestos-form fibers in parenteral drugs thereby minimizing the possibility of deleterious effects, and although an after-filter will substantially reduce the number of these fibers in the product, it cannot be assumed that it will remove all of this material. Hence, the Commissioner has determined that the best means to eliminate asbestos contamination from parenteral drugs is by removal of the asbestos filters from the process whenever possible. As stated in paragraph B.3. of this preamble, the Commissioner agrees that there must be no increase in risk to the public from any product the manufacturing process of which is required to be changed. However, he reiterates that the use of an asbestos filter will be permissible only upon a demonstration by the manufacturer that the replacement of an asbestos filter by a non-fiber-releasing filter or the utilization of a final or after-filter is non-fiber-releasing adversely affects the quality, safety, and effectiveness of the product.

6. One comment objected to the statement in the proposal that the use of asbestos filters in parenteral drug manufacturing is prohibited "unless it is not possible to manufacture that drug or drug ingredient without the use of such a filter," claiming that the lack of a more specific statement will lead to capricious regulatory decisions.

The Commissioner concludes that there is no more reasonable method by which to make a determination of the impossibility of achieving the desired product quality and effectiveness without the use of asbestos-containing filters than by individual evaluation by knowledgeable scientists. No automatic decision scheme was suggested in the comment. Therefore, the responsibility for submission of the evidence required for this determination will rest with the manufacturer and the responsibility for accepting or rejecting the request for use of asbestos-containing filters will rest with the appropriate bureau in the Food and Drug Administration.

7. Two comments objected to the fact that the regulations were limited to the release of asbestos and asbestos-form fibers and suggested that all extraneous material such as diatomaceous earth, carbon, silica, micro-fiberglass, etc., also be regulated.

The Commissioner agrees that there is reason to be concerned about all particulate contamination in parenteral drugs, but concludes that this problem should be considered separately from the subject regulations. Therefore, except for fibrous particulates, the Commissioner has decided to await clarification of the degree of other types of contamination and the possible health effects of such other particulates prior to developing applicable regulations. A call for scientific information in this regard will be published in the FEDERAL REGISTER in the future.

8. One comment objected to the requirement of proof of reduction of asbestos fibers by the use of subsequent non-asbestos-containing filters in the manufacture of a parenteral drug or drug ingredient when submitting a request for approval of a process in which asbestos filters are used. This and one other comment claimed that the National Institute for Occupational Safety and Health (NIOSH) analytical method, as well as other analytical methods for determination of asbestos-form fibers in parenteral drugs, is inadequate quantitatively to demonstrate reduction and is immensely difficult to perform.

The Food and Drug Administration and other government agencies are presently attempting to develop reproducible, practical and useful methodologies for these analyses, and amendments to these regulations will be promulgated upon the satisfactory completion of this research. The Commissioner has decided that until these studies are completed, the evidence for reduction of asbestos-form fiber content need not be obtained if adequate downstream filtration is accomplished. Thus, the requirement of proof of reduction of asbestos fiber content is omitted and the use of a non-fiber-releasing filter of 0.22 micron maximum pore size is added to this regulation (0.45 micron maximum, if the manufacturing conditions so dictate).

9. One comment claimed that it is inappropriate to control all types of asbestos fibers uniformly, as asbestos filters are composed primarily of chrysotile which is less hazardous to human health than amphiboles.

The Commissioner concludes that this differential in hazard has not been established for parenterally administered asbestos. Studies by Reeves et al. (Ref. 17) have demonstrated mesotheliomas in rats and rabbits from pleural and peritoneal injections of both chrysotile and crocidolite fibers. Further studies have been initiated by the Food and Drug Administration on the effects of parenteral injections of chrysotile fibers in experimental animals.

10. One comment indicated that, in the study of parenteral administration of asbestos to animals by Schmahl (Ref. 11), the tumors that occurred were not related to asbestos since they were sarcomas rather than mesotheliomas.

Although mesotheliomas are closely related to inhalation of asbestos, there also has been an association of carcinoma of the lung with asbestos inhalation. As with other carcinogens, several types of tumors may occur as a result of exposure to a particular carcinogen depending upon the route of exposure. The Commissioner therefore concludes that the data in this reference are valid and may possibly implicate asbestos in the development of these malignant tumors of soft tissues, namely, sarcomas.

11. One commenter presented data demonstrating that membrane filtration was capable of removal of all asbestos particles from his asbestos-filtered product (beer) as measured by electron microscopy. However, even though the container for this product was subjected to a final rinse by municipal water, the packaged product contained a significant number of asbestos fibers. Similarly, the Food and Drug Administration has found asbestos particles in parenteral drugs produced by manufacturers who do not use asbestos filters in their processes.

These indications of substantial contamination of the product from typical liquid containers have led the Commissioner to conclude that cleansing and rinse water for the containers for parenteral drugs shall be filtered through non-fiber-releasing filters equivalent to those required for post-asbestos-filter filtration to remove inherent fiber contamination.

12. The Environmental Impact Analysis Report (EIAR) and other relevant materials have been reviewed and it has been determined that the proposed use will not have a significant environmental impact. Copies of the EIAR are available in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42, or the office of the Hearing Clerk, Rm. 4-65, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

The indications to references set forth in the preamble are to the following, which are on display in the office of the Hearing Clerk:

1. "Parenteral Preparations, Pyrogens," in Remington's Pharmaceutical Sciences, 14th ed., Chapter 82, p. 1542, 1970.

2. Mason, T. J., F. W. McKay and R. W. Miller, "Asbestos-Like Fibers in Duluth Water Supply: Relation to Cancer Mortality," "Journal of the American Medical Association," 228:1020, May 20, 1974.

3. Comment from Asbestos Research Council, March 1, 1974.

4. Cunningham, H. M. and R. Pontefract:

(a) "Asbestos Fibers in Beverages and Drinking Water," "Nature" 232:332-333, 1971.

(b) "Symposium on Industrial Chemicals as Food Contaminants," "Journal of the Association of Official Analytical Chemists," 56:976–981, 1973.

5. Pontefract, R., and H. M. Gunningham, "Penetration of Asbestos through the Digestive Tract of Rats," "Nature," 243:352–353, 1973.

6. Davis, J. M. G., Institute of Occupational Medicine Edinburgh, Scotland, unpublished report.

7. Bonser, G. M., and D. B. Clayton, "Feeding of Blue Asbestos to Rats," 1967 Annual Report, British Empire Cancer Campaign for Research, p. 242.

8. "Report of the Advisory Committee on Asbestos Cancers to the Director of the International Agency for Research on Cancer," "British Journal of Industrial Medicine," 30:180–186, 1973.

9. Kleinfeld, M., J. Messite, and M. H. Zaki, "Mortality Experiences Among Talc Workers: A Follow-up Study," "Journal of Occupational Medicine," 16:345–349, 1974.

10. Nicholson, W. H., C. J. Maggiare and I. J. Selikoff, "Asbestos Contamination of Parenteral Drugs," "Science," 177:171–173, 1972.

11. Schmahl, D., "Carcerogene Wirking von Asbest bei Implantation von Ratten," "Zeitschrift fur Krebsforschung," 62:561–567, 1958.

12. Roe, F. H. C., R. L. Carter, M. A. Walters and J. S. Harrington, "The Pathological effects of Subcutaneous Injections of Asbestos Fibers in Mice: Migration of Fibers to Submesothelial Tissues and Induction of Mesotheliomas," "International Journal of Cancer," 2:628–638, 1967.

13. Kanazawa, K., M. S. O. Birbeck, R. L. Carter and F. J. C. Roe, "Migration of Asbestos Fibers from Subcutaneous Injection Sites in Mice," "British Journal of Cancer," 24:96–106, 1970.

14. "Symposium on Occupational Exposure to Fibrous Glass," sponsored by National Institute for Occupational Safety and Health, University of Maryland, June 26–27, 1974.

15. Stanton, Mearl F., "Fiber Carcinogenesis: Is Asbestos the Only Hazard?" "Journal of the National Cancer Institute," 52:633 (1974).

16. "Occupational Exposure to Asbestos," Criteria document, U.S. Public Health Service, National Institute for Occupational Safety and Health, Chapter VIII, pg. 6, 1972.

17. Reeves, A. J., H. E. Puro, R. G. Smith and A. J. Vorwald, "Experimental Asbestos Carcinogenesis," "Environmental Research," 4:496–511, 1971.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501, 502, 701, 52 Stat. 1049–1051, 1055–1056, as amended; 21 U.S.C. 351, 352, 371) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 133 is amended as follows:

1. By amending § 133.8 by adding new paragraph (j), to read as follows:

§ 133.8 Production and control procedures.

* * * * *

(j) Use of asbestos-containing or other fiber-releasing filters: (1) Filters used in the manufacture, processing or packaging of components of drug products for parenteral injection in humans shall not release fibers into such products. No asbestos-containing or other fiber-releasing filter may be used in the manufacture, processing or packaging of such products unless it is not possible to manufacture that drug product or component without the use of such a filter. Filtration, as needed, shall be through a non-fiber-releasing filter. For the purposes of this regulation a non-fiber-releasing filter is defined as a nonasbestos, nonglass fiber filter which, after any appropriate pretreatment such as washing or flushing, will not continue to release fibers into the drug product or component which is being filtered. A fiber is defined as any particle with length at least three times greater than its width.

(2) If use of a fiber-releasing filter is required, an additional non-fiber-releasing filter of maximum pore size of 0.22 microns (0.45 microns if the manufacturing conditions so dictate) shall subsequently be used to reduce the content of any asbestos-form particles in the drug product or component. Use of an asbestos-containing filter with or without subsequent use of a specific non-fiber-releasing filter is permissible only upon submission of proof to the appropriate bureau of the Food and Drug Administration that use of a non-fiber-releasing filter will, or is likely to, compromise the safety or effectiveness of the drug.

(3) Substitution for a fiber-releasing filter shall be achieved on or before September 14, 1976. If such substitution is not achieved on or before March 14, 1976, the manufacturer of the drug product for parenteral injection who requires the additional 6 months to develop new manufacturing procedures so as to utilize non-fiber-releasing filters in place of fiber-releasing filters shall submit monthly reports to the appropriate bureau of the Food and Drug Administration indicating progress in substituting the new filters. Such a substitution shall be shown to have been effected without loss of the safety or effectiveness of the drug.

2. By revising § 133.9 to read as follows:

§ 133.9 Product containers and their components.

Suitable specifications, test methods, cleaning procedures, and when indicated, sterilization procedures shall be used to assure that containers, closures, and other component parts of drug packages are suitable for their intended use. Containers for parenteral drugs, drug products or drug components shall be cleansed with water which has been filtered through a non-fiber-releasing filter equivalent to that indicated in § 133.8(j)(2). Product containers and their components shall not be reactive, additive, or absorptive so as to alter the safety, identity, strength, quality, or purity of the drug or its components beyond the official or established requirements and shall provide adequate protection against external factors that can cause deterioration or contamination of the drug.

Effective date. This order shall be effective April 14, 1975.

(Secs. 501, 502, 701, 52 Stat. 1049–1051, 1055–1056, as amended; (21 U.S.C. 351, 352, 371))

Dated: February 28, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-6733 Filed 3-13-75;8:45 am]

[Recodification Docket No. 6]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Reorganization and Republication; Correction

In FR Doc. 74-12338 appearing at page 18921 in the FEDERAL REGISTER of May 30, 1974, the heading for § 436.206 appearing on page 18959 is corrected to read "§ 436.206 *Test for metal particles in ophthalmic ointments.*"

Dated: March 11, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-6853 Filed 3-13-75;8:45 am]

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

Otic and Ophthalmic/Otic Preparations

The Commissioner of Food and Drugs is amending Parts 444 and 446 to delete two sections that refer to drugs no longer being certified, to delete a section that has been superseded, and to amend a section to provide for a test method.

The final order for DESI 8583 et al., published in the FEDERAL REGISTER of September 19, 1974 (39 FR 33665), revoked the provisions for otic use from §§ 444.342g and 446.367c. In addition, it amended § 446.367e by separating it into two sections, § 446.367e for the ophthalmic dosage form and a new § 446.467d for the otic dosage form. However, the document failed to account for sections describing products for both eye and ear use that appear twice in the regulations, as recodified May 30, 1974 (39 FR 18922), in the subpart for ophthalmic dosage forms and in the subpart for otic dosage forms. As a result, Part 444 now contains § 444.442e that refers to drug products that are no longer being certified. Part 446 contains § 446.467c that refers to drug products no longer being certified and § 446.467b that has been superseded by a new section. Therefore, these three sections should be revoked.

In addition, the amendment to § 446.367e in the order of September 19, 1974 inadvertently omitted the test method for sterility. It is provided for below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–1051, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR

2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

§ 444.442e [Revoked]

1. In Part 444, § 444.442e *Neomycin sulfate-hydrocortisone acetate eye-ear drops; neomycin sulfate-prednisolone acetate eye-ear drops* is revoked.

2. In Part 446:

a. In § 446.367e, by redesignating paragraph (b)(2) as paragraph (b)(3) and adding a new paragraph (b)(2) to read as follows:

§ 446.367e Oxytetracycline hydrochloride-polymyxin B sulfate ophthalmic ointment.

* * * * *

(b) * * *

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 446.467b [Revoked]

b. By revoking § 446.467b *Oxytetracycline hydrochloride-polymyxin B sulfate eye and ear ointment.*

§ 446.467c [Revoked]

c. By revoking § 446.467c *Oxytetracycline hydrochloride-hydrocortisone acetate ophthalmic and otic suspension.*

The Commissioner finds that notice, public procedure, and delayed effective date are unnecessary for the promulgation of this order since it only provides for technical changes and updating of these regulations to make them consistent with regulatory action previously taken.

Effective date. This order shall be effective on March 14, 1975.

(Secs. 502, 507, 52 Stat. 1050–1051, as amended, 59 Stat. 463, as amended (21 U.S.C. 352, 357))

Dated: March 11, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75-6854 Filed 3-13-75;8:45 am]

[DESI Nos. 8583, 8674, 9152, 9188, and 50205; Docket No. FDC-D-677; NDA No. 50-203, etc.]

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

PART 448—PEPTIDE ANTIBIOTIC DRUGS

Otic and Ophthalmic/Otic Preparations; Partial Confirmation of Order Revoking and Revising Provisions for Certification; Stay of Revocation

An order was published in the FEDERAL REGISTER of September 19, 1974 (39 FR 33665) amending the antibiotic drug regulations to revoke the following sections which provide for certification of certain otic and ophthalmic/otic preparations: sections 444.442a, 444.442b, 444.470a, 446.467a, 446.481, and 448.410. The order also amended Parts 444 and 446 of the antibiotic regulations by amending §§ 444.341g, 444.452a, 446.367c, and 446.367e, and adding a new § 446.467d.

This notice is to confirm the effective date of the order revoking, amending, and issuing the above antibiotic certification regulations, except that the revocation of § 444.442a is stayed pending completion of a review of the objections and material submitted pursuant to a request for hearing by Schering Corp., manufacturer of Otobiotic Otic Solution, certifiable under that section.

Having received a request for hearing from Schering Corp., the Commissioner of Food and Drugs concludes that insofar as it pertains to § 444.442a, the effective date of the order should be stayed in order to allow time for completion of review of the objections and material submitted. When this review is completed, the Commissioner will announce in the FEDERAL REGISTER whether or not reasonable grounds have been received for the request for hearing.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–1051, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to that part of the order affecting §§ 444.342g, 444.442b, 444.470a, 444.542a, 446.367c, 446.367e, 446.467a, 446.467d, 446.481, and 448.410. Accordingly, that part of the order promulgated thereby became effective on October 29, 1974, except that those portions applicable to drugs labeled for both ophthalmic and otic use became effective on December 18, 1974, and the effective date of the order is hereby stayed insofar as it applies to the revocation of § 444.442a of the antibiotic drug regulations pending evaluation of the objections and request for hearing.

Dated: March 10, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-6736 Filed 3-13-75;8:45 am]

Title 23—Highways

CHAPTER II—HIGHWAY SAFETY PROGRAM STANDARDS, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-22; Notice 2]

PART 1214—INCENTIVE GRANT CRITERIA FOR REDUCTION OF STATE ANNUAL HIGHWAY FATALITY RATES

Federal Grants to States

This notice amends Title 23, Code of Federal Regulations, by adding a new Part 1214 that specifies criteria for awarding incentive grants to the States that make the most significant progress in reducing their annual rate of highway fatalities per 100,000,000 miles of vehicle travel. This action is taken pursuant to section 219 of the Highway Safety Act of 1973 (23 U.S.C. 402(j)(2)), which authorizes the awarding of fatality rate grants and requires the establishment of criteria for that purpose. Proposed criteria were published May 22, 1974, 39 FR 17979, with a 45-day comment period. Copies of the criteria were also sent to the Advisory Commission for Intergovernmental Relations.

After a careful review of all comments received to date, the criteria are adopted as proposed, except that proposed requirement § 1214.5(b) has been eliminated. Responses to some of the comments are set forth below.

The comments emphasized several important general points. First, given the wide variation among the States as to such factors as population, degree of urbanization, and proportions of urban and limited access highway miles of travel, it is difficult to develop simple, objective criteria each of which places all States on the same footing. What is sought from this action is the selection of several criteria which together tend to minimize the differences between the States and carry out the purposes of section 402(j)(2).

Second, making long-term judgments about the criteria is difficult when a list of potential grantees for a single year only is available. Consequently, as experience is gained under the incentive program, the criteria will be re-evaluated periodically to determine whether any amendments are desirable.

Section 1214.4. As proposed, this section specified that flat grants equal to 25 percent of a State's apportionment of section 402 funds would be awarded to as many eligible States as possible. Montana and Tennessee urged that this section be amended to establish a sliding scale, tying the size of a State's grant to the extent of its fatality rate reduction, so that grants could be made to all eligible States. This suggestion has not been adopted since reducing the amount of the grants would reduce their incentive value as well. Furthermore, any proposal for increasing the number of recipient States would be inconsistent with the intention underlying section 402(j)(2) that grants be given to only the States making the most significant progress in lowering their highway fatality rates.

Section 1214.5(b). Not have a fatality increase of a percentage greater than that of any national fatality increase. Oregon objected to this requirement on the ground that it would handicap the States whose population is growing faster than the national population. Tennessee stated that the change in the rate of fatalities per 100,000,000 vehicle miles is a more realistic and equitable measure of a State's progress in improving highway safety than the change in absolute number of fatalities. The NHTSA and FHWA agree with these comments and, accordingly, have decided to eliminate proposed requirement (b).

Section 1214.5(c). Have a fatality rate for the base calendar year not greater than one-half the national fatality rate for such year. Idaho, Minnesota, Mississippi, Montana, and Oregon urged that

this requirement be eliminated, for the reason that only small States with a high proportion of urban miles of travel could satisfy it. The requirement is intended to give recognition to States that maintain exceptionally low fatality rates and manage to reduce their rates even further. While small States may have a better chance than other States to achieve such a rate, no State can do so easily. As shown in the table of preliminary data in the notice of proposed rulemaking, only a single State would have succeeded in meeting the requirement for fiscal year 1974. Final data showed that no State would have succeeded. Since it appears that not many States will satisfy the requirement in the future, it will probably not confer a significant practical advantage upon any State.

Michigan and the American Mutual Insurance Alliance (AMIA) suggested that the requirement was too stringent and urged that a substantially higher figure be adopted (AMIA), or that the States with the lowest rates be made eligible (Michigan). The effect of either of these suggestions would be to enable some States to satisfy proposed requirement (c) automatically. This would be inconsistent with the purpose of proposed requirement (c), which is to afford States that have traditionally achieved low fatality rates a unique opportunity to qualify for an incentive grant through additional effort. Accordingly, the NHTSA and FHWA found it desirable to leave the fraction in proposed requirement (c) unchanged.

Section 1214.5(d). Have a fatality rate reduction of a percentage not less than 10 percent greater than that of any national fatality rate reduction. California and New York commented that since the fatality rate reductions of the several most highly populated States were significantly determinative of the national rate reduction, such States would have a particularly difficult time trying to exceed the national rate reduction by 10 percent. While there may be some merit in this comment, the table in the notice of proposed rulemaking showed that Pennsylvania, Illinois, and Ohio, the third, fifth, and sixth most highly-populated States, respectively, would have satisfied proposed requirement (d) for fiscal year 1974. In view of these results and of the mandate in section 402(j)(2) that grants be given to only those States that make the most significant progress in reducing their fatality rates, this requirement has been left unchanged.

Section 1214.6. For the same reasons that Montana objected to proposed § 1214.5(c), it also opposed ranking States that meet that subsection above States that satisfy proposed § 1214.5(d). This system of ranking is appropriate, however, since a State will have to achieve an exceptional level of sustained performance and continue to reduce its fatality rate in order to meet proposed § 1214.5(c). Further, § 1214.6 will not cause any significant practical disadvantage to States unable to meet proposed § 1214.5(c), since it appears certain that only a few States will satisfy that subsection.

The notice of proposed rulemaking invited suggestions for overcoming the problems of developing and gathering the data necessary for the participation of the Indian reservations in the incentive program. However, no suggestions were received, and no solutions have been devised up to this time. Accordingly, the Indian reservations will not be able to participate in the program for the present. If any suggestions are received in the future, they will be carefully considered.

In consideration of the foregoing, 23 CFR Chapter II, Subchapter B, is hereby amended, by adding a new Part 1214, Incentive Grant Criteria for Reduction of State Annual Highway Fatality Rates, effective March 14, 1975.

Issued on March 6, 1975.

NORBERT T. TIEMANN,
Administrator,
Federal Highway Administration.

JAMES B. GREGORY,
Administrator, National Highway Traffic Safety Administration.

Sec.
1214.1 Scope.
1214.2 Purpose.
1214.3 Definitions.
1214.4 Award procedures.
1214.5 Eligibility requirements.
1214.6 Ranking of the eligible States.
1214.7 Calculation of a State's vehicle miles of travel, fatalities, and fatality rate.
1214.8 Calculation of the national vehicle miles of travel, fatalities, and fatality rate.

AUTHORITY: Sec. 219, Pub. L. 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 rate reduction" means a decrease in the fatality rate for the base calendar year relative to the fatality rate for the 4 preceding 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 § 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 paragraph (a) of this section and, if there is a national fatality rate reduction, either paragraph (b) or paragraph (c), 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; and, if there is a national fatality rate reduction, either

(b) Have a fatality rate for the base calendar year not greater than one-half the national fatality rate for such year; or

(c) Have a fatality rate reduction of a percentage not less than 10 percent greater than that of the national fatality rate reduction.

§ 1214.6 Ranking of the eligible States.

(a) When there is no national fatality rate reduction—

(1) The States that satisfy § 1214.5 (a) and (b) will be initially ranked in ascending order of their fatality rates for the base calendar year.

(2) After the ranking specified in paragraph (a)(1) of this section is completed, the States that satisfy § 1214.5(a), but not (b), will be appended to the ranking in descending order of their fatality rate reductions.

(b) When there is a national fatality rate reduction—

(1) The States that satisfy § 1214.5 (a) and (b) will be initially ranked in ascending order of their fatality rates for the base calendar year.

(2) After the ranking specified in paragraph (b)(1) of this section is completed, the States that satisfy § 1214.5 (a) and (c), but not (b), 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, fatalities, and fatality rate.

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 4 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 4 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 4 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 section 1214.7, except that the vehicle miles of travel and fatality data will be those of all the States.

[FR Doc.75-6777 Filed 3-13-75;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 529—EMPLOYMENT OF PATIENT WORKERS IN HOSPITALS AND INSTITUTIONS AT SUBMINIMUM WAGES

Extension of Period for Timely Filing of Applications

On February 7, 1975, regulations, 29 CFR Part 529, which govern the employment at subminimum wages under the Fair Labor Standards Act (52 Stat. 1062, as amended; (29 U.S.C. 214)) of patients in hospitals and institutions primarily engaged in the residential care of the sick, the aged, or mentally ill or defective were published in the FEDERAL REGISTER (40 FR 5775-5779). The effective date of the patient worker regulations is February 7, 1975.

An extension of the date for submission of applications was granted through March 9, 1975, permitting the employment of patient workers at subminimum wages in hospitals and institutions without certificates. Because of administrative difficulties such as printing the regulations and distributing the regulations, applications, and instructions, there will be insufficient time for hospitals and institutions to file applications and for these applications to be acted upon by the Wage and Hour Division by March 9, 1975. Therefore, an application received in the appropriate Regional Office of the Wage and Hour Division by April 1, 1975 will be considered timely filed, permitting on February 7, 1975, the employment of patient workers at subminimum wages proposed in the application by the hospital or institution without certificate. This allowance is conditional upon: (a) Compliance with the provisions of Part 529; and (b) Provision for the payment of back wages to patient workers if a certificate is denied or the minimum wage set in the certificate is higher than that paid by the hospital or institutions.

(Sec. 14, 52 Stat. 1068, as amended; (29 U.S.C. 214); Reorganization Plan No. 6 of 1950 (3 CFR 1945-53 Comp. p. 1004); Secretary's Order No. 13-71 (36 FR 8755), and Employment Standards Orders 1-74 (39 FR 33841))

Signed at Washington, D.C. this 7th of March, 1975.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.75-6742 Filed 3-13-75;8:45 am]

PART 701—NEWLY COVERED EMPLOYMENT IN PUERTO RICO OTHER THAN GOVERNMENT WORKERS

Wage Order; Correction

In the Wage Order for Part 701 regarding newly covered employment in Puerto Rico other than government workers published in the FEDERAL REGISTER dated September 4, 1974, (39 FR 32027) there was inadvertently omitted at page 32028 in § 701.2 paragraph (e)(1)(iv) which provides for the classification and wage rates of ticket takers, porters and other employees in third class theaters as recommended by Industry Committee No. 123-B. Corrections in the dates of increases are also made in the same section at page 32028 paragraph (e)(1)(iii).

As corrected § 701.2 reads as follows:

§ 701.2 Wage rates.

* * * * *

(e) *Third class theaters.* (1) * * *

(iii) *Box office cashiers, assistant motion picture projectionists and assistant managers.* (A) The minimum wage for this classification is $1.15 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $1.27 an hour effective May 1, 1975; $1.39 an hour effective May 1, 1976; $1.51 an hour effective May 1, 1977; $1.66 an hour effective May 1, 1978; $1.81 an hour effective May 1, 1979; $1.96 an hour effective May 1, 1980; $2.11 an hour effective May 1, 1981; $2.26 an hour effective May 1, 1982 and $2.30 an hour effective May 1, 1983.

(iv) *Ticket takers, porters and other employees.* (A) The minimum rate for this classification is $1.14 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly the minimum rate will be $1.26 an hour effective May 1, 1975; $1.38 an hour effective May 1, 1976; $1.50 an hour effective May 1, 1977; $1.65 an hour effective May 1, 1978; $1.80 an hour effective May 1, 1979; $1.95 an hour effective May 1, 1980; $2.10 an hour effective May 1, 1981; $2.25 an hour effective May 1, 1982; and $2.30 an hour effective May 1, 1983.

Signed at Washington, D.C., this 7th day of March 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division.

[FR Doc.75-6743 Filed 3-13-75;8:45 am]

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

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Supplements to Arizona Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for the review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On November 5, 1975 a notice was published in the FEDERAL REGISTER (39 FR 39037) concerning the approval of the Arizona plan and of the adoption of Subpart CC of Part 1952 containing the decision of approval. On January 6, 1975, the State of Arizona submitted supplements to the plan involving a developmental change (see Subpart B of 29 CFR Part 1953) and a State-initiated change (see Subpart E of 29 CFR Part 1953).

2. *Description of the supplements.* The decision approving the Arizona plan incorporated a developmental schedule setting forth time frames for the completion of various developmental steps. Among other things, the schedule provides for the commencement of the enforcement of standards, promulgation of standards and regulations, and the finalizing of inter-agency agreements by January 1, 1975. The State has experienced some unforeseen delays in hiring safety and health personnel which, in turn, delayed the scheduled training program for such personnel. Accordingly, in order to be assured of sufficiently staffed and trained personnel, the State has changed its plan implementation date from January 1, 1975, to March 1, 1975.

The promulgation date for regulations and standards and the date for finalizing inter-agency agreements have likewise been changed from January 1, 1975 to March 1, 1975, in order to correspond with the revised date for the commencement of plan operations.

In addition, the State will be entering into inter-agency agreements with three instead of five agencies as originally intended. The Industrial Commission will not be entering into an agreement with the Board of Pesticide Control since the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) revoked his standards concerning employee exposure to pesticides (39 FR 26878, August 12, 1974). The Industrial Commission also will not be entering into an inter-agency agreement with the State Mine Inspector on the basis that the State interprets section 23-402 of the Arizona Revised Statutes as prohibiting the Industrial Commission from applying the Arizona Occupational Safety and Health Act to mining operations.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 850, 1726 M Street NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 9410, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 95814; Division of Occupational Safety and Health, Industrial Commission of Arizona, P.O. Box 19070, 1601 West Jefferson Street, Phoenix, Arizona 85005.

4. *Public participation.* Under § 1953.2 of this chapter and 5 U.S.C. 553(b)(3)(B), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that public comment is impracticable since the time frames proposed are to go into effect before the thirty day period for public comment would expire. Accordingly, it is found that further public comment is unnecessary.

5. *Decision.* After careful consideration, the Arizona plan supplement outlined above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart CC of 29 CFR Part 1952 is amended to reflect the changes in the Arizona developmental schedule. Accordingly, Subpart CC of Part 1952 is amended as follows:

§ 1952.353 Developmental schedule.

* * * * *

(b) The formulation and approval of inter-agency agreements with the Arizona Atomic Energy Commission, the State Health Department and the Arizona Corporation Commission by March 1, 1975.

(c) The promulgation of standards, variance regulations, regulations for inspections, citations and proposed penalties and regulations concerning review procedures by March 1, 1975.

(d) The promulgation of recordkeeping regulations by March 1, 1975, but full implementation of these regulations will not be until July 1, 1976.

* * * * *

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667)).

Signed at Washington, D.C., this 7th day of March 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-6740 Filed 3-13-75;8:45 am]

Title 37—Patents, Trademarks, and Copyrights

CHAPTER I—PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

PART 1—RULES OF PRACTICE IN PATENT CASES

Interference Practice

On August 22, 1974, notice of proposed rulemaking regarding the revision of §§ 1.125, 1.231(c), 1.247(c), 1.251 (a) (b) and (c), 1.253 and 1.277(b) of Title 37, Code of Federal Regulations, dealing with testimony requirements in interferences, was published in the FEDERAL REGISTER (39 FR 30358). Interested persons were given until November 15, 1974 to submit written comments and suggestions. Full and careful consideration was given to all written comments received, in consequence of which the text of the original proposal has been modified in several instances.

In consideration of the comments received and pursuant to the authority contained in section 6 of the Act of July 19, 1952, as amended (85 Stat. 364; 35 U.S.C. 6), Part 1 of Title 37, Code of Federal Regulations, is hereby amended as follows:

1. Section 1.225 is revised to read as follows:

§ 1.225 Failure of junior party to file statements or to overcome filing date of senior party.

If a junior party to an interference fails to file a preliminary statement, or if his statement fails to overcome the effective filing date of the application of another party, judgment on the record will be entered against such junior party unless he has filed a proper motion under § 1.231, within the time set for such motions, seeking some action in the interference. If such motion has been timely filed but does not result in action in the interference which removes the basis for a judgment on the record, such judgment will be entered unless the motion related to a matter which may be reviewed at final hearing under § 1.258, and within 30 days of the decision denying his motion, or a later time set by the patent interference examiner, the junior party concerned requests that final hearing be set to review such matter. Also, such a junior party may within such 30 day period, or time set, request a final hearing to review such a matter raised by his opposition to a motion under § 1.231(a)(2), (3), (4), or (5) which was granted over his opposition. Such a junior party will not be permitted to take testimony except on granting of a motion accompanied by a showing of good cause, which should normally include names of proposed witnesses and affidavits or declarations by them giving their expected testimony.

2. In § 1.231, paragraph (c) is revised to read as follows:

§ 1.231 Motions before the primary examiner.

* * * * *

(c) A motion to amend under paragraph (a)(2) of this section or to substitute another application or declare an additional interference under paragraph (a)(3) of this section must be accompanied by an amendment adding claims corresponding to the proposed counts to the application concerned if such claims are not already in that application. The motion must also request the benefit of a prior application as provided for under paragraph (a)(4) of this section if the party concerned expects to be accorded such benefit.

* * * * *

3. In § 1.247, paragraph (c) is revised to read as follows:

§ 1.247 Service of papers.

* * * * *

(c) Certified transcripts of testimony under § 1.276 (but copies of the testimony must be served (§ 1.253(a))).

* * * * *

4. In § 1.251, paragraphs (a), (b) and (c) are revised to read as follows:

§ 1.251 Assignment of times for discovery and taking testimony.

(a) Subject to the exception provided in paragraph (c) of this section, a period for preparation for testimony will be set in which all parties should complete discovery and other preparatory activities, except for service by the senior party required by § 1.287(a)(1) which is governed by § 1.287(a)(2)(iii).

(b) Subject to the exception provided in paragraph (c) of this section, times will be assigned in which the junior party shall complete his testimony in chief, and in which the other party shall complete the testimony on his side, and a further time in which the junior party may take rebutting testimony, but he shall take no other testimony. If there be more than two parties to the interference, the times for taking testimony will be so arranged that each shall have an opportunity to prove his case against prior parties and to rebut their evidence, and also to meet the evidence of junior parties. If a senior party fails to file a preliminary statement, or expressly elects to rely solely on his effective filing date, he will be assigned only a time for taking rebuttal testimony, and no junior party will be assigned a time for taking rebuttal testimony unless another junior party senior to him is assigned a time for taking testimony in chief. But, subject to the conditions imposed upon junior parties by § 1.225, such senior party may be assigned a period for taking testimony concerning a matter raised by a motion under § 1.231.

(c) Times for preparation of testimony, for compliance with § 1.287(a) and for taking of testimony will ordinarily be assigned in notices sent to the parties after motions under § 1.231 have been disposed of or, if no such motions have been filed, after the close of the motion period (§ 1.231). Such times will not normally be assigned for a junior party who fails to file a preliminary statement or whose preliminary statement fails to overcome the effective filing date of the senior party. (See § 1.225).

* * * * *

5. Section 1.253 is revised to read as follows:

§ 1.253 Copies of the testimony.

(a) In addition to the certified transcript of the testimony (§§ 1.275 to 1.278) or executed copies of affidavits or stipulated testimony or facts (§ 1.272), and the exhibits, three true copies of the testimony of each party must be filed

for the use of the Office (a total of four copies), and one true copy must be served upon each of the opposing parties. Only one set of exhibits need be filed in the Office.

(b) These copies of the testimony may be submitted either in printed or in typewritten form.

(c) These copies, whether printed or typewritten, must include the testimony presented by the party filing the same, a copy of the counts of the interference, an index of the names of the witnesses, giving the pages where their examination and cross-examination begin, and an index of the exhibits, briefly describing their nature and giving the pages at which they are introduced and offered in evidence. The pages must be serially numbered throughout the entire record of testimony and the names of the witnesses must appear at the top of the pages over their testimony.

(d) The copies of the testimony for all parties must be filed and served on the opposing parties by the date specified in the order setting times for taking testimony or such extensions as may be granted.

(e) When the copies of the testimony are submitted in printed form, they shall be printed in 11-point type and adequately leaded; the paper must be opaque and unglazed; the size of the page shall be 7⅝ by 10¼ inches (19.4 by 26 cm.); the size of the printed matter shall be 4⅛ by 7⅛ inches (10.6 by 18.2 cm.); and they shall be bound to lie flat when opened. Twenty-five additional copies for the United States Court of Customs and Patent Appeals, should appeal be taken, may also be filed; if no such appeal be taken, the twenty-five copies will be returned to the party filing them.

(f) When the copies of the testimony are submitted in typewritten form, they must be clearly legible on opaque, unglazed, durable paper approximately 8½ by 11 inches (21.6 by 27.9 cm.) in size Getter size) and one of the three copies must be a ribbon copy, but need not be executed by the certifying officer. (The certified transcript may be a properly executed carbon copy. See § 1.277.) The typing shall be on one side of the paper, in not smaller than pica-type; and double-spaced with a margin of 1½ inches (3.8 cm.) on the left-hand side of the page. The sheets shall be bound at their left edges, in such manner to lie flat when opened, in a volume or volumes of convenient size (approximately 100 pages per volume is suggested) provided with covers. Documentary exhibits should not be included in bound volumes of testimony. Multigraphed or otherwise reproduced copies conforming to the standards specified will be accepted.

(g) The testimony of any party failing to supply copies thereof as specified may be refused consideration.

6. In § 1.277, paragraph (b) is revised to read as follows:

§ 1.277 Form of deposition.

* * * * *

(b) In order to have a ribbon copy of the testimony available as required by § 1.253(f), a carbon copy of the deposition may be executed by the witnesses and the officer and filed as required by § 1.276.

* * * * *

Effective date. These amendments shall become effective on May 1, 1975 and will apply to those interferences in which times for testimony are set on and after that date.

Dated: February 27, 1975.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Approved:

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.75-6782 Filed 3-13-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Deferral of Certain Compliance Schedule Dates

Correction

FR Doc. 75-272 appearing at page 1126, in the issue of Monday, January 6, 1975, was incorrectly placed in the Notices Section under the heading, "Stage II Vapor Recovery Regulations". It should have appeared in the Rules and Regulations Section with the headings reading as set forth above.

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 345-2; OPP-00008]

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

Picloram; Correction

In FR Doc. 75-3699 appearing on page 6340 in the issue for Tuesday, February 11, 1975, the title for § 180.292 should be changed to read "§ 180.292 Picloram, tolerances for residues."

Dated: March 10, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-6814 Filed 3-13-75;8:45 am]

[FRL 344-1; OPP-00007]

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

4-Amino-6-(1,1 dimethyl-ethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one; Correction

In FR Doc. 75-1552 appearing on page 2803 in the issue for Thursday, January 16, 1975, the title for § 180.332 should be changed to read, "§ 180.332 4-Amino-6-(1,1-dimethyl-ethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one; tolerances for residues".

Dated: March 7, 1975.

Dr. LEONARD R. AXELROD,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-6663 Filed 3-13-75;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 345-1]

PART 432—MEAT PRODUCTS AND RENDERING PROCESSING POINT SOURCE CATEGORY

Guidelines and Standards; Corrections

In FR Doc. 75-2 appearing on pages 902 through 911 in the issue of January 3, 1975, make the following changes:

1. In § 432.63, at page 906, the maximum for any one day limitation for ammonia was omitted; the limitation for ammonia should be 8.0 mg/l.

2. In § 432.102(a), at page 910, in both the English and metric units portion of the table, the maximum for any one day limitations for BOD5 and TSS now read 0.30 for BOD5 and 0.40 for TSS respectively; the limitations should be 0.34 for BOD5 and 0.42 for TSS.

Dated: March 10, 1975.

JOHN QUARLES,
Acting Administrator.

[FR Doc.75-6813 Filed 3-13-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER A—GENERAL PROVISIONS

PART 2—FIELD ORGANIZATION

Standard Regions Program

Pursuant to the authority granted by 5 U.S.C. 301 and Part 242 of the Departmental Manual, § 2.2 is amended to reflect the establishment of the Denver Regional Office and realignment of certain States to conform to the Standard Federal Regions program. Since Part 2 consists of rules of agency organization and this amendment will be of benefit to the public, the relevant provisions of 5 U.S.C. 553 requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

Effective date. This amendment is effective March 14, 1975.

Section 2.2 is amended to read as follows:

§ 2.2 Locations of regional or area offices.

The geographic jurisdictions and addresses of the U.S. Fish and Wildlife Service regional offices and the Alaska Area Office are as follows:

(a) Alaska Area Office (comprising the State of Alaska), 813 D Street, Anchorage, Alaska 99501.

(b) Portland Regional Office (Region 1—comprising the States of California, Hawaii, Idaho, Nevada, Oregon, and Washington) 1500 N.E. Irving Street, Post Office Box 3737, Portland, Oregon 97208.

(c) Albuquerque Regional Office (Region 2—comprising the States of Arizona, New Mexico, Oklahoma, and Texas) 500 Gold Avenue, SW., Albuquerque, New Mexico 87102.

(d) Twin Cities Regional Office (Region 3—comprising the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin) Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

(e) Atlanta Regional Office (Region 4—comprising: (1) the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; and (2) Puerto Rico and the Virgin Islands) 17 Executive Park Drive, NE., Atlanta, Georgia 30329.

(f) Boston Regional Office (Region 5—comprising: (1) the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; and (2) the District of Columbia) John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

(g) Denver Regional Office (Region 6—comprising the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming) 10597 West Sixth Avenue, Lakewood, Colorado 80215.

FREDERICK N. WHITE, Jr.,
Acting Director,
U.S. Fish and Wildlife Service.

MARCH 7, 1975.

[FR Doc.75-6730 Filed 3-13-75;8:45 am]

PART 33—SPORT FISHING

Arrowwood National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective March 14, 1975.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas comprising 1,550 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from May 3, 1975 to September 15, 1975, daylight hours only.

(2) The use of boats with motors is prohibited.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1975.

JAMES W. MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Pingree, North Dakota 58476.

MARCH 7, 1975.

[FR Doc.75-6731 Filed 3-13-75;8:45 am]

PART 33—SPORT FISHING

Red Rock Lakes National Wildlife Refuge, Montana

The following special regulations are issued and are effective March 14, 1975.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

MONTANA

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

Sport fishing is permitted as posted from June 21 through November 30, 1975. All areas open to fishing are delineated on a map available at refuge Headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, 711 Central Avenue, Billings, Montana 59102. Area closed the entire year include Upper and Lower Red Rock Lakes, Rivermarsh and Shanbow Pond.

Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Boats with motors prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

E. D. STROOPS,
Refuge Manager, Red Rock Lakes National Wildlife Refuge.

MARCH 7, 1975.

[FR Doc.75-6729 Filed 3-13-75;8:45 am]

proposed rules

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

GRAND CANYON NATIONAL PARK, ARIZONA

Designation of Snowmobile Routes

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), section 2 of the Act of February 26, 1919 (40 Stat. 1177; 16 U.S.C. 222), section 2 of the Act of February 25, 1927 (44 Stat. 1240; 16 U.S.C. 221b), section 4 of the Act of January 3, 1975, (88 Stat. 2089). 245 DMI (34 FR 13879), National Park Service Order No. 77 (38 FR 7478) as amended, Regional Director, Western Region Order No. 7 (37 FR 6326), and 36 CFR 2.34 (c) (39 FR 11882), it is proposed to amend § 7.4 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this proposal is to designate snowmobile routes on the North Rim of Grand Canyon National Park. In designating the routes, consideration has been given to sections 3 and 4 of E.O. 11644 (37 FR 2877) as well as to the requirements of the general National Park regulations. In order to properly designate the routes, it is considered necessary to define the portions of the routes upon which snowmobiles use will be permitted.

An environmental assessment has been prepared on the designation of snowmobile routes and is available for public review in the office of the Park Superintendent.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulation to the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023, on or before April 14, 1975.

Section 7.4 is amended by the addition of paragraph (i) as follows:

§ 7.4 Grand Canyon National Park.

* * * * *

(i) *Snowmobiles.*—(1) *Available roadway.* On routes designated for snowmobile use, only that portion of the road or parking area intended for other motor vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when the designated road or parking area is closed to all other motor vehicle use by the public.

(2) *Designated routes.* Snowmobiles are permitted on designated routes as depicted on maps available for public inspection at Park Headquarters, at each Ranger Station, and at each Entrance Station. The snowmobile routes so designated are as follows:

(i) Park Route 4, the North Entrance Road;

(ii) Park Route 3A, the Scenic Drive from the junction with Park Route 4 to the junction with Park Routes 3B and 3C;

(iii) Park Route 3C, the Point Imperiod Road; and

(iv) Park Route 31, the North Rim Headquarters Spur Road.

JOHN E. LOOK,
Associate Director,
National Park Service.

[FR Doc.75-6780 Filed 3-13-75;8:45 am]

[36 CFR Part 7]

YELLOWSTONE NATIONAL PARK, WYOMING

Fishing

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and the Act of May 7, 1894 (28 Stat. 73, as amended; 16 U.S.C. 26), 245 DM 1 (34 FR 13879), as amended, National Park Service Order No. 77 (38 FR 7478) as amended, Regional Director, Rocky Mountain Region Order No. 1 (39 FR 12369), it is proposed to amend § 7.13 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to change the opening date of the tributaries to Yellowstone Lake from July 15th to August 1st, and to change the size limit of the fish taken in Yellowstone Lake. It is designed to protect headwater cutthroat spawning fish. Spawners reaching headwater areas do not reach those sections until mid-July. As there is evidence to indicate they are the most valuable component of the spawning runs, it is necessary that they be afforded total protection. Catch and release fishing in Yellowstone Lake is encouraged. In addition, portions of the Firehole River will be closed to fishing in those areas where there is danger from active thermal features and to protect those thermal features of a fragile nature. To allow the native fish to effectively compete with the nonnative species in Heart Lake and its tributaries, only catch and release will be allowed for native cutthroat trout in those waters.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Yellowstone National Park, Wyoming 82190, on or before April 14, 1975.

Paragraph (e) of § 7.13 is amended to read as follows:

§ 7.13 Yellowstone National Park.

* * * * *

(e) *Fishing* * * *

(2) *Open fishing season.* (i) All rivers and creeks in the Yellowstone River drainage above the Upper Falls at Canyon except as otherwise provided in paragraph (e) (3) of this section, are open to fishing from 5 a.m. on August 1 to 10 p.m., m.d.t., on October 31, except that portion of the Yellowstone River between the outlet of Yellowstone Lake and the Upper Falls which shall be open from 5 a.m. on July 15 to 10 p.m., m.d.t., on October 31, except as otherwise provided in paragraph (e) (3) of this section. Rivers and creeks include those portions of Yellowstone Lake marked by buoys within 100 yards of the river or creek inlet.

* * * * *

(3) *Closed waters.* * * *

(x) Those portions of the Firehole River, identified by the posting of appropriate signs, which lie in the immediate vicinity of hazardous or fragile thermal features.

* * * * *

(5) *Catch and release waters.* * * *

(vi) Heart Lake and its tributaries including Heart River to Outlet Creek, except nonnative species.

* * * * *

(6) *Daily limits by waters.* * * *

(iii) Yellowstone Lake (except as provided in subparagraph (3) of this paragraph) and Riddle Lake: Two fish, 13 inches or shorter.

* * * * *

ROBERT C. HARADEN,
Acting Superintendent,
Yellowstone National Park.

[FR Doc.75-6659 Filed 3-13-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 911, 915]

[Docket Nos. AO-267-A8, AO-254-A7]

HANDLING OF LIMES AND AVOCADOS GROWN IN FLORIDA

Hearing Regarding Proposed Amendments of Marketing Agreements, as Amended, and Orders, as Amended

Notice is given of a public hearing relating to proposed amendments to the amended marketing agreement and Marketing Order No. 911—Limes Grown in

Florida, and the amended marketing agreement and Marketing Order No. 915—Avocados Grown in South Florida.

These regulatory programs are effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674). The hearing will be conducted in accordance with that act and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900). The hearing will be held in the Homestead Agricultural Center, 18710 SW. 288th Street, Homestead, Florida, at 9 a.m., local time, April 10, 1975.

The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, which are hereinafter set forth, and any appropriate modifications thereof.

The following amendments were proposed by the Florida Lime Administrative Committee and the Avocado Administrative Committee, the agencies established pursuant to the marketing agreements and orders.

The proposed amendment to the marketing agreement and order regulating the handling of limes grown in Florida is as follows:

1. Revise paragraphs (b) (1), (2), and (3) of § 911.22 *Nomination* as follows:

§ 911.22 Nomination.

(a) • • •

(b) *Successor members.* (1) The committee shall hold or cause to be held a meeting or meetings of growers and handlers in each district to designate nominees for successor members and alternate members of the committee, or the committee may conduct nominations by mail in District 2 in a manner recommended by the committee and approved by the Secretary. Such nominations shall be submitted to the Secretary by the committee not later than February 15 of each year. The committee shall prescribe procedural rules, not inconsistent with the provisions of this section, for the conduct of nominations.

(2) Only growers may participate in the nomination and election of nominees for grower members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces limes. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles limes, which vote shall be weighted by the volume of limes shipped by such handler during the immediately preceding twelve month period January through December. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

2. Revise § 911.41 *Assessments* as follows:

§ 911.41 Assessments.

(a) • • •

(b) The Secretary shall fix the rate of assessment not in excess of 20 cents per 55 pounds of fruit to be paid by each such person. At any time during or after a fiscal year, the Secretary may, subject to the limitations in this paragraph, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance.

3. Revise § 911.45 *Marketing research and development* as follows:

§ 911.45 Production research, marketing research and development.

The committee may, with the approval of the Secretary, establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of limes. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of § 911.41.

4. Revise § 911.48 *Issuance of regulation* as follows:

Renumber paragraphs (a) (3), (a) (4), and (a) (5), as paragraphs (a) (4), (a) (5), and (a) (6), and insert a new paragraph (a) (3).

As revised § 911.48 would read as follows:

§ 911.48 Issuance of regulations.

(a) • • •

(3) Limit the shipment of the total quantity of limes by prohibiting the shipment thereof: *Provided,* That no such prohibition shall be effective during any fiscal period other than for four periods not exceeding six days each immediately prior to, including, or following July 4, Labor Day, Thanksgiving Day, and Christmas Day.

• • • • •

5. Revise § 911.57 *Overshipments* as follows:

§ 911.57 Overshipments.

During any week for which the Secretary has fixed the total quantity of limes which may be handled, any person who has received an allotment including any handler who received zero allotment computed pursuant to §§ 911.55 and 911.56 may handle, in addition to the total allotment available to him, 50 bushels or two percent of such total allotment, whichever is the greater, except that during two weeks of each regulatory period any handler may overship his total allotment by more than 50 bushels: *Provided,* That such overshipment shall not exceed an amount equal to 10 percent of such total allotment: *And provided, further,* That each handler who intends to so overship notifies the committee of his intended overshipment no later than the close of business on Thursday during the week of such intended overshipment.

The proposed amendment to the marketing agreement and order regulating the handling of avocados grown in South Florida is as follows:

1. Revise paragraphs (b) (1), (2) and (3) of § 915.22 *Nomination* as follows:

§ 915.22 Nomination.

(a) • • •

(b) *Successor members.* (1) The committee shall hold or cause to be held a meeting or meetings of growers and handlers in each district to designate nominees for successor members and alternate members of the committee; or the committee may conduct nominations by mail in District 2 in a manner recommended by the committee and approved by the Secretary. Such nominations shall be submitted to the Secretary by the committee not later than February 15 of each year. The committee shall prescribe procedural rules, not inconsistent with the provisions of this section, for the conduct of nominations.

(2) Only growers may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produced avocados. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles avocados, which vote shall be weighted by the volume of avocados shipped by such handler during the immediately preceding twelve month period January through December. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

2. Revise § 915.41 *Assessments* as follows:

§ 915.41 Assessments.

(a) • • •

(b) The Secretary shall fix the rate of assessment not in excess of 20 cents per 55 pounds of fruit to be paid by each such person. At any time during or after a fiscal year, the Secretary may, subject to the limitation in this paragraph, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In

order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance.

3. Revise § 915.45 *Marketing research and development* as follows:

§ 915.45 Production research, marketing research and development.

The committee may, with the approval of the Secretary, establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of avocados. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of § 915.41.

4. Add a new § 915.46 *Marketing policy* as follows:

§ 915.46 Marketing policy.

Each season prior to making any recommendations pursuant to § 915.50, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to (a) the estimated total production of avocados within the production area; (b) the expected general quality and maturity of avocados in the production area and in competing areas; (c) the expected demand conditions for avocados in different market outlets; (d) the expected shipments of avocados produced in the production areas and competing areas; (e) supplies of competing commodities; (f) trend and level of consumer income; (g) other factors having a bearing on the marketing of avocados; and (h) the type of regulations expected to be recommended during the season. In the event it becomes advisable, because of changes in the supply and demand situation for avocados, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report and copies thereof shall be maintained in the offices of the committee where they shall be available for examination by growers and handlers.

5. Revise § 915.51 *Issuance of regulations* as follows:

Renumber paragraphs (a)(3), (a)(4), and (a)(5) as paragraphs (a)(4), (a)(5), and (a)(6), and insert a new paragraph (a)(3).

As revised § 915.51 would read as follows:

§ 915.51 Issuance of regulations.

(a) • • •

(3) Limit the shipment of the total quantity of avocados by prohibiting the shipment thereof: *Provided*, That no such prohibition shall be effective during any fiscal period, other than for four periods not exceeding six days each immediately prior to, including, or following July 4, Labor Day, Thanksgiving Day, and Christmas Day.

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such changes as may be necessary to make each entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from Mr. William C. Knope, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 9, Lakeland, Florida 33802.

Dated: March 10, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-6763 Filed 3-13-75;8:45 am]

[7 CFR Part 1094]

[Docket No. AO-103-A38]

MILK IN NEW ORLEANS, LA., MARKETING AREA

Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Jackson Hilton, 750 North State Street, Jackson, Mississippi 39205, beginning at 9:30 a.m. local time on April 22, 1975, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the New Orleans, La., marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if applied to the marketing area as proposed to be redefined and, if not, what modifications of such provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY DAIRYMEN, INC.

PROPOSAL NO. 1

Amend § 1094.2 *New Orleans marketing area* to read as follows:

§ 1094.2 New Orleans-Mississippi marketing area.

"New Orleans-Mississippi marketing area", hereinafter referred to as the marketing area, means all territory, including incorporated municipalities and all territory occupied by government (municipal, state, or federal) reservations, installations, institutions, or other establishments within the boundaries of specified Louisiana parishes and Mississippi counties in the following designated zones:

ZONE 1

LOUISIANA PARISHES

Jefferson	St. Charles
Lafourche	St. Tammany
Orleans	Tangipahoa
Plaquemines	Terrebonne
St. Bernard	Washington

MISSISSIPPI COUNTIES

George	Jackson
Hancock	Pearl River
Harrison	Stone

ZONE 2

MISSISSIPPI COUNTIES

Adams	Lamar
Amite	Lawrence
Covington	Lincoln
Forrest	Marion
Franklin	Perry
Greene	Pike
Jefferson	Walthall
Jefferson Davis	Wayne
Jones	Wilkinson

ZONE 3

MISSISSIPPI COUNTIES

Claiborne	Neshoba
Clarke	Newton
Copiah	Rankin
Hinds	Scott
Issaquena	Sharkey
Jasper	Simpson
Kemper	Smith
Lauderdale	Warren
Leake	Yazoo
Madison	

ZONE 4

MISSISSIPPI COUNTIES

Attala	Montgomery
Bolivar	Noxubee
Calhoun	Oktibbeha
Carroll	Quitman
Choctaw	Sunflower
Coahoma	Tallahatchie
Grenada	Washington
Holmes	Webster
Humphreys	Winston
Leflore	Yalobusha
Lowndes	

PROPOSAL NO. 2

Amend § 1094.52, paragraphs (a) and (c) to read as follows:

§ 1094.52 Plant location adjustments for handlers.

(a) For that milk which is received from producers or from a handler described in § 1094.9(a) at a pool plant and utilized as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the price

specified in § 1094.50(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

	Rate per hundredweight (Cents)
For milk received at a plant located in Zone 1 of the marketing area	0.0
For milk received at a plant located in Zone 2 of the marketing area	19.0
For milk received at a plant located in Zone 3 of the marketing area	38.0
For milk received at a plant located in Zone 4 of the marketing area	57.0
For milk received at a plant located outside the marketing area and more than 50 miles by the shortest highway distance, as determined by the market administrator, from the nearer of the City Hall in New Orleans, La., or Pascagoula, Miss.	
More than 50 miles but not more than 60	20.0
Each additional 10 miles or fraction thereof	2.0

* * * * *

(c) The market administrator shall publicly announce the location adjustment of each plant of each handler as determined pursuant to paragraph (a) of this section. The market administrator shall notify the handler on or before the first day of the month in which a change in a plant location adjustment will apply.

* * * * *

PROPOSAL NO. 3

Amend § 1094.73, paragraph (a)(1), (b)(1), (d)(1) and the preamble of (c)(2) to read as follows:

§ 1094.73 Payments to producers and to cooperative associations.

(a) * * *

(1) On or before the 7th day following each of the first two 10-day periods of each month to each producer, who did not discontinue shipping milk to such handler within seven days following the end of the 10-day period for which payment is to be made, an amount equal to not less than 90 percent of the uniform price for the preceding month multiplied by the hundredweight of milk received from such producer during the 10-day period for which payment is being made, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

* * * * *

(b) * * *

(1) On or before the 5th day preceding the last day on which a payment may be made pursuant to paragraph (a)(1) of this section, the pounds of milk received from the producer during the 10-day period for which payment is to be made.

* * * * *

(c) * * *

(2) Report to the cooperative association on or before the 5th day preceding the last day on which a payment may be made pursuant to paragraph (a)(1) of this section, the pounds of milk received from each member of the cooperative association during the 10-day period for which payment is to be made and on or before the 7th day of the following month to the cooperative association for its individual members the following information.

* * * * *

(d) * * *

(1) On or before the 7th day following each of the first two 10-day periods of each month an amount equal to not less than 90 percent of the uniform price for the preceding month multiplied by the hundredweight of milk received from any cooperative association during the 10-day period for which payment is being made.

PROPOSED BY JOHN A. HARDY, HARDY MINI-DAIRY

PROPOSAL NO. 4

Amend § 1094.10, Producer-handler as follows:

§ 1094.10 Producer-handler.

"Producer-handler" means a dairy farmer who operates a distributing plant at which no fluid milk or fluid milk products are received during the month except his own production and a daily average of 1500 lbs. transferred from a handler or transfers from a pool plant(s) and which has no receipts of milk products other than fluid milk products disposed of as Class I except packaged Class II and Class III products sold from plant stores.

PROPOSED BY MARKETING ASSISTANCE PROGRAM, INC.

PROPOSAL NO. 5

Amend § 1094.7 Pool Plant as follows:

(a) In paragraph (b) increase the percentage from 45 to 50 percent for the qualification of a supply plant and provide for a 75 percent standard during the qualifying months in order to enjoy automatic pooling during the flush production period; and

(b) Strike paragraph (c), or if not struck, the standard should be increased from 45 to 75 percent in order for the cooperative to be able to designate the cooperative plant for pooling and the plant should be located in the marketing area.

PROPOSAL NO. 6

Amend § 1094.13(d)(2) Producer milk to limit the diversion of milk to an amount not to exceed 20 percent.

PROPOSAL NO. 7

Amend the order to define "marketing period" as meaning the fiscal year beginning April 1 and ending March 31.

PROPOSAL NO. 8

Amend the order to include a new provision with respect to termination of the order to provide that any termination under section 16(B) of the Act should be effective only if announced on or before 90 days prior to the end of the then current marketing period.

PROPOSED BY DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 9

Revise the introductory paragraph of § 1094.85 by replacing the phrase "4 cents" therein, with the phrase "5 cents."

PROPOSAL NO. 10

Make such changes as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Signed at Washington, D.C., on March 10, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-6750 Filed 3-13-75;8:45 am]

[7 CFR Part 1096]

[Docket No. AO-257-A26]

MILK IN NORTHERN LOUISIANA MARKETING AREA

Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Ramada Inn, 2211 MacArthur Drive, Alexandria, Louisiana 71301 beginning at 9:30 a.m., local time, on April 8, 1975, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Northern Louisiana marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if applied to the marketing area as proposed to be redefined and, if not, what modifications of such provisions of the order would be appropriate.

The proposed amendments set forth, below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY NORTHERN LOUISIANA PURE MILK PRODUCERS ASSOCIATION, BATON ROUGE AREA MILK PRODUCERS ASSOCIATION, AND CENTRAL AND SOUTHWEST DAIRY FARMERS

PROPOSAL NO. 1

Amend § 1096.2 to read as follows:

§ 1096.2 Greater Louisiana Marketing Area.

"Greater Louisiana marketing area", hereinafter called the "marketing area", means all territory within the boundaries of specified Louisiana parishes in the following designated zones:

ZONE I

Acadia	Lafayette
Allen	Livingston
Ascension	Pointe Coupee
Assumption	St. Helena
Beauregard	St. James
Calcasieu	St. John the Baptist
Cameron	St. Landry
East Baton Rouge	St. Martin
East Feliciana	St. Mary
Evangeline	Vermilion
Iberia	West Baton Rouge
Iberville	West Feliciana
Jefferson Davis	

ZONE II

Avoyelles	Natchitoches
Catahoula	Rapides
Concordia	Sabine
Grant	Vernon
La Salle	

ZONE III

Bienville	Madison
Bossier	Morehouse
Caddo	Ouachita
Caldwell	Red River
Claiborne	Richland
De Soto	Tensas
East Carroll	Union
Franklin	Webster
Jackson	West Carroll
Lincoln	Winn

PROPOSAL NO. 2

Amend § 1096.50 to read as follows:

§ 1096.50 Class prices.

Subject to the provisions of § 1096.52, the class prices for the month per hundredweight of milk containing 3.5 percent shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.85.

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

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

PROPOSAL NO. 3

Amend § 1096.52(a) to read as follows:

§ 1096.52 Plant location adjustments for handlers.

(a) For milk which is received from producers at a pool plant or is diverted therefrom, or is delivered by a cooperative association pursuant to § 1096.9(c) to a pool plant and which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1096.50(a) shall be reduced pursuant to subparagraphs (1), (2) and (3) of this paragraph on the basis of the applicable rate per hundredweight for the location of such plant.

(1) For a plant located within one of the zones set forth in § 1096.2, the adjustment shall be as follows:

	Adjustment per hundredweight
Zone I	No adjustment.
Zone II	Minus 19 cents.
Zone III	Minus 38 cents.

(2) For a plant located outside the marketing area, and 50 miles, but less than 60 miles, from the nearest zone pursuant to subparagraph (1) of this section, the adjustment shall be an additional minus 13.5 cents;

(3) For each 10 miles or fraction thereof that a plant pursuant to subparagraph (2) of this paragraph is located 60 miles or more from such zone, the adjustment shall include an additional minus 1.5 cents; and

(4) The adjustments provided in subparagraphs (1), (2) and (3) of this paragraph shall be based on the shortest highway distance as determined by the market administrator.

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE PROPOSAL No. 4

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P.O. Box 456, Metairie, Louisiana, 70004, or from the hearing clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on March 10, 1975.

JOHN C. BLUM,
Associate Administrator.

FR Doc.75-6751 Filed 3-13-75;8:45 am

Animal and Plant Health Inspection Service

[9 CFR Parts 112, 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Proposed Rulemaking

Notice is hereby given in accordance with the provisions contained in section 553 of Title 5, United States Code, that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products, in Parts 112 and 113 of Title 9, Code of Federal Regulations issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158).

The official spelling of two microorganisms used in the preparation of biological products have been changed in the Eighth Edition of *Bergey's Manual of Determinative Bacteriology.*

The word *hemolyticum* would be changed to *haemolyticum* in §§ 112.7(f)(2) and 113.92 by these amendments. The word "erysipelas" and the words "swine erysipelas" would be changed to *Erysipelothrix rhusiopathiae* where they appear in §§ 112.7(f)(4), 113.67, 113.104, and 113.252. The name *Erysipelothrix insidiosa* would be changed to *Erysipelothrix rhusiopathiae* where it appears in §§ 113.67, 113.104, and 113.252. An editorial correction is also made in the introductory portion of § 113.104(d)(4) by deleting the word "to."

A question has arisen whether annual revaccination is required if a biological product containing the label statement required by § 112.7(d)(1) is used in a designated "high risk area." The intent of the regulatory provision was to encourage annual revaccination in local areas where the incidence of rabies is high and the risk of animal exposure is greater. Rewording of the vaccination statement as a recommendation will clarify the intent of the provision. It is important that the wording of the provision be changed as soon as can be done without causing undue burden to affected licensees.

Certain label changes will be necessitated by the amendments to § 112.7(d)(1), and §§ 112.7(f)(2) and (4), 113.67, 113.92, 113.104, and 113.252. The Department proposes that these label changes should be made by all licensees at their next printing of labels to which these changes would apply following the effective date of these proposed amendments, but in all cases not later than January 1, 1976.

This will allow a reasonable time to use any existing supply of labels, and compliance with these amendments will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date thereof.

Section 113.104 would be further amended by deleting two alternate routes of challenge from the swine protection test so that all products subjected to this test would be evaluated in the same manner.

Routine submissions of samples from serials of Sterile Diluent prepared for use with frozen Marek's Disease Vaccine have been found to be undesirable. These amendments would prescribe that future submissions shall be made upon request from Veterinary Services.

A requirement for testing cell lines either derived from or intended for use in bovine species for *Brucella abortus* contamination would be added to § 113.52(e). This requirement would eliminate the necessity of testing each serial prepared with such cell lines for this contaminant.

The criteria for determining test animals to be negative for neutralizing antibodies in paragraph (b)(1) of § 113.129 is considered unnecessarily restrictive. The words "at 1:2 final serum dilution" are deleted to permit the use of other means approved by Veterinary Services for making the required determination.

The trade mark for a commercially produced rabies vaccine was inadvertently used in § 113.147 instead of the name of the virus strain. These amendments would correct this mistake.

Printing errors were made in §§ 113.143(c)(1)(i), 113.145(c)(6), 113.145(d), and 113.146(d). These errors would be corrected by these amendments.

1. Section 112.7 is amended by revising paragraphs (d)(1), (f)(2), and (f)(4) to read:

§ 112.7 Special additional requirements.

* * * * *

(d) * * *

(1) The statement "In high risk areas, annual revaccination is recommended."

* * * * *

(f) * * *

(2) *Clostridium Haemolyticum Bacterin.* "Repeat the dose every 5 to 6 months in animals subject to reexposure."

* * * * *

(4) *Erysipelothrix Rhusiopathiae Bacterin.* "Swine: For breeding animals, repeat after 21 days and annually." "Turkeys: Repeat dose every 3 months."

* * * * *

2. Section 113.3 is amended by revising paragraph (b) (9) to read:

§ 113.3 Sampling of biological products.

* * * * *

(b) * * *

(9) *Sterile Diluent.* A sample of Sterile Diluent shall accompany each sample of vaccine, other than frozen Marek's Disease Vaccine, if such diluent is required to rehydrate or dilute the vaccine before use. Samples of Sterile Diluent prepared for use with frozen Marek's Disease Vaccine shall be submitted upon request from Veterinary Services.

* * * * *

3. Section 113.52 is amended by revising paragraph (e) to read:

§ 113.52 Requirements for selection of cell lines.

* * * * *

(e) Each MCS either derived from or intended for use in bovine species shall be shown to be free of BVD virus using the procedure provided in § 113.5(d). Each MCS shall also be shown to be free of *Brucella abortus* by using 1.0 ml aliquots of the MCS as inoculum and using the procedure provided in § 113.32.

* * * * *

4. Section 113.67 is amended by revising the heading and the introductory portion to read:

§ 113.67 Erysipelothrix Rhusiopathiae vaccine.

Erysipelothrix Rhusiopathiae vaccine shall be prepared as a desiccated live culture of an avirulent or modified strain of *Erysipelothrix rhusiopathiae* which has been proved to be non-pathogenic and nontoxic. Each serial and subserial shall be tested for purity, safety, potency, and moisture content. A serial or subserial found unsatisfactory by any prescribed test shall not be released.

* * * * *

5. Section 113.92 is amended by revising the heading, the introductory portion of § 113.92, and paragraph (c) (2) to read:

§ 113.92 Clostridium haemolyticum bacterin.

Clostridium Haemolyticum Bacterin shall be produced from a culture of *Clostridium haemolyticum* which has been inactivated and is nontoxic. Each serial of biological product containing *Clostridium haemolyticum* fraction shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

* * * * *

(c) *Potency test* * * *

(2) *Clostridium haemolyticum* challenge material, available upon request from Veterinary Services, shall be used for challenge 14 to 15 days following the last injection of the product. Each of the eight vaccinates and each of five additional nonvaccinated guinea pigs for controls shall be injected intramuscularly with approximately 100 LD_{50} of challenge material. This dose shall be determined by statistical analysis of results of titrations of the challenge material. The vaccinates and controls shall be observed for 3 days post-challenge and all deaths recorded.

* * * * *

6. Section 113.104 is amended by revising the heading and the introductory portion of § 113.104; by revising paragraphs (d) (3) and (4); and by revising the introductory portion of paragraph (e) to read:

§ 113.104 Erysipelothrix rhusiopathiae bacterin.

Erysipelothrix Rhusiopathiae Bacterin shall be produced from a culture of *Erysipelothrix rhusiopathiae* which has been inactivated and is nontoxic. Each serial of biological product containing *Erysipelothrix rhusiopathiae* shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

* * * * *

(d) * * *

(3) Each injected mouse shall be challenged subcutaneously 14 to 21 days after being injected with the diluted bacterin. A 0.2 ml dose containing at least 100 mouse LD_{50} of a suitable culture of *Erysipelothrix rhusiopathiae* shall be used. All survivors in each group of mice shall be recorded 10 days post-challenge.

(4) *Test for valid assay.* The same consecutive dilutions of the Standard and the Unknown need not be used in the test for valid assay, but the following requirements shall be met:

* * * * *

(e) When the swine protection test is conducted, susceptible pigs shall be used as test animals. Each of four pigs (vaccinates) shall be injected with one pig dose as recommended on the label. Four additional pigs shall be held as unvaccinated controls. Fourteen to twenty-one days postvaccination, the vaccinates and the controls shall be challenged with a virulent *Erysipelothrix rhusiopathiae* culture by the intramuscular route and observed for 7 days.

* * * * *

7. Section 113.129 is amended by revising paragraph (b) (1) to read:

§ 113.129 Rabies vaccine (killed virus).

* * * * *

(b) * * *

(1) Thirty-five animals of each species shall be used as test animals (25 vaccinates and 10 controls). Blood samples shall be drawn from these animals and individual serums tested. Only animals which are negative for neutralizing antibodies to rabies shall be used.

* * * * *

8. Section 113.143 as amended by revising paragraph (c) (1) (i) to read:

§ 113.143 Encephalomyelitis vaccine, Venezuelan.

* * * * *

(c) * * *

(1) * * *

(i) Each of 10 young adult mice (16 to 20 grams each) shall be injected intraperitoneally with 0.3 ml of the undiluted virus sample and observed each day for 21 days. If unfavorable reactions attributable to the product occur in the mice during the observation period, the product is unsatisfactory. If unfavorable reactions occur which are not attributable to the product, the test is inconclusive and may be repeated.

* * * * *

9. Section 113.145 is amended by revising paragraph (c) (6) and the introductory portion of paragraph (d) to read:

§ 113.145 Bovine rhinotracheitis vaccine.

* * * * *

(c) * * *

(6) If less than 19 of the post-injection serum samples tested as prescribed in paragraph (c) (3) of this section show neutralization in all tubes of the 1:2 final serum dilution, or if more than one of the vaccinates show a temperature of 103.5° F or higher for 2 or more days, or if more than one of the vaccinates exhibits respiratory or other clinical signs of infectious bovine rhinotracheitis, or both, the Master Seed Virus is unsatisfactory.

* * * * *

(d) Test requirements for release: Each serial and subserial shall meet the applicable general requirements prescribed in § 113.135 and the requirements in this paragraph. Final container samples of completed product shall be tested except as prescribed in paragraph (d) (1) of this section. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

* * * * *

10. Section 113.146 is amended by revising the introductory portion of paragraph (d) to read:

§ 113.146 Bovine virus diarrhea vaccine.

* * * * *

(d) Test requirements for release: Each serial and subserial shall meet the applicable general requirements prescribed in § 113.135 and the requirements in this paragraph. Final container samples of completed product shall be tested except as prescribed in paragraph (d) (1) of this section. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

* * * * *

11. Section 113.147 is amended by revising paragraph (d) (3) (ii) to read:

§ 113.147 Rabies vaccine.

* * * * * *

(d) * * *

(3) * * *

(ii) The injected young adult mice shall be observed each day for 14 days except when testing vaccines made with SAD strain of rabies virus, in which case, the mice shall be observed each day for 21 days. Deaths and paralysis occurring subsequent to the fourth day post-injection shall be noted and the LD_{50} titer calculated by the Reed and Muench Method.

* * * * * *

12. Section 113.252 is amended by revising the heading and introductory portion of § 113.252, and by revising paragraph (c) (1) to read:

§ 113.252 Erysipelothrix rhusiopathiae antiserum.

Erysipelothrix Rhusiopathiae Antiserum shall be prepared from the blood of horses hyper-immunized with the antigenic strains of *Erysipelothrix rhusiopathiae*. Each serial shall be tested for purity, safety, and potency as provided in this section. Any serial found unsatisfactory by a prescribed test shall not be released.

* * * * * *

(c) *Potency test.* * * *

(1) In the first stage, each of 40 Swiss albino mice, each weighing 16 to 20 grams, shall be injected subcutaneously with 0.1 ml of antiserum. Twenty-four hours post-injection, the injected mice and 10 additional mice designated as controls shall be challenged subcutaneously with the same culture of *Erysipelothrix rhusiopathiae*.

* * * * * *

(37 Stat. 832–833; 21 U.S.C. 151–158).

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before April 16, 1975, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business. (7 CFR 1.27(b)).

Done at Washington, this 10th day of March 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75–6807 Filed 3–13–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

NUTRITION LABELING OF FRESH FRUITS AND FRESH VEGETABLES

Notice of Proposed Rule Making

Correction

In FR Doc. 75–4867 appearing at page 8214 in the issue of Wednesday, February 26, 1975, the line reading, "table to be required to bear the name" was omitted and should be inserted after the first line on page 8215.

[21 CFR Part 1]

BEVERAGES IN GLASS AND PLASTIC CONTAINERS

Proposed Type Size Exemption for Container Closure Labels

The Commissioner of Food and Drugs has received a petition submitted on behalf of Dairy Cap Corp., Jamaica, NY, proposing to amend 21 CFR 1.8d to provide a type size exemption for required label statements on milk, water, fruit juice, diluted fruit juice, and imitation fruit juice in glass or plastic containers. The effect of this petition, if granted, would be to permit labels on the closures of glass or plastic containers of the listed beverages to be printed in 1/32-inch type size instead of 1/16-inch type size as required at present by § 1.8d(c). The effect of the Commissioner's proposal, in response to the petition, would be to permit a type size reduction only if the closure labels of glass and plastic containers bear nutrition labeling pursuant to § 1.17 and the surface area available for labeling on the top of the closure is less than 2 square inches.

The petitioner's requested revision of § 1.8d(c) would add a subparagraph as follows:

Milk (including whole milk, skim milk, low fat milk, chocolate milk, buttermilk, and other types of flavored milk), single strength and less than single strength fruit juice beverages and imitations thereof, and drinking water, packaged in plastic and glass containers shall be exempt from the minimum type size requirements for an information panel described by § 1.8d of these regulations when all label information required by § 1.8d appears on the container's closure except for the quantity of contents. Such statements shall be prominently and conspicuously set forth in not less than 1/32 inch type size. The requirements for conspicuousness and legibility shall include the specifications of §§ 1.8b (h) (1) and (2) and 1.9.

As grounds in support of the proposal, Dairy Cap Corporation set forth the following:

1. Dairy Cap Corporation manufactures and distributes in interstate commerce closures for milk containers. Such closures have often been used as a source of imparting information to consumers. These caps and containers are affected by the information panel regulation and therefore, Dairy Cap Corporation is an interested person with regard to the said regulation.

2. The dairy industry is currently expending huge sums of money on nonreturnable and returnable plastic milk containers which use either aluminum, plastic, or paper caps.

3. Milk and milk products listed in 21 CFR Part 18 will, in most cases, be subject to mandatory nutrition labeling, since they usually are vitamin A and/or vitamin D fortified.

The fluid milk industry has been promoting nutrition labeling so that, even when it is not required, it will be voluntarily adopted. Thus, the information required to be declared on a typical information panel, pursuant to section 1.8d, would include full nutritional information, the name and address of the manufacturer, ingredients clause, and usually the words "pasteurized" and "homogenized". The latter two are required labeling in all fifty states.

4. * * * The cap, having less than 2 sq. inches of space, cannot accommodate all the required information specified in section 1.8d in 1/16-inch type. The cap can accommodate the use of 1/32-inch type.

5. Compliance with the rule as now written would preclude using the bottle closure as a source of information. Such a development would require major modification of the labeling machinery in plants, whether through the use of paper labels on the milk bottles or through adoption of larger caps and new label applicators. The conversion to such a system would necessitate large expense to the dairy and closure industry and, eventually, to the consumer. Such expense is not justified in view of the facts elaborated below which show that 1/32-inch type is reasonable and appropriate.

6. The consumer, because of historical industry labeling practices, has become accustomed to finding required label information on the cap or closure. * * * Further, many states have adopted the National Labeling Committee's "Model Regulation and Law" (NLC No. 2, August 1969) which requires that applicable modifying terminology or phrases shall appear on the "Required Information Panel." For glass milk containers, the principal display panel, the required information panel, and the cap or closure are one and the same. For plastic milk containers, although one side panel may be used as the required information panel and/or principal display panel, cap or closure labeling is by far the most common and practical mode of satisfying both federal and state labeling requirements.

7. Since there will be insufficient space to carry the information required by § 1.8d on the caps of plastic or glass milk containers in 1/16 inch type, the industry has four alternatives: (a) Place such information on a paper label to be pasted on the containers, (b) silk-screen the information on the body of the container, (c) completely redesign the container to provide a larger available cap area, or (d) obtain an exemption from the type size requirement, permitting a type size of 1/32 inch.

This statement of grounds, which constitutes a part of the petition, is in no way attempting to eliminate alternatives (a), (b) and (c) as cited above. As will be further discused, it will ultimately serve the interest of the consumer to enable manufacturers the flexibility of alternative (d) where it is economically sensible.

8. In this case, the balance between the greater economic cost of paper labels, silk-screened information, or larger caps and the

desire for a uniform information panel should be resolved in favor of the economic factor. * * * The proposed exemption would allow companies to continue using the container closure as a significant source of information. To convert or expand to paper labels or silk-screening or larger caps would result in costly equipment expenditure or substantial conversion of existing equipment with an eventual inflationary impact on milk product prices to the consumer.

While certainly the technological capabilities exist with regard to conveying the required label information via an applied label or silk screening, the "impracticality" and "undue hardship" in many cases, deserves further attention and exploration.

Currently, few plastic milk containers bear a preprinted applied label on the container's sidewall, which either bears information supplemental to or in lieu of that appearing on the cap or closure. The latter is most often the case. To require the applied label to be increased in size to accommodate the information required by § 1.8d would, in all probability, outweigh the cost of providing this information on the cap. At the very least, the manufacturer should have this alternative available.

Silk screening the information required by § 1.8d will pose numerous technological and economic problems to the manufacturer. Assuming a milk container currently bears information applied by the silk-screening process, the life-span of the screen itself will be greatly reduced in terms of its ability to produce clear and conspicuous copy when the smaller type size lettering is used. Also, a dairy's efficiencies of production will begin to erode if production lines have to be slowed down to permit the proper application of legible, detailed information. Again, if a dairy wishes to choose this route, that should be its prerogative. However, the proposal contained herein should also be available to dairies.

An additional burden is placed on the manufacturer whose containers are not silk screened and do not bear an applied label. In these cases, all currently required information (federal and state requirements) appears on the container's cap, with the exception of the quantity of contents declaration, which appears at or above the container's shoulder. For these companies, an unbearable economic hardship would result, in many cases, if large capital expenditures had to be made for purposes of silk-screening or label application equipment. Additionally, many of these containers are the returnable type which are returned to the dairy after use and refilled—often with different products (i.e., milk, lowfat and skim milk). A container bearing a preprinted applied label would result in tremendous problems from the standpoint of reusing them (adequate and efficient washing operations, for example). A plastic returnable milk container with silk screened information would also pose considerable difficulties with regards to sorting and washing operations (the caustics involved in the washing operations would play havoc with the clarity and conspicuousness of the printed information). In both these instances cap labeling is a viable and acceptable alternative, providing appropriate amendment of § 1.8d is made.

In addition, it should be noted that currently manufactured bottles are being made with dimpled surfaces. This is useful in order to obtain better removal from the glass blower. Such surfaces, however, cannot be readily used for silk screening.

9. Dairy Cap Corporation wishes to continue using its existing machinery to make the caps and apply the labels. It is possible to design larger caps, and buy new machinery to apply them. However, such a course of action would entail large capital expenditures on our behalf, and would be a foolish course of action inasmuch as there would be no market for our products until the dairy's line machinery were redesigned to accommodate a new sized cap. Larger caps will also be a waste of plastic. Use of existing machinery, therefore, is desirable and economically practical from a cap supplier and user standpoint.

10. * * *

11. Label information can be declared in legible, clear, and conspicuous manner in 1/32-inch type. An example of such a declaration is attached as Exhibit A, which is the actual proposed information material for the milk container closure. Permitting the use of 1/32-inch type on milk container closures would make the declaration of nutrition information feasible without the necessity of expensive and time consuming conversion to paper labels or larger caps. It can be seen from the sample labels that 1/32-inch type is legible and can be read by consumers. In fact, the use of 1/32-inch type on the paper applied label is considerably more legible than the larger size type on other types of caps in which the information overflows the cap top and is crimped on the edges.

It should also be noted that the Canadian Food and Drug Directorate permitted the use of 1/32-inch type. Further, although we request permission to use 1/32-inch type, we plan to use 43/1000 inch, which is slightly larger.

12. In view of the foregoing, petitioner submits that reasonable grounds have been set forth in this petition for amendment of § 1.8d(c) in accordance with the above proposal.

The petition is available for inspection in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner has considered the petition and agrees that it is necessary to use a type size smaller than $\frac{1}{8}$ inch on the closures of glass and plastic containers used to package products such as those specified in the proposal, since nutrition information will not fit on the top surfaces of 37 millimeter container closures if printed in the $\frac{1}{8}$-inch type size currently required by § 1.8d(c). Efforts by various manufacturers to print the nutrition information in $\frac{1}{8}$-inch type size on the grooved and crimped sides of screw-on bottle closures have not been successful, since the information printed on the side of the closure is often inconspicuous and illegible. In addition, requiring placement of labels on the surface of the containers, rather than on the closures, would not only increase cost by requiring that separate container inventories be maintained for each product, but would also increase costs due to the necessity to segregate reusable containers by product use prior to reuse.

Due to the ecological advantages of reusable containers, the Commissioner proposes that the requested type size exemption be granted for specified products packed in reusable glass and plastic containers. Although no ecological justification can be made for allowing reduced type size on the labels of nonreusable containers, the Commissioner has noted the petitioner's contention that large expenditures of money would be required for the purchase of silk screening equipment or label application equipment if nonreusable containers are required to bear nutrition labeling on the body of the container rather than on the closure due to the $\frac{1}{16}$-inch type size requirement. In order to avoid unnecessary cost increases, which must ultimately be borne by the consumer, the Commissioner therefore, proposes that these products in nonreusable glass and plastic containers also be granted the type size exemption.

The Commissioner has made changes in the petitioner's proposal for the purpose of clarifying that the exemption, if granted, will apply only to closure labels bearing nutrition labeling, and with less than 2 inches of available label area on the top of the closure. The type size exemption is needed only for those closure labels which have insufficient label space for $\frac{1}{16}$-inch type size.

The sentence reading "The requirements for conspicuousness and legibility shall include the specifications of §§ 1.8b (h) (1) and (2) and 1.9." has been deleted from the proposal since the requirements of §§ 1.8b and 1.9 apply without specific mention. The Commissioner, in the interest of providing uniform regulations for product classes, has also expanded the proposal to make it applicable to all the dairy and beverage products listed in §§ 1.1c(a) (7) (i) and (13) (i).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042, as amended, 1047–1048 as amended, 1055; 21 U.S.C. 321, 343, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 1.8d be amended by adding a new paragraph (c)(5) to read as follows:

§ 1.8d Food labeling; information panel.

* * * * * *

(c) * * *

(5) Any of the foods listed in §§ 1.1c (a) (7) (i) and (13) (i) and packaged in glass or plastic containers are exempt from the type size requirements of this paragraph: *Provided:*

(i) That the label information appearing on the closure includes nutrition information pursuant to § 1.17 and a full list of ingredients pursuant to § 1.10 and the policy expressed in § 3.88 of this chapter.

(ii) That the area of surface available for labeling on the top of the closure is less than 2 square inches and bears all labeling appearing on the package, except that the quantity of contents statement may be placed on the container pursuant to § 1.1c(a) (7) (ii) or (13) (i).

(iii) That the type size is not less than $\frac{1}{16}$ inch in height.

* * * * *

Interested persons may, on or before May 13, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in

quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 10, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-6735 Filed 3-13-75;8:45 am]

[21 CFR Part 630]

ADDITIONAL STANDARDS FOR VIRAL VACCINES

Testing for Potency and Safety of Smallpox Vaccine and Measles-Smallpox Vaccine, Live

The Public Health Service Act requires that all biological products to be offered for sale in interstate commerce must be licensed and must meet certain standards to ensure their continued safety, purity and potency. The Commissioner of Food and Drugs is conducting a review of the existing standards governing biological products for the purpose of updating them to reflect the best current testing procedures established by the scientific community, and to promote uniformity and specificity. As a result of the review, the Commissioner proposes to amend the standard governing Smallpox Vaccine and Measles-Smallpox Vaccine, Live, to (1) delete the "rabbit scarification" method as a procedure for determining smallpox potency of the vaccines, (2) reduce the volume of inoculum used in the "pock count" method for determining potency of the vaccines, and (3) combine the presently prescribed individual tests for *Clostridium tetani* and other anaerobes into a single test procedure for determining safety of the vaccines.

The standards for licensed Smallpox Vaccine in § 630.73(a) (21 CFR 630.73 (a)) require that the vaccine be tested for potency either by the "rabbit scarification" method or by the "pock count" method. Likewise, the standards concerning Measles-Smallpox Vaccine, Live, in § 630.84(c) (21 CFR 630.84(c)) require that samples of dried Measles-Smallpox Vaccine, Live, be tested for smallpox potency as prescribed in § 630.73. The "rabbit scarification" method involves scarification of the skin of a rabbit with a series of appropriate dilutions of both a test vaccine and a control reference vaccine. The potency of the test vaccine is determined from the degree of reactivity to the test vaccine resulting on the scarified skin of the rabbit, as compared to the reactivity resulting from the control reference vaccine. The "pock count" method involves inoculation of the chorioallantoic membrane of one group of chicken eggs with appropriate dilutions of the test vaccine and another group of chicken eggs with appropriate reference vaccine. The potency of the test vaccine is determined from the number of specific lesions on the membrane resulting from each dilution of the test vaccine, as compared to the number of specific lesions resulting from the dilutions of the control reference vaccine.

The Commissioner has evaluated the "rabbit scarification" and "pock count" methods with respect to their accuracy, sensitivity, cost and precision of results for determining smallpox potency of Smallpox Vaccine alone or in Measles-Smallpox Vaccine, Live. While both tests are generally satisfactory for accurately determining the smallpox potency of the vaccines, the "rabbit scarification" method is more costly to perform, is less precise, and the evaluation of tests results often requires subjective interpretation. Additionally, the overgrowth of hair or unexpected reactions in any of the rabbits during testing may preclude statistical analysis of results and require that the test be repeated.

Accordingly, to promote uniformity of testing for smallpox potency of Smallpox Vaccine and Measles-Smallpox Vaccine, Live, the Commissioner proposes that § 630.73(a) authorizing the use of the "rabbit scarification" method and references thereto in § 630.84(c) be deleted. As a result, smallpox potency of the vaccines will be determined only by the "pock count" method. Consistent with the proposal to delete § 630.73(a), the Commissioner proposes to amend § 630.70(b) by replacing the phrase "shall be dermatropic according to the test prescribed in § 630.73(a)" with the phrase "shall be dermatropic when tested by a rabbit scarification procedure available upon request from the Director, Bureau of Biologics."

In addition, the Commissioner has reviewed the published data on the relationship of the volume of inoculum of vaccine used in the "pock count" method and the resultant number of lesions on the egg membrane. The data indicate that an inoculum of 0.1 milliliter will consistently produce a greater number of lesions than the 0.2 milliliter inoculum which is presently required in paragraph (b)(2) of § 630.73. The results of the published data have been confirmed in studies conducted by the Bureau of Biologics, Food and Drug Administration.

Accordingly, to promote accuracy and increased sensitivity in the testing for smallpox potency of Smallpox Vaccine and Measles-Smallpox Vaccine, Live, the Commissioner proposes that paragraph (b)(2) of § 630.73 be amended to reduce the prescribed volume of inoculum from 0.2 milliliter to 0.1 milliliter.

Finally, a manufacturer has suggested that the separate tests prescribed in § 630.74 (a) and (b) (21 CFR 630.74 (a) and (b)) for determining the presence of *C. tetani* and other anaerobes, respectively, be permitted to be performed simultaneously using the same animals, so as to reduce time, the number of animals used, and costs for such testing. The Commissioner finds this suggestion acceptable provided that the most stringent requirements of each method are incorporated into the combined method. With these assurances the accuracy and sensitivity obtained in determining the presence of the bacteria by separate tests will not be compromised.

Accordingly, the Commissioner proposes that the regulation be amended to combine both methods into a single procedure under the heading "Anaerobes" in § 630.74(a).

Pertinent background data and information on which the Commissioner relies in proposing this regulation are on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702 as amended; 42 U.S.C. 262) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 630 be amended as follows:

1. In § 630.70 by revising paragraph (b) to read as follows:

§ 630.70 Smallpox vaccine.

* * * * *

(b) *Strains of virus.* The strain of seed virus used in the manufacture of Smallpox Vaccine shall be identified by historical records including origin and manipulation, shall be sterile when tested by the procedure prescribed in § 610.12 of this chapter, and shall be dermatropic when tested by a rabbit scarification procedure available upon request from the Director, Bureau of Biologics. In addition, any new strain shall be shown not to produce a reactivity in man exceeding that produced by the Reference Smallpox Vaccine.

2. In § 630.73 by revising the introductory paragraph, revoking and reserving paragraph (a), and revising paragraph (b)(2) to read as follows:

§ 630.73 Potency test.

Each filling of Smallpox Vaccine shall be tested for potency by the "pock count" method as follows:

(a) [Reserved]

(b) * * *

(2) *Inoculation of embryonated chicken eggs.* The chorioallantoic membranes of each of at least five embryonated chicken eggs shall be inoculated with 0.1 milliliter for each virus dilution of both the test vaccine and the reference vaccine, after which the eggs shall be incubated at 37° C for 48 hours.

* * * * *

3. In § 630.74 by revising paragraph (a) and revoking and reserving paragraph (b) as follows:

(a) *Anaerobes.* A 10-milliliter sample representative of the homogenized viral harvest or pool of several viral harvests shall be tested for the presence of anaerobes in the following manner: Prior to the addition of preservatives other than glycerin, the test sample shall be inoculated into freshly heated Fluid Thioglycollate Medium or Smith fermentation tubes containing freshly heated Thioglycollate Broth Medium using a ratio of inoculum to culture medium sufficient for optimal bacterial growth. The test vessels shall be incubated at 35° to 37° C and observed daily for 10 days for evidence of bacterial growth. Within 24 to 48 hours of

an indication that there may be anaerobic growth, 1.0-milliliter samples from each vessel showing growth shall be inoculated subcutaneously into each of at least three mice weighing not more than 20 grams each, and into each of three guinea pigs weighing not more than 350 grams each. The animals shall be observed daily for 6 days for signs of tetanus or presence of other anaerobes. If the animals show no signs of tetanus or presence of other anaerobes, additional groups of the same types and numbers of animals shall be injected 9 days after the original planting with 1.0-milliliter samples from each test vessel showing growth. The animals shall be observed daily for 6 days for signs of tetanus or presence of other anaerobes. If any animals die within 3 days without having shown signs of tetanus or presence of other anaerobes, the test shall be repeated within 18 hours of the deaths, with 0.1-milliliter samples of the culture from which that animal was inoculated. Samples from the culture shall be injected into each of three additional test animals of the same species and the animals observed daily for 6 days. If there is any evidence of the presence of pathogenic anaerobes, the viral harvest may not be used in the manufacture of Smallpox Vaccine.

(b) [Reserved]

* * * * *

4. In § 630.84 by revising paragraph (c) to read as follows:

§ 630.84 Potency tests.

* * * * *

(c) *Heated vaccine.* Samples of dried vaccine from final containers shall be taken at random and tested as prescribed in, and shall meet the potency requirements of, § 630.73(b)(4)(iv).

Interested persons may, on or before April 14, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 10, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-6737 Filed 3-13-75;8:45 am]

Office of Education

[45 CFR Part 126]

SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES SPECIAL PROGRAMS AND PROJECTS

Proposed Funding Criteria for Fiscal Year 1975

Pursuant to the authority contained in Title III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 841 et seq.), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to establish funding criteria set forth in the Appendix below for Fiscal Year 1975 applications for grants under section 306 of Title III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 844b).

Program purpose. The Commissioner is authorized to make grants to a local educational agency or agencies in a State from the amount allotted, but determined by the Commissioner not to be required for that or another State under Title III, ESEA. These grants may be made for projects which make "a substantial contribution to the solution of critical educational problems common to all or several States," and have one or more of the following purposes: (a) Planning for and taking other steps leading to the development of programs designed to: Establish or expand exemplary and innovative educational programs which will stimulate the adoption of such programs in the schools of the State; or establish, maintain, operate or expand programs designed to enrich the programs of local elementary and secondary schools and to offer a diverse range of educational experience to students of varying talents and needs by providing supplementary services and activities, especially through new and improved approaches; and (b) testing students and improving guidance and counseling services in the public and private elementary and secondary schools and in junior colleges and technical institutes in the State.

Interested parties are invited to submit written comments, suggestions, or objections regarding the proposed funding criteria to the Director, ESEA, Title III, Section 306, Room 3616, Regional Office Building Three (ROB 3), 7th and D Streets, SW., Washington, D.C. 20202. Comments and suggestions or objections submitted in writing will be available for review in the above office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday of each week.

All relevant material must be received on or before April 14, 1975, unless such 30th day is a Saturday, Sunday or Federal holiday, in which case such material must be received by the next following business day.

Dated: February 16, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: March 10, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Program No. 13.516, Special Programs and Projects of the Elementary and Secondary Education Act of 1965, as amended, Title III, Sec. 306)

APPENDIX

I. *Types of applications.* A. Many innovative approaches contributing to the solution to national education problems have been developed in past years with Title III funds and other monies. Emphasis for Section 306 grants for Fiscal Year 1975 has been placed on the dissemination and diffusion of successful educational programs and practices in areas of national concern. Therefore, applications for the following three types of projects will be given priority in the award of grants:

1. *Developer-Demonstration Projects.* Projects in which a local educational agency that has successfully implemented an exemplary approach to the solution of an educational problem common to all or several States undertakes to aid other local educational agencies (through such activities as training and dissemination activities) in adopting that approach. Of particular interest are projects which have successfully implemented preschool programs which serve the needs of parents and other persons relating to preschool children.

2. *Statewide Facilitator Projects.* Projects in which a local educational agency in cooperation with the State educational agency assists other local educational agencies within its own State to find an appropriate Developer-Demonstration program selected under category I.A.1. above and F. below to meet their educational needs.

3. *Replication of Projects Validated by Office of Education.* Projects in which a local educational agency having large numbers or proportions of children with deficiencies in reading and mathematics undertakes to replicate compensatory education programs "Project Information Packages" (hereinafter referred to as PIPs) which have been validated by the Office of Education and which are appropriate to the demonstrated needs of the district.

B. The Commissioner has also assigned priority to helping the schools assume a substantially new role in assisting parents and parenting persons, such as day care center and nursery school workers, babysitters, and other persons having direct contact with young children, to respond more effectively to the needs and potential of young children. Applications are sought for the establishment in school districts of early childhood outreach programs which extend school services to the community and home.

C. The Commissioner has also recognized the fact that many local school district administrators are requesting training in the application of performance-based management techniques to assure optimal use of limited resources to meet the most critical educational needs of their schools. Applications may therefore be made for support of short term training programs in the implementation of performance-based management approaches such as Management By Objectives (MBO). Applicants may choose from among a number of already developed performance-based training approaches listed by the funding agency, or they may select another already developed program.

D. In addition, educational problems associated with child abuse and neglect have been identified as a national educational problem. Therefore, priority will also be given to applications for projects in which a local educational agency implements a comprehensive demonstration program to provide more effective educational services to victims of child abuse and neglect enrolled in elementary and secondary schools.

E. Pursuant to section 306(b) of the Act, grants will be made to local educational agencies to develop, implement or aid in the adoption of programs designed to meet the special educational needs of handicapped children. Priority will be given to projects holding promise of having a favorable early impact upon the education of handicapped children.

F. The Commissioner is also interested in special programs for the teaching of standard mathematics in schools with large numbers of children with severe deficiencies in mathematics through instruction in advanced mathematics by qualified instructors with bachelor degrees or above in mathematics or the mathematical sciences or equivalent experience. Applications may be submitted for a Developer-Demonstration Project (see I.A.1) with this program focus or for a one-year careful replication and evaluation of an already developed program.

(20 U.S.C. 841, 843(b), 844, 844b; S. Rep. No. 634, 91st Cong., 2d Sess. 27–28 (1970))

II. *General criteria for the selection of applications.* General program criteria were published in the FEDERAL REGISTER on August 13, 1974, at 39 FR 29000, as part of the notice of proposed rule making. When republished in final form, these criteria will become effective. Additionally, review criteria found in 45 CFR 100a.26(b) (38 FR 30664, published November 6, 1973) are applicable to grants made under this program.

(20 U.S.C. 843(b), 844, 844b)

III. *Additional criteria for each type of application.* The following criteria will be used in judging the specific type of project application indicated:

A. *Developer-Demonstration Projects.* Activities supportable with project funds will include the development and dissemination of a variety of information packages about the exemplary approach being demonstrated, the refinement of training materials for use with school districts planning to adopt the approach, the maintenance of a small staff to provide training to potential adopters at the development site and limited technical assistance at adopted sites, and other activities clearly related to the demonstration nature of the project. School districts must agree to cover the operational costs of the project as it serves local school children with State and local funds. The developer-demonstration project will not cover these operational costs.

1. The approach to be demonstrated will be judged by its degree of exemplariness as characterized by:

a. The extent to which the project constitutes a comprehensive means of meeting a critical national educational need or a problem common to all or several States;

b. The extent of the availability of the components required to implement the approach, including material products, training, detailed documentation regarding needs addressed, target population characteristics, staffing, institutional setting, parent and community involvement, objectives, procedures and activities, evaluation design and outcomes, and costs;

c. The extent to which a wide range of school districts would find the approach practicable for adoption relative to instructional methodology, materials, equipment, and facilities, management scheduling, and assessment;

d. The degree of innovativeness of the approach; and

e. Availability of statistically significant evidence that in at least two previous implementations of the approach with comparable groups (either in the same year or two succeeding years), the approach has demonstrated a high degree of success in the achievement of its major objectives.

2. The project will also be judged by the extent to which the application sets forth procedures for:

a. Disseminating information about the approach in a variety of ways and levels of specificity;

b. Making readily available material products to potential adopters; and

c. Providing them with training and other kinds of technical assistance required to implement the approach in a new location.

B. *Statewide facilitator projects.* A statewide facilitator will be furnished with a list of and information about exemplary approaches selected under I.A.1. above and H below (Developer-Demonstration Projects) by the Office of Education. The facilitator will then assist local educational agencies in its own State to select programs for replication from among the selected developer-demonstration approaches, as follows:

1. Funds will be made available to support a small core staff who will perform a variety of activities such as:

a. Providing detailed information about the available demonstration approaches selected to interested school districts within the State;

b. Assisting local school districts to match needs with the most appropriate developer-demonstration approach; and

c. Implementing the project with a small experienced staff who will seek to promote actual adoption within their State of the exemplary approaches before the end of the 1975–76 school year or at the beginning of the next school year.

C. *Replication of Projects Validated by the Office of Education.* The Office of Education has identified six exemplary compensatory education programs "Project Information Packages" (hereinafter referred to as PIPs) which have been validated. Local educational agencies which have had applications approved under this category will replicate at least one such program consistent with local educational needs as determined by the Office of Education.

1. Grant funds will provide support for a full-time project director with support services, technical assistance from districts and persons involved in the development and implementation of the successful approach, materials and supplies referenced or included in the PIP, and for a locally designed evaluation.

2. The following criteria will be used to select applicants who will replicate a PIP approach:

a. The extent to which the applicant local educational agency provides evidence that it has a high concentration of students with severe deficiencies in reading or mathematics;

b. The extent to which the district can provide the necessary human and material resources using State and local funds to implement an exemplary program; and

c. The extent to which the application sets forth a cohesive plan to initiate evaluation on the effect, implementation, and design of the PIPs. The evaluation should include establishment by the applicant district of two comparison groups, one of which would serve as the experimental group using testing, interviews, questionnaires, and continuous classroom monitoring.

D. *Early Childhood Outreach Projects.* School districts may apply for support to implement a new preschool effort designed to help parents and parenting persons provide more effectively for the early education of children in the home, day care centers, or elsewhere.

1. Grant funds will be made available to support a full-time project director with credentials and experience in early childhood education/child development and parent involvement and education; secretarial assistance; local travel; and library resources, such as printed and audiovisual materials and toys; and program evaluation.

2. The criteria used to review these applications are as follows:

a. The extent to which the applicant local educational agency provides evidence of the need for an early childhood outreach program;

b. The extent to which the applicant provides evidence indicating community interest in early childhood education;

c. The extent to which the proposed activity builds upon earlier preschool initiatives on the part of the applicant district;

d. The extent to which the district will make available facilities and resources to accommodate the program and can demonstrate past commitment to opening school facilities to various community activities;

e. The extent to which the proposed outreach program includes carefully defined goals and specific activities to meet the goals which respond to the varied preschool needs identified; and

f. The extent to which the proposed program includes a plan for coordinating activities and services with those of other local institutions and organizations serving families with young children.

E. *Child Abuse and Neglect Projects.* School districts may apply for support to implement a comprehensive program which will prepare teachers to:

1. Identify children who are victims of child abuse and neglect;

2. Make proper referral of these children to other individuals or agencies for help; and

3. Work more effectively with such children in their classrooms and with the children's parents.

The criteria used to review these applications are as follows:

1. The extent to which the critical nature of the child abuse and neglect problem to be attacked by the project is supported by specific data collected systematically in the local school district;

2. The extent to which the proposed project builds upon local experiences in attempting to prepare teachers to identify and provide appropriate services to victims of child abuse and neglect enrolled in their classroom;

3. The extent to which the project represents an innovative, comprehensive strategy for enabling the schools to contribute effectively to reducing the incidence and effects of child abuse and neglect; and

4. The extent to which the application reflects a knowledge of State and local laws which affect the school's role in coping with child abuse and neglect.

F. *Projects Aiding Handicapped Children.* Projects will be judged by the same criteria as the Developer-Demonstration Projects as described under III.A.1. above. In addition, priority will be given local school districts which apply for funds for one-year developmental projects which hold promise of having a favorable early impact upon the education of handicapped children in the following areas of focus: Early childhood education, education of the severely handicapped (severely emotionally disturbed—schizophrenic and autistic, profoundly and severely mentally retarded, those having two or more serious handicapping conditions—mentally retarded-deaf and mentally retarded-blind, etc.), career education, and questions involving the placement of handicapped children in the regular classroom. These projects may be new efforts or may represent a development of an operating program.

G. *Projects to Train Local School Administrators in Performance-Based Management Approaches.* Districts may apply for support to conduct a short term training program to enable local school administrators to effectively implement performance-based management approaches such as Management by Objectives. Applicant districts may choose

from a number of training programs identified by the funding agency or may request funds to implement another performance-based management approach training program of their own selection. In the latter case a full description of the training program, as well as evidence that the program has been judged effective in earlier tests, must be included with the application.

1. Grant funds will support the instructional fees, travel, and per diem of the trainers; materials and supplies associated with the training; local travel and per diem of trainees if necessary; and an evaluation of the effectiveness of the training.

2. The criteria used to review these applications are as follows:

a. The extent to which the applicant district provides evidence of consensus among local school administrators from the School Principals to the Superintendent for the need for training in the implementation of a performance-based management approach.

b. The extent to which the local educational agency presents a concise statement of the problems which it believes can be resolved through use of the approach selected.

c. The extent to which the applicant provides evidence of a long-term concern about improved local school management; and

d. The extent to which the district commits itself to implementing the management approach district-wide for a minimum of a full school year following the training.

H. *Projects to diffuse or to field test mathematics programs taught by mathematics specialists.* 1. School districts may apply for support to help other school districts adopt an exemplary program involving mathematics specialists in the teaching of standard mathematics through advanced mathematics instruction in schools with large numbers of children with severe deficiencies in mathematics. Criteria to be used in the review of such applications are found in III.A.

Developer-Demonstration Projects. 2. School districts may also apply to replicate and evaluate an already developed mathematics program with the same characteristics.

a. Grant funds for the replication and evaluation project will be made available for a full-time project director, secretarial assistance, the instructional services of mathematics specialists, program evaluation, local travel, consultant services and materials and supplies.

b. The criteria used to review these applications are as follows:

i. The extent to which the applicant local school district provides evidence that it has a high concentration of students with severe deficiencies in mathematics;

ii. The extent to which the applicant district provides a detailed description of the program proposed for implementation, including its rationale, objectives, activities, staff requirements, material requirements, and previous evaluation findings;

iii. The extent to which the local educational agency provides evidence of earlier attempts to solve the local mathematics achievement problems and presents strong reasons for greater expectations for success from the proposed program;

iv. The extent to which the applicant district provides evidence of its intent and capability to continue the program with State and local funds if it proves successful locally; and

v. The extent to which the application sets forth a cohesive plan to evaluate the effects and implementation of the new program. The evaluation should include (a) establishment by the applicant district of two comparison groups, one of which would serve as the experimental group, (b) valid and reliable data collection instruments, and (c) appropriate data analysis techniques.

IV. *Priority Order for Selecting Projects.* Applications meeting the "general criteria" (See II above) and the "additional criteria" (See III above) will be selected for funding according to the following priority order:

A. Currently funded Developer-Demonstration Projects, Statewide Facilitator Projects, "Project Information Package" Replication Projects, and Child Abuse and Neglect Projects which have performed satisfactorily during the past year.

B. Projects which in addition to projects under A are necessary to meet the legislative set-aside for the education of handicapped children.

C. New Projects in each of the following areas:

1. Developer Demonstrator projects in home-based preschool education and projects which provide early childhood outreach programs.

2. Projects which provide short-term training programs for local school administrators to assist them in implementing performance-based management approaches such as Management by Objectives.

3. Developer-Demonstration and replication projects which provide for mathematics programs taught by mathematics specialists.

4. State Facilitator Projects.

5. New Developer-Demonstration Projects.

The Commissioner will use his discretion, consistent with the overall merit of the proposals submitted and each State's allotment, to determine the number of projects and the amounts of money to be used in each of these areas.

(20 U.S.C. 843(b), 844, 844b; S. Rep. No. 634, 91st Cong., 2d Sess. 27–28 (1970))

[FR Doc.75–6758 Filed 3–13–75;8:45 am]

Public Health Service

[42 CFR Part 71]

NONHUMAN PRIMATES

Proposed Restrictions on Importation

Notice is hereby given that the Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Subpart J, of Part 71, Title 42, Code of Federal Regulations by deleting all requirements in §§ 71.154 and 71.155 related to nonhuman primates (therein referred to as monkeys) and by establishing a new Subpart J–3, Importation of Nonhuman Primates, as set forth below, in order to (1) provide a general prohibition on the importation of nonhuman primates except for bona fide scientific or educational purposes or for exhibition and (2) provide mandatory disease surveillance and control procedures for nonhuman primates imported under the provisions of this regulation.

Each year, approximately 75,000–100,000 nonhuman primates are imported into the United States. It is estimated that half of these animals are imported for scientific purposes, about half for sale as pets, and a few for exhibition.

Because nonhuman primates are closely related phylogenetically to man, these animals have proven to be uniquely useful in scientific studies of many human diseases. For the same reason, they are susceptible to and transmit many organisms that are known to be pathogenic for humans. In addition, nonhuman primates have diseases to which humans are not ordinarily exposed in nature. Some of these infections may have serious consequences for the health of persons exposed to these animals in captivity.

Investigations have shown that nonhuman primates are a significant source and reservoir of infectious diseases affecting humans. In the United States, human infections documented as being acquired from nonhuman primates include hepatitis, tuberculosis, monkey B virus infections, shigellosis, salmonellosis, Yaba-like disease, superficial mycoses, and parasitic infections. In addition to the above conditions, infections acquired from nonhuman primates in other countries include but are not limited to Marburg disease, Kyasanur Forest disease, monkeypox, yellow fever, rabies, and malaria. Many of the reported infections have been clinically severe, and a number have resulted in death or long-term disability.

Data indicate that the rate of tuberculin conversion from negative to positive is 27 times higher for laboratory workers exposed to monkeys than for the general population and that viral hepatitis attack rates are similarly different.

Numerous studies of nonhuman primates in the countries of origin, at the time of importation, and at various periods of time after importation have demonstrated that they are frequently carriers of a wide variety of infectious agents potentially transmissible to humans. Considering the numerous infectious agents involved and the unavailability of reliable screening procedures for these agents, it is impossible to develop a testing program for nonhuman primates that would provide reasonable assurance of freedom from infectious diseases transmissible to man.

The fact that freedom from infectious diseases communicable to man cannot be assured in nonhuman primates is an important consideration for nonhuman primates sold in the pet trade. In contrast to purchasers of these animals for scientific and educational purposes and for exhibition, persons purchasing nonhuman primates for use as pets in the United States are generally not aware that these animals can be trapped in a jungle and be in their possession within a matter of days, having had virtually no screening for infectious disease. Neither are they generally aware of the health hazards posed by these animals. A significant segment of the general public could be exposed to such hazards merely by visiting retail stores offering nonhuman primates for sale as pets. Health risk to the general public posed by permitting persons to obtain no more than two nonhuman primates abroad for their personal use is slight because opportunity for exposure of the public to such animals would be limited.

Recognizing the human health hazard posed by nonhuman primates, the State

of California has implemented a quarantine program for nonhuman primates entering the State, and Colorado has banned the sale of pet nonhuman primates. The State of Georgia is expected to restrict the sale of nonhuman primates for use as pets in the near future under the provisions of a recently passed law. England and Germany have stringent quarantine measures for imported nonhuman primates that have in effect banned the importation of nonhuman primates for use as pets. Norway also prohibits importation of nonhuman primates for sale as pets.

In addition to banning commercial importation into the United States of nonhuman primates for sale as pets, the proposed regulation would change quarantine and disease control measures for these animals in several significant ways. At present, arriving animals are inspected for evidence of communicable disease at the port of entry. Because the animals may be incubating disease or fail to show readily apparent signs of infections, the present procedure is inadequate. Therefore, a system of postimportation surveillance is proposed, with the primary responsibility for such surveillance resting with the importer.

As proposed, the regulation would require importers to report by telephone, within 24 hours, the occurrence of (1) illness in any member of their staff suspected of being infectious disease acquired from nonhuman primates, (2) any illness in nonhuman primates that is suspected of being yellow fever, monkeypox, or Marburg disease, and (3) deaths in nonhuman primates resulting from any illness or illnesses within any consecutive 7-day period of 10 percent or more of a group consisting of 20 or more nonhuman primates. The third requirement has been proposed because a high death loss over a short period of time in a group of nonhuman primates may indicate an outbreak of a disease with public health significance such as Marburg disease.

In addition, importers would be required to submit reports annually or quarterly depending on the number of nonhuman primates received in a calendar year. Information required in these reports would include incidence of diseases such as tuberculosis and other data necessary for development of control programs.

Registration of importers is also proposed to permit identification of currently active importers and to assess the level of containment for infectious disease afforded by the importer's facilities. As used in the proposed regulation, the term importer would include zoos and other consignees that receive nonhuman primates within a period of 31 days after importation, whether or not such primates were held for part of this period at another location. The 31-day period is used because the incubation period for most nonhuman primate zoonoses of public health significance is less than 31 days. As noted below, it is intended to make any amendments that may be adopted effective 60 days after publication in final form in the FEDERAL REGISTER. Accordingly, registration will be required, as a matter of law, on and after that date.

In addition, specific provisions pertaining to yellow fever control in nonhuman primates are deleted from § 71.154(e). The current provisions in this regard are at best difficult to enforce, the risk of possible introduction by these animals is small, and the proposed surveillance system provides a more effective mechanism for detecting infected animals after entry.

Accordingly, Part 71 of Title 42, Code of Federal Regulations, would be revised as set forth below.

Inquiries should be addressed and data, views, and arguments submitted in writing, in triplicate, to the Director, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333, on or before April 14, 1975. Comments received will be available for public inspection in Room 509, Building B, Center for Disease Control, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any amendments that may be adopted will become effective 60 days after publication in the FEDERAL REGISTER.

(Sec. 361, 58 Stat. 703 (42 U.S.C. 264))

Dated: December 13, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: March 10, 1975.

CASPAR W. WEINBERGER,
Secretary.

1. Amend the headings in the Table of Contents for Subpart J, Part 71, Subchapter F, by deleting all references to monkeys. As thus amended, the headings would read as follows:

Sec.
71.151 Lather brushes.
71.154 Dogs and cats.
71.155 Dogs and cats; disposal of excluded animals.
71.156 Etiological agents and vectors.
71.157 Dead bodies.

2. Amend §§ 71.154 and 71.155 of Subpart J by deleting all references to monkeys and by updating organizational designations. As thus amended, §§ 71.154 and 71.155 would read as follows:

§ 71.154 Dogs and cats.

(a) *Definitions.* As used in this section and § 71.155, the term:

(1) "Confinement" means restriction of an animal by the owner or his agent to a building or other enclosure in isolation from other animals and from persons except for contact necessary for its care, or if it is allowed out of such enclosure, muzzling the animal and keeping it on a leash.

(2) "Dog" includes all domestic and wild members of the dog family (Canidae).

(3) "Cat" includes all domestic and wild members of the cat family (Felidae).

(4) "United States" means the United States, its territories, and possessions (other than the Canal Zone).

(5) "Zoological park" means a place, premises, or an establishment maintained for the exhibition of live animals for recreational or educational purposes.

(b) *General requirements*—(1) *Inspection by quarantine officer.* All dogs and cats brought into the United States from any foreign country shall be inspected by the quarantine officer at the port of arrival. Only animals in which no evidence of communicable disease (see § 71.1(b)) is revealed shall be admitted.

(2) *Examination by veterinarian; detention of animals.* When a dog or cat does not appear to be in good health on arrival (i.e., it has such symptoms as emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea), the medical officer in charge may give the owner or his agent an opportunity to call in a licensed veterinarian to examine the animal and give or arrange for any tests or treatment indicated. The medical officer in charge will consider the findings of any such examination and tests in determining whether the animal may have a communicable disease. The owner shall bear the expense of such examination, tests, and treatment. When it is necessary to detain an animal pending determination of its admissibility, the owner or his agent shall provide satisfactory detention facilities which in the judgment of the medical officer in charge will afford protection against existence of a health hazard. The owner or his agent shall bear the expense of such detention. Detention shall be accomplished at the port of arrival, except that the Director of the Quarantine Division, Bureau of Epidemiology, Center for Disease Control, Public Health Service, may issue instructions specifying control measures under which animals may be shipped to their destination pending determination of their admissibility.

(3) *Report of sickness or death; exposed animals.* (i) A record of sickness or death of dogs or cats en route to the United States shall be made by the person responsible for the care of the animals and shall be submitted to the quarantine officer at the port of arrival. Animals sick or dead en route or on arrival shall be separated from other animals as soon as discovered and held, pending any necessary examination as determined by the medical officer in charge.

(ii) When a dog or cat appears healthy but has been exposed during shipment to a sick or dead animal suspected of having a communicable disease, the exposed animal shall be admitted only if tests or other examination made at a time when infection with communicable disease could be determined reveals no evidence that the animal may be infected with such disease. The provisions of subparagraph (2) of this paragraph shall be applicable to such tests or other examination.

(4) *Sanitation.* When the quarantine officer finds that the cages or other containers of dogs or cats arriving in the United States are in an unsanitary condition that may constitute a health hazard:

(i) The animals shall not be admitted in such containers unless the owner or his agent has the containers cleaned; and

(ii) The quarantine officer shall report the matter to the U.S. Customs Service officer for investigation pursuant to Customs' regulations regarding importation of animals under inhumane or unhealthful conditions (19 CFR 12.26(k)).

(c) *Dogs only; rabies vaccination.* (1) Rabies vaccination is required for a dog that is brought into the United States, unless:

(i) The animal is a wild member of the dog family, in which case it may be admitted, but for at least six months after admission the owner or his agent shall restrict it to a building or other enclosure in isolation from other animals and from persons except for contact necessary for its care, or

(ii) For the six months before arrival the dog has been only in a country determined by the Public Health Service to be rabies-free,[2] or

(iii) The owner submits evidence satisfactory to the quarantine officer that the dog is destined for a zoological park, or that it is destined for a research establishment and vaccination would seriously interfere with its use for scientific investigation, or

(iv) The dog on arrival is less than three months of age, in which case it may be admitted but shall be placed in confinement, and the owner shall certify that the dog will be vaccinated at three months of age and remain in confinement for at least one month after vaccination.

(2) Vaccination shall have been accomplished with nervous-tissue vaccine more than one month but not more than 12 months before the dog's arrival or with chicken-embryo vaccine more than one month but not more than 36 months before arrival.

(3) Where vaccination is required, the dog shall be accompanied by a valid certificate of rabies vaccination. This certificate shall: (i) identify the dog, (ii) be signed by a licensed veterinarian, and (iii) specify that such veterinarian vaccinated the dog with "nervous-tissue" vaccine or with "chicken-embryo" vaccine on a stated date within the respective time limits provided in subparagraph (2) of this paragraph.

(4) If a dog that is subject to vaccination arrives without a valid certificate of rabies vaccination, it shall not be admitted until it has been vaccinated (except as provided in subparagraph (5) of this paragraph). The owner shall arrange for and bear the expense of this vaccination. Upon admission the dog shall be placed in confinement for at least 30 days.

(5) If a dog arrives with a certificate which is valid except that vaccination was received less than one month before arrival, the dog may be admitted but shall be placed in confinement until at least 30 days have elapsed since vaccination.

(6) In no case will vaccination be recognized if performed on a dog less than three months of age.

(d) *Dogs and cats; special provisions.* Notwithstanding other provisions of this section, if a dog or cat comes from a locality having a high incidence of rabies and under conditions otherwise indicating that a special hazard of rabies introduction is present, it shall be subject to such additional requirement, or to exclusion, as may be found necessary by the medical officer in charge and approved by the Director, Quarantine Division, Bureau of Epidemiology, Center for Disease Control, Public Health Service, to prevent the introduction of rabies. However, any such dog that has been vaccinated after the age of three months as provided in paragraph (c) of this section shall be admitted after 30 days have elapsed since vaccination, if inspection of the animal at that time has revealed no evidence of communicable disease.

(e) *Dogs and cats in transit.* The provisions of this section shall apply to dogs and cats shipped through the United States from one foreign country to another, except as provided below:

(1) Animals that appear healthy but have been exposed to a sick or dead animal suspected of having a communicable disease need not undergo tests or other examination as provided in paragraph (b)(3) of this section if conditions of their transportation will afford adequate protection to the United States against introduction of communicable diseases.

(2) Rabies vaccination is not required for dogs that are shipped by airplane or ship and are retained in custody of the carrier under conditions preventing introduction of rabies.

§ 71.155 Dogs and cats; disposal of excluded animals.

A dog or cat excluded from the United States under the regulations in this part shall be exported or destroyed. Pending exporation it shall be detained in Custom's custody at the port of arrival at the owner's expense.

3. Amend Part 71 by adding a new Subpart J–3—Importation of Nonhuman Primates, as follows:

Subpart J–3—Importation of Nonhuman Primates[3]

Sec.

AUTHORITY: Sec. 361, 58 Stat. 703; (42 U.S.C. 264)

Subpart J–3—Importation of Nonhuman Primates

§ 71.181 Definitions.

As used in this subpart:

(a) "Nonhuman primates" means all nonhuman primates of the Order Primates, including, but not limited to, animals commonly known as monkeys, chimpanzees, orangutans, gorillas, gibbons, apes, baboons, marmosets, tamarin, lemurs, lorises, and tree shrews.

(b) "Group" means a population of nonhuman primates which are physically isolated from other nonhuman primates. All nonhuman primates housed in one room of a facility constitute a group if they are effectively separated by solid partitions from other nonhuman primates.

(c) "Importer" means any person who, or corporation, partnership, or other organization which, receives live nonhuman primates within a period of 31 days beginning with the day of importation, whether or not such primates were held for part of such period at another location. As used in this Subpart J–3, the term "importer" includes the original importer and any other person or organization receiving such primates within a period of 31 days beginning with the day of importation.

(d) "Director" means the Director, Center for Disease Control, Public Health Service, Department of Health, Education, and Welfare, Atlanta, Georgia 30333.

§ 71.182 Importation; general prohibition.

Except as otherwise provided in this subpart, no person may import live nonhuman primates into the United States unless such person is registered as an importer in accordance with applicable provisions of this subpart.

§ 71.183 Importation and distribution; permissible purposes.

Live nonhuman primates may be imported into the United States and sold, resold, or otherwise distributed only for bona fide scientific, educational, or exhibition purposes in accordance with applicable provisions of this subpart.

§ 71.184 Importation; personal use.

The provisions of this subpart shall not be applicable to the importation directly by the owner at any time for personal use of no more than two live nonhuman primates.

§ 71.185 Registration of importers.

(a) Importers shall register with the Director on forms available from, and in a manner prescribed by the Director.

[2] A current list of rabies-free countries may be obtained from the Director, Center for Disease Control, Attn: Quarantine Division, Bureau of Epidemiology, Atlanta, Georgia 30333.

[3] The requirements of this Subpart are in addition to and not in lieu of any other restrictions relating to the importation of nonhuman primates prescribed by other agencies of the Federal Government.

(b) Registration shall be effective for a calendar year or for such part thereof as remains following the date on which receipt of the properly completed registration form is acknowledged by the Director.

(c) Registration may be renewed by filing the appropriate forms with the Director not less than 30 days nor more than 60 days prior to the expiration of the period for which registration was effective.

§ 71.186 Recordkeeping and reporting.

(a) Importers shall maintain records on forms available from, and in a manner prescribed by, the Director relating to number of primates imported, countries of origin, species, dates of importation, dates of shipment to other persons or organizations, disease incidence, and such other information as may be requested by the Director. Such records shall be available for inspection by the Director at any time.

(b) Importers who receive 500 or more nonhuman primates in a calendar year shall submit quarterly reports, and importers who receive fewer than 500 nonhuman primates shall submit annual reports, on forms available from, and in a manner prescribed by, the Director. The reports shall specify numbers of primates imported, countries of origin, species, dates of importation, dates of shipment to other persons or organizations, disease incident, and such other information as may be requested by the Director. Importers required to make quarterly reports shall submit the reports on or before April 30 for the preceding period of January through March, July 31 for the preceding period of April through June, October 31 for the preceding period of July through September, and January 31 for the preceding period of October through December. The first quarterly report shall be filed for the quarter during which a total of 500 imported nonhuman primates is reached. The first quarterly report shall include the information specified above in this paragraph (b) on all nonhuman primates imported in the preceding quarter or quarters of the calendar year. Quarterly reports will be required thereafter for each quarter year period of such calendar year irrespective of the number of nonhuman primates imported or otherwise received during such period. Importers required to make annual reports shall submit the reports on or before January 31 for the preceding calendar year.

(c) Importers shall report to the Director by telephone (days, 404–633–3311; nights, weekends and holidays, 404–633–2176) within 24 hours the occurrence of (1) any illness in nonhuman primates that is suspected of being yellow fever, monkeypox, or Marburg disease, and (2) deaths resulting from any illness or illnesses within any consecutive 7-day period of 10 percent or more of a group consisting of 20 or more nonhuman primates.

(d) Importers shall report to the Director by telephone within 24 hours the occurrence of illness in any member of their staff suspected of being an infectious disease acquired from nonhuman primates.

§ 71.187 Disease control measures.

The Director is authorized upon receipt of evidence of exposure of nonhuman primates to a communicable disease that constitutes, or may constitute, a threat to public health to provide for or to require examination, treatment, detention, quarantine, seizure, or destruction of exposed animals. Such measures as may be prescribed shall be at the expense of the owner.

§ 71.188 Disposal of excluded animals.

A nonhuman primate excluded from the United States under the regulations in this Subpart J-3 shall, at the owner's option, be exported, destroyed, or given to a scientific, educational, or exhibition facility under arrangements approved by the Director, for preventing the spread of infection. Exportation shall be permitted only if the owner exports the nonhuman primate within a reasonable time as determined by the Director. Pending exportation or other disposition pursuant to the provisions of this § 71.188, it shall be detained in Customs' custody at the port of arrival at the owner's expense.

§ 71.189 Suspension and revocation.

(a) An importer's registration may be suspended or revoked by the Director if the Director finds, upon notice to the importer holding such registration, that the importer has failed to comply with any applicable provision of this subpart. The notice shall contain a statement of the grounds upon which the suspension or revocation is based, and, in the case of suspension, the action necessary to end such suspension.

(b) The importer may file an answer to the notice within 20 days after service thereof. Answers shall admit or deny specifically and in detail each allegation of the notice. Allegations of fact in the notice not denied or controverted by answer shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. Failure of the importer to file an answer within 20 days after service of the notice may be deemed an admission of all matters of fact recited in the notice.

(c) Where an importer's registration has been suspended or revoked, the suspension may be terminated or the registration reinstated, as may be appropriate, upon such inspection, examination of records, conference with the importer, furnishing of such information, and assurance of compliance with the requirements of this Subpart as may be deemed necessary by the Director.

(d) The importer shall be entitled to a hearing with respect to the suspension or revocation (not preceded by suspension) upon filing a written request, either in the answer or in a separate document, with the Director within 20 days after the effective date of such suspension or revocation. Failure to request a hearing shall be deemed a waiver of hearing and consent to submission of the case to the Director for decision on the written record. The failure both to file an answer and to request a hearing shall be deemed to constitute consent to the making of a decision on the basis of such information as is available.

(e) As soon as practicable after the completion of any hearing conducted pursuant to the provisions of this subpart, the Director shall render a final decision. A copy of such decision shall be served on the importer.

§ 71.190 Penalties.

Any person who violates any provision of this subpart shall be subject to a fine of not more than $1,000 or imprisonment for not more than one year or both, as provided in section 368 of the Public Health Service Act (42 U.S.C. 271).

[FR Doc.75-6760 Filed 3-13-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

STANDARDS COMPLETION PROJECT

Toxic Materials; Advance Notice of Proposed Rulemaking

On March 18, 1974, the Assistant Secretary of Labor for Occupational Safety and Health announced the joint OSHA/NIOSH Standards Completion Project. The purpose of the project is to issue completed standards for all of the toxic materials listed in Tables G-1, G-2, and G-3 of 29 CFR 1910.93, with the exception of some substances which are or will be the subjects of NIOSH Criteria Documents. These exceptions will be the subjects of separate rulemaking proceedings, outside of the Standards Completion Project.

Section 1910.93 lists exposure limits for certain hazardous or toxic substances. The new standards will establish requirements for monitoring employee exposure, medical surveillance, methods of compliance, handling and use of liquid forms of the substance, employee training, recordkeeping, and sanitation and housekeeping, among other things. In addition, the proposals are also designed to enable employers to better understand and comply with existing OSHA safety standards. The exposure limits listed in § 1910.93 are not at issue in the proposals, and no changes to these limits will be proposed or made in the standards issued as part of the Standards Completion Project.

The Office of Standards Development, Occupational Safety and Health Administration, U.S. Department of Labor invites public participation in the development of the proposed standards. Drafts of the technical content of proposed standards have been prepared for the following substances: sec-Amyl Acetate, sec-Butyl Acetate, 2-Ethoxyethyl-acetate, Ethyl Formate, Isoamyl Acetate,

Methyl Acetate, Methyl Cellosolve Acetate, n-Propyl Acetate, tert-Butyl Acetate, Butyl Acetate, Ethyl Acrylate, sec-Hexyl Acetate, Isobutyl Acetate, Methyl Acrylate, Methyl Methacrylate. These draft technical standards reflect only the technical intent of NIOSH and OSHA and do not necessarily contain the specific language which will appear in the proposed standards.

Interested persons are invited to submit written data, views, and arguments concerning these drafts or the program in general. Comments are requested concerning requirements of each section of the draft technical standards and alternatives to the provisions of each section. Information submitted in response to the notice of intent to prepare an environmental impact statement, published in the FEDERAL REGISTER on September 20, 1974 (39 FR 33843), need not be resubmitted.

Communications should be submitted to the Docket Officer, Standards Completion Project, Occupational Safety and Health Administration, U.S. Department of Labor, Docket H103, Room 260, 1726 M Street, NW., Washington, D.C. 20210, postmarked no later than April 14, 1975. The communications will be available for public inspection and copying, at the above location.

Copies of the draft technical standards on the above listed substances are available for inspection and copying, upon request, at the above address and at any of the following OSHA Regional and Area Offices:

REGIONAL OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
18 Oliver Street
Boston, Massachusetts 02110

U.S. Department of Labor
Occupational Safety and Health Administration
1515 Broadway (1 Astor Plaza)
New York, New York 10036

U.S. Department of Labor
Occupational Safety and Health Administration
Gateway Building—Suite 15220
3535 Market Street
Philadelphia, Pennsylvania 19104

U.S. Department of Labor
Occupational Safety and Health Administration
1375 Peachtree Street, NE.—Suite 587
Atlanta, Georgia 30309

U.S. Department of Labor
Occupational Safety and Health Administration
230 South Dearborn Street
32nd Floor
Chicago, Illinois 60604

U.S. Department of Labor
Occupational Safety and Health Administration
7th Floor—Texaco Building
1512 Commerce Street
Dallas, Texas 75201

U.S. Department of Labor
Occupational Safety and Health Administration
911 Walnut Street—Room 3000
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 15010
1961 Stout Street
Denver, Colorado 80202

U.S. Department of Labor
Occupational Safety and Health Administration
9470 Federal Building
450 Golden Gate Avenue—Box 36017
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
506 Second Avenue
1808 Smith Tower Building
Seattle, Washington 98104

AREA OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
Custom House Building—Room 703
State Street
Boston, Massachusetts 02109

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 426
55 Pleasant Street
Concord, New Hampshire 03301

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 617B
450 Main Street
Hartford, Connecticut 06103

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office and Courthouse Building
436 Dwight Street—Room 501
Springfield, Massachusetts 01103

U.S. Department of Labor
Occupational Safety and Health Administration
90 Church Street—Room 1405
New York, New York 10007

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Office Building
970 Broad Street—Room 1435C
Newark, New Jersey 07102

U.S. Department of Labor
Occupational Safety and Health Administration
Room 203—Midtown Plaza
700 East Water Street
Syracuse, New York 13210

U.S. Department of Labor
Occupational Safety and Health Administration
370 Old Country Road
Garden City, Long Island, New York 11530

U.S. Department of Labor
Occupational Safety and Health Administration
Condominium San Alberto Building
605 Condado Avenue—Room 328
Santurce, Puerto Rico 00907

U.S. Department of Labor
Occupational Safety and Health Administration
William J. Green, Jr. Federal Building
600 Arch Street—Room 4456
Philadelphia, Pennsylvania 19106

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 1110-A
31 Hopkins Plaza—Charles Center
Baltimore, Maryland 21201

U.S. Department of Labor
Occupational Safety and Health Administration
Charleston National Plaza—Suite 1726
700 Virginia Street
Charleston, West Virginia 25301

U.S. Department of Labor
Occupational Safety and Health Administration
Room 802—Jonnet Building
4099 William Penn Highway
Monroeville, Pennsylvania 15146

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 8015
400 N. 8th Street—P.O. Box 10126
Richmond, Virginia 23240

U.S. Department of Labor
Occupational Safety and Health Administration
Building 10—Suite 33
La Vista Perimeter Park
Tucker, Georgia 30084

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Office Building—Room 613-A
310 New Bern Avenue
Raleigh, North Carolina 27601

U.S. Department of Labor
Occupational Safety and Health Administration
Room 204—Bridge Building
3200 E. Oakland Park Boulevard
Fort Lauderdale, Florida 33308

U.S. Department of Labor
Occupational Safety and Health Administration
1600 Hayes Street—Suite 302
Nashville, Tennessee 37203

U.S. Department of Labor
Occupational Safety and Health Administration
2809 Art Museum Drive
Art Museum Plaza—Suite 4
Jacksonville, Florida 32207

U.S. Department of Labor
Occupational Safety and Health Administration
Todd Mall—2047 Canyon Road
Birmingham, Alabama 35216

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 554-E—600 Federal Place
Louisville, Kentucky 40202

U.S. Department of Labor
Occupational Safety and Health Administration
Enterprise Building—Suite 204
6605 Abercorn Street
Savannah, Georgia 31405

U.S. Department of Labor
Occupational Safety and Health Administration
Commerce Building—Room 600
118 North Royal Street
Mobile, Alabama 36602

U.S. Department of Labor
Occupational Safety and Health Administration
Riverside Plaza Shopping Center
2720 Riverside Drive
Macon, Georgia 31204

U.S. Department of Labor
Occupational Safety and Health Administration
1710 Gervais Street—Room 205
Columbia, South Carolina 29201

U.S. Department of Labor
Occupational Safety and Health Administration
650 Cleveland Street—Room 44
Clearwater, Florida 33515

U.S. Department of Labor
Occupational Safety and Health Administration
57601—55 North Frontage Road East
Jackson, Mississippi 39211

U.S. Department of Labor
Occupational Safety and Health Administration
230 South Dearborn Street
10th Floor
Chicago, Illinois 60604

U.S. Department of Labor
Occupational Safety and Health Administration
847 Federal Office Building
1240 East Ninth Street
Cleveland, Ohio 44199

U.S. Department of Labor
Occupational Safety and Health Administration
360 S. Third Street—Room 109
Columbus, Ohio 43215

U.S. Department of Labor
Occupational Safety and Health Administration
Michigan Theatre Building—Room 626
200 Bagley Avenue
Detroit, Michigan 48223

U.S. Department of Labor
Occupational Safety and Health Administration
110 South Fourth Street—Room 437
Minneapolis, Minnesota 55401

U.S. Department of Labor
Occupational Safety and Health Administration
Clark Building—Room 400
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office and Courthouse—
Room 423
46 East Ohio Street
Indianapolis, Indiana 46202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 4028—Federal Office Building
550 Main Street
Cincinnati, Ohio 45202

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Office Building—Room 734
Room 734—Federal Office Building
Toledo, Ohio 43304

U.S. Department of Labor
Occupational Safety and Health Administration
Room 2118
2320 La Branch Street
Houston, Texas 77004

U.S. Department of Labor
Occupational Safety and Health Administration
Adolphus Tower—Suite 1820
1412 Main Street
Dallas, Texas 75202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 421—Federal Building
1205 Texas Avenue
Lubbock, Texas 79401

U.S. Department of Labor
Occupational Safety and Health Administration
545 Carondelet Street—Room 202
New Orleans, Louisiana 70130

U.S. Department of Labor
Occupational Safety and Health Administration
Room 512—Petroleum Building
420 South Boulder
Tulsa, Oklahoma 74103

U.S. Department of Labor
Occupational Safety and Health Administration
Room 526—Donaghey Building
103 East 7th Street
Little Rock, Arkansas 72201

U.S. Department of Labor
Occupational Safety and Health Administration
1015 Jackson Keller Road—Room 122
San Antonio, Texas 78213

U.S. Department of Labor
Occupational Safety and Health Administration
Room 302—Federal Building
421 Gold Avenue, S.W.
P.O. Box 1428
Albuquerque, New Mexico 87103

U.S. Department of Labor
Occupational Safety and Health Administration
1627 Main Street—Room 1100
Kansas City, Missouri 64108

U.S. Department of Labor
Occupational Safety and Health Administration
210 North 12th Boulevard—Room 554
St. Louis, Missouri 63101

U.S. Department of Labor
Occupational Safety and Health Administration
Petroleum Building
221 South Broadway Street—Suite 312
Wichita, Kansas 67202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 643—210 Walnut Street
Des Moines, Iowa 50309

U.S. Department of Labor
Occupational Safety and Health Administration
City National Bank Building
Harney and 16th Street—Room 803
Omaha, Nebraska 68102

U.S. Department of Labor
Occupational Safety and Health Administration
113 West 6th Street
North Platte, Nebraska 69101

U.S. Department of Labor
Occupational Safety and Health Administration
8527 W. Colfax Avenue
Lakewood, Colorado 80215

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 525—Petroleum Building
2812 1st Avenue—North
Billings, Montana 59101

U.S. Department of Labor
Occupational Safety and Health Administration
Court House Plaza Building—Room 408
300 North Dakota Avenue
Sioux Falls, South Dakota 57102

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office Building—Room 452
350 South Main Street
Salt Lake City, Utah 84111

U.S. Department of Labor
Occupational Safety and Health Administration
100 McAllister Street—Room 1706
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 318—Amerco Towers
2721 North Central Avenue
Phoenix, Arizona 85004

U.S. Department of Labor
Occupational Safety and Health Administration
333 Queen Street—Suite 505
Honolulu, Hawaii 96813

U.S. Department of Labor
Occupational Safety and Health Administration
1100 E. William Street
Suite 222
Carson City, Nevada 89701

U.S. Department of Labor
Occupational Safety and Health Administration
Hartwell Building—Room 401
19 Pine Avenue
Long Beach, California 90802

U.S. Department of Labor
Occupational Safety and Health Administration
121—107th Street, N.E.
Bellevue, Washington 98004

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 227
605 West 4th Avenue
Anchorage, Alaska 99501

U.S. Department of Labor
Occupational Safety and Health Administration
Room 529—Pittock Block
921 S.W. Washington Street
Portland, Oregon 97205

U.S. Department of Labor
Occupational Safety and Health Administration
220 Idaho Building
210 North 8th Street
Boise, Idaho 83702

The draft technical standards will also be available for inspection and copying at the national and regional offices of the U.S. Department of Health, Education, and Welfare, National Institute for Occupational Safety and Health, at the following addresses:

U.S. Department of HEW
National Institute for Occupational Safety and Health
Room 3-50, Park Building
5600 Fishers Lane
Rockville, Maryland

U.S. Department of HEW
National Institute for Occupational Safety and Health
1114 Commerce Street, Room 1612
Dallas, Texas 75202

U.S. Department of HEW
National Institute for Occupational Safety and Health
P.O. Box 13716
Philadelphia, Pennsylvania 19101

U.S. Department of HEW
National Institute for Occupational Safety and Health
9017 Federal Building
19th and Stout Streets
Denver, Colorado 80202

U.S. Department of HEW
National Institute for Occupational Safety and Health
50 Seventh Street, N.E.
Atlanta, Georgia 30323

U.S. Department of HEW
National Institute for Occupational Safety and Health
Arcade Building
1321 Second Avenue
Seattle, Washington 98101

U.S. Department of HEW
National Institute for Occupational Safety and Health
John F. Kennedy Federal Building
Government Center
Boston, Massachusetts 02203

U.S. Department of HEW
National Institute for Occupational Safety and Health
26 Federal Plaza
New York, New York 10007

U.S. Department of HEW
National Institute for Occupational Safety and Health
601 East 12th Street
Kansas City, Missouri 64106

U.S. Department of HEW
National Institute for Occupational Safety and Health
223 Federal Office Building
50 Fulton Street
San Francisco, California 94102

U.S. Department of HEW
National Institute for Occupational Safety and Health
300 South Wacker Drive
Chicago, Illinois 60607

This advance notice of proposed rulemaking is issued under section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S. 655) and Secretary of Labor's Order No. 12–71 (36 FR 8754).

Signed at Washington, D.C., this 4th day of March 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–6741 Filed 3–13–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75–GL–10]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulation so as to designate a transition area at Casey, Illinois.

Interested persons may participate in the proposed rulemaking 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 April 14, 1975, will be considered before action is taken on the proposed amendments. 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.

A new instrument approach procedure has been developed for Casey Municipal Airport, Casey, Illinois, based on a non-Federal non-directional beacon. Consequently, it is necessary to provide controlled airspace to protect the 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 (40 FR 441), the following transition area is added:

CASEY, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Casey Municipal Airport (Latitude 39°18'00" N., Longitude 88°00'15" W.); and within 3 miles each side of the 211° bearing from the airport extending from the 5-mile radius area to 8 miles southwest of the airport.

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, Ill., on February 24, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.75–6674 Filed 3–13–75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75–SO–22]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Wallace, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 14, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. 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 light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Wallace transition area described in § 71.181 (40 FR 441) would be amended as follows:

"* * * northwest of the VORTAC." would be deleted and "* * * northwest of the VORTAC; within 3 miles each side of the 078° bearing from Pendy RBN (Lat. 34°42'58" N., Long. 78°00'14" W.), extending from the 5-mile radius area to 8.5 miles east of the RBN." would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the NDB RWY 27 Instrument Approach Procedure predicated on the Pendy (private) Nondirectional Radio Beacon.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 6, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75–6675 Filed 3–13–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[24 CFR Part 405]

[Docket No. R–75–321]

SUBSIDIZED PROJECTS

Tenant Selection Criteria

The Department of Housing and Urban Development is considering amending Chapter IV of Title 24 of the Code of Federal Regulations by adding to Subchapter A, "Insured Multifamily Housing—Management and Mortgage Servicing," a new Part 405, "Tenant Selection Criteria," and a new Subpart A, "Admission to Subsidized Projects."

The subpart would require owners of multifamily housing projects (with the exception of cooperatives) which have HUD-insured mortgages and which receive the benefit of a subsidy under the Section 236, section 221(d)(3) BMIR or Rent Supplement program, to prepare a statement of its admission policies and procedures and tenant selection criteria and make it available to applicants and other interested persons. In addition, the Subpart would set forth various requirements with respect to those policies, procedures, and criteria.

The Department recognizes that landlords have a justifiable interest in obtaining responsible tenants, who will pay their rent in a timely manner, and who will not cause damage to project property or interfere with the enjoyment of the premises by other tenants. This interest, however, should be protected without denying admission to a particular class, except as authorized by law.

Interested persons are invited to participate in the proposed rulemaking by submitting written statements and/or

data. Communications should be identified by the above docket number and title and should be filed with the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

All relevant material received on or before April 15, 1975, will be considered before adoption of the final rule. Copies of comments submitted will be available for examination during business hours at the above address.

The proposed amendments are as follows:

A new Part 405 is established in Subchapter A of Chapter IV to read as follows:

PART 405—TENANT SELECTION CRITERIA

Subpart A—Admission to Subsidized Projects

Sec.
405.1 Applicability.
405.2 Statement of admission policies.
405.3 Tenant selection criteria.
405.4 Verification procedures.
405.5 Notification to applicants.

AUTHORITY: Sec. 211, 82 Stat. 23, as amended; (12 U.S.C. 1715b).

Subpart A—Admission to Subsidized Projects

§ 405.1 Applicability.

This subpart applies to all multifamily housing projects (with the exception of cooperative housing mortgagor corporations or associations) which have mortgages insured under the National Housing Act and which receive the benefit of subsidy in the form of below-market interest rates pursuant to section 221(d)(3) and (5) or interest reduction payments pursuant to section 236 of the National Housing Act or rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965. The requirements of this subpart are in addition to, not in lieu of the various tenant eligibility requirements for subsidized projects found in Parts 215, 221, 236 and 425 of this title.

§ 405.2 Statement of admission policies.

(a) The mortgagor shall prepare a written statement setting forth his admission policies and procedures and tenant selection criteria, which must assure objective and reasonable determinations and actions, consistent with his obligations under the Regulatory Agreement between the mortgagor and the Secretary.

(b) Adminission policies shall reflect concern for the needs of individual families for lower-income housing.

(c) Admission procedures shall be designed to: (1) Determine those applicants who meet the program eligibility requirements; (2) determine whether there is a reasonable assurance that applicants will be able to meet rent obligations; and (3) screen out those applicants whose habits and practices are likely to have a detrimental effect on the project.

(d) Copies of the statement required by paragraph (a) of this section shall be made readily available for examination by applicants and other interested persons.

§ 405.3 Tenant selection criteria.

(a) Tenant selection criteria referred to in § 405.2 above, may not automatically deny admission to a particular class, except as authorized by law. In general, an applicant must be judged on the basis of his individual attributes and behavior, not those imputed to a certain class of which the applicant is a member.

(b) Criteria or standards may be established which reasonably relate to an applicant's past performance in meeting financial obligations, especially rent. The provisions of § 425.22(b) of this chapter concerning ability to pay rent in Section 236 projects apply to subsidized projects under this subpart.

(c) Standards may also relate to whether the conduct of such applicants in present and prior housing does or would be likely to interfere with other tenants' health, safety, comfort, and enjoyment of the premises. The following are some of the factors to be considered by the mortgagor in determining tenant selection criteria with respect to conduct of applicants which could militate against admission:

(1) Record of disturbance of neighbors, destruction of property, or living or housekeeping habits which may adversely affect the health, safety, or welfare of other tenants.

(2) History of criminal activity, including murder, rape, robbery or burglary.

The time, nature, and extent of each factor shall be considered in determining the effect on the project. In the event that unfavorable information on an applicant is received, consideration should be given to factors which indicate that future conduct is likely to be more favorable.

(d) The provisions of § 425.21(c)(2) of this chapter relating to preference for displacees in Section 236 projects apply to subsidized projects under this subpart.

§ 405.4 Verification procedure.

Adequate procedures shall be developed to obtain and verify information furnished by each applicant. Suggested sources of information for verification purposes include credit checks, home visits with applicants, and interviews with applicants, former landlords, local welfare office employees, family social workers, parole officers, family court officials, and drug treatment center officials. Information relating to acceptance or rejection of an applicant shall be documented and placed in the applicant's file.

§ 405.5 Notification to applicants.

When a determination has been made that an applicant is ineligible or does not satisfy the tenant selection criteria, the landlord shall give the applicant prompt written notice of the determination. The notice shall state the basis for the determination and state that the applicant will be given an opportunity to submit additional information which may be grounds for reconsideration.

Issued at Washington, D.C., March 10, 1975.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75-6749 Filed 3-13-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 344-3]

PENNSYLVANIA IMPLEMENTATION PLAN

Proposed Revision

On December 26, 1974, the Commonwealth of Pennsylvania submitted to the Regional Administrator a proposed revision to the approved State Implementation Plan. The proposal consists of a modification to section 123.13 of the Department of Environmental Resources rules and regulations, which deals with processes. The actual modification consists of revision to incorporate a process factor of 50 pounds per ton of fill for pressed, blown and spun glass melting furnaces.

The Commonwealth has contended that based on information submitted by the Glass Container Industry, the current emission standard, which is based on grain loading requirements, is overly restrictive and should be relaxed. The justifications for the relaxations are as follows:

1. In most cases, the furnaces are located in areas where the primary ambient air quality standards are being met.

2. In recent years, emission reductions achieved by process modification have been significant.

3. Satisfactory air pollution control equipment is very expensive and would lead to a price increase of the industry's product that the market areas for this product would not support.

The proposed amendments to the Pennsylvania Implementation Plan were publicly advertised and a hearing was held in Pittsburgh on April 3, 1974 in accordance with 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

The public is invited to submit comments on whether the proposed amendments should be approved or disapproved as required by section 110 of the Clean Air Act and 40 CFR Part 51. Only comments received on or before April 14, 1975, will be considered. The Administrator's decision to approve or disapprove this proposed revision will be based on whether it meets the requirements of section 110(a)(2)(A)(H) of the Clean Air Act and 40 CFR Part 51.

Copies of the proposed amendment are available for public inspection during normal business hours at the Offices of the Environmental Protection Agency, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106; at the Offices of the

Pennsylvania Department of Environmental Resources, Third and Locust Streets, Harrisburg, Pennsylvania, 17120; and at the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C., 20460. All comments should be addressed to Howard Heim, Acting Chief, Air Planning Branch, Air and Hazardous Materials Division, EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106. (AH008 PA.)

(42 U.S.C. 1857c–5)

Dated: March 3, 1975.

A. R. MORRIS,
Acting Regional Administrator.

[FR Doc.75–6661 Filed 3–13–75;8:45 am]

[40 CFR Part 52]

[FRL 343–6]

COMMONWEALTH OF VIRGINIA

Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, 42 U.S.C. 1857c–5, and the implementing regulations of 40 CFR Part 51, require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all stationary and mobile sources must be in compliance with any applicable requirement of the plan.

On May 31, 1972, pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of the Environmental Protection Agency ("EPA") approved portions of the Virginia State Implementation Plan (37 FR 10898).

On August 1, August 6, October 17, November 20, 1974, January 10, and January 22, 1975, pursuant to 40 CFR 51.6, the Commonwealth of Virginia submitted for EPA's approval revisions to the compliance schedule portion of its plan. This publication proposes that certain of these revisions be approved. Others are still undergoing review and cannot be proposed for approval at this time. Each proposed revision establishes a date by which an individual air pollution source must attain compliance with an emission limitation of the State Implementation Plan. This date is indicated in the approval table below under the heading "Final Compliance Date." While the table below contains only the dates of final compliance, the schedules themselves include interim dates which denote increments of progress toward final compliance in accordance with 40 CFR 51.15(c). Both the final and interim dates are federally enforceable by EPA pursuant to the Clean Air Act, as amended.

The "Effective Date" column in the table below refers to the date the compliance schedules become effective for purposes of federal enforcement.

The complete texts of the compliance schedules listed below are available for public inspection at the following locations:

Environmental Protection Agency
Region III
Curtis Building
Sixth and Walnut Streets
Philadelphia, Pa. 19106

Commonwealth of Virginia
State Air Pollution Control Board
Room 1106, Ninth Street State Office Building
Richmond, Virginia 23219

Freedom of Information Center
Environmental Protection Agency
401 M Street SW.
Washington, D.C. 20460

Evaluation Reports for the compliance schedules may be examined at the EPA Region III office indicated above.

Each compliance schedule has been adopted by the Virginia State Air Pollution Control Board and submitted to EPA after notice and public hearing in accordance with the procedural requirements of 40 CFR 51.4.

Interested parties may participate in the final rulemaking by submitting comments on whether the proposed revisions to the Virginia State Implementation Plan should be approved or disapproved as required by section 110 of the Clean Air Act. To be considered, comments must be postmarked on or before April 14, 1975. All public comments received in regard to the proposed revisions will be available for public inspection at the EPA Region III office in Philadelphia, Pennsylvania and at the EPA Freedom of Information Headquarters in Washington, D.C. The Administrator's decision to approve or disapprove the proposed revisions is based upon the requirements of section 110(a)(2) (A–H) of the Clean Air Act as amended and the EPA regulations published in 40 CFR Part 51. Comments should be directed to the Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attention: Peter J. Smith.

(42 U.S.C. 1857c–5)

Dated: March 5, 1975.

DANIEL SNYDER,
Regional Administrator.

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

Subpart VV—Virginia

Section 52.2435(g) is amended by revising the table as follows:

§ 52.2435 Compliance schedules.

(g) * * *

Source	Location	State regulation(s) involved	Date of adoption	Effective date	Final compliance date
American Filtron Corp.	Richmond	4.02	Dec. 10, 1974	Immediately	Apr. 30, 1975
American Furniture Co.	Martinsville	4.04.01	June 27, 1974	do	May 31, 1975
Appalachian Power Co.	Glen Lyn	4.02, 4.03	Nov. 7, 1974	do	Apr. 30, 1975
Bassett Furniture Ind., Inc.	Bassett	4.04.01(b)(9)	June 25, 1974	do	June 30, 1975
Do.	Burkeville	4.02, 4.03, 4.04	do	do	Do.
Brenco, Inc.	Petersburg	4.02.01, 4.04.01(b)(10)	Dec. 19, 1974	do	Apr. 30, 1975
Burlington Industries	Altavista	4.02.01, 4.03.01	June 21, 1974	do	June 30, 1975
Do.	Clarkesville	4.03.01	June 24, 1974	do	Do.
Do.	Glasgow	4.02.01	Sept. 9, 1974	do	June 1, 1975
Burruss Land and Lumber Co.	Brookneal	4.04	June 25, 1974	do	June 30, 1975
Do.	Lynchburg	4.04	do	do	Do.
Charles D. Roberts Co.	Kenbridge	4.02.01, 4.04.02	June 26, 1974	do	Do.
Dan River Mills, Dan River Knits.	Danville	4.02	June 24, 1974	do	Do.
Dan River Mills, Riverside Division.	do	4.02	do	do	Do.
V. M. Draper Manufacturing Co., Inc.	Martinsville	4.03, 4.04	June 27, 1974	do	June 15, 1975
Evans Products Co.	Doswell	4.04.01(b)(9), 4.02.01, 4.03.01.	July 2, 1974	do	Apr. 15, 1975
Felton Brothers Transit Mix, Inc.	Ontario	4.04	July 1, 1974	do	June 30, 1975
Franklin Veneer Co.	Rocky Mount	4.03.01	June 24, 1974	do	Do.
Graham-White Manufacturing Co.	Salem	4.04	Jan. 7, 1975	do	Do.
Gravely Furniture Co.	Ridgeway	4.04	June 24, 1974	do	Do.
Guyer-Roberts Manufacturing Division, Franklin Veneer Co.	Rocky Mount	4.03.01	June 27, 1974	do	Do.
Halifax Cotton Mills, Inc.	South Boston	4.02.01, 4.03.01	June 21, 1974	do	Do.
Hampton Hardwood	Newport News.	4.04	Nov. 15, 1974	do	June 1, 1975
Hooker Furniture Co.	Martinsville	4.02, 4.03, 4.04	June 27, 1974	do	June 30, 1975
Imperial Briquet Corp.	Kenbridge	4.02.01	June 25, 1974	do	Do.
John Marshall Hotel	Richmond	4.03.01, 4.02.01	July 1, 1974	do	Do.
The Lane Corp.	Altavista	4.02.01, 4.03.01, 4.04.01.	June 27, 1974	do	Apr. 30, 1975
Lee Hy Paving Corp.	Port Royal	4.02, 4.04	June 26, 1974	do	Apr. 15, 1975
Do.	Rockville	4.04.01(b)(2)	July 1, 1974	do	May 15, 1975
Lester Forest Products.	Martinsville	4.02.01, 4.03.01, 4.04.01.	June 21, 1974	do	June 30, 1975
Lone Jack Limestone Co., Inc.	Glasgow	4.04	Dec. 11, 1974	do	Apr. 15, 1975
Lone Star Ind. Campostella Plant.	Norfolk	4.04.01, 4.04.02	June 28, 1974	do	May 15, 1975
MW Manufacturers	Rocky Mount	4.03.01, 4.04.01	June 24, 1974	do	June 30, 1975
Mead Paperboard Products	Lynchburg	4.03.01	June 21, 1974	do	Do.
Miller Manufacturing Co., Inc.	Richmond	4.02, 4.03, 4.04.01(b)(9)	July 2, 1974	do	Do.
Newport News Shipbuilding and Dry Dock Co.	NewportNews	4.04, 4.07	June 27, 1974	do	Do.
O.K. Foundry Co., Inc.	Richmond	4.02.01, 4.04.01(b)(10)	June 28, 1974	do	June 1, 1975
Ossit, Inc.	Bluefield	4.02.01(a)(2)	Dec. 23, 1974	do	Apr. 20, 1975
Premier Millwork and Lumber Co.	Virginia Beach.	4.04	Jan. 9, 1975	do	June 1, 1975
Pulaski Furniture Co.	Pulaski	4.02, 4.04	June 27, 1974	do	June 30, 1975
Reynolds Metals Co.	Bellwood Plantation.	4.04.01(b)(10), 4.02.01	June 28, 1974	do	Apr. 15, 1975
Do.	Bellwood Smelting Plantation.	4.04.01(b)(10), 4.02.01	July 2, 1974	do	Do.

Source	Location	State regulation(s) involved	Date of adoption	Effective date	Final compliance date
Richmond Guano Co	Henrico	4.04.01(b)(3)	July 1, 1974	do	June 30, 1975
Richmond Lumber & Building Supply Co.	Richmond	4.02.01, 4.03.01	June 27, 1974	do	May 1, 1975
Richmond Public Schools	Bellevue	4.02.01	July 2, 1974	do	May 31, 1975
Do	Bainbridge	4.02.01	do	do	Do.
Do	Fairmount	4.02.01	do	do	Do.
Do	Oak Grove	4.02.01	do	do	Do.
Do	Stonewall Jackson.	4.02.01	do	do	Do.
Southside Manfacturing Corp.	Danville	4.02, 4.03	June 21, 1974	do	June 30, 1975
Stuart Lumber Corp	Stuart	4.04.01(b)(9)	June 25, 1974	do	Do.
Stuart M. Perry	Winchester	4.04	Dec. 19, 1974	do	Apr. 30, 1975
Star Paper Tube, Inc	Danville	4.07	June 26, 1974	do	June 30, 1975
Southern Johns-Manville Products Corp.	Jarratt	4.02.01, 4.03.01	July 1, 1974	do	Do.
U.S. Gypsum Co	Saltville	4.04.01(b)(5), 4.04.02, 4.04.01.	Dec. 11, 1974	do	Do.
U.S. Plywood	South Boston	4.04	Jan. 2, 1975	do	Do.
University of Virginia	Charlottesville.	4.07	June 26, 1974	do	Apr. 30, 1975
Virginia Asphalt Paving Co.	Riverton	4.02	Jan. 3, 1975	do	Apr. 15, 1975
Virginia House Furniture Corp.	Atkins	4.02, 4.04.01(b)(9)	Jan. 7, 1975	do	Apr. 30, 1975
William Byrd Motor Hotel	Richmond	4.03.01, 4.02.01	July 1, 1974	do	June 30, 1975
Zapata Haynie Corp	Rockville	4.04	June 25, 1974	do	Do.

[FR Doc.75-6486 Filed 3-13-75;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM75-23]

MONTHLY POWER STATEMENT

Proposed New Form

MARCH 6, 1975.

Notice is given pursuant to section 553 of Title 5 of the United States Code and section 309 of the Federal Power Act (49 Stat. 858, 16 U.S.C. 825h), that the Commission is proposing to amend § 141.56, Part 141, Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations, so as to prescribe a new Federal Power Commission Form No. 12E-2. The present FPC Form No. 12E-1, Monthly Power Statement, as prescribed by Commission Order No. 510, 39 FR 24629, would be superseded. The proposed new form (copy attached) would be entitled "FPC Form 12E-2, Monthly Power Statement." The various schedule pages of the new form would be prescribed in a revised § 141.56 of the Commission's regulations under the Federal Power Act.

The proposed new Form 12E-2 generally revises the current report form to eliminate the collection of certain data which no longer serve a useful purpose. It provides for the collection of current reporting month operating data on energy, peak load, capacity and related capacity availabilities. It also provides for the collection of detailed operating data on peak load, capacity, and capacity transfers relative to the near-term peak period power supply conditions. It clarifies and perfects reporting procedures covering capacity and high voltage transmission lines under construction, planned for installation or change. It identifies the major reasons and causes for and effects of delays and cancellations in the scheduling of major generating units and high voltage transmission lines.

The proposed new Form 12E-2 is comprised of sections of Instructions for Filing, Identification, and five schedules:

Schedule 1—Reporting Month Energy and Peak Load Data.

Schedule 2—Near-term Seasonal Peak Hour Data.

Schedule 3—Generating Unit Additions, Changes, Delays, Deferrals, and Cancellations (Ten Year).

Schedule 4—Transmission Line Additions, Changes, Delays, Deferrals, and Cancellations (Six Year).

Schedule 5—Energy and Peak Load Forecast (Ten Year).

The report would be required from those systems as identified in the attached proposed respondent list and as amended upon notice in the FEDERAL REGISTER. The proposed respondents would provide an estimated 95 percent or more coverage of the 50 United States based on "net energy for load" and almost complete coverage of those systems with bulk power facilities.

Within the recent several years, developments and occurrences of relatively rapid change in electric utility load growth patterns and expansion plans throughout the United States have accentuated Federal Power Commission responsibilities under the Federal Power Act for adequacy and reliability of electric supply. Several of the major areas of concern underlying the continuing adequacy and reliability problem are those of delays and deferrals in generating and transmission equipment in-service dates from those previously projected dates and those of cancellations of planned capacity and transmission additions. The Commission's regulatory responsibilities and the participation of Commission members and staff in activities of inter-governmental groups require an availability of current and timely information on the status of new and planned facilities with reasons for any recent changes thereof and resultant effects on power supply. Among others, these activities include participation in Congressional hearings, liaison work with the Federal Energy Administration, the Nuclear Regulatory Commission and the Environmental Protection Agency, and other related programs involving energy matters. The Commission also receives continuing requests for current and timely information on electric utility expansion plans and growth from public groups and institutions along with industrial organizations. Information related to their requests has been and will continue to be available in Commission published documents for public use.

The Commission currently collects monthly data submitted on FPC Form 12E-1 to support analyses of current situations and evaluations and near-term future situations, including load supply studies and bulk power system construction delays. Experience indicates that under present industry conditions the data, as currently requested or Form 12E-1, are not of sufficient content nor adequately defined under current practice to ensure valid analysis and requests for timely information without further recourse to burdensome telephonic requests to the industry for supplemental information and time-consuming reconciliation with other data sources. Also, experience indicates that the number of respondents can be reduced without significantly affecting the desired coverage of bulk power supply in the 50 United States and that the frequency of reporting does not significantly affect the currency of certain data. Consequently, revisions in the monthly reporting form are proposed to alleviate the above deficiencies and at the same time reduce the frequency of reporting of certain data for the proposed respondents and reduce the burden of reporting of some present Form 12E-1 respondents whose system operations do not affect the Nation's bulk power supply systems. Also, the proposed revisions restructure the actual energy and peak load data for the reporting month on to one schedule and the near-term hour forecast data on to another schedule. This can improve many respondents' ability to meet the filing date since often the actual data are not as readily available in the detail requested for the near-term peak hour data and, furthermore, separate departments within a utility may be responsible for the respective actual and forecast data.

The proposed revised Schedule 1 to be submitted monthly will include the actual reporting month energy and peak load data and average generating capability available on scheduled maintenance, on forced outage and other reasons. Schedule 2 will include the near-term peak hour data of similar content as the present Schedules 2 and 4. Schedule 2 will be submitted quarterly. The proposed Schedules 3 and 4 are the ten-year generating unit and six-year transmission line plans including details of delays, deferrals, and cancellations. The proposed Schedules 3 and 4 are similar in format and content to the present Schedules 3 and 5 and will be submitted quarterly for the complete planning periods. The proposed Schedule 5 will include the previously unsolicited information on energy and peak load forecasts covering the ten-year planning period of the proposed Schedule 3 and will be submitted quarterly. In addition, Schedules 2 through 5 would be submitted for any

month where the requested data have changed from that reported in the previous quarter.

The proposed FPC Form 12E–2 is intended to provide the Commission and others with timely electric system data from major electric utilities in the 50 United States to facilitate the preparation of status reports and analyses of expansion plans and near-term seasonal peak load periods. Furthermore, it will enable the Commission to monitor progress toward the constantly moving target of building and maintaining an adequate and reliable electric supply under increasingly changing conditions for the electric utilities.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than April 7, 1975, data, views, comments or suggestions in writing concerning the proposed revised report forms and regulations. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions in the report forms and regulations. The staff, in its discretion, may grant or deny requests for conference.

The proposed report form and regulations would be issued pursuant to the authority of the Commission under the Federal Power Act, 49 Stat. 838, 16 U.S.C. 791(a) et seq., particularly sections 4(a), 301(a), 302(b), 303, 304, 309, and 311 (41 Stat. 1065, 49 Stat. 839, 854, 855, 856, 858, 859; 16 U.S.C. 797(a), 825(a), 825a(b), 825b, 825c, 825h, 825j).

The following are proposed amendments to § 141.56, Part 141, Chapter I, Title 18 of the Code of Federal Regulations:

1. Revise the title and entire text to read as follows:

§ 141.56 Form No. 12E–2, Monthly Power Statement.

(For those systems, all as identified in Appendix A[1] to Order No. ____, issued ----------, and as amended upon notice in the FEDERAL REGISTER.)

(a) The revised FPC Form 12E–2, Monthly Power Statement, including the revised instructions and schedules therein contained, be the same hereby approved and adopted.

(b) FPC Form No. 12E–2 contains the following schedules:

Instructions and Identification.
Schedule 1—Reporting Monthly Energy and Peak Load Data.
Schedule 2—Near-Term Seasonal Peak Hour Data.
Schedule 3—Generating Unit Additions, Changes, Delays, Deferrals, and Cancellations (Ten Year).
Schedule 4—Transmission Line Additions, Changes, Delays, Deferrals, and Cancellations (Six Year).
Schedule 5—Forecast Energy and Peak Load Data (Ten Year).

(c) Each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, which operates facilities for the generation or transmission, or distribution of electric energy all as identified in Appendix A, Order No. ____, issued ---------- ----------, and as amended upon notice in the FEDERAL REGISTER, should hereafter prepare and file monthly with the Commission such report in such form as is required by said instructions and schedules, setting forth answers to the questions therein stated, and furnished information therein called for.

2. Revise Form 12E–1, prescribed by § 141.56, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Appendix B[2] hereto.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6681 Filed 3-13-75;8:45 am]

[1] Filed as part of the original document.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 275]

[Release No. IA-442, File No. S7-555]

INVESTMENT ADVISER DISCLOSURE AND RECORD-KEEPING REQUIREMENTS

Notice of Proposed Rulemaking

Notice is hereby given that the Securities and Exchange Commission ("Commission") has under consideration the adoption of new Rule 206(4)–4 and new paragraph (14) of Rule 204–2(a) (17 CFR 275.204–2(a)) under the Investment Advisers Act of 1940 ("Advisers Act") (15 U.S.C. 80b–1 et seq.) which would require investment advisers to furnish clients and prospective clients with written disclosure statements containing certain specified information and meeting certain conditions, and to maintain a copy of such written statements, and any amendments or revisions thereof, in their books and records. Proposed new Rule 206(4)–4 would be adopted pursuant to the authority contained in sections 206 (4) (15 U.S.C. 80b–6(4)), 206A (15 U.S.C. 80b–6a) and 211(a) (15 U.S.C. 80b–11 (a)) of the Advisers Act; proposed new paragraph (14) of Rule 204–2(a) would be adopted pursuant to the authority contained in sections 204 (15 U.S.C. 80b–4), 206(4), 206A and 211(a) of the Advisers Act.

Section 206(4) of the Act authorizes the Commission to define and prescribe means reasonably designed to prevent such acts, practices, and courses of business as are fraudulent, deceptive or manipulative. The Commission believes that it is appropriate to implement at this time a requirement under section 206(4) that investment advisers provide their clients and prospective clients with written disclosure statements which describe certain important facets of the investment adviser's business operations, procedures and ability to perform the services it offers. The Commission considers the most important aspect of this disclosure requirement to be that pertaining to the qualifications of advisory personnel. It is expected that required disclosure of these qualifications will enable customers to compare the qualifications of different advisers and will result in efforts by investment advisers to maintain at a high level the competence and qualifications of the persons they employ.

Although some investment advisers are already providing their clients and prospective clients with much of the information required by proposed Rule 206(4)–4, in many instances this information is not generally made available to such persons. Further, although much of the information that would be included in the proposed written disclosure statement currently appears in Form ADV and is, therefore, available to the public, access to these forms is rarely requested by most clients and prospective clients. Nevertheless, the Commission believes that it is important for the protection of investors that information contained in Form ADV and certain other information be brought to the attention of clients and prospective clients before they enter into or continue their relationships with investment advisers.

Contents of the written disclosure statement. Paragraph (b) of proposed Rule 206(4)–4 sets forth those items of disclosure which must be covered in the written disclosure statement required by the proposed rule. Generally, these disclosures will fall into the following categories: Qualifications of personnel; services offered; advisory procedures and practices; affiliations with broker-dealers; and advisory fees. Many of the disclosure requirements are self-explanatory; however, particular attention should be given to certain aspects of these requirements as discussed below.

With respect to qualifications of personnel, it should be noted that subparagraph (7) requires the individual backgrounds only of persons whose authority extends to making final decisions on which securities recommendations will be made by an investment adviser, or to which clients particular recommendations will be given. It is expected, however, that all advisory personnel of an investment adviser will meet the general qualifications standards disclosed pursuant to subparagraph (6) unless specific disclosure is made as to the conditions

[2] Filed as part of the original document.

and circumstances under which these standards may not be met.

Paragraph (b)(8)(ii) requires disclosure of any pre-paid advisory fee arrangements required by an investment adviser. As a general matter, such pre-paid fees should be refunded on a pro-rata basis for services which are not rendered by an investment adviser. Accordingly, the conditions and arrangements with respect to refunding pre-paid advisory fees should be disclosed. In this regard, the Commission notes that many investment advisory contracts contain provisions for termination by the investment advisor or by advisory clients. Paragraph (b)(9) requires disclosure concerning such termination rights when they exist.

Paragraph (c) requires additional disclosures in the written statements used by investment advisers who provide account management services whether or not on a discretionary basis. These requirements relate, generally, to information concerning procedures for the management and supervision of clients' securities accounts.

Written disclosure statements should also contain the statement required by paragraph (d)(1) that the Commission has not passed upon the contents, accuracy or adequacy of the statement. The written statements should not be filed with the Commission, but must be retained by investment advisers in accordance with proposed new paragraph (14) of Rule 204–2(a). It is expected that these statements will be reviewed by the staff of the Commission as part of the Commission's investment adviser inspection program.

The proposed rule contemplates that the written statements may be used by investment advisers as part of their advertising or sales literature. In this regard, investment advisers could include other information in their written disclosure statements. Whether or not such additional information is included, the written statement as a whole must comply with Rule 206(4)–1 under the Advisers Act relating to advertisements by investment advisers.

Further, a number of investment advisers provide more than one type of investment advisory service. These investment advisers would not be precluded under proposed Rule 206(4)–4 from using two or more written statements containing different information designed for the particular type of service discussed therein. Copies of all written statements furnished to any clients or prospective clients should, however, be retained in accordance with proposed paragraph (14) of Rule 204–2(a).

Delivery and amendment requirements. Proposed Rule 206(4)–4 requires, generally, that investment advisers furnish a written disclosure statement to every client and prospective client not less than 48 hours prior to entering into, extending or renewing any investment advisory contract with such persons. The 48 hour time period is designed to afford clients and prospective clients an opportunity to consider carefully the disclosures contained in the written statements.

Under the Rule as proposed, investment advisers are specifically exempted from the requirement of furnishing a written disclosure statement to any client which is an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.). This exception is based on the fact that investment advisers are already required pursuant to section 15(c) of the Investment Company Act (15 U.S.C. 80a–15(c)) to provide extensive disclosures to the boards of directors of investment companies and that those disclosures should encompass at least the information that would appear in the proposed written disclosure statement.

Paragraph (f) of proposed Rule 206(4)–4 provides investment advisers with an optional exemption from the 48 hour prior delivery requirements under certain conditions. This optional exemption has been included because many investment advisers who provide periodic publications or reports on a subscription basis permit clients to purchase their services by responding to newspaper or magazine advertisements. The 48 hour prior delivery requirement may unnecessarily disrupt this marketing procedure.

Accordingly, the alternative provided in paragraph (f) is available for investment advisers with respect to all clients and prospective clients who are not purchasing account management services. This alternative requires that investment advisers furnish written statements to clients and prospective clients not later than 30 days subsequent to entering into, extending or renewing any investment advisory contract and, further, that such investment advisory contract must provide that it can be rescinded by such client or prospective client without penalty within five business days after the client or prospective client has received the written statement.

If a statement becomes materially inaccurate for any reason, paragraph (e) requires that it should not be given to any client or prospective client until it is amended or revised to correct the inaccuracy.

It should also be noted that proposed Rule 206(4)–4 does not attempt to define acts, practices or courses of business that are fraudulent, deceptive or manipulative. Rather, this proposal sets forth a means reasonably designed to prevent the occurrence of such acts, practices and courses of business in accordance with the authority contained in section 206(4) of the Advisers Act. Nevertheless, the making of false representations in, or the omission of material facts from, the proposed written statement could constitute a fraudulent or deceptive act, practice or course of business within the meaning of section 206 of the Advisers Act.

Finally, proposed Rule 206(4)–4 expressly provides in paragraph (g) that it is not to be viewed as being the only disclosure requirement to which investment advisers are subject. Thus, to the extent that investment advisers are required pursuant to any provision of the Advisers Act or the rules and regulations thereunder to disclose any other information not required by the proposed Rule, they would still be required to make such disclosures and, where appropriate, the written disclosure statement could be used for that purpose. It is anticipated, moreover, that this statement could be used to provide other disclosures which the investment advisers may be required to make under other federal securities laws.

It should be noted that proposed Rule 206(4)–4 would not specifically require that investment advisers notify clients of material changes other than by means of a disclosure statement required to be delivered at the time when their contracts are entered into, extended or renewed. Although such disclosure otherwise might be required by the provisions of Section 206, the Commission invites comments on whether investment advisers specifically should be required to notify clients of any such material changes, either by delivery of a revised disclosure statement or by letter describing the material changes, within a reasonable time, say 30 days, after the changes have occurred. Based on its review of the comments, the Commission may determine to include such a requirement either in Rule 206(4)–4 or in a companion rule.

The text of proposed subparagraph (14) of § 275.204–2(a) is as follows:

§ 275.204–2 Books and records to be maintained by investment advisers.

(a) Every investment adviser who makes use of the mails or of any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser (other than one specifically exempted from registration pursuant to Section 203(b) (15 U.S.C. 80b–3(b)) of the Act) shall make and keep true, accurate and current the following books and records relating to his investment advisory business:

* * * * *

(14) A copy of each written statement, and each amendment or revision thereof, given or sent to any client or prospective client of such investment adviser in accordance with the provisions of § 275.206(4)–4 under the Act, and an indication of the first and last dates that each written statement, and each amendment or revision thereof, was given to any client or prospective client.

* * * * *

The text of proposed § 275.206(4)–4 is as follows:

§ 275.206(4)–4 Written disclosure statements.

(a) It shall be unlawful for any investment adviser:

(1) To enter into, extend or renew any investment advisory contract with any client or prospective client (other than an investment company registered under the Investment Company Act of 1940),

or in any way to perform any such contract entered into, extended or renewed on or after the effective date of this rule, unless such investment adviser furnishes such client or prospective client with a written statement complying with paragraphs (b) through (e) of this section (i) not less than 48 hours prior to entering into, extending or renewing such contract, or (ii) in accordance with paragraph (f) of this section; or

(2) To furnish any client or prospective client with a written statement required by this rule which contains any untrue statement of a material fact or which is otherwise false or misleading, or which does not otherwise comply with the provisions of Rule 206(4)-1 under the Act.

(b) For all investment advisers, the written statement required by this rule shall disclose the following:

(1) The type or types of services which the investment adviser offers to clients, including, but not limited to, investment supervisory services, the management of securities accounts for clients under circumstances not involving investment supervisory services, or the issuance of periodic publications relating to securities on a subscription basis;

(2) The type or types of clients for which the investment adviser provides investment advice, including, but not limited to, individuals or specified classes of individuals, investment companies, pension and profit-sharing plans and banks;

(3) The length of time that the investment adviser has been engaged in business as an investment adviser;

(4) The types of securities and investment techniques concerning which the investment adviser provides investment advice;

(5) The general source or sources of information used by the investment adviser as the basis for any investment advice rendered to clients, and the methods employed by the investment adviser to analyze or evaluate such information;

(6) The number of persons associated with the investment adviser (other than persons whose functions are solely clerical or ministerial) whose functions or duties relate to providing investment advice to clients, and the general standards of education and business background which the investment adviser requires of such persons;

(7) The education and business background of each person associated with the investment adviser who determines or approves what investment advice shall be rendered by the investment adviser to any client, or to which clients such investment advice shall be rendered;

(8)(i) The basis or bases of fees charged for the services which the investment adviser provides and when such fees are payable, and (ii) if such fees are payable prior to the rendering of the services relating thereto, a statement as to whether, to what extent and under what conditions such fees will be refunded to clients;

(9) The procedures and conditions, if any, pursuant to which the investment adviser or any client of the investment adviser may terminate an investment advisory contract prior to the termination date set forth in the contract; and

(10)(i) Whether the investment adviser is a broker or dealer, or (ii) the name of any broker or dealer affiliated with the investment adviser, the nature of such affiliation, and the business relationship, if any, between such broker or dealer and the investment adviser.

(c) If the investment adviser provides investment supervisory services as defined in section 202(a)(13) (15 U.S.C. 80b-2(a)(13)) of the Act, or manages investment advisory accounts for clients under circumstances not involving investment supervisory services, the written statement required by this rule shall disclose the following information in addition to that required by paragraph (b) of this section;

(1) The minimum dollar amount of assets and any other conditions required by the investment adviser to establish an investment advisory account;

(2)(i) Whether and to what extent the investment adviser may have discretionary authority to purchase or sell securities for the accounts of clients without obtaining the consent of such clients before such transactions are effected, and (ii) the maximum number of investment advisory accounts with respect to which the investment adviser may delegate its discretionary authority to any one person associated with the investment adviser;

(3) Whether and to what extent the investment adviser may have discretionary authority to select brokers or dealers to execute transactions in securities for its clients or for the accounts of its clients, and, if so, the factors considered in making such selections;

(4) If the investment adviser provides investment supervisory services, the factors relating to the individual circumstances of any client which the investment adviser considers in determining whether to recommend that such client purchase or sell any security or whether to effect the purchase or sale of any security for the account of such client pursuant to discretionary authority;

(5)(i) The frequency and nature of the investment adviser's review of each investment advisory account, and (ii) the frequency and nature of any reports furnished to clients concerning their investment advisory accounts; and

(6) The terms and conditions of any arrangements or understandings pursuant to which the investment adviser, or any person associated with the investment adviser, has agreed to compensate any person for the referral of clients to the investment adviser.

(d) Such written statement (1) shall prominently state that the Commission has not passed upon the abilities, qualifications or business practices of the investment adviser and that the Commission has not passed upon the accuracy or adequacy of the written statement, and (2) shall be retained by the investment adviser pursuant to Rule 204-2(a)(14) under the Act.

(e) If the information contained in any written statement required by this rule becomes materially inaccurate for any reason, the investment adviser shall no longer furnish such written statement to any client or prospective client unless the investment adviser has amended or revised the written statement to correct such information.

(f) An investment adviser electing to comply with the provisions of subdivision (ii) of paragraph (a)(1) of this section may furnish the written statement required by this rule to any client or prospective client not later than 30 days subsequent to entering into, extending or renewing any investment advisory contract with such client or prospective client, provided that: (1) Such contract does not provide for the rendering of any investment advisory service or services which would require disclosure to such client or prospective client of the information set forth in paragraph (c) of this section; and (2) such contract provides that it may be rescinded by the client or prospective client without penalty within five business days after such client or prospective client has received the written statement.

(g) Nothing in this rule shall relieve any investment adviser from any obligation pursuant to any provision of the Act or the rules and regulations thereunder to disclose any information to its clients or prospective clients not specifically required by this rule.

All interested persons are invited to submit their written views and comments on the proposals to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before April 30, 1975. All communications in this regard should refer to File No. S7-555, and will be available for public inspection.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

MARCH 5, 1975.

[FR Doc.75-6775 Filed 3-13-75;8:45 am]

notices

ENVIRONMENTAL PROTECTION AGENCY

[FRL 343–7; FIFRA Docket No. 246, etc.]

CHAPMAN CHEMICAL COMPANY, ET AL.

Resumed Hearing

The hearing in the above matter, relating to the cancellation of the registrations of pesticides containing mercury, which has been in recess since January 10, 1975, will resume on Tuesday, April 8, 1975, at 9:30 a.m. in Room 3908, Waterside Mall, 401 M Street SW., Washington, D.C.

The Respondent, except for one witness, has completed the presentation of his case. The other parties will present their evidence at the resumed hearing.

The order of subjects to be considered will be as set forth in the Administrative Law Judge's report of conference dated December 12, 1974, with estimated time for the subject as follows:

Subject:	*Estimated Time*
1. Dutch Elm disease treatment	Less than 1 day
2. Wood and wood products	One hour
3. Seed and bulb treatment	Less than 1 day
4. Textiles and fabrics	Less than 2 days
5. Cosmetics and topical therapeutics	Less than 1 day.
6. Turf	5 days
7. Paint and coatings (also adhesives, joint cement, plaster, grout, acoustical coatings)	12–15 days
8. Other subjects not covered above	uncertain

Subjects 1, 2 and 3 are scheduled for the first two days in the order listed; subjects 4 and 5 are scheduled for the following two days in the order listed; the other subjects will follow.

In accordance with the above-mentioned report of the Administrative Law Judge dated December 12, 1974, the parties shall submit verified statements of the witnesses and proposed exhibits at least 20 days before the scheduled or expected testimony of the witness and shall also indicate the order in which the witnesses will present testimony. The exhibits shall be numbered as previously required by the Administrative Law Judge (see Report of Prehearing Conference, dated March 22, 1974, pp. 6–7).

Pursuant to § 164.8 of the applicable rules of practice (40 CFR Part 164) the hearing will convene at the time and place announced in this notice but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof at the hearing.

BERNARD D. LEVINSON,
Administrative Law Judge.

MARCH 7, 1975.

[FR Doc.75–6662 Filed 3–13–75;8:45 am]

[FRL 343–5]

CHRYSLER CORP., FORD MOTOR CO., AND GENERAL MOTORS CORP.

Applications for Suspension of 1977 Motor Vehicle Exhaust Emission Standards; Decision of the Administrator

MARCH 5, 1975.

I. *Introduction.* Section 202 of the Clean Air Act, 42 U.S.C. 1857f–1, as amended by section 5 of the Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93–319, 88 Stat. 258, requires that emissions of carbon monoxide and hydrocarbons from automobiles sold in this country during the 1977 model year be reduced by at least ninety percent from their 1970 levels. Under the standard EPA test procedure, the emission levels needed to comply with this requirement are a maximum of .41 grams per mile (g/mi) of hydrocarbons (HC) and 3.4 grams per mile (g/mi) of carbon monoxide (CO). In addition, that section authorizes the Administrator of EPA to suspend the effective date of these reductions for one year only—until the 1978 model year—if he finds after public hearings that the following conditions have been met:

> The Administrator shall grant such suspension only if he determines that (i) such suspension is essential to the public interest or the public health and welfare of the United States: (ii) All good faith efforts have been made to meet the standards established by this subsection; (iii) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available for a sufficent period of time to achieve compliance prior to the effective date of such standards, and (iv) the study and investigation of the National Academy of Sciencea conducted pursuant to subsection (c) and other information available to him has not indicated that technology, processes, or other alternatives are available to meet such standards.

Before the 1974 amendments, the Clean Air Act required the 90 percent HC and CO reductions to be achieved by the 1975 model year, subject to a one-year extension which the Administrator of EPA could grant if he found that the auto companies had satisfied the statutory requirements quoted above. Although the 1974 amendments changed the law to defer the required reductions and related suspension provision for two years, they did not change either the level of the required HC and CO reductions or the terms on which a suspension of their effect could be granted.[1] Proceedings under the prior version of the statute are therefore relevant to my decision here.

The first application for a suspension of what were then the 1975 standards was filed with EPA on March 13, 1972 by A.B. Volvo Ltd. of Sweden. Shortly thereafter, applications were also received from Chrysler, Ford, General Motors, and International Harvester. Former Administrator Ruckelshaus denied all five applications in a decision issued May 12, 1972.

The four American applicants appealed this decision to the courts, and on February 10, 1973, the United States Court of Appeals for the District of Columbia Circuit remanded the applications to EPA for further consideration. "International Harvester Co. v. Ruckelshaus," 478 F. 2d 615 (D.C. Cir. 1973). In its opinion the court defined a wide range of both technical and public policy issues which EPA had to consider and make findings on before a decision to deny suspension could be sustained under the law.

Public hearings were held under the remand order in March of 1973, and on April 11, Mr. Ruckelshaus issued his decision upon remand. 38 FR 10317 (April 26, 1973). He found that although the catalytic converters needed on nearly all vehicles in order to achieve the statutory standards had been developed to the point where they were an available and effective means of emission control, there had been so little experience in manufacturing and installing them that it was not prudent from a mass production standpoint to force their use on all cars sold in a single model year. In addition, a rigorous technical analysis had shown that models representing only 66 percent of domestic auto sales could be predicted with high confidence to meet the statutory standards in the 1975 model year, and this was regarded as too low a number to ensure that the "basic demand" for automobiles

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[1] Congress did, however, change the oxides of nitrogen (NO_x) emission standard that would accompany the statutory HC and CO standards. For 1975, the NO_x standard—established administratively by EPA—was 3.1 g/mi; a level of 2.0 g/mi has been legislatively established for 1977, with a level of 0.4 g/mi to be achieved in the 1978 and subsequent model years.

would be satisfied if the suspension were denied.

Accordingly, the Administrator granted a suspension and established two sets of interim emission standards for the 1975 model year. Cars sold in California, which is the only state permitted by the Clean Air Act to have its own auto emission standards, were required to meet levels of .9 g/mi HC, 9.0 g/mi CO, and 2.0 g/mi NO_x. These HC and CO limits were set at levels thought to require the use of catalytic converters on most model lines. Cars sold in the other 49 states were required to meet levels of 1.5 g/mi HC, 15 g/mi CO, and 3.1 g/mi NO_x. These HC and CO limits were set at levels thought not to require the use of catalytic converters on most model lines. These standards have since been adopted by Congress for the 1976 model year. A full range of automobiles has been certified and is being produced for 1975 at both emission levels.[2] About 85 percent of 49 state cars and almost all California cars will be equipped with catalytic converters in the 1975 model year.

Under the 1974 amendments to the statute, a request for suspension of the 1977 emission standards may be filed any time after January 1, 1975. Knowing that the major domestic auto companies intended to file suspension applications, I urged them to file promptly, so that the required hearing could be held early enough, and could be expanded in scope by use of EPA's authority under section 202(b)(4),[3] to provide a useful record in connection with proposals for further legislative revision of the auto emission standards. Both Ford and Chrysler filed their applications on Monday, January 2, while General Motors filed about a week later. Well over three weeks of public hearings have been held on these three applications, and testimony has been received from a wide range of witnesses, including domestic and foreign auto companies, manufacturers of catalysts, carburetors, and fuel injection systems, elected officials, and representatives of other Federal agencies and of environmental interest groups.

II. *Summary of decision.* I have decided to grant the request of the applicants for suspension of the effectiveness of the statutory emission standards for HC and CO in the 1977 model year, and am establishing as interim standards for that model year the current Federal interim standards for those pollutants, i.e. 1.5 g/mi HC and 15 g/mi CO, together with the statutory emission standard of 2.0 g/mi NO_x for the 1977 model year. Furthermore, it is my view that consideration should be given to (a) extending through the 1979 model year this same set of emission standards, and (b) establishing emission standards of 0.9 g/mi HC and 9.0 g/mi CO for the 1980 and 1981 model years, retaining the 2.0 g/mi NO_x standard. For the model years 1982 and beyond, it is my view that the original statutory HC and CO standards of 0.41 g/mi HC and 3.4 g/mi CO should remain our national goal, together with an emission standard of 2.0 g/mi for NO_x or such more stringent NO_x standard as may be warranted by the conclusions drawn from our ongoing review of the need for a new, short-term ambient standard for oxides of nitrogen.

Three major issues have dominated these proceedings. They are:

(1) The progress made in developing, and the status of, technology to control auto emissions to the levels called for by the Clean Air Act;

(2) The impact on fuel consumption and on the general state of the economy of increasingly tighter levels of auto emission controls; and

(3) The impact on the public health of automobile emissions of carbon monoxide, hydrocarbons, and sulfuric acid.

These are the first EPA suspension hearings to be held since the widespread introduction of the catalytic converter for emission control began in the fall of 1974. Much of the inquiry has naturally centered on the past and potential performance of that particular device, which many of the auto companies (all of the domestics) have relied upon heavily to achieve the 1975 and to approach the statutory levels of HC/CO control.

In many ways, catalysts have performed far better than some predicted when the 1975 interim standards were first established two years ago. Contrary to many predictions, both the production of catalysts and their installation on automobiles is proceeding without difficulty. The President of the National Academy of Sciences has stated that, as of November 1974 "significant advances have made catalytic emissions-control systems much more satisfactory for the control of automotive emissions than we anticipated in 1973". NAS Rept. p. v.[4]

It now appears from preliminary data that the durability of catalytic emission control installed on production cars is at least as good as for pre-catalyst emission control systems. Both Ford and General Motors have run extensive vehicle fleets equipped with catalysts under normal highway driving conditions in California, and have reported highly satisfactory durability and emissions control results. NAS Rept. 122–127; F. App. IV–A. Indeed, GM testified with some emphasis that their expectation was that catalyst cars in the hands of the consumer would show less of an emissions increase with increasing mileage than their prototypes had evidenced while passing the EPA certification test. Tr. 411–17, 512–14.

The function of the catalyst is to accelerate the rate at which the exhaust HC and CO gases coming out of the engine react with oxygen in air to form harmless CO2 and water. The catalytic material speeds up these reactions, and allows them to take place at lower temperatures than would otherwise be required. Catalysts in use on today's cars can reduce the hydrocarbons and carbon monoxide emitted from the vehicle tailpipe by 50 to 60 percent at the end of 50,000 miles of EPA durability testing. By the 1977 model year, this reduction may approach 70 percent.

This high conversion efficiency has two consequences. First, it allows the engine to be retuned for better fuel economy at the expense of emissions coming out of the engine, since much of the task of cleaning them up can be left to the catalyst. This has helped make possible the average 13.5 percent fuel economy improvement realized by 1975 cars over comparable 1974 models. As the NAS has stated:

> [S]ince exhaust treatment tends to decouple emissions control from the traditional engine-design constraints, there may be an inherent advantage to this approach, especially in the control of emissions from engines whose design has evolved without emissions constraints.
> NAS Rept. p. 31.

Second, it appears that the high-efficiency after-treatment provided by catalytic technology will be needed in the next few years, and may be needed even in the longer term, if the statutory emission standards of .41 g/mi HC and 3.4 g/mi CO are to be attained by a vehicle that is also capable of providing

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[2] The 1970 revision of the Clean Air Act also authorized a one-year suspension of the 1976 standard for NO_x emissions of .40 g/mi on the same terms that governed a suspension of the 1975 standards. On July 30, 1973 Acting Administrator Fri found that NO_x control technology at that time was too undeveloped to support a prediction that the standard could be met by 1976 and granted a suspension.

[3] Section 202(b)(4) of the Clean Air Act requires the Administrator of EPA to report annually to the Congress on the state of progress of auto emission control, and authorizes him to hold hearings and subpoena information and witnesses for this purpose.

[4] In this Decision, the following abbreviated citations are used:

NAS Rept. The Report by the Committee on Motor Vehicle Emissions of the National Academy of Sciences dated November 1974.

FE Rept. "Potential for Motor Vehicle Fuel Economy Improvement—Report to the Congress" prepared by EPA and the Department of Transportation and dated October 24, 1974.

Status Rept. "Automobile Emission Control: The Technical Status and Outlook as of December 1974" prepared by EPA's Emission Control Technology Division and dated January 1975.

C. App. The Request for Suspension of Chrysler Corporation (5 Vols., dated January and February 1975).

F. App. The Application for Suspension of Ford Motor Company dated January 1975.

GM App. The request for Suspension of General Motors Corporation dated January 1975.

Tr. The transcript of the hearings held on this matter from January 21, 1975 to February 6, 1975.

Sulfate Tr. The transcript of the hearings held from February 18, 1975 to February 12, 1975 to consider sulfate emissions from catalyst-equipped vehicles.

Other submissions are cited by the name or initials of the submitting company and the date submitted, e.g., C. 4/18/75 p. 2.

the improved fuel economy the nation is now demanding.

At less stringent levels, approaching the California interim standards of .9 g/mi HC and 9 g/mi CO, the evidence, though conflicting, indicates that compliance can be achieved by about 1980 without the use of catalysts and with equivalent fuel economy to what catalysts would provide.

The rapid advance of emission control technology is more fully described below. To summarize, work on such significant modifications of the present engine as stratified charge or rotary engines has moved during the past two years at a somewhat slower pace than might have been anticipated, though industry interest remains high. This is due both to the failure of some of these systems to completely bear out their first promise upon detailed examination, and to the unwillingness of the industry to commit resources to significant changes in engine configuration before long term emission standards (particularly for NO_x) are known with greater certainty than at present. By contrast, a whole range of modifications to the present engine in the fields of fuel preparation, exhaust treatment, and electronic control of engine operation are in more or less advanced stages of development. These modifications have the promise of improving both emission control and fuel economy, although in some cases at some additional expense, and their rapid progress has decreased the relative appeal of more drastic engine changes.

The report of the National Academy of Sciences, given a fair reading, indicates that the technology to meet the statutory HC and CO emission standards is available. In addition, a detailed Technical Appendix prepared by my own staff reaches the same result in concluding that models representing 90–100 percent of 1975 production will be able to certify at the statutory standards in 1977. Since the NAS testified that it relied largely on somewhat outdated information that did not take account of recent improvements, Tr. 2380–31, and since the predictive methodology used in the Technical Appendix is deliberatively conservative, a high degree of confidence can be assigned to these projections. Attainment of the statutory emission standards in the 1977 model year would provide the maximum protection of the public health from HC and CO emissions from those vehicles that is achievable with present technology.

I thus find that catalyst technology exists and could be applied to meet the statutory HC and CO emission levels on a very large proportion of automobiles by 1977. I also find that this would carry with it a reduction in fuel economy of five to ten percent in 1977 as well as an increase in first cost which is estimated at $100 to $150. Although the fuel economy reduction and price increase would in theory lead to some decrease in sales, the extent of such adverse sales impact is too slight and uncertain to be reliably quantified.

Based on the foregoing factors alone—which together with the issue of "good faith" are the only factors considered in prior suspension decisions—and considering the matter in the context of the court's opinion in "International Harvester v. Ruckelshaus", I would deny the suspension of the statutory emission standards.

However, the foregoing factors are not the only factors that must govern my decision in this matter. This year there is an unprecedented concern uniquely important to this Agency that alters the decision I would otherwise make. This concern is that the use of the only technology now available to the auto manufacturers to achieve reductions in HC/CO emissions to the statutory levels in 1977, i.e., the catalytic converter, would increase significantly emissions of another pollutant that can be harmful to health, namely sulfuric acid. Though substantial uncertainty exists as to the exact magnitude of the impact of such an increase in the sulfuric acid emissions on air quality, the weight of scientific opinion indicates a legitimate cause for concern that such emissions represent a risk to public health.

My concern with emissions of unregulated pollutants from catalysts, and specifically with sulfuric acid, is not new. In testimony before the Senate in November of 1973, I stated that EPA had intensified its research program to define and quantify what at that time was preliminary data concerning sulfuric acid emissions. I committed the Agency to a number of actions including (a) development of a test procedure for "sulfuric acid," (b) consideration of means of controlling such emissions and (c) estimating the impact of these emissions on air quality and the public health. As discussed below, much work has been successfully done on the first two of these programs and while the public health question remains unquantified, certain conclusions can now be reached.

More specifically, data accumulated in the past year and a half leave no doubt that catalyst-equipped cars emit greater quantities of sulfates—primarily small droplets or particles of sulfuric acid and some other sulfur compounds—than do non-catalyst equipped cars. Wide ranges of uncertainty exist both as to the actual health effects of sulfuric acid emissions and the degree to which catalyst equipped cars do in fact contribute to increased atmospheric sulfate loadings, even on a local basis. There is, however, a reasonable consensus that sulfuric acid emissions from cars pose a risk to public health even though the extent of that risk cannot yet be quantified. An EPA staff paper, reproduced at Tr. 2256–96, suggests that as additional model years of catalyst-equipped cars are introduced into service, there is an increasing risk that adverse health effects from sulfuric acid will be observed, particularly in sensitive populations. At some point, catalysts might begin to do more harm by creating sulfuric acid than good through additional control of hydrocarbons and carbon monoxide.

Though the EPA staff paper may tend to overstate the imminence of the problem, the witnesses at our hearing generally agreed that it provides as good an estimate of the problem as can be made at this time given the tremendous uncertainties which are inevitable in any estimate of this matter. Future studies of this issue are necessary and are being undertaken. However, their results cannot be expected to provide definitive information on the health questions involved for at least two more years.

This suspension decision will not wait for those studies. The concrete dilemma it poses is this:

On the one hand, by moving to very stringent emission standards such as the statutory or California interim levels, we can ensure that proven technology will be applied to achieve the maximum degree of public health protection against damage from HC and CO emissions that is currently achievable in the 1977 model year. However, at these low levels of HC and CO emissions, catalysts are sure to be used on almost all vehicles, and used together with air pumps; air pumps significantly increase sulfuric acid emissions from a catalyst-equipped vehicle, in the range of 50 to 100 percent over a catalyst operating without an air pump. A vehicle air pump is used to inject extra air from the atmosphere directly into the exhaust system ahead of the catalyst. The extra oxygen so provided allows the catalyst to do a more complete job of converting HC and CO to CO_2 and water. However, the extra oxygen also encourages the conversion of sulfur dioxide (SO_2) in the exhaust gas to the sulfate compound SO_3, which then reacts with water available in the exhaust to form sulfuric acid.

On the other hand, by staying at the national interim levels of 1.5 g/mi of HC and 15 g/mi CO, we would accept emission reductions for these two pollutants that are well short of the best that technology can achieve, but which are still stringent enough to result in continued reduction in total HC and CO emissions. The potential of a sulfuric acid problem would be substantially lessened by such a step. Many vehicles will be capable of meeting those standards in 1977 without catalysts, and most of those that will use catalysts will be able to do so without the use of an air pump.

With reluctance, and with full awareness that I may be erring on the side of caution, I have for these reasons decided to choose the second alternative, and to continue the 1975 national interim standards for the 1977 model year.

I believe that this decision is fully consistent with the statutory mandate and with the opinion of the Court of Appeals in the "International Harvester" case. The Clean Air Act requires me to find that "effective technology" to achieve the standards is lacking before I grant a suspension. I do not believe that if the evidence were plain that sulfate emissions were an imminent danger, anyone would argue that I could not consider that fact in making my judgment here.

Certainly Congress could not have intended that "effective" would describe a technology that did more harm to public health in one aspect than it prevented in another.

Of course, the evidence is not clear. Nevertheless, in giving high weight to an uncertain risk of severe adverse consequences, whether those might take the form of immediate danger to health or of commitment to a regulatory course that might later have to be changed precipitously, I believe I am responsive to the court's concern that any decision on the statutory criteria "take into account the nature and consequences of risk of error", 478 F.2d 643.

Nor do I believe that a contrary decision is compelled by the NAS Report. Though I do not question its conclusion that the technology to meet the current certification standards for HC and CO and to achieve substantial compliance in use is in fact available, the Committee on Motor Vehicle Emissions which produced the report did not consider the question of sulfuric acid in any depth. Tr. 2388–90. The Court of Appeals has made clear that I am not bound by the NAS conclusions "as to matters interlaced with policy and legal aspects," or to the extent that I may rely on "later-acquired research and experience." 478 F.2d 649.

My decision does not rest on a judgment that the problem of sulfates is more severe than the problem of currently regulated pollutants. The data are much too fragmentary to support any such prediction. Rather, this decision rests on a judgment about risks and the weight to be assigned them. Since most persons addressing the point agreed that there is a potential sulfuric acid problem and that its extent is surrounded by uncertainties of all sorts, the possibility that it may prove worse than anticipated cannot be dismissed.

It is almost a rule of life that problems are easier to prevent than to cure, and easier to cure the earlier they are detected. The decision I have reached will significantly slow down the growth of the potential sulfuric acid problem and give all involved some needed time to assess its true magnitude and settle on steps to deal with it. All these steps involve substantial leadtime before they can become effective. In particular, I expect the automobile companies to devote a considerable part of their engineering resources to work on characterizing and coping with sulfuric acid emissions.

The same considerations that govern my suspension decision affect my conclusions as to options I believe should be considered for the longer term. Here, I have attempted to reconcile two objectives. They are preventing an increase in automotive sulfuric acid emissions to currently projected levels and preserving as much as possible the momentum we have built up toward further reductions of HC and CO emissions from the automobile. Where conflicts between these two objectives have occurred, I have tended to emphasize the former because of the concerns that I have expressed earlier in this document.

Accordingly, I would suggest that consideration be given to retaining for the 1978 and 1979 model years the 1975 national interim standards for HC and CO, and to establishment of emission standards at the interim California levels for these two pollutants for 1980 and 1981.

As an integral part of this approach, I intend to establish an emission standard for sulfuric acid emissions from motor vehicles. Though a Notice of Proposed Rulemaking will be issued within two months, both the industry leadtimes involved and the inherent complexity of the matter preclude making such a standard applicable earlier than the 1979 model year.

The decision as to the level for such a sulfuric acid standard will be a very difficult one. Unfortunately, data are not now available, and probably will still be unavailable at the time that an emission limit must be established for sulfuric acid for 1979 model year vehicles, to determine what level of sulfuric acid emissions could confidently be considered acceptable from a public health standpoint. However, the catalyst has both proven and potential benefits for control of HC, CO, and NO_x together with fuel economy. To a degree, these benefits are unequalled by other technologies now known or foreseen. Clearly it would not be responsible to stifle this technology for insubstantial reasons. But, if catalysts cannot be used safely despite their benefits, his hard decision will have to be made.

The level most completely and certainly protective of public health from any sulfuric acid risks, in the absence of health effects data that would permit establishment of an adverse effects threshold for sulfuric acid, would be at or near the level of sulfuric acid emitted from non-catalyst equipped cars, which is estimated at about .001 g/mi. Such a level almost certainly could not be met by catalyst-equipped cars operating on gasoline with currently anticipated sulfur levels, even with maximum feasible sulfuric acid controls on the vehicle.

Maximum control of sulfuric acid emitted from catalyst-equipped vehicles may permit achievement of sulfuric acid emission levels in the range of .01 g/mi. With the addition of gasoline desulfurization, which could be implemented over a 3- to 6-year period, sulfuric acid emissions from catalyst-equipped vehicles may be further controllable to levels on the order of .005 g/mi.

Unless reductions to the range of such levels are acceptable from a public health standpoint, the most conservative emission standard that could be set would be at a level essentially equivalent to that of non-catalyst cars. This would almost certainly mean the demise of catalyst technology for the foreseeable future which, in turn, would cast serious doubt on the ability of the industry to achieve the statutory HC and CO standards together with improved fuel economy or to achieve NO_x emission levels much below 2.0 g/mi.

On the other hand, a sulfuric acid standard set at the lowest level likely to be achievable with catalysts, probably in the vicinity of .005–.01 g/mi. (depending upon whether gasoline is desulfurized) clearly will permit at least somewhat greater sulfuric acid emissions and, therefore, presumptively a somewhat greater health risk, than the first alternative.

By remaining at the national interim standards in the 1977 and 1978 model year, we can ensure that manufacturers will not have any significant incentive to make changes that would increase sulfuric acid emissions before a sulfuric acid emission standard can be established. Indeed sulfuric acid emissions should decrease as new types of emission controls are phased in.

Imposition of a sulfuric acid emission standard in the range being considered may make it difficult for some manufacturers ot simultaneously meet stricter standards for HC and CO. Therefore, I believe that HC and CO emission standards probably should not be tightened in the first year that a sulfuric acid emission standard becomes effective. This will help ensure that the projected sulfuric acid standard can be met on schedule.

For this reason, I am recommending that the current national interim standards be extended through the 1979 model year as well.

By 1980, it should be possible to move to tighter HC and CO emission levels with no compromise of sulfuric acid control. The many new developments in emission control technology discussed below should be coming into general use by then. I believe that they should make it possible to meet the California interim levels without the use of catalysts should that be necessary, or to substantially decrease sulfuric acid emissions from catalyst-equipped cars by reducing the amount of work the catalyst must do or by some other means such as a sulfate trap if a suitable one can be developed in time.

I do not recommend that the current statutory HC and CO standards be deferred beyond 1981. Those standards, we now believe, will probably require the use of an oxidizing catalyst if acceptable fuel economy is to be maintained. Though future developments in catalyst technology, study of the sulfuric acid problem, or study of sulfuric acid control may well change our conclusions, we currently believe that desulfurization of gasoline may be required if the statutory HC and CO emission levels are to be achieved concurrently with acceptably low emissions of sulfates. However, as noted earlier in this discussion, even substantial gasoline desulfurization, combined with catalyst modifications, may not produce acceptably low sulfuric acid emission levels.

Where emissions of NO_x are concerned, I recommend that the current legislatively established level of 2.0 g/mi. be continued through 1981. Preliminary health effects data suggest the need by

the early 1980's for a nitrate standard or a more stringent ambient NO_2 standard than now exists. Auto emission controls of NO_x beyond 2.0 g/mi., together with tighter stationary source controls, may well be needed to help meet such an ambient standard.

Recent studies have shown, contrary to what was widely believed in the past, that emission of NO_x can be reduced to 2.0 g/mi. from 3.1 g/mi. without significant adverse impact on fuel economy. Accordingly, I believe that since a reduction of greater than one third in emissions of this pollutant can be achieved at little cost, and by the use of current technology, national policy should require it.[5]

I do not believe that any NO_x emission standard for the period beyond 1981 should be established at this time. The health data is in a state of flux, and in two years or so we should have a clearer picture. However, the possibility that a much stricter standard for NO_x than is currently in force may need to be established is a major reason for my desire to avoid steps that might discourage the further development of catalytic technology. There is no currently feasible technology except the catalyst that is capable of permitting an NO_x standard much below two grams per mile to be met on a full range of automobiles.

I believe that this decision and my associated longer-term conclusions represent a responsible approach to the problems of auto emission control. I believe that it is consistent with continued progress toward cleaner air.

Nevertheless, it is critically important that the circumstances which have led me to conclude that the most prudent choice is to continue the Federal interim standards for the near term not be interpreted as signalling any slackening of our commitment to ongoing efforts to cope with our chronic problems of oxidant and CO.[6] While some upper bound is set to this risk by the fact that even the national interim standards by themselves will result in improving air quality for several more years, that improvement by itself will not be nearly enough in many areas to attain the standards.

In testimony before me, Mayor Goldschmidt of Portland, Oregon said:

> There is a talent in this country for accommodating ourselves to adversity; and pretty soon, what we [may] forget is that we ever had clean air or that we ever had a goal of getting to it. Tr. 1901.

We must see to it that such a possibility does not become a reality, and I will do what I can to minimize the possibility. In particular, although I believe a pause in the tightening of auto emission standards is necessary for the reasons I have outlined, I want to emphasize strongly the need for the automobile industry to continue, and in fact increase, its efforts to develop safe methods of achieving further reductions in auto emissions.

In addition, we must redouble our efforts to control other sources of the auto-related pollutants, including both stationary sources, and vehicles other than passenger cars, and to move forward with effective programs that will help to clean up the air, conserve energy, and stimulate mass transit by reducing our overreliance on the private automobile.

EPA remains committed to all controls on automotive pollutants needed to meet air quality standards, including transportation control measures. I do not believe that States and local governments should be penalized by the necessity of temporarily altering our auto emission control program. But there should be no doubt that all reasonable and available measures that are within their control and needed to meet our clean air goals should be implemented.

The actions I plan to take include the following:

(1) Emissions from a large number of vehicles—those currently classified as heavy duty—have to date been controlled only slightly. These vehicles contribute significantly to urban air pollution, and the proportion of their contribution has increased as passenger cars have been controlled to current levels. I expect very shortly to propose more stringent emission controls for heavy duty vehicles.

(2) EPA studies have clearly indicated that hydrocarbon emissions caused by evaporation from the fuel system of an automobile (as distinguished from incomplete combustion in the engine) are far greater than had been previously estimated and may amount to the equivalent of tailpipe emissions of nearly two grams per mile. Both the NAS and my own technical staff have strongly recommended that a new evaporative emission standard be imposed. I shall make every effort to impose such a new standard by the 1979 model year.

(3) At current levels of auto emission control, motorcycles emit substantially more pollution than a new car does. An advance notice of proposed rulemaking to correct that situation has been issued, 39 FR 2108 (Jan. 17, 1974), and the final regulations should be in effect for the 1978 model year.

(4) The escape of vaporized gasoline when vehicles are refueled is another major source of hydrocarbons, in amounts equivalent to about .4 grams per mile. The NAS has stated that "reduction in emission from these sources (evaporation and refueling losses) must be achieved before reduction of exhaust HC emissions below the present standard of 1.5 g/mi. will have a significant effect on total HC emissions from light-duty vehicles". NAS Rept. p. 18. EPA has already issued regulations on this point, requiring a 90 percent reduction in such emissions. I plan to insure that the standard for vehicle refueling will require the use of the most effective control devices which are available or can be developed.

(5) Finally, EPA will re-examine current regulations providing for control of hydrocarbon emission from such things as paints, solvents, dry-cleaning liquids, and refineries with a view to tightening them. Many of these regulations were drafted some time ago and do not reflect the state of the technology which can be achieved with additional effort.

III. *Discussion*—1. *Technology.* The record of these suspension proceedings suggests that the technology of automobile emission control has passed its initial stages and entered on the period of rapid growth and development that most new technologies enjoy. More different approaches to problems are being pursued than in the past. Witnesses talked more in theoretical terms, relating what they were doing to the characteristics of the engine, and seemed to be more confident of their ground. There seem to be possibilities of combining the new approaches that are being worked on in many different ways that have not yet been explored. And there was a significantly increased area of agreement between the engineers on the hearing panel and their counterparts in industry.

For these reasons, and also because of the continuing high degree of public interest at this time in the technology of emission control and what can be expected for the future, a general survey of the field is appropriate here.

a. *The basics of emission control.* The conventional automobile engine, like most other heat engines in use today, works by burning fuel in air to release heat. The energy of combustion causes the burning mixture of fuel and air to expand, and this expansion is used to produce mechanical work.

More precisely, in today's automobile engine air is taken from the outside, and fuel is metered into it as the air passes through the carburetor. This creates a mixture of air and fuel. That mixture passes into the intake manifold, which serves as a holding and distribution chamber from which the individual cylinders can draw it.

This mixture is then drawn into each individual cylinder by a down-stroke of the piston, which creates a vacuum, and is compressed on the next up-stroke.

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[5] I should point out, however, that there is a chance that emissions of sulfuric acid from automobiles may increase if this alternative is chosen over what would have happened were the current national standards of 3.1 g/mi. to be extended. Control of NO_x may cause HC emissions to rise slightly. This in turn may tempt a manufacturer to obtain needed additional HC control by feeding it with air from an air pump. Use of an air pump could cause sulfuric acid emissions from the vehicle to increase by as much as 100 percent.

However, technology is available to control NO_x to the 2 g/mi. level, and to control any slight increase in HC without the use of an air pump. I expect manufacturers to act responsibly and to avoid use of an air pump, even if that should mean that the car gets 2 or 3 percent less fuel economy than it could get with an air pump; however, we are satisfied that it is possible to achieve adequate control of HC at 2 g/mi. NO_x without fuel penalty.

[6] Another danger inherent in this approach is that the auto companies will cease to pursue the new technologies that now appear so promising once they are no longer needed for emission control purposes. The past record of the industry does not give cause for optimism in this regard.

When the point of maximum compression is approached, the spark plug is fired and the mixture ignited. The expanding gases push the piston down again, and are then discharged into the exhaust system by the next up-stroke.

Since automobile air pollution is the direct product of combustion in the cylinders, efforts to describe and control it have looked first to the combustion process and how it might be modified.

FIGURE 1

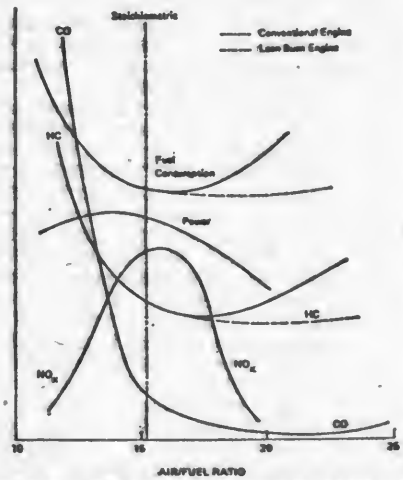

FIGURE III-1 The Relationship of Typical Engine Emissions and Performance to Air/Fuel Ratio. The Vertical Scale is Linear and Shows Relative Rather than Absolute Values for Each Parameter.

The relationship of primary importance has been the ratio of air to fuel in the mixture fed to the combustion chambers. If this mixture contains just the amount of air that is theoretically needed to completely burn all of the fuel, on the assumption that all chemical reactions proceed as far as the materials present allow, the engine is said to be running "at stoichiometric". Since chemical reactions in the real world are not this perfect, there will be incomplete combustion even in an engine running at stoichiometric. If the air-to-fuel ratio is greater than stoichiometric, the engine is said to be running "lean"; if it is less, the engine is running "rich".

In the conventional automobile engine, the relationships between air/fuel ratios, fuel economy, power, and emissions of HC, CO, and NO_x are well known. They are set forth in Figure 1, a reproduction from the NAS Report.

The first step auto makers generally took to comply with emission control requirements was to "lean out" the air fuel ratio by moving from richer mixtures that optimized driveability to the lean side so as to provide more air than theoretically required for complete burning. This generally improved fuel economy as well as reducing emissions. Tr. 245, F. App. II–B–7.

There is a limit, however, to how far to the lean side conventional engines can be calibrated and still have enough gasoline in the mixture to ignite predictably and burn smoothly. If such performance cannot be achieved, not only does driveability suffer; the incomplete combustion causes emission of hydrocarbons to rise.

Accordingly, as emission control requirements became tighter, the manufacturers began to adjust the point in the combustion cycle at which the spark plug fires in order to provide some additional emission control. Ideally, for maximum efficiency the spark should be fired somewhere before the piston reaches the top of the compression stroke. This ensures that as much of the burn as possible will take place while the piston is still high in the chamber, so that the heat energy released by the expanding gases will be available to the maximum extent for driving the piston on its down stroke.

However, having the combustion energy released so early in the tightest confines of the piston cylinder also means that combustion will be less complete because of the higher surface to volume ratio that occurs when the piston is near the top of its stroke. The high surface to volume ratio results in a greater fraction of the hydrocarbon compounds being in contact with the surfaces of the engine during the combustion process, where they are not burned because of flame quenching. Combustion near top dead center also maximizes expansion of the mixture that occurs thereby lowering exhaust temperatures and reducing the continued oxidation reaction that occurs in the exhaust system.

To combat this, the spark can be "retarded" or fired at a later point in the cycle. This delay in starting combustion means that less expansion will have occurred when the piston reaches the bottom of its stroke and the exhaust gas will be hotter, which in turn allows the reaction by which hydrocarbons are burned to harmless substances to continue in the exhaust system. This results in lower hydrocarbon emissions from the tailpipe.[7]

As far as we know today, spark retard always and unambiguously results in a reduction in fuel economy. For this reason, the auto companies have begun to eliminate or reduce its use whenever they can. However, to the extent that they are unable or unwilling to apply other methods to meet a given emission standard spark retard will be used, and fuel economy will suffer. This point has been stressed over and over again. G.M. App. I–b–2; F. App. II–B pp. 13–14; C. App. IV–A–15; Tr. 71, 299.

b. *The State of the Art*—1. *Non-Catalyst Technology.* The auto companies are pursuing two basic approaches in their attempt to reduce emissions from the engine itself. The first is to control and vary certain engine functions more precisely under different driving conditions; the second is to change some of the basic fixed components of the engine so as to make its baseline emissions lower.

The premise of the first approach is that there is a wide gap between the variety of different speed, acceleration, load, temperature, and altitude conditions which an engine is likely to encounter and the ability of such engine functions as spark timing and fuel metering to adjust to them. In part, this has been the result of ignorance—the auto companies have just not known what exact engine adjustments would be optimum under any given circumstances. In recent years, studies of this matter have picked up considerably.[8] G.M. App. Appendix 7, Attachment 1, Ford letter 1/14/75. Second, even where the proper adjustments are known, the technology in use on automobiles today is often just not flexible enough to achieve them. Efforts to control engine functions more closely have yielded one major success so far. It involves the use of modulated exhaust gas recirculation (EGR) to reduce NO_x emissions.

The amount of NO_x formed in an engine is dependent on high temperature, length of combustion, and the amount of oxygen present, all of which combine to maximize NO_x emissions when the air/fuel ratio is slightly lean. Accordingly, the first steps taken to reduce emissions of hydrocarbons and carbon monoxide also increased NO_x emissions.

To control this, the auto companies began to recirculate some exhaust gas back to the engine air intake, where it was inserted and passed through the combustion process once again. The use in the combustion chamber of this exhaust gas rather than air tends to lower the oxygen concentration and the combustion temperature, and hence to lower NO_x emissions.

For several years it was thought that the addition of an inert substance to the combustion chamber would inevitably deteriorate the quality of the combustion and harm fuel economy. Work by General Motors has now demonstrated that this is not the case, and that in fact moderate amounts of EGR can improve fuel economy. Gumbleton, Bolton, and Lang, "Optimizing Engine Parameters with Exhause Gas Recirculation", SAE[9]

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[7] Carbon monoxide is not nearly as sensitive to spark position as hydrocarbons being influenced mainly by the air/fuel ratio. G.M. App., Appendix 7, Attachment 1, Fig. 9. This is because CO burns to harmless substances at a significantly higher temperature than hydrocarbons, which means that the extra heat supplied to the exhaust system by spark retard alone is less effective in controlling it. See Tr. 748, 1250.

[8] A year and a half ago, at our hearings on suspension of what was then the 1976 oxides of nitrogen emission standard, Dr. Hutcheson of the National Academy of Sciences testified that under the pressure of the emission standards in the Clean Air Act

The automotive industry, in my opinion, has in the last three years or so learned more about the engine in the automobile that they make than they ever knew before. 1976 Suspension Hearings transcript, p. 1299.

This knowledge appears to be growing as the pressure is kept up.

[9] The Society of Automotive Engineers (SAE) is the established forum of the auto industry for the presentation and exchange of technical papers.

Paper 740104, reproduced at G.M. App., Appendix 7, Attachment 1. Besides changing the ratio of specific heats of the mixture, EGR tends to improve fuel economy for two other reasons:

(i) Because the EGR dilutes the "fresh mixture, less throttling is required at a given speed and load point. This reduces the pumping losses that make the conventional engine inherently less efficient than the diesel.

(ii) EGR provides "mechanical octane" allowing more spark advance without knock than would otherwise be the case. See Tr. 836; G.M. App. Appendix 7, p. 7.

The GM work also indicates that a higher percentage of EGR in the air stream can be tolerated without adverse effects at higher engine loadings than at low ones. Since NO_x emissions also increase with engine loadings, this increasing EGR tolerance would allow more EGR to be provided just when it was needed. See Tr. 870 (Ford).

However, the EGR systems initially in general use did just the opposite—they provided the maximum percent of EGR at low loads, and decreased it as the loads got higher. For some time the defects of this system in causing decreased fuel economy and driveability were attributed to EGR generally.

Since then, EGR systems that provide a more constant percentage of EGR with increasing engine load have been developed and are in use on some 1975 models. They are a major reason, along with catalysts, for the increased fuel economy of the 1975 models, though not all 1975 cars use them. To this extent, then, the theoretical studies of engine performance initiated by the need to control emissions have paid off. Tr. 458–59, 461 (GM).

But the final step to providing an increased proportion of EGR at higher loadings cannot be taken until new hardware is developed. Chrysler and Ford are both developing a system that would accomplish this by controlling EGR metering electronically. Ford hopes to have this system ready for the 1978 model year. C. App. III–A–11. Tr. 168; F. App. VI–J pp. 2–3, Tr. 869–70. Each of the big three auto companies is also working on electronic control of major engine variable. GM App. Appendix 15, pp. 11–12, F. App. VI–E p. 2, Tr. 39–40 (Chrysler). See also Tr. 3138, 3146–48, (Bendix testimony that such a system can be ready by the 1978 model year).

The two engine functions aside from exhaust gas recirculation that would probably be controlled by an electronic system are spark timing and air/fuel ratio. Though ideally all three should be controlled at once so that their total operation can be put together in the most efficient way, control of any single function by itself would also be a significant advance.

It appears that electronic control of spark timing could definitely be installed on a large number of 1977 vehicles. GM plans to introduce it by then, while Chrysler is aiming at 1976. Tr. 75–76; 186–87; 576–84; GM App. 3–a–5.

The time in the piston cycle at which current spark systems fire is generally governed by simple mechanical or electrical linkages to such other engine functions as engine speed and manifold vacuum. Electronic control would allow a wider range of variable to be sensed, and would allow the timing of the spark response to be more flexibly programmed. Status Report p. 3–15; GM App. Appendix 8; C. App. II–C & D–6; Tr. 576–78 (GM).

Electronic control of the air-fuel ratio seems farther off, even though the principle to be used is well understood. Volvo plans to introduce a form of such control on its 1978 models. Tr. 1337–8.

To control air/fuel ratio electronically, a sensor would be placed in the exhaust stream to monitor its composition and feed any necessary adjustment signals back to the fuel metering system. Tr. 3289 (Chrysler), ("ultimate solution" to control problems); Tr. 3518 (Ford), ("we desperately would like to have a control system that would allow us to peg air/fuel ratio"). Bosch has developed a sensor that is capable of "pegging" the air/fuel ratio at stoichiometric and will last for 15,000 miles, NAS Rpt. p. 61; Tr. 2988–90, and it is this sensor that Volvo plans to use. Tr. 1379 (See also Tr. 1054–55 (VW), 1843 (Englehard).

The domestic manufacturers, however, want to calibrate at a leaner ratio for better fuel economy, and sensors that will work in that range are still in the early development stages. F. App. VI–M; Tr. 3133–36; 3303, 3307, 3511. No witness would predict when they might be ready for general use.[10]

The industry, in addition to these efforts to control engine functions more closely, is attempting to reduce the baseline emission characteristics of the present engine by changing some of its components. Efforts here are centered in two areas: Reducing emissions during the first minute or so of the Federal emissions test, and enabling the engine to run farther in the lean range without adverse consequences.

When an engine starts "cold" after having been shut off for some time, the low temperatures makes it hard to mix the fuel with the air so as to create a partly vaporized combustible mixture. To counteract problems in getting the ignition to catch the choke is used to increase the fuel/air ratio during this period. However, the excess fuel is not burned completely even when ignition is achieved, and so HC and CO emissions during cold starts tend to be very high. On catalyst-equipped cars this problem is magnified, since these emissions go essentially uncontrolled by the catalyst which is still at too low a temperature to have begun working.

For these reasons, the auto companies have devoted an increasing proportion of their development efforts to the "cold start" with which the official EPA certification test begins. Tr. 569–71; 777. The aim has been to reduce the need for excess fuel metering, and the time during which it is applied. To this end, devices such as chokes which automatically and quickly turn themselves off and pipes to divert exhaust gases past the wall of the intake system to heat it up quickly and thus warm the fuel during cold starts have been developed and installed on many current production vehicles.

Two new developments in this area appear to have immediate promise. The first is a small electric resistance heater (like a hot-plate) which would be installed in or near the outlet of the carburetor and, when turned on, would vaporize a small amount of fuel whatever the outside temperature was. By use of this device, reported by Chrysler, C. App. IV–A–21, the substantial excess amount of fuel provided by the choke would be replaced by a smaller amount of fuel heated and vaporized so as to be more readily burnable. Chrysler, however, declined to set a target date for introducing this device, though they did indicate that it would not happen in the near future. Tr. 207–10.

The second development—the Dresser carburetor—is far more sweeping and promising. It would also require extensive new investment, which may be one reason the auto companies have been markedly reluctant to explore its potential. There is no reason to believe, however, that the final cost would be dramatically increased over present carburetors. Tr. 1459–60; 1558–59; 1509–10.

In all carburetors there is a narrow passage between the fuel metering device and the intake manifold through which the air/fuel mixture passes. The speed of the mixture at that point is a function of the pressure differential across the passage, which varies due to changes in the throttle position. The Dresser carburetor simply varies the size of that opening and no throttle is used. The size of the opening is controlled to a range that ensures that the speed of the mixture at the throat of the passage is almost always the speed of sound. Tr. 1433–36. The shock wave created

[10] Air/fuel ratio could probably not be controlled as tightly by such a system in a car equipped with a conventional carburetor as in one using fuel injection, in which the fuel is sprayed directly into each intake port through a nozzle.

In a carbureted vehicle the air/fuel mixture must pass through the carburetor and be distributed to the intake ports after the fuel has been metered in. During this period the air/fuel ratio may be disturbed by settling of fuel on the manifold walls and similar phenomena. In addition, the time that the mixture takes to make this journey delays the response of the total system to feedback signals. Tr. 1504–05; 3014–15.

With current control systems, these differences are probably not important, NAS Rpt. p. 48, G.M. App. 3–a–6; Tr. 887, but with more sophisticated approaches such as a "three-way" catalyst, a switch to fuel injection or some other alternative to the conventional carburetor would most likely be necessary. G.M. App. Appendix 15, p. 3. Though fuel injection technology is fully developed, no domestic manufacturer has any plans to make this switch in quantity, and it probably could not be completed until several years into the 1980's. Tr. 882–8; 3024–28, 3031.

downstream of the throat by the transition from supersonic to subsonic flow atomizes the fuel droplets and creates a very fine and even mixture of air and fuel.

Since the amount of air flowing through the carburetor can be precisely calculated from the fact that the speed of sound is a constant, control of fuel metering should be all that would be necessary to achieve very precise control of the air/fuel ratio. Tr. 788, 1437.

The evidence at the hearing was virtually unanimous that the Dresser carburetor represents a significant advance over prior systems, although the auto companies were noticeably less enthusiastic in this regard than other witnesses. NAS Rept. p. 48, Status Rept. pp. 3–11–12, 7–41–45, F. App. VI–C–10 ("test fixture results of an encouraging nature"); C. App. Vol. IV, p. 152 ("considerable promise" but "unproven"); G.M. App. Appendix 19 p. 9 ("no significant improvement in exhaust emission control or fuel economy"); Tr. 214–24 (Chrysler) ("excellent potential"); Tr. 787 (Ford) ("we are encouraged"); Tr. 1496–97 (Carter Carburetor) ("a definite improvement over the present day carburetors"); Tr. 1554–55 (Holly Carburetor) ("convinced" it "represents a real and significant advantage over the types of carburetors that are employed on cars today"), 2414 (NAS).

The principle of the Dresser carburetor has been known since 1970. Tr. 1451–52. Yet even Ford, the company which has worked the most with this device, testified that even on an optimistic view it would not be possible to put it on production vehicles before the 1979 model year. Tr. 786, 795. Other witnesses concurred. Tr. 1502 (Carter Carburetor); 1556 (Holly Carburetor).

The very even mixture which the Dresser carburetor produces means that ignition during most cold starts should be achievable without choking and warm-up devices. In addition, the improved combustibility of such a mixture should make it possible to operate further in the lean range without misfires.

Operating further in the lean range in this manner would amount to a change in the characteristics of the engine described in Figure 1. With better fuel preparation, operating lean need no longer cause misfires and an increase in emissions. Instead, the leaner mixture can make possible more complete combustion of the fuel, thus reducing HC and CO emissions, while the reduced combustion temperature also lowers the formation of NO_x. The "lean burn engine" much discussed at the hearings is simply a more or less conventional engine with various new components and adjustments that allow it to operate leaner.

Many improvements in use or under development to improve operation in the lean range affect the combustion process itself. High-energy ignition which provides a longer and hotter spark and eliminates moving parts in the ignition system is standard equipment on some vehicles today. Minor modifications to the piston chamber and head are also being investigated.[11] By far the most public interest here, however, has centered on stratified charge engines such as the CVCC now being produced by Honda.

These engines all work by dividing the fuel/air mixture in the combusion chamber into two portions, one fairly rich, and the other quite lean. The rich charge is ignited first, and it in turn provides enough energy to ignite even a mixture too lean to be touched off by an ordinary spark plug. Mixtures which are thus very lean on the average can be ignited this way.[12]

Finally, the industry is also working on modifications to the exhaust system. The most dramatic of these—the catalytic converter—is discussed in the next section. Other modifications short of this, however, have also made great progress.

One other approach is simply to insulate the exhaust system so that heat will be retained in it longer. This will make it possible for HC and CO emissions to burn themselves to harmless substances for a longer period even after they leave the engine. Ford has achieved substantial results with this approach, but claims that most of the new developments will not be ready for production by the 1977 model year. F. App. VI–A–1–3; VI–F–3–5; VI–O; Tr. 782–84. See also Status Rept. 3–7; C. App. IV–A–22–42; Tr. 212–13.

As noted on page 11 above, many cars use an air pump to accelerate the combustion process in the exhaust system either with or without a catalyst. It is generally agreed that in theory maintaining a constant proportion of air in the exhaust system is the best way to promote combustion, a condition that air pumps currently in use do not provide. Both GM and Ford have experimented with "modulated air" to correct this fault, Ford with encouraging results, GM with results it labels indifferent. F. App. VI–L; G.M. App. Appendix 6 pp. 4–6; see also C. App. Vol. IV p. 154. Though the modification to the air pump needed to accomplish this is simple and cheap, Status Report p. 3–11, no auto company has announced plans to install it on their 1977 models.

ii. *Catalyst technology.* The most significant facts that catalyst technology have already been set forth—that it has proved highly effective in controlling emissions, fully capable of mass production, durable in certification testing and field trials, and that it gives promise of being durable in use.

The National Academy of Sciences has stated that:

> What is really needed is a better understanding of the engine characteristics that lead to catalyst deterioration. As these are better understood through experience and this information is reflected in better engine-control designs, it should be possible to meet much lower standards easily with catalyst-equipped vehicles. NAS Rept. p. 41.

Despite this, and even though considerable work was reported on tighter control of other engine functions, virtually no work along these lines was reported by the auto companies.

Indeed, the only major new development disclosed by auto companies was aimed at the problem of "cold start" emissions discussed in the preceding section. This work involves the addition of a small second catalyst to the exhaust system very close to the engine and ahead of the main catalyst. The small size of the catalyst, combined with its position close to the source of heat in the engine, means that it will reach working temperature and begin converting HC and CO to harmless substances sooner than the main catalyst can. Once the main catalyst begins functioning, the small catalyst can be switched out of the exhaust system to preserve its durability. Status Report 3–9–10; Tr. 1927–29. See also Tr. 170–71; 538–43, 558.

Both GM and Chrysler have indicated that use of a "start catalyst" is part of their first choice system for meeting the 1977 standards. C. App. IV–A–1; GM App. 4–a–1–2–3. Though not much testing has been done, and though the auto companies were very cautious, it appears that this device has the potential for both improved emission control and improved fuel economy at the same time. Tr. 298, 556–57.

The catalyst companies appear to be concentrating their efforts on new catalyst formulations that will retain a high efficiency for controlling HC and CO for longer periods. Substantial progress appears to be being made. Tr. 562–66; 767–69; 1829; 1933; 2103–04; 2212; 2219–20; 2239–40; 2304.

In at least one area of analysis more general agreement between EPA and the auto companies on how to assess catalyst performance seems to have been reached. Though certain areas can be pointed to where the functioning of the catalyst and the engine to which it is attached may influence each other, Tr. 182, 584–85, 2084–85, the three major auto companies

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[11] Yamaha has developed a system of engine modifications that it claims can achieve the statutory emission standards through a "lean burn" approach without the use of a catalyst and at a total cost of fifty dollars. Though the details of the system are still proprietary and will not be discussed, cars equipped with the Yamaha system have been tested at the EPA Ann Arbor facility and represent a significant engineering advance in the opinion of my technical staff. Status Report 7–46–47; Tr. 1401–02; 1426–27.

[12] As discussed below, Ford and Chrysler have cancelled their rotary engine (Wankel engine) development programs, and GM has postponed the introduction of its rotary engine indefinitely, in each case because of inability to achieve emission standards with anything like acceptable fuel economy.

Toyo Kogyo ("Mazda") which introduced the rotary, however, seems confident of making the rotary competitive again by adapting the stratified charge concept to it. Since the rotary engine works on the same principle as the piston engine, with the rotor taking the place of the pistons and certain specified areas along the rotor chamber wall taking the place of the cylinders, there is no theoretical reason why this cannot be done.

appear now to have adopted EPA's long-standing position that these are minor enough to be overlooked, and that for analytical purposes emissions from any conventional automobile engine operating without a catalyst can be adjusted to account for the addition of a catalyst simply by adjusting for the percentage reduction in emissions which that particular catalyst has been shown to produce. G.M. App. 4–a–2, p. 6, 9 F. App. III–D; Tr. 329–31 (Chrysler); Tr. 808 (Ford). In other words, the catalyst functions as a percentage reduction device by which the emissions from an engine are reduced to a fraction of their former value without otherwise affecting the operation of the engine in any way.

What is more, oxidation catalysts can also be added to any variety of "alternate engine" as long as it uses unleaded gasoline, and the same emission reductions will result. This takes on importance as it begins to appear (see Section III–1–d below) that some of the most attractive "alternate engines" from a fuel economy standpoint may need a catalyst to meet low emission numbers.

c. *Ability to Achieve the Standards in 1977.* The central question raised by these applications is whether "effective" control technology is available to achieve compliance with the statutory HC and CO emission standards in the 1977 model year. As I indicated above, the question of sulfuric acid emissions to my mind prevents such a determination.

If it were not for this issue, the determining factors here would be:

(i) Can enough models of vehicles to meet 1977 "basic demand" be certified prior to commencement of 1977 model year production?;

(ii) Will these vehicles comply with the other emission control requirements of the Clean Air Act, such as assembly-line testing and in-use compliance?; and

(iii) Can these vehicles be mass-produced in quantity?

No witness seriously denied that the actual hardware needed for 1977 compliance could be produced and installed on vehicles in the time remaining. Such an argument would be hard to accept in any event, since the industry has already demonstrated its capacity to smoothly make the far greater production shift attendant on widespread introduction of the catalytic converter during the 1975 model year.

As for certification, all three applicants admit that they can certify a number of model lines at the statutory standards in 1977. Chrysler and General Motors express some uncertainty as to whether they can certify all their models, and only suggest that they probably could not. Tr. 35, 49, 70, 156 (Chrysler); 300, 394 (GM), while Ford makes a determined effort to demonstrate by quantitative analysis that only a small percentage of its vehicles could qualify. F. App. III–D, Letter of 1/22/75; Tr. 628–29.

Assessing the validity of these claims is considerably more difficult than it was at the time of our two hearings held in 1973. The level of vehicle testing aimed at achieving the statutory emission levels has dropped off considerably since that period, an interesting fact which argues that either the auto companies are already confident of their ability to achieve the standards, or that they do not believe that the standards will be enforced.

Nevertheless, my technical staff has again estimated the ability of the industry to certify by use of a quantitative methodology.

The characteristics of this methodology have been the subject of far-reaching disclosure and comment in the past, and no detailed recapitulation is necessary here. However, two points about it should be made. The first is that every promising test result on a given car is adjusted to take account of the possibility that the same car, tested again, might not perform so well, and only those readings which are so low as to give high confidence that the results of any retest would also be below the standards are used to predict an ability to certify. The second is that although test results obtained from cars that did not use the full range of emission control systems available were adjusted to indicate what the result would be if the missing pieces had been used, this was only done to the extent that the portions omitted will be available for production in 1977. Accordingly, no credit was taken for most of the promising new approaches discussed in the preceding section.

The results of this approach are that models representing between ninety and one hundred percent of the sales of each of the applicants, and of their total sales, are predicted with high confidence to certify at the statutory levels in 1977.

The auto companies also argued, with varying degrees of specificity, that whatever their ability to achieve certification might be, their ability to comply with the recently proposed EPA assembly-line test regulation, see 39 FR 45360 (Dec. 31, 1974), would be substantially less, at least if any more than half the cars were required to meet standards.

That argument has been considered, and an analysis of it is set forth in the Technical Appendix. Briefly, it indicates that assembly line testing may have some impact on the ability of the manufacturer to certify, but that tighter quality control in actual production can tend to offset any such effect.

Predicting the ability of 1977 systems to comply with those sections of the Clean Air Act aimed at ensuring that vehicles meet the emission standards in customer use is more difficult, both because the actual methods of administrative implementation of these provisions have not been settled by EPA and because there has been little experience with catalyst cars in the hands of consumers. However, what information there is suggests as noted above that catalysts are durable in use, and that cars meeting the 1977 emission standards in 1977 could achieve substantial compliance even with fairly stringent approaches to implementing these provisions.

d. *Emissions, fuel economy, and alternative engines—i. Emissions and fuel economy—the effect on the engine.* Every automobile engine, when tuned for maximum fuel economy, emits pollutants at a certain rate. For some engines, this rate can be quite low. Some diesel engines meet the 1977 standards without any adjustment for emission control at all, Tr. 755, and Honda testified that its CVCC engine delivers the best fuel economy when tuned to the California standards, not to some higher number. Tr. 1228.

The same relationship holds for more conventional engines and their associated after-treatment devices. To every combination of carburetor, intake manifold, combustion chamber design, ignition system, catalyst, and the like, there corresponds a given emission level when the engine is tuned for maximum fuel economy.

If that system is now required to reduce emissions below that level, this can be done in two ways. The engine can be recalibrated, probably through the use of spark retard, and fuel economy will suffer. Alternatively, the system design can be changed so that its basic emissions are lower. There is no inherent reason to believe that such adjustments will be bad for fuel economy, and in the past many such adjustments have been good for fuel economy. Status Report 3–3, 6–1–2; Tr. 245.

This point was extensively discussed at the hearings, and accepted by the auto companies, albeit at times with some reluctance. Tr. 75, 169–70, 187, 234, 330 (Chrysler); Tr. 464–65 (GM); Tr. 752–57, 783–84, 814, 819–20 (Ford); Tr. 1038 (VW).

It is for this reason that the National Academy of Sciences and my technical staff are in agreement that:

> The reduction of emissions insures neither a reduction nor an increase in engine efficiency, with the citing of examples of both cases possible. NAS Rept. 31; Status Report 2–1; 2–3; 3–3; Appendix B.

The testimony at the hearings indicated that the engine-catalyst systems being used to meet the current national interim standards could not deliver very much more fuel economy than they do now even if all emission standards were completely removed. Tr. 453 (GM) ("I think we are probably near the flat part of the curve"); Tr. 245 (Chrysler) ("[I]f NO_x were not a consideration, we have got 4 or 5 percent in fuel economy we could pick up * * * [o]ffhand, I don't think [a relaxation of HC and CO controls from that level] really would help much").

At this point, two questions arise. The first is whether new advances in technology might change this relationship, and make it possible to gain dramatic increases in fuel economy through the installation of some new device that would also increase emissions.

The answer here is simple. Absolutely no testimony concerning any such device was introduced in these proceedings and in the opinion of my technical staff, there is no reason to believe that any such device exists.

The second question is whether technology is being developed that has the potential for reducing emissions and improving fuel economy at the same time. The answer is that virtually every new approach under investigation has this potential.

Electronic control of engine functions should have the effect of making greater fuel economy possible at any given level of emission control, and vice versa. It would replace engine adjustments made for no reasons other than the shortcomings of the current control system with adjustments that have been made for a purpose. That purpose could be either fuel economy or emission control or any combination of the two.

Indeed, though the necessary detailed work on engine relationships has not yet been done, the example of EGR control discussed above makes it reasonable to expect that in other areas potential trade-offs can be minimized, and one factor maximized, at essentially no sacrifice in terms of the other.

Efforts to reduce "cold start" emissions are almost all good for fuel economy, since they generally aim at reducing the use of excess fuel at this point in the driving cycle.

Engines using the Dresser carburetor and other "lean burn" systems also appear to have inherently lower emissions when tuned for maximum fuel economy than do current engines. This tendency is to be expected, since operating leaner (i.e. with less fuel in the air) without misfire should make the same amount of fuel go farther and also reduce pollution as more complete combustion is achieved.

Finally, improved catalysts and exhaust treatment devices will reduce emissions at essentially no cost in fuel economy.

ii. *Fuel economy and "Alternative Engines".* Much discussion in recent years has focused on the ability of engines that differ from the current one in some respects to achieve low emission levels, and it has often been said that the ultimate answer to the auto emissions problem lies in the general adoption of one or more of these "alternative engines". With increasing concern about fuel economy, the discussion has broadened to include the fuel economy benefits that might be realized at low emission levels through general use in passenger cars of either the diesel, the Wankel, or the stratified charge engine.

There can be no doubt that diesel-powered automobiles would have substantially greater fuel economy than any alternative foreseeable in the next ten years, or that their HC and CO emissions are naturally so low that meeting the 1977 emission standards is no problem at all. NAS Rept. p. 70, Tr. 898 (Mercedes-Benz).

However, the domestic auto companies have no firm plans to introduce diesel automobiles into this country, even though General Motors, at least, does produce a diesel for sale in Europe. Tr. 590–91. Mercedes-Benz, by contrast, is stepping up its diesel sales in the United States. Tr. 901–02; 937.

Though the domestics all give the alleged inability of the diesel engine to meet the ultimate statutory NO_x emission standard of .4 g/mi as a major factor in their decision, it appears that such other characteristics of the present diesel engine as low power-to-weight ratio resulting in sluggish performance, starting problems at low temperature, noise, odor and particulate[13] emissions, and the modifications that would have to be made to current engine blocks to enable them to accommodate the increased stresses of diesel operation are at least of equal importance. GM App. 4–a–7, pp. 8–10, F. App. V–c–1–12; C. App. IV–G–14; Tr. 589–91 (GM); 1142–48 (Nissan). Though in all probability many of these problems could be eliminated or reduced with work, very little along these lines was reported. NAS Rept. 74; Tr. 946–47.

The Wankel engine is at the opposite extreme. General Motors was planning to introduce it in the 1975 model year, but those plans have been shelved indefinitely due to poor emission control and fuel economy performance. GM App. 4–a–7 pp. 13–14, Attachment 2. The other two major auto companies have dropped their rotary engine programs outright. F. App. V–1, V–C–16; C. App. IV–G–9–10.

However, Toyo Kogyo, which first introduced the rotary engine into commercial use in the Mazda and which has demonstrated that the statutory emission standards can be achieved with it, plans to improve fuel economy by 50% over 1974 levels and achieve the statutory emission levels at the same time. Tr. 1240–41.

As discussed above, Toyo Kogyo plans to do this by adopting to the rotary engine the principle of stratified charge, which probably has received more attention than any other "alternative engine" approach.

The bulk of that publicity has focused on the use of stratified charge in what is otherwise essentially a conventional piston engine. One such modified engine—the Honda CVCC—has been in production in Japan for some time and has just gone on sale in this country.

The weight of opinion seems at present to agree that the Honda engine may not be the most attractive stratified charge engine from a fuel economy standpoint. An engine of a somewhat different design, of which the Ford PROCO is one example, seems to surpass it. However, those other engines will require a catalyst to meet the 1977 statutory standards. NAS Rept. p. 9, FE Rept. pp. 47–48, Tr. 685, 3534–37 (Ford), 2357 (NAS), F. App. V. p. 2. Honda believes that its system has good fuel economy potential and based on its past performance may well be proved right in the end. Tr. 1212. See also NAS Rept. p. 68.

Whatever alternate engine, if any, might ultimately be chosen, one thing clear from the hearing record is that introduction of such engines in quantity into domestic production cannot be expected any time soon. The NAS has estimated that if the decision to convert to diesels were taken today, and a high percentage of the domestic machine-tool industry made available to modify the engine lines so that diesel engines rather than gasoline engines could be produced on them, only 12% of American production could be converted to diesels by 1980, and only 17 percent by 1983. NAS Rept. p. 114. There is no reason to believe, however, that the domestic industry is close to making a decision to convert any significant amount of its capacity to diesels.

Conversion to the Wankel engine would take even longer, since it has a completely different shape from the current engine and much more extensive retooling would be necessary. As noted, the domestic industry has cut back or eliminated its Wankel programs.

As for the stratified charge, the NAS has estimated that up to 27 percent of domestic production could be converted to the use of CVCC engines by 1980 if the decision to convert were taken today, with the percentage reaching 41 percent by 1983. NAS Rept. p. 114. See also Tr. 1235 (Honda estimates less than 4 years lead time to begin CVCC production).

There is no prospect, however, that anything like that time-table will be met. In the first place, the domestic manufacturers have all stated explicitly that they will not even seriously consider conversion unless the statutory NO_x standard of .4 g/mi. is changed. They insist that engines which must operate in the lean range, like the stratified charge, cannot be used with a NO_x catalyst, which requires rich or stoichiometric conditions, and that use of a NO_x catalyst will be needed to achieve the statutory NO_x standard.[14]

But even if the NO_x emission standard were relaxed, there is no assurance that the change-over would be made. Since the auto companies can achieve both the statutory emission standards and—eventually—very significant improvements in fuel economy with the conventional engine plus a catalyst, the relative attractiveness of the stratified charge approach has been diminished. The substantial investment that would be required to make the change-over is another strike against it.

Chrysler and General Motors discussed their stratified charge programs only in the most general and conclusory terms, and resisted any implication that they were eager to move away from the pres-

[13] There is some concern that the diesel engine, even though it does not use a catalyst, may have a problem of sulfate emissions due to the high sulfur content of diesel fuel. NAS Rept. 144, Tr. 2386–87.

[14] There is at least some theoretical doubt about this last point. EGR alone can control NO_x emissions to very low levels with more or less constant fuel economy, but after a certain point only at the price of a steep rise in hydrocarbon emissions.

Improvements in hydrocarbon control techniques could therefore make possible increased control of NO_x without the use of a NO_x catalyst. F. App. VI–E–3; Tr. 457–61 (GM); Tr. 3316–21 (Chrysler). At present, however, it appears that the required degree of HC control could only be provided by an oxidizing catalyst.

ent basic engine configuration. GM App. 4-a-7, pp. 1-8; Appendix 21, p. 3; C. App. IV-G-10-13, Tr. 53, 319.

Even Ford, which has the most advanced stratified charge program among the applicants, declined to say definitely that it would introduce a stratified charge engine if relief from the NO$_x$ standard were obtained, Tr. 682-86, and estimated that complete change-over, even if the decision to go ahead were made, could not be accomplished much before 1980, Tr. 3521-22. Chrysler has estimated the first domestically produced stratified charge engine could not be on the market until 1980. C. App. IV-E-6.

iii. *The impact of engine characteristics on total fuel consumption by the automobile.* In evaluating all the publicity that has surrounded the alleged "trade-off" between emission control and fuel economy, it is important to recognize that the actual operation of the engine is a relatively small factor in determining the total amount of our fuel supply consumed by automobiles.

Historically, growth in the number of automobiles and the amount each automobile is driven has had far greater impact here than any decrease in average miles per gallon.

Page 20 of the EPA-DOT 120 day Report on Fuel Economy contains a circle graph showing that of the total increase in automobile fuel consumption between 1950 and 1972, 85 percent could be traced to growth in the number of automobiles, 8 percent to increased use of each individual automobile, and only 7 percent to a decrease in miles per gallon achieved by the average car.

When we focus on that last 7 percent, it is clear that the overwhelming influence on miles per gallon is vehicle weight. NAS Rept. p. 20. This was generally conceded to be true at the suspension hearings, Tr. 77 (Chrysler), 424-25 (GM), 2028 (UOP), and is self-evident from EPA certification test results, which show that in 1975 vehicles of 3000 pounds and under had fuel economy far better than vehicles of 5000 pounds and over.

It is interesting, then, to examine the extent to which the domestic manufacturers are planning to rely on reductions in the average weight of their model line to achieve the 40 percent fuel economy improvement goal to which they have committed.

Reduction in the weight of the average car sold by a given manufacturer can be achieved either (i) by selling a greater proportion of smaller models, such as more compacts as opposed to intermediates, or (ii) by redesigning a given model (such as the intermediate) to reduce its weight.

No manufacturer anticipated any future shift of its production to smaller models in excess of the trend of two to three percent a year that has been established for some time. C. App. Vol. IV, p. 160, GM 2/4 letter, Attachment I; Tr. 79-87, 249-50; 318; 421, 438, 650-51. Indeed Chrysler expected the proportion of cars over 4000 pounds that it would sell to be markedly greater in 1980 than in 1974.[16]

When questioned on this point, all three applicants replied that they only can sell what the market wants, and that they could not enforce a shift to smaller cars. Tr. 260-61, 270, 273 (Chrysler); 318, 428 (GM); 690-91 (Ford).

The economic forecasting models on which these sales predictions were based did not take account of any governmental action that might increase the price of gasoline. Tr. 436 (GM); 723 (Ford).

Two of the three applicants, however, are embarked on programs to redesign cars in a given category to reduce their weight.[17] GM said it will spend three billion dollars for this purpose between now and 1980. GM 1/16 submission, esp. Attachment 4; Tr. 318, 421-30.

Ford, though not giving investment predictions, did indicate that it, too, would be active in this field. Tr. 647-48. Chrysler, however, gave no similar indication, and in fact strongly suggested it had no such intention. C. App. Vol. IV, pp. 208-10; Tr. 259, 262.

Finally, even when weight is ignored, changes in engine efficiency are only one of the modifications that can be made to a vehicle to increase its fuel economy.

The EPA-DOT report lists a number of other measures such as radial tires, better transmissions, smaller engines for big cars and better streamlining that could also be employed. The relative impact of these measures (excluding weight changes) for different car sizes is estimated as roughly equal to the gains that could be realized by increases in engine efficiency. FE Rept. pp. 40, 42. Since that report has been criticized for being over-optimistic about engine efficiency improvements, while its estimates of non-engine improvements have been endorsed by General Motors, GM 1/16 Letter p. 2, these percentages probably underestimate the relative importance of non-engine improvements. But see C. App. Vol. IV, pp. 145-51.

c. *Lead in gasoline.* All gasoline stations over a certain size are currently required by EPA regulation to have available at least one grade of unleaded gasoline of at least 91 octane for use by catalyst equipped cars. These regulations have been judicially upheld. Although unleaded gasoline will be increasingly required in future years as the number of catalyst-equipped cars on the road increases, and will be required at at least the present levels as long as the number of catalyst-equipped cars on the road does not decline, several parties to the suspension hearings, including Chrysler, suggested that future emission control systems ought to be made compatible with the use of lead in gasoline." Tr. 179, 1446, 2639.

To understand their argument, some background is necessary. The ratio between the volume created in the piston chamber of an engine when the piston is at the end of the power stroke and the volume created when the piston is at the point of maximum compression is called the "compression ratio". Ideally this ratio should be as high as possible, since the more tightly the fuel-air mixture is compressed before the power stroke begins, and the greater the distance through which that given quantity of fuel/air mixture moves the piston during the power stroke, the more work is obtained from the same combustion.

However, when an air/fuel mixture is compressed in a cylinder, the compression heats it. At high compression ratios, this can cause premature partial or complete detonation of the mixture, causing "knock". The measure of a given fuel's resistance to "knock" is called its "octane".[17a]

Traditionally, refiners have increased the octane of their gasoline by adding lead to it, and the use of lead additives increased greatly with the increase in compression ratios an doctane requirements in the 1950's and 1960's. The lead inhibits the tendency of the gasoline to spontaneous ignition, and its more addition changes a low-octane fuel into a higher-octane one. The same octane levels that are reached by the addition of lead can only be reached without it by use of more high octane hydrocarbon components which are produced by additional refining. More intense refining

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[16] A lighter car will also have an easier time meeting any given set of emission standards. NAS Rept. p. 105, F. App. Appendix 3-C, Tr. 696-97, 1433.

[17] The 40 percent improvement goal has been distributed unequally among different manufacturers, with those whose 1974 fuel economy performance was the worst undertaking to make the most significant gains. Under this formula GM has said it will try to achieve a mileage gain by 1980 of 53 percent, Chrysler of 35 percent, and Ford of 30 percent.

[17] Lead has to be removed from the gasoline used by catalyst-equipped cars because otherwise it will poison the catalyst, reducing or eliminating the catalytic activity.

Chrysler has suggested that this may not happen if lead alone is used in the gasoline, instead of in combination with certain other chemicals as is presently the case. However, they appeared to have some doubts as to whether this really was the case, and practically every other witness disagreed with the suggestion. C. App. I-B-34, 1V C&D-17-18, Tr. 2847-51 (Du Pont); But see Tr. 172, 191-2, 367-8 (Chrysler); 479 (GM); 862-3 (Ford); 1665-80 (Exxon Research & Engineering); 1943-44 (Matthey-Bishop).

[17a] Some proportion of production cars generally show an increase in the average octane of gasoline required at a given spark setting after they have been in use for some time. If higher octane gasoline is not available, the spark must then be retarded to avoid "knock" with a consequent further loss in fuel economy.

Concern has been expressed that 1975 automobiles may be more susceptible to this "octane requirement increase" than cars sold in prior model years. This question has been extensively explored, and, though the data is not all in yet, the majority of witnesses felt there was no reason to believe this would be the case. Tr. 282-289 (Chrysler); 604-13 (GM); 838-44 (Ford); 972-73 (Mercedes-Benz); 1016-17 (AMC); 1086-90 (VW); 1130-31 (Nissan); 1196-97 (Toyota); 1365-69 (Volvo); 1658-63 (Exxon Research and Engineering); 2835, 2852-61 (du Pont).

processes in turn are expensive and involve some energy loss.

Auto manufacturers anticipated that due to this, high-octane unleaded gasoline would not be available when the catalyst came into general use, and since the 1971 model year they have designed their cars with relatively low compression ratios to enable them to run on low-octane unleaded gasoline. This has entailed a fuel economy penalty estimated by EPA at 5 percent. Status Rept. p. 3–5. See also NAS Rept. p. 15 (6 percent).

Those who urge putting lead back in gasoline of course admit that it entails removing catalysts from cars (or at least from new cars) and at least a temporary relaxation in emission standards. Their argument is either that the standards are more stringent than necessary, or that new engine developments such as the stratified charge will enable the standards to be met by cars that use leaded fuels.

What the first argument misses is that even at more relaxed emission standards, catalysts may allow more fuel economy to be gained by retuning the engine than is lost by lowered compression ratio. This happened in the 1975 model year, when use of catalysts to meet the national interim standards enabled the auto industry to achieve levels of fuel economy even better than pre-controlled cars. Status Rept. p. 3–6. Ford testified that in the 1976 model year it would be adding more catalysts to its cars aimed at the national standards in order to improve fuel economy.[18] Tr. 837, See also NAS Rept. pp. 15, 135.

It is true that many of the emission control developments discussed above have the potential for achieving emission levels down to the level of the California standards without catalysts. But given the sluggish pace at which the industry usually moves, it would be a mistake to believe that these devices will be used across the board before the 1980's. And even then, it is virtually certain that control with good fuel economy at the level of the statutory standards will still depend on the use of the catalyst.

What is more, there is no certainty that the use of lead in gasoline will be of any benefit after some years have passed.

One way to increase the compression ratio possible with a given engine is to raise the fuel octane. But another way to raise compression ratio is to make changes to the engine itself to alter its combustion characteristics so that increased compression ratios are possible without a change in octane. The auto companies are focusing now on items like changes in the shape of combustion chambers and the measured use of EGR that can provide such "mechanical octane". Tr. 836, 838 (Ford); Tr. 1485–86 (Dresser carburetor provides same "mechanical octane"), F. App. III–B–22.

To the extent that this work succeeds, the potential advantage to adding lead will be reduced, since there is a limit to the increase in compression ratio that will still yield fuel economy benefits. Little benefit is achieved beyond a compression ratio of about 10:1 because of higher rates of heat loss that occur as the compressed mixture becomes hotter and hotter. The heat loss on compression and during combustion eventually exceeds the benefits of increased expansion.

And if in five years or so, the shift is on to an alternate engine such as the stratified charge, there will be no benefit to adding lead to gasoline at all. The Honda CVCC, the Ford PROCO, the rotary engine, and the gas turbine all can give their best performance on fuels of low octane. NAS Rept. pp. 15, 136; Tr. 1235 (Honda recommends "unleaded or low lead" gasoline for use with CVCC).

Quite apart from fuel economy considerations, there are other merits to keeping the lead out of gasoline.[19]

Lead in gasoline tends to settle on engine parts such as valves, spark plugs, and cylinder heads, and impede their operation. Though other chemicals are added to the gasoline to counteract this tendency, they are not completely successful, and periodic maintenance to remove these deposits is necessary for a car running on leaded gasoline.

It is generally accepted that the savings an owner of a car that runs on unleaded gasoline will realize from not having to perform this maintenance are about equal to the extra cost due to reduced gasoline mileage. NAS Rept. pp. 15, 135.

There are also emission control benefits from removing the lead from gasoline, since lead deposits when they build up inhibit the functioning of the emission control system. It has been estimated that the reduction in emissions for a given non-catalyst automobile between running on leaded gasoline and on unleaded gasoline amount to .75 g/mi of HC and .75 g/mi of NO_x. NAS Rept. p. 128. See also pp. 14, 120, 127–28; GM App. 4–a–2–3–4; Tr. 514 (GM). It is reasonable to expect that this difference will increase as future emission control systems become more sophisticated and are built to tighter tolerances.

f. *The question of sulfates*—1. *The Dimensions of the problem.* "Sulfates" is the chemical name generally given to a class of sulfur compounds consisting of a sulfur-oxygen group (SO_4) bonded together with an atom or molecular group of varying composition. Examples are sulfuric acid (H_2SO_4), ammonium sulfate ($NH_3 SO_4$), and sodium sulfate ($NaSO_4$).

A large portion of the sulfur emitted into the atmosphere as sulfur dioxide (SO_2) eventually reacts with oxygen to form one of these sulfate compounds. Gasoline contains small quantities of sulfur, which is normally oxidized to sulfur dioxide (SO_2) in the engine and, after expulsion through the exhaust, becomes part of the general pool of atmospheric sulfur being converted to sulfates.

It is now generally accepted that catalysts in current use on automobiles speed up this oxidation process (speeding up oxidation of HC and CO is of course the catalyst's intended function) and thus cause the SO_2 produced in the engine to be converted to SO_3. The SO_3, when mixed with the ample water vapor always present in vehicle exhaust, becomes sulfuric acid (H_2SO_4) and is emitted from the tailpipe as fine particles that would readily be inhaled deeply into the lungs. Although this chemical reaction of SO_2 in the catalyst does not appreciably increase the contribution of the automobile to total atmospheric sulfate loadings, it can substantially increase local ambient air sulfuric acid concentrations around roadways. On non-catalyst cars, almost all if not all of the SO_2 produced in the engine is emitted from the tailpipe as SO_2, and represents at most one percent of all SO_2 emitted into the atmosphere from all sources.

In assessing the extent of any such potential problem, three questions must be addressed. These are

(i) What are the sulfate emissions from catalyst-equipped vehicles?

(ii) What is the effect on public health of given atmospheric sulfate or sulfuric acid levels? and

(iii) If given levels of atmospheric sulfates may have adverse health effects, is it possible that emissions from catalyst cars may result in atmospheric levels above that "threshold"?

Virtually every aspect of the sulfates question is replete with uncertainty. There is uncertainty about the health effects of "sulfates" generically, together with a distinct possibility that health effects may vary according to the size, chemical composition and acidity of the particular "sulfate" involved, and whether or not other pollutants are present. There is uncertainty as to what total emissions of sulfates will be from a population of catalyst cars, since actual real-world vehicle driving patterns (which can have marked effects on the rates and levels of sulfate emissions) are not known precisely enough. Finally, there is uncertainty about what atmospheric concentrations will actually result from a given level of sulfate emissions, and there seems no way to answer this question short of actual measurements in the field.

However, there is little question that sulfuric acid is emitted from catalyst equipped motor vehicles in a particle size range that can be inhaled deeply into the lungs. There is also no question that the amount of such emissions is substantially

[18] In fact, it is not at all certain that the full 5% of lost fuel economy could be regained even if compression ratios on the current engine could be increased. An increase in compression ratio tends to increase HC and NO_x emissions, and the adjustments that would have to be made to cope with this might well offset at least partially any fuel economy that might be gained. NAS Rept. pp. 53, 135, Status Rept. p. 3–3; Tr. 559–61 (GM); 847–48 (Ford).

[19] Possible public health benefits from reducing lead emissions from automobiles are not touched on here because that matter is before the courts. EPA has applied for a rehearing in the case of "Ethyl Corporation v. EPA," D.C. Cir. No. 73–2205, and further comment on the matters at issue there would be inappropriate in this context.,

greater than such emissions from non-catalyst cars.

The estimates given below should be read in the context of the knowns and unknowns just stated.

Emissions of H_2SO_4 from catalyst cars vary widely under different driving conditions. At low speeds, when air pressure and air flows in the catalyst are also low, much of the SO_x produced may remain within the catalyst. When the car accelerates, the SO_x is released and high sulfuric acid readings may be recorded. Finally at high sustained speeds this storage and release phenomenon ceases to be important, and 20 percent to 35 percent of the sulfur in the gasoline will be converted to sulfates.

This makes estimating the H_2SO_4 emissions of a catalyst car under any given driving conditions very difficult, since, under the influence of storage and release, those emissions in a great many cases will depend in part on how the car has been driven in the past. A great deal of EPA's work on the sulfuric acid problem in the past year has gone into determining how reliable emission rates estimates can be made in these circumstances.

As a result, though the difficulties have by no means been eliminated, EPA has developed a set of emission factors to describe the emissions of various types of catalyst cars in current use, Tr. 2269, which, though concededly subject to some uncertainty, have been generally accepted. Sulfates Tr. 7, 20–25, 172–75, 181, 295–96.

Concern about the effects of sulfuric acid in the atmosphere is not new. However, the concern for sulfates in general increased when epidemiological studies conducted by EPA under the acronym CHESS (Community Health and Environmental Surveillance System) observed correlations between increased levels of atmospheric sulfates and several forms of irritation of the respiratory system thus suggesting cause and effect relationships.

Cause-and-effect relationships, however, are very hard to "prove" in epidemiological studies, since their subject is the population at large in its normal environment, and there is no possibility of holding other factors constant as would be done in a laboratory. Sulfates, Tr. 52, 54, 220. Indeed, where air pollution in particular is concerned the worst effects may be caused by two or more pollutants acting together. Sulfates Tr. 217–18, 230, 241–42.

At the time these data were generated, the CHESS program was new, and the conclusions were accordingly based primarily on only one year's data. Sulfates Tr. 45–48.

In addition, some witnesses pointed to laboratory studies and to experience with occupational exposures to sulfuric acid that might be taken as indicating the CHESS results overstate the potential danger. Sulfates Tr. 136–37, 138–39, 560–61, 565–66, 572–74. These uncertainties preclude a firm quantitative assessment of the extent of the sulfates problem at this time. It will be several years, at a minimum, before more definitive data are available.

For purposes of judgment in the meanwhile, however, it is relevant to note that the majority of qualified witnesses believed that even when all the uncertainties were accounted for, the CHESS studies gave substantial cause for concern. Sulfates Tr. 43, 67, 69, 73.

In many cases this was buttressed by a conclusion that based on general clinical knowledge and animal experiments[*] sulfates and particularly sulfuric acid mist in the particle sizes generated by automobiles were the kind of particles that might well be expected to cause lung damage. Sulfates Tr. 41, 48–50, 52, 55–57, 60–61, 64, 223–24, 285, 329–30, 515–16.

Such witnesses generally did not believe the data were sufficient to support anything more than a qualitative judgment about H_2SO_4 emissions. In addition, there was a reasonable consensus that exposure to sulfuric acid in the atmosphere should be kept as low as possible.

In this regard the problem of potentially high localized sulfuric acid levels near roadways from catalyst equipped motor vehicles is considered to represent a potential health risk. This risk could be accentuated by the background levels of sulfates which are already present from other sources.

The final question is when, if ever, sulfuric acid emissions from catalyst cars would cause localized atmospheric sulfuric acid readings high enough to reach a level of concern.

Since there are not enough catalyst equipped cars currently on the road to provide direct evidence of how tailpipe sulfuric acid emissions behave once they have been discharged into the atmosphere, several assumptions are necessary in making any such prediction. For its model, EPA assumed that the relationship between tailpipe emissions and atmospheric concentration and dispersion would be the same for sulfuric acid as it is for carbon monoxide, a gas. Since emission levels are known for both CO and sulfates, and since the atmospheric behavior of CO is also known, the results in terms of air quality of a given discharge of sulfuric acid under this model can be easily calculated.

Criticism was directed at the use of this approach. Some critics suggested that use of lead, rather than CO, as the "tracer" material would have been more appropriate. Sulfates Tr. 6, 253, 272–73.

Others questioned whether enough attention had been paid to the observed atmospheric behavior of the "tracer" pollutants. Sulfates Tr. 96–100, 124–27. Many of those who raised these points, however, conceded they were not strong ones. Sulfates Tr. 107, 114–15, 118–122, 190–91, 314–18, 327–28. Some criticism was also leveled at the use in the model of emission factors associated with the EPA fuel economy highway driving cycle, Sulfates Tr. 82–83, 88–94, which EPA conceded was a rough assumption, but no alternative prediction method for ambient concentrations of sulfuric acid was suggested.

Using this emission model, the EPA staff paper calculates that, under adverse meteorological conditions, 24-hour concentrations of ten micrograms per cubic meter might begin to occur solely as a result of catalyst emissions (i.e. in addition to preexisting background concentrations) on and near certain heavily-traveled, multi-lane highways after four years if the current national interim standards were retained and no corrective action were taken. Tr. 2259.

The paper also estimates that such effects might occur within two years in California where the emissions standards are more stringent in 1975–76 than in the other 49 states. That calculation, however, assumed that California's unleaded gasoline had significantly higher sulfur content than gasoline elsewhere. Although this is likely to be true in the future, it has not been true up to now. Accordingly, the estimates stated for California are overly pessimistic in this respect. Sulfates Tr. 27–32, 78–79, 253, 298–305, 358–59, 607–08, 614.

Although substantially better quantitative estimates than those used in the EPA staff paper probably cannot be developed soon, the wide ranges of uncertainty and the highly speculative calculations inherent in many parts of the analysis (e.g. for dose-response functions) strongly suggest that only qualitative conclusions can meaningfully be drawn. To oversimplify, we cannot define the magnitude of the H_2SO_4 risk created by catalyst vehicles, but we must conclude that a risk exists. This risk can be assumed to increase as increasing numbers of catalyst equipped vehicles are introduced into service.

ii. *Control options.* If it is not acceptable over the long term from a health standpoint to allow any greater levels of H_2SO_4 emissions than those associated with non-catalyst cars (roughly .001 g/mi), then it seems almost certain that catalyst cars will fail to qualify. On the other hand, with vehicle controls and desulfurization of gasoline, catalyst cars may be able to achieve levels on the order of .005 g/mi.

The alternative of eventually banning catalysts (presumably by setting an H_2SO_4 emissions standard that they could not meet) was endorsed by Chrysler and some others at the hearing.

There is no doubt that this would eliminate the H_2SO_4 problem. However, attainment of the statutory HC and CO emissions standards with good fuel economy, and attainment at all of any NO_x

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[*] Animal experiments, though they can be done far more quickly than epidemiologic data on humans can be obtained, and under far more controlled conditions, by their nature can rarely be conclusive as to the health impact on humans. The possibilities for controlled experiments on humans are obviously limited.

In these circumstances judgments as to public health may often be difficult to "validate" quantitatively, particularly when the need to take action before a potential problem grows out of control places some constraints on the ability to obtain new data.

emission standard below about one gram per mile will almost certainly depend on extensive use of the oxidizing capacity of the catalyst.

Since the auto companies have been using (in 1975), and planning to use (post-1975) the "aftertreatment" capacity of the catalyst to achieve low pollution levels while retuning the engine for maximum fuel economy, the question arises as to how much of a sacrifice in both emission control and fuel economy improvement would have to be accepted. Since introduction of any "alternative engine" in any quantity is many years in the future, roughly 1980, this boils down to the question of the capacity of the conventional engine, somewhat modified, to control emissions with high fuel economy and without the use of a catalyst.

There was a sharp split of opinion between the three applicants on this point. Though all of them conceded that they could in theory achieve the California interim standards in the future without the use of a catalyst, Ford and General Motors testified that several years of lead time would be needed, and that there would be a substantial sacrifice in fuel economy in any event. Tr. 3387–90, 3394 (GM); Tr. 3523–26 (Ford) ("We don't want to be committed to catalysts, but by the same token, we don't want to have catalysts ruled out as an option"), Tr. 3541–42 (Ford) ("if we commit to the President on our fuel economy program, we think the catalyst route is the way we want to go"). Chrysler, however, claimed that it could achieve the national interim standards on all its cars without the use of a catalyst and at no fuel economy sacrifice by 1978, and that the California standards could be similarly attained by 1979. Tr. 3286–88, 3311–12. See also Tr. 380. (Chrysler also said, however, that the catalyst was a "very good technology" that might be needed to attain the statutory emission standards with acceptable fuel economy. Sulfates Tr. p. 202.)

The judgment of my own technical staff is that Chrysler's position is more representative of the capacity of the industry as a whole than that of Ford and General Motors. The new developments discussed in Section III–1–b above seem consistent with this view. Chrysler has been progressive in "engine modifications" and has devoted much effort to this work. It is reasonable to expect that once Ford and GM were to turn their attention to this field, they would be able to achieve the same results in a shorter time through the application of their far greater engineering resources. (See Tr. 568 (GM) ("borderline" as to whether equivalent fuel economy to a catalyst could be achieved without one at emission levels of .9, 9 and 2).

There is no reason to believe, however, that the statutory emission levels of .4 g/mi. HC and 3.4 g/mi. CO can be achieved any time in the foreseeable future with good fuel economy unless a catalyst is used.

At present emission levels, catalysts have performed well. And, in all likelihood, they will be needed to meet emission standards more stringent than those in effect today. I am particularly concerned that we not rule out the use of the only technology that can provide stringent control of NO_x at a time when new questions are being raised about the health impact of that pollutant.

The approach to alleviating the H_2SO_4 problem that was favored by Ford, General Motors, and several other witnesses, is to desulfurize gasoline. All witnesses agreed that the technology for doing this is fully developed and commercially available.

GM, Exxon, and the American Petroleum Institute agree that this could be done by increasing the price of gasoline between one and two cents a gallon, and that it would result in increased refinery energy consumption equal to half of one percent of the energy in each barrel of crude purchased. Sulfates Tr. 422–23, 433, 476–77 (2½ cents); Tr. 1605, 1611–12, 1644–47, 2129–30, 3384–85. Other witnesses put the economic and energy costs significantly higher, and contended that dedication of a large fraction of the petroleum industry's investment capability would be required. Sulfates Tr. 356–7, 429–31, 478–79, 594–98.

Estimates of the leadtime required to install desulfurization capacity and bring it on line generally ranged from three to five years. Status Rept. p. 5–4, Tr. 1611–12, 2097–98, Sulfates p. 356, 600 (8–10 years). Even before that, however, significant reduction in the sulfur content of lead-free gasoline (which is the only kind that catalyst cars can burn) could be achieved by using only low-sulfur feed stocks for its manufacture.

This strategy defines an approach to the H_2SO_4 problem which would very significantly reduce it.[21] At this point, however, EPA is not taking administrative action to bring about this result. Before desulfurization is required, we should be more certain than we are now that implementation will, together with vehicle controls, achieve H_2SO_4 emission reductions that are acceptable from a public health standpoint. There are a number of possibilities for adjusting catalyst systems themselves in order to reduce H_2SO_4 emissions.

Exxon Research and Engineering has reported that the amount of sulfuric acid emitted by a catalyst-equipped car can be cut in half by reducing the amount of excess oxygen in the exhaust stream, and other witnesses have confirmed this report, though some disagreement exists over the precise reductions available. Tr. 1594–95, 1695–96; Sulfates Tr. 159, 297, 349. Air pumps, which can be used to attain low emission standards, such as the current California standards, of course supply such excess oxygen in order to enhance the oxidation of HC and CO.

My action today in extending the current national interim standards for 1977 will ensure that use of air pumps will be minimized in that moder year, since those standards can be achieved without them.[22] Clearly, I hope by my action to discourage their use.

This should hold the line on H_2SO_4 emissions until a sulfate emission standard can be established. Considerations of lead time are such that, as mentioned above, we cannot project the establishment of such a standard earlier than the 1979 model year.

Sulfuric acid is produced by oxidation in the catalyst and it follows that the less a given car must rely on the catalyst to attain emission standards—the less the catalyst is called upon to oxidize what comes out of the engine—the less will be the sulfate emissions. Sulfates Tr. 77, 309. As discussed in Section III-1-b above, almost every new improvement in emission control now being developed will reduce emissions coming out of the engine. Even if these reductions are not sufficient to enable a given emission standard to be met without a catalyst, they will allow reliance on the catalyst to be decreased, and sulfate emissions will be reduced correspondingly. This phenomenon alone, in my judgment, should make it possible to significantly reduce emissions from catalyst-equipped vehicles meeting the current California interim standard by the 1980 model year.

The prospects are, however, that much more than the simple effects of engine improvements will be available. Though the limited efforts put forth by the industry here make exact prediction difficult, they give good reason to expect that with a greater effort much more would be accomplished.

Three avenues for future work in particular were explored at the hearing. These are use of a "three way" catalyst that operates at or near stoichiometric, use of a different formula for a conventional catalyst, and use of "traps" to remove sulfates from the exhaust.

The catalysts in current use today require an "oxidizing" (oxygen-rich atmosphere in which to burn the hydrocarbons and carbon monoxide. By contrast, catalysts for the control on NO_x require a "reducing" (oxygen-poor) atmosphere in which the oxygen atoms can be disassociated from the nitrogen. For this reason, automobiles targeted at meeting very low levels of all three pollutants have generally used two catalysts—one for NO_x and then a second for HC and CO. An air pump to supply excess oxygen into the exhaust system in between the two catalysts is used to change the atmosphere from reducing to oxidizing.

Some catalysts, however, called "three-way" catalysts, are capable of reducing all three pollutants to very low levels when operated at or close to stoichio-

[21] The technology exists to desulfurize gasoline from its current level of .03 grams per gallon average to a maximum of .01 grams per gallon. Even at these levels, a catalyst car would emit six to ten times as much H_2SO_4 as an uncontrolled vehicle.

[22] There is some possibility that auto makers might attempt to improve fuel economy even at those levels by "working the catalyst harder" through addition of an air pump to gain the additional freedom for engine recalibrations. Sulfates Tr. 309–10 (Ford) but see Sulfates Tr. 166–67 (Chrysler) (No incentive).

metric. Since the air/fuel range in which these catalysts can achieve this result is very narrow, they must be operated with a feedback system to control the air/fuel ratio very precisely.

Emissions of sulfates tend to depend on the amount of excess oxygen in the exhaust stream of a catalyst-equipped vehicle, and since by definition a vehicle operating at stoichiometric has little excess oxygen in the exhaust, there is reason to believe that a three-way catalyst operating at stoichiometric would have very low sulfate emissions. Limited test data appears to bear this out. Tr. 1592–94, 1681–84 (Exxon Research & Engineering); 1826–27, see also Tr. 1362.

Accordingly, the capabilities of three-way catalysts were extensively explored at the hearing. The testimony was almost unanimous that no such catalyst has been developed that could last more than eight or ten thousand miles, and that no prediction for improving this performance could be made because of lack of understanding of the basic chemical mechanisms involved. Tr. 2072–75; 2081 (UOP); 2217 (W. R. Grace); 2317 (American Cyanamid); 3399, 3415–16 (GM). But see Tr. 1841–42, 1906–07 (Engelhard); 2425 (NAS). In addition, it appears that at least present versions of the three-way catalyst must contain rare elements such as rhodium which are in very short supply but catalysts companies believe supplies are adequate. Tr. 2306.

Finally, the tight control of air/fuel ratio such a catalyst requires would mandate the use of exhaust sensors and fuel injection on any car that used it, since conventional carburetors do not appear to give the kind of quick response to the sensor signals that is required. The testimony was unanimous that these components, though they represent fully developed technology, could not be installed on automobiles in quantity before the 1980 model year. Tr. 3009–12 (Bosch); 3140–42 (Bendix).

Some evidence introduced indicated that the durability problems of the three-way catalyst as far as control of HC and CO are concerned might be greatly diminished if the engine were calibrated slightly lean of stoichiometric, a level that would also result in a considerable sacrifice of NO_x control. Tr. 3402–11. This evidence is very preliminary at present, however, and there can be no confidence that such an approach will provide a solution to even some of the problems of the three-way catalyst system which are outlined above. Tr. 3332 (Chrysler).

It was also suggested that use of a conventional oxidizing catalyst, rather than a three-way catalyst, at air/fuel ratios very close to stoichiometric would also exhibit low sulfate emissions because of the low amount of excess oxygen present. Most witnesses agreed, however, that differences in the ways the two types of catalysts operate chemically suggested that an oxidation catalyst, unlike a three-way catalyst, may not be able to provide adequate control of HC and CO for a long period when operating so close to stoichiometric. Tr. 3335–37 (Chrysler); 3396–400, 3438–44 (GM); 3488–92 (Ford).

The difference in the way different catalysts operate points up another avenue of investigation that in the opinion of my technical staff holds far greater promise for use on actual production cars in the next few years. It may be possible to formulate a catalyst that would still have high efficiency for converting HC and CO to harmless materials while at the same time considerably reducing sulfuric acid conversion. Tests of a Matthey Biship platinum-rhodium catalyst have shown encouraging results of this type. Thus some results of this nature have already been demonstrated, and most witnesses thought it significant and worth more investigation. Tr. 1595–98 (Exxon Research & Engineering); 2065 (UOP); 3497–98 (Ford) Sulfates Tr. 251, 259. One witness suggested that while the possibility of good results could not be ruled out, this was not an avenue of research that was likely to prove helpful in the end. Tr. 1862–63 (Engelhard).

Finally, there seems to be no inherent reason why sulfate traps will not work. Substances that will remove sulfates from exhaust gas are well known, and Exxon Research and Engineering has demonstrated very high control efficiency with a prototype system. Tr. 1598–99. However, much work remains to be done on making such a device compatible with the proper running of the rest of the engine system and the auto companies up to now have hardly touched the problem. Tr. 344, 466–67, 662, 3341–42. Given the state of development and lead times to which the industry generally operates, installation of traps probably cannot be expected before the 1980 model year.[*]

2. *The Report of the National Academy of Sciences.* Under section 202(b)(5) of the Clean Air Act, I may only grant a suspension if a study of auto pollution controls which the statute requires to be made by the National Academy of Sciences "has not indicated that technology, processes, or other alternatives are available to meet such standards."

In its most recent report dated November 22, 1974, the Academy said:

> The 1977 Federal Emisisons Standard of 0.41 g/mi. HC, 3.4 g/mi. CO and 2.0 g/mi. NO_x can be achieved in certification with present technology through improved oxidation catalysts and quick warm-up techniques at an average increased lifetime cost of about $400 [citations omitted]. In spite of inadequate maintenance, vehicles on average are expected to meet the NO_x standards at 50,000 miles and to meet the HC and CO standards or exceed them by less than 50 percent. NAS Rept. p. 1.

The report also said:

> Cars can be manufactured which, if properly maintained, will meet the 1977 emissions standard in actual use for 50,000 miles. * * * It is not yet clear whether the performance of specified maintenance will be necessary for the fleet average emissions to remain below the standards; however, we would not expect HC and CO emissions to exceed the standards by more than 50 percent at 50,000 miles [even if the maintenance is not performed]. NAS Rept. p. 13.

When representatives of the Academy appeared at the hearing, they explained that the Report had concluded that a very high percentage of the domestic industry's model lines would be able to certify at the statutory standards in 1977, enough to satisfy their conception of "basic demand." Tr. 2354; 2394–2404.

As noted above, however, the Committee did not directly address the question of sulfates. Accordingly, though I do not question its conclusion that the technology to achieve the 1977 standards is currently available, I have not felt that conclusion by itself could determine my decision in this matter.

3. *Good faith.* The Act requires that, before I grant an extension of time to any auto manufacturer, I must find that "all good faith efforts have been made to meet the (1977) standards." Even though industry spending on emission controls has stayed at a high level, there might have been some difficulty in making that finding if the current level of control efforts had not proved successful.

Industry emission control expenditures, though down from the peak levels of 1973 and 1974, are projected to remain high. GM testified that its expenditures here in 1975, 1976, and 1977 would average about $200 million per year, down from the peaks of $310 and $450 million reached in 1973 and 1974 respectively. Almost all the drop is related to the high costs of tooling up to produce the catalytic converter in 1975. Research and engineering expenses are projected to remain at the level of $140 million a year throughout this period. GM App. Appendix 21.

Ford projects emissions control research expenditures of about $175 million per year for 1975 and 1976, down only slightly from the peak of $200 million in the preceding two years. F. App. VIII–B.

Chrysler historically has spent far less on auto emission controls than the other two major companies. It did not provide figures beyond 1975, stating that its uncertain financial situation made such estimates impossible. Though the estimated figures for 1975 show a substantial drop from 1974 levels, Chrysler explained that other budgets had been even more significantly curtailed. C. App. Vol. IV p. 205; Tr. 255–56.

By the standards of past suspension decisions, these expenditures would be taken as sufficient to satisfy the "good faith" test in its financial aspect. What is more disturbing is the significant decline since 1973 in emission testing of vehicles (except for testing by Ford)

[*] Use of a trap would not necessarily mean the installation of a new aftertreatment device on the automobile. At present, mufflers employ steel baffles to reduce engine noise. Since the substances now under consideration for sulfate traps are mostly simple chemicals that do not require tight control of their operating atmospheres, it might well be possible to package them in-between the steel baffles in the muffler with likely improvement in acoustical properties. (Indeed, even current catalysts have acoustical properties and have made possible a reduction in muffler size.)

aimed at meeting the statutory HC and CO emission standards. This drop-off is clear from the face of the Technical Appendix.

In the words of the Status Report (p. 6–2):

> [M]ost manufacturers, in the opinion of the report team, are working on improved oxidation catalyst systems at a relatively low level currently. One possible reason for this could be the current reduced level of employment in the industry in general * * *. Another reason could be that the industry is waiting to see what will happen during the upcoming EPA Suspension hearings, and also waiting to see how their proposals to the Congress and the Administration for a moratorium on future emission standards are received.

There might be some difficulty in making a finding of good faith in the face of such a testing effort but for one factor. The industry, both the NAS and my technical staff agree, has developed the technology to attain the statutory HC and CO standards in the 1977 model year. Since there is no requirement that a company spend more than is needed to meet the standards, the success of the auto industry here warrants a finding of "good faith by definition."

4. *The public interest.* The compelling reasons which have caused me to find that the public interest requires a suspension of the 1977 standards have already been discussed. Technology that would increase emission of H_2SO_4, with all the uncertainty and concern that surrounds its health effects, cannot be considered "effective" within the meaning of the Clean Air Act and, until the exact outlines of the problem are clarified, it is not in the public interest to compel its application.

Several other items that might have been discussed under this heading, such as the potential for use of "alternative engines" have been addressed in earlier sections. The major questions that remain to be considered here are the impact of achieving the statutory standards in 1977 on auto cost and fuel consumption and on the economy generally, and the impact of failing to achieve them on air quality.

a. *The impact of various standards on fuel economy.* Estimates on the cost in fuel economy of achieving the 1977 statutory emission standards on schedule fell within a relatively narrow range.

GM calculated a 16 percent loss from 1975 levels, but this was based on comparing fully optimized 1975 production vehicles with 1977 prototypes. GM App. 4a–1, Figs. 7 & 8; I–b–2. Ford set the loss at 5 percent from 1975 levels, or 24 percent below what could otherwise be achieved if the HC and CO standards were not tightened. F. App. I–C–3, II–B–2–5, Appendix 6 page 6. Chrysler's figures were a 9 percent reduction from 1975. They estimated that the 1975 levels could be preserved if the current national standards were extended. C. App. IV–C & D–5. Volkswagen testified that achieving the standards would entail "little or no" fuel economy loss, Tr. 1039, 1070–71.

Given the natural temptation on the manufacturer's part to err on the conservative side, I believe these estimates are fully consistent with those of the National Academy of Sciences that a 5 percent loss from 1975 levels would probably result, Tr. 2355, 2381, of the Department of Transportation that the loss would be 10 percent, Tr. 2511, and of my own staff that the loss would be between those two figures unless new technology is introduced at a faster rate than the industry is currently planning for it.

The impact of meeting interim standards set at the current California levels would be markedly less. GM set the loss at 10 percent from current 1975 levels if the standards were attained by "application of current technology used on 1975 California vehicles to all 1977 vehicles", GM App. I–c–2. It hardly seems necessary to assume that the 1975 control technology will remain without significant improvement two model years later. Ford estimated that the loss would be 6 to 8 percent over what could have been achieved if the current national HC and CO standards were extended, or a gain of 14 percent over 1975 levels. F. App. II–B–5, Appendix 6 p. 6. Chrysler estimated the loss from 1975 at 5 percent, C. App. IV–C&D–5, even though the average industry-wide difference between the two standards in 1975 was only 6 percent, Status Rept. 3–7, and Chrysler would have had the two intervening years to work on fuel economy improvements.

Finally, if the interim California levels were to be extended for 1977, but with a NO_x standard of 3.1 g/mi (which would require legislative action), the loss was estimated by each of the major auto companies at 3–5 percent over continuation of present standards. Tr. 47, 240 (Chrysler); Tr. 314 (GM); Tr. 633–35, 739 (Ford).

b. *The economic impact of various standards.* There was somewhat more variation in estimates of auto price increases that might accompany attainment of the statutory emission standards than was the case for fuel economy. Still, the estimates were all in the same basic area with the auto companies once again tending to the pessimistic side.

General Motors estimated that a sticker price increase of $130–50 over present systems would result if a "warm-up" converter were used, and $35–50 (with possible upward adjustment for catalyst change) if it were not. These figures were in 1975 dollars. GM App. 1–b–2, 4–b–4.

Ford's estimate is likewise about $150, mostly for increased size and precious metal loading of the catalytic converter, though this was inflated by factoring in an inflation adjustment for 1977 which was estimated at 15 percent. F. App. I–C–2; Appendix 6 p. 7; Tr. 831–32.

Chrysler was significantly higher at $260, C. App. IV–H–8, a figure adjusted to account for the effect of an estimated 20 percent total inflation by 1977, Tr. 152.

These figures are at the high end of the range estimated by my technical staff, see Status Rept. p. 4–4, and significantly more than the estimate of the National Academy of Sciences, NAS Rept. p. 89. The National Academy, however, did not attempt to account for the use of a "start catalyst."

There is even more agreement as to the impact of emission standards set at the current California levels. GM estimates the sticker price increase at about $23 over that of the current national system, GM App. I–C–2. That increase was set by Ford at $50 (presumably once again with an adjustment for inflation), F. App. I–C–2, by the NAS at about $40, see NAS Rept. p. 89, and by my own technical staff at about $40, Status Rept. p. 4–4. Chrysler did not provide an estimate.

As for the suggestion that the standards be set at .9 g/mi. HC, 9 g/mi. CO, and 3.1 g/mi. NO_x, the resulting price increase was described by Chrysler as "nominal, an additional $10", Tr. 49, and by General Motors as $20 to $25, Tr. 313.

Both price increases and reductions in fuel economy that might result from tighter emission standards could in theory be expected to affect new car sales adversely. However, a study by my staff indicates that even at statutory levels the impact on sales would be on the order of a 1 percent reduction.

c. *Air quality considerations.* The impact of any relaxation of auto emission standards on air quality is obviously relevant to any suspension decision, and vital to consideration of any proposals for legislative action here. At the same time, neither the composition of the suspension hearing panel nor the nature of the witnesses made it possible to assess this matter in the specific context of the hearing.

Instead, EPA has performed its own analysis of this matter. That study, together with a summary, is separately available from EPA and will only be touched on here. "Air Quality Impact of Alternative Emission Standards for Light Duty Vehicles" will be available separately from EPA's Office of Air and Waste Management and as part of the environmental impact statement being prepared for the President's proposed energy program, which includes Clean Air Act Amendments.

The air quality impact analysis suggests that, although the relative differences in air quality in 1977–1981 resulting from various possible combinations of standards, ranging from the current Federal interims to the statutory standards, do not appear to be enormous and do not reverse the current trend toward improvement, they are significant. These differences are particularly significant when one considers the number of areas that may still violate the air quality standards (especially for photochemical oxidants) by 1985 or 1990 at any of the auto emission control levels and the difficulties of achieving the remaining emission reductions needed to attain the standards.

Accordingly, only a new air quality threat of the potential scope and serious-

ness of the sulfuric acid problem could make the decision temporarily to forego further HC and CO reductions a relatively clear one.

Dated: March 5, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-6367 Filed 3-13-75;8:45 am]

[FRL 345-3; FIFRA Docket No. 340]

HAPPY JACK, INC.

Filing of Objections

By document dated November 15, 1974 and published in the FEDERAL REGISTER on November 22, 1974, 39 FR 40980, the Assistant Administrator for Water and Hazardous Materials, Environmental Protection Agency, gave notice of his intent to cancel the registration of the pesticide product Happy Jack Sarcoptic Mange Medicine, EPA Reg. No. 2731-1, of which Happy Jack, Inc., Snow Hill, North Carolina 28580, is Registrant.

Pursuant to § 164.8 of the rules of practice governing hearings under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, arising from cancellation of registrations (40 CFR Part 164) notice is hereby given that the Registrant has filed objections to the intent to cancel said registration. The document setting forth objections did not comply with the requirements of § 164.22(a) of said rules of practice and the Registrant was ordered to file objections in compliance with said section. On motion of Registrant, without objection from Respondent, the time for filing objections in compliance with said § 164.22(a) has been extended to September 8, 1975.

The objections on file and other documents relating to the proceeding are available for examination by the public during regular business hours at the Office of the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, Waterside Mall, 401 M Street SW., Washington, D.C.

BERNARD D. LEVINSON,
Administrative Law Judge.

MARCH 10, 1975.

[FR Doc.75-6815 Filed 3-13-75;8:45 am]

[OPP-32000/207 & 208; FRL 343-2]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before May 13, 1975 any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after May 13, 1975.

Dated: March 4, 1975.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-32000/207)

EPA File Symbol 11619-G. Chem. Testing Corp., 32-10 37th Ave., Long Island City NY 11101. KEMCIDE-163. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 464-LRG. Dow Chem., U.S.A., PO Box 1706, Midland MI 48640. DOW 2,4-D, DIETHANOLAMINE SALT-5. Active Ingredients: 2,4-D [2,4-dichlorophenoxyacetic acid] diethanolamine salt 69.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 464-LRL. Dow Chem. DOW BUTOXY PROPYL ESTER MIX NO. 1. Active Ingredients: 2,4-D [2,4-dichlorophenoxyacetic acid] Butoxy Propyl Esters 67.5%; Silvex [2-(2,4,5-trichlorophenoxy) propionic acid] Butoxy Propyl Esters 32.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 464-LRU. Dow Chem. DOW 2,4-D, TRIETHANOLAMINE SALT-4. Active Ingredients: 2,4-D [2,4-dichlorophenoxyacetic acid] triethanolamine salt 64.8%: Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 18442-E. Eldorado Chem. Co., Inc., PO Box 32101, San Antonio TX 78216. ELDORADO PESTICIDE 26. Active Ingredients: 0,0-Diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical (Equivalent to 0.209% of (butylcarbityl) (6-propylpiperonyl) ether and 0.052% of related compounds) 0.261%; Petroleum Distillate 99.187%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 7368-GE. Georgia Pacific Corp., 2425 Malt Ave., Los Angeles CA 90040. GEORGIA-PACIFIC POND AND FOUNTAIN ALGICIDE. Active Ingredients: Copper 0.15%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 14955-U. Jefco Lab., Inc., 618 W. Jackson Blvd., Chicago IL 60606. PLUS TEN VEGETATION KILLER. Active Ingredients: Prometone 2,4-bis (isopropylamino) 6-methoxy-s-triazine 3.73%; Petroleum distillate 80.91%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 372-UI. Mallinckrodt, Inc., 3600 2nd St., & Mallinckrodt St., St. Louis MO 63147. MALLINCKRODT DUOSAN BRAND BROAD SPECTRUM SYSTEMIC-CONTACT TURF FUNGICIDE. Active Ingredients: Dimethyl 4,4'-o-phenylenebis (3-thioallophanate) 15%; Manganese (Zn ++) ethylene bisdithiocarbamate 60%. Method of Support: Application proceeds under 2(a) of interim policy. PM21.

EPA File Symbol 904-EGL. B. G. Pratt Div., Gabriel Chem. Ltd., 204 21st Ave., Paterson NJ 07509. DURSBAN 25 EC TURF AND ORNAMENTAL PLANT INSECTICIDE. Active Ingredients: Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 24.9%; Aromatic petroleum derivative solvent 53.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 1159-ROA. Seacoast Lab., Inc., 257 Hwy. 18, E. Brunswick NJ 08816. TWIN LIGHT DURSBAN SPRAY. Active Ingredients: Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 25.00%; Aromatic petroleum derivative solvent 68.34%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 5680-RL. W. G. Snee Co., Inc., 1430 S. Peters St., New Orleans LA 70130. PURICIDE ALGICIDE INHIBITOR. Active Ingredients: Alkyl (C14 58%, C16 28%, C14 14%) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 148-RRTN. Thompson-Hayward Chem. Co., PO Box 2383, Kansas City KS 66110. TECHNICAL 6040. Active Ingredients: 1-(4-chlorophenyl)-3-(2,6-difluorobenzoyl)-urea 95.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA File Symbol 226-EUN. Tobacco States Chem. Co., Inc., PO Box 479, Lexington KY 40501. TASCO BRAND DIAZINON AG 500 INSECTICIDE. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 47.5%; Aromatic petroleum derivative solvent 26.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 10352-RT. Union Carbide Corp., 270 Park Ave., New York NY 10017. UNION CARBIDE SENTRY GRAIN PRE-

SERVER. Active Ingredients: Propionic Acid 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

APPLICATIONS RECEIVED (OPP-32000/208)

EPA File Symbol 35378-A. Aqua/Process Chem., 2408 Yorktown #178, Houston TX 77027. S-75. Active Ingredients: 2-(Thiocyanomethylthio)benzothiazole 8.0%; 2-Hydroxypropyl methanethiolsulfonate 7.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 10942-A. Bandini Fertilizer Co., 4139 Bandini Ave., Los Angeles CA 90023. 4 BANDINI WEEDILIZER A FERTILIZER WITH WEED CONTROL. Active Ingredients: Diphenamid (Enide) (N, N-Dimethyl-2,2-Diphenyl-Acetamide) 2.30%; Monuron (3-(P-Chlorophenyl)-1,1-Dimethylurea) 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 7299-RL. The Brenco Corp., 704 North First St., St. Louis MO 63102. 594-M. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 9461-ON. Celanese Coatings & Specialties Co., Devoe & Raynolds Co., (Marine Div.), PO Box 99038, Jeffersontown KY 40299. DEVOE MARINE DEVRAN 216 PERMANENT RED ANTI-FOULING PAINT MD-3832. Active Ingredients: Cuprous Oxide 34.88%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 3222-RL. Crown Zellerbach Corp., One Bush St., San Francisco CA 94119. CROWN CITRUS LINERS TYPE WOL DIPHENYL TREATED. Active Ingredients: Diphenyl 16.67%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 8169-RE. Hunter Products Corp., 8603 Botts Ln., San Antonio TX 78286. ENVAIR FLYING INSECT KILLER II. Active Ingredients: Pyrethrins 1.00%; Piperonyl butoxide, technical 2.00%; N-octyl bicycloheptene dicarboximide 3.33%; Petroleum distillate 13.67%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 8169-RR. Hunter Products Corp., 8603 Botts Ln., San Antonio TX 78286. ENVAIR FLYING INSECT KILLER III. Active Ingredients: Pyrethrins 0.45%; Piperonyl butoxide, technical 4.50%; Petroleum distillate 15.05%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 334-URA. Hysan Corp., 919 W. 38th St., Chicago IL 60609. PROFESSIONAL STRENGTH 225 INSECT KILLER. Active Ingredients: Pyrethrins 0.30%; Piperonyl Butoxide, Technical 0.60%; N-Octyl Bicycloheptene Dicarboximide 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 9813-U. K. O. B. Associates, Inc., PO Box 91, West Islip NY 11795. KOBACIDE SBP-1382. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.500%; Related compounds 0.068%; Aromatic petroleum hydrocarbons 0.662%; Petroleum distillate 98.750%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 8249-T. Maintenance Engineering Corp., 3711 Clinton Dr., PO Box 1729, Houston TX 77001. MECO MICROBIOCIDE 74. Active Ingredients: 2-(Thiocyanomethylthio)benzothiazole 8.0%; 2-Hydroxypropyl methanethiosulfonate 7.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 1021-RGUA. McLaughlin Gormley King Co., 8810 Tenth Ave. N, Minneapolis MN 55427. PYROCIDE INTERMEDIATE 7220. Active Ingredients: Pyrethrins 3.50%; Piperonyl Butoxide, technical 5.00%; N-octyl bicycloheptene dicarboximide 8.34%; 2,3:4,5-bis(2-butylene-tetrahydro-2-furaldohyde) 6.67%; Petroleum distillate 9.82%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 36123-E. Pharmadyne Chem. Corp., 15 Sewaren Ave., Sewaren NJ 07077. WONDER FLUFF WHITE SHAMPOO. Active Ingredients: Pyrethrins 0.50%; Piperonyl Butoxide, Technical 0.100%, N-Octyl Bicycloheptene Dicarboximide 0.166%; Petroleum Distillate 0.240%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 4297-EO. Reliance Brooks Inc., 3303 E. 87th St., Cleveland OH 44127. H-C TREATMENT NO. 471. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 226-EEA. Tobacco States Chemical Co., Inc., PO Box 479, Lexington KY 40501. JASCO ENIDE 50W. Active Ingredients: Diphenamid (N,N-Dimethyl-2,2-diphenylacetamide) 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 32965-U. Water Chemists, Inc., PO Box 228, Fairland IN 46126. MICROBIOCIDE M-218. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

[FR Doc.75-6370 Filed 3-13-75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

ELECTRIC GOLF CARS FROM POLAND

Antidumping; Withholding of Appraisement Notice

Information was received on June 7, 1974, that electric golf cars from Poland were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of June 14, 1974, on page 20815. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury, or likelihood of injury, or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of electric golf cars from Poland is less, or is likely to be less, than the constructed value, as reflected by prices of similar merchandise in a non-state-controlled economy country (Canada) (section 206 of the Act; 19 U.S.C. 165).

Statement of reasons. The information currently before the U.S. Customs Service tends to indicate that the proper basis of comparison for fair value purposes will be between purchase price and constructed value, as reflected by prices of similar merchandise in a non-state-controlled economy country.

Purchase price probably will be calculated on the basis of f.o.b., Poland, prices to the United States with a deduction for packing in Poland.

Inasmuch as the merchandise under consideration was produced in a state-controlled-economy country, constructed value likely will be based on the price at which similar merchandise was sold for home consumption in a free country. The country chosen for this purpose will be Canada.

Constructed value probably will be calculated on the basis of an ex-factory price to Canadian purchasers, with a deduction for federal sales taxes. Adjustments likely will be made for differences in the merchandise, quantities produced, advertising costs, credit terms, warranty costs and packing.

Using the above criteria, there are reasonable grounds to believe or suspect that the purchase price will be lower than the constructed value, as reflected by prices.

Customs officers are being directed to withhold appraisement of electric golf cars from Poland in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20229, in time to be received by his office on or before March 24, 1975. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before April 14, 1975.

This notice, which is published pursuant to § 153.34(a), Customs Regulations (19 CFR 153.34(a)), shall become effective on March 14, 1975. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

MARCH 12, 1975.

[FR Doc.75-6833 Filed 3-13-75;8:45 am]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting

Notice is hereby given that commencing at 9:30 a.m. on March 19, 1975, and continuing on March 20, if necessary, the Board will hold a meeting at which members of the public may informally present their views concerning the implementation of section 3042 of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406). The meeting will be held in Room S-3215, New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

Attendance is open to all members of the public but limited to the space available. Persons wishing to make statements should notify the undersigned at least two days in advance and should indicate whether they desire to present oral statements at the meeting. Any member of the public may file a written statement with the Board in connection with the meeting.

Notification of intention to attend the meeting or to make an oral statement should be given to the office of the Chairman by letter at Room 6129, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224, or by telephone at (202) 964-4311.

[SEAL] DONALD S. GRUBBS, JR.,
Chairman.

MARCH 11, 1975.

[FR Doc.75-6793 Filed 3-13-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DDR&E HIGH ENERGY LASER REVIEW GROUP, AD HOC HIGH ENERGY LASER REVIEW TEAM

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, dated October 6, 1972, notice is hereby given that the closed meetings of the DDR&E High Energy Laser Review Group Ad Hoc High Energy Laser Review Team will be held on Tuesday through Friday, April 1 through 4, 1975, at Redstone Arsenal, Alabama.

The subject matter of the meetings is classified in accordance with subparagraph (1) of section 552(b) of Title 5 of the U.S. Code.

G. W. HERRICK,
Acting Director, Correspondence and Directives, OASD (Comptroller).

MARCH 13, 1975.

[FR Doc. 75-6928 Filed 3-13-75; 9:23 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket Nos. 74-12, 74-17]

SERLING DRUG CO. AND DETROIT PRESCRIPTION WHOLESALER, INC.

Denial of Application for Registration To Distribute Controlled Substances

On May 16, 1974, the Drug Enforcement Administration issued to the Serling Drug Company, 10650 Galaxie Avenue, P.O. Box 3760, Oak Park, Michigan, an order to show cause as to why its application for registration to distribute controlled substances, under section 303 of the Controlled Substances Act (21 U.S.C. 823), should not be denied. The order to show cause was based upon charges that, inter alia, the applicant's past history in the distribution of controlled substances revealed conditions and practices inconsistent with the public interest and that the applicant had failed to establish and maintain effective controls against the diversion of controlled substances into other than legitimate industrial, scientific and medical channels, thereby evidencing direct and continuing violations of the Controlled Substances Act (21 U.S.C. 801, et seq.) and the administrative regulations promulgated thereunder (Title 21, Code of Federal Regulations, Part 1301, et seq.).

Serling Drug Company requested a hearing on the order to show cause and, following a prehearing conference held on September 3, 1974, hearings were held on this matter on September 14, 1974, in Washington, D.C., and on October 7, and 8, 1974, in Detroid, Michigan. Administrative Law Judge Lewis F. Parker presided at all proceedings. On January 15, 1975, Judge Parker filed, pursuant to 21 CFR 1316.65, his report and a recommended findings of fact, conclusions of law and a recommended decision, and certified to the Aministrator the recor of the proceedings including the transcripts of the hearings and prehearing conference, the exhibits admitted in evidence or proffered by the parties, and the proposed findings of fact and conclusions of law filed by both the Government and the respondent and their respective briefs in reply thereto.

The Administrator, pursuant to 21 CFR 1316.66, hereby publishes his final order in this proceeding based upon findings of fact and conclusions of law set forth below.

Sections 303(b) and (e) of the Controlled Substances Act (21 U.S.C. 823(b) and (e)) require that an applicant shall be registered to distribute controlled substances in schedules I or II, and schedules III, IV, and V, respectively, unless such registration would be inconsistent with the public interest. In determining the public interest, the following factors are to be considered:

(1) Maintenance of effective controls against diversion of partciular controlled substances into other than legitimate medical, scientific, and industrial channels;

(2) Compliance with applicable State and local law;

(3) Prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of such substances;

(4) Past experience in the distribution of controlled substances; and

(5) Such other factors as may be relevant to and consistent with the public health and safety.

In determining whether the issuance to the Serling Drug Company of a registration to distribute controlled substances in schedules II, III, IV and V is in the public interest, the Administrator has considered these factors. The most relevant of these factors in the case at bar are the applicant's maintenance of effective controls against diversion, its past experience in the distribution of controlled substances, and the prior conviction record of an applicant under Federal or State laws relating to controlled substances.

Judge Parker, in his recommended conclusions of law, states that "* * * to maintain effective controls against diversion of controlled substances, a registrant must not only give these substances adequate physical security but must also maintain accurate records of his controlled substances inventory." The Administrator concurs in this statement but disagrees with Judge Parker's conclusion that this requirement is essential "not so much as to stop the diversion of controlled substances initially but to provide a method of determining on a periodic basis whether or not there have been unexplained losses of inventory which might have been caused by thefts." This reason, while certainly not unimportant, is far from being the principal purpose of the regulations requiring accurate recordkeeping. A highly important reason, demonstrated by cases such as the one at bar, is to provide the registrant with an ongoing means of discovering instances of diversion as they occur so that prompt and effective countermeasures can be undertaken. Another important purpose for the maintenance of accurate records is to provide the Government with a means of determining whether the registrant is maintaining such effective controls against diversion as are required by the Controlled Substances Act and the administrative regulations promulgated pursuant thereto.

The Administrator finds, after a thorough review of the entire record, that there is substantial and pursuasive evidence of serious discrepancies in the applicant's controlled substances records and inventories. These discrepancies were discovered in the course of in-depth audits of Serling's records and inventories conducted by employees of this agency and its predecessor in October 1971, July 1973, and February 1974. In arriving at this conclusion, the Administrator specifically rejects the Administrative Law Judge's recommended conclusion that testimony and documentary evidence offered by the Government to prove such discrepancies were without probative value. The Administrator finds that when considered in light of the record as a whole, the Government's exhibits, consisting of compilations derived from audits of Serling's records and inventories, and the testimony of individuals responsible for conducting those audits constitute convincing and substantial evidence that serious shortages existed in the inventory of controlled substances for which Serling was accountable. These record-keeping discrepancies are in themselves violations of 21 U.S.C. 827(a)(3) and 21 CFR 1304.21(a). A reasonable inference drawn from this evidence is that the

shortages demonstrated thereby were attributable to actual diversion of controlled substances into other than legitimate industrial, scientific and medical channels.

The most serious of the alleged shortages in terms of gross quantity was that of Robitussin AC®, a schedule V substance containing codeine phosphate, a substance with a recognized potential for abuse. The Government's audit found that the respondent's inventory was short over 300,000 ounces of Robitussin AC during the period from December 31, 1972, to July 9, 1973. Significantly, while the respondent attempted to rebut the DEA audits of other substances, no attempt was made to show that the records showing shortages of Robitussin AC were not accurate. Based on shortages of this substance alone, without considering the other shortages, some of which involved substances of even greater abuse potential, there is sufficient basis for a finding that the registrant failed to maintain effective controls under 21 U.S.C. 823(e), and the Administrator so finds.

In holding that discrepancies in record keeping and inventory did in fact occur on a continuing basis in the course of the applicant's handling of controlled substances, the Administrator has taken note of, and has given weight to, certain documents which were held by the Administrative Law Judge to be without probative value. It is the Administrator's opinion that the Administrative Law Judge erred in his assignment of probative force to this evidence. Under the rule of modern judicial decisions governing the admissibility of evidence in administrative proceedings, there can be no doubt but that the Government's exhibits articulating the results of its audits of the respondent's controlled substances were evidence of the kind that "usually effects fairminded men in the conduct of their most important business," "U.S. v. United Shoe Machinery Corp.", 89 F. Supp. 349 (D. Mass., 1950). The cases discussing admissibility are numerous and need not be further cited here. Judge Parker properly admitted these exhibits but failed to assign to them their proper weight in reaching his conclusions. The Administrator is free to consider all of the evidence in the record and to reach his own conclusions as to the weight of such evidence. This proceeding was conducted under regulations of this Administration as well as relevant portions of the Administrative Procedures Act (Title 5, United States Code, sections 551–559). Under 21 CFR 1316.65, the presiding officer, here, the Administrative Law Judge, is required to certify the entire record to the Administrator. When such is the case, the Administrator may reach his own rational conclusions as to the weight to be given each item of evidence in the record. See "Sokoloff v. Saxbe et al.", 501 F. 2d 571 (2nd Cir. 1974), and 5 U.S.C. 557(b). The Administrator concludes that a fair reading of all of the evidence of record requires a determination that the applicant failed to maintain complete and accurate records as required by 21 U.S.C. 827 and that such was a failure to maintain the effective controls against diversion required to be considered by 21 U.S.C. 823.

Further, the Administrator finds that due at least partially to the applicant's failure to maintain effective controls, actual diversion of controlled substances into other than legitimate channels took place. It is not possible to consider Serling Drug Company's past experience in distributing controlled substances and its ability or inability to maintain effective controls against diversion without considering the illegal acts of its then Vice President, Jack Serling. In the course of this proceeding, either by stipulation of the parties or through the testimony of witnesses, evidence was introduced to the effect that on at least thirteen occasions between November 3, 1973, and February 26, 1974, Jack Serling illegally sold controlled substances to employes of the Michigan Diversion Investigative Unit who were operating in an undercover capacity. It was further stipulated that Jack Serling was arrested and indicted as a result of his illicit dealing in controlled substances and that the substances involved were either ordered through or stolen from the applicant here, Serling Drug Company.

The Administrative Law Judge has recommended that Jack Serling's theft of controlled substances from Serling Drug Company be ignored for the purposes of a ruling on the Company's application for registration to distribute controlled substances. Judge Parker found that "while it is true that Jack Serling did divert controlled substances obtained from Serling (Drug Company) into illicit channels, there is no evidence nor is there any justifiable inference that anything which the company did or failed to do led directly to those thefts * * *" In discussing the decision of the Administrator in "Four Corners Pharmacy, Inc.", 38 FR 215 (Nov. 8, 1973), Judge Parker correctly states that "(i)t would, indeed, be outrageous if a convicted felon were permitted to dispense controlled substances through a closely held corporation and the decision of the Administrator in Four Corners, I take it, was designed to prevent this result." Judge Parker goes on to state that "(t)hat cannot happen here. Jack Serling is no longer connected with Serling [Drug] in any way which he could use to divert controlled substances illegally and no other officer or employee of Serling has been involved in any illegal drug-related matters."

The Administrator cannot accept this theory. Evidence of record indicates that the Serling Drug Company is a closely held corporation. Fifty percent of the firm's stock is held by Mr. Leon Serling and two percent is held by the firm itself as treasury stock. The remaining forty-eight percent is held by Mr. Jack Serling who resigned as an officer and director as of February 28, 1975. Unlike the Administrative Law Judge, however, the Administrator finds that there is a justifiable inference that the lack of seriousness with which the Serling Drug Company considered its obligations as a distributor under the Controlled Substances Act directly or indirectly led to the relative ease with which Mr. Jack Serling was able to purloin the Company's controlled substances without detection by other responsible Company officers.

Under the circumstances, the Administrator cannot accept Judge Parker's recommendation that the "sins of Jack Serling" not be visited upon the corporation. Here, not only does it appear that the corporation's failure to maintain adequate and effective controls, as demonstrated by substantial evidence, led to actual diversion by one of its officers and stockholders, but that the culpable individual retains his interest in the equity of the firm, although ostensibly without power to act on the corporation's behalf or to guide its operations in any way.

The Administrator concludes that the rationale in the "Four Corners" case is equally persuasive here. The Administrator's final order in "Four Corners" contains an exhaustive discussion on the responsibility of a closely held corporate registrant for the controlled substance—related criminal acts of one of its officers without the knowledge or complicity of other corporate officers. The intent of Congress in enacting the Controlled Substances Act is clear. The Act was designed to permit a flexible system through which the widespread diversion of controlled substances could be halted.

The principal difference between "Four Corners" and the case at bar is that the former involved a revocation of registration under 21 U.S.C. 824 whereas this case involves a denial to grant a registration under 21 U.S.C. 823. This difference is, however, without substance. This agency has consistently held that where a registration can be revoked under section 824, it can, a fortiori, be denied under section 823, since the law would not require an agency to indulge in the useless act of granting a license on one day only to withdraw it on the next.

For the reasons above stated, the Administrator finds that the public interest would not be served by granting the Serling Drug Company's application for registration as a distributor under DEA Registration Number PS 0032932 at this time. However, there are several paragraphs in the hearing record and in Judge Parker's report which indicate that loss of Serling's DEA registration would visit economic disaster upon the Company and extreme hardship upon some sixty families which depend upon Serling for their livelihoods. The Administrator is not unmindful of the side effects of his actions with regard to controlled substance registrations. Yet, in spite of these undesirable incidental effects, the intent of Congress in setting up this system of controls must not be forgotten. If diversion of drugs into illicit channels is to be halted, registrants must be not only aware of their responsibility, but also of the consequences of their irresponsibilities.

After considering all of these factors, the Administrator has decided upon a course of action which seems best to fit the total situation and to serve the public interest. Serling Drug Company's application will be denied. However, after one year, if Serling can satisfy the Administrator that it is prepared to comply with the letter and spirit of the Controlled Substances Act and the administrative regulations pursuant thereto, a new application for registration as a distributor of controlled substances will be considered.

On May 10, 1974, Mr. Leon Serling, Secretary-Treasurer of Detroit Prescription Wholesaler, Inc. ("Detroit"), executed on behalf of that company an application for registration, under DEA Registration Number PD 0033011, to distribute controlled substances under Section 303 of the Controlled Substances Act (21 U.S.C. 823). On August 6, 1974, the Drug Enforcement Administration issued an order to show cause as to why this application should not be denied. This order alleged, *inter alia*, that the applicant had failed to maintain effective controls against the diversion of controlled substances into other than legitimate scientific, industrial and medical channels as evidenced by its failure to maintain records of controlled substances transactions as required by §§ 1304.04(b)(1), 1304.04(b)(2), 1304.23(e) and 1305.03.

On August 30, 1974, Detroit requested a hearing on the order to show cause. A prehearing conference was held in this matter on October 9, 1974, in Detroit, Michigan, and a hearing was held on November 12, 1974, in Washington, D.C., Administrative Law Judge Lewis F. Parker, presiding. On March 3, 1975, Judge Parker filed, pursuant to 21 CFR 1316.65 his report containing recommended findings of fact, conclusions of law and a recommended decision, and certified to the Administrator the record of the proceedings including the transcripts of the hearings and prehearing conference, the exhibits admitted into evidence, and the proposed findings of fact and conclusions of law filed by both the Government and the respondent and their respective briefs in reply thereto. The Administrator has reviewed the entire record and, pursuant to 21 CFR 1316.66, hereby publishes his final order in this proceeding based upon the findings of fact and conclusions of law set forth below.

Sections 303 (b) and (e) of the Controlled Substances Act (21 U.S.C. 823 (b) and (e)) require that an applicant shall be registered to distribute controlled substances in schedules I or II, and schedules III, IV and V, respectively, unless such registration would be inconsistent with the public interest. First among the factors to be considered in determining whether such registration is in the public interest is the maintenance of effective controls against diversion. Section 307 (21 U.S.C. 827) and section 308 (21 U.S.C. 828) of the Controlled Substances Act set forth, respectively, the records which must be maintained by registrants and the requirement for the use of order forms for all transfers of schedule I and II substances. Parts 1304 and 1305 of Title 21, Code of Federal Regulations, are administrative regulations promulgated pursuant to the aforementioned sections of the Controlled Substances Act.

The Government has alleged, and, in the course of these proceedings, the applicant or registrant has admitted, that Detroit failed to maintain records of its controlled substances transactions as required by the Controlled Substances Act and by Title 21, Code of Federal Regulations, Part 1304 et seq. The Administrator finds, as did Judge Parker that "Detroit has not * * * kept the records required by DEA regulations to evidence the transfer of controlled substances from Detroit to Serling [Drug Company]."

The Administrator further finds that since both Detroit and Serling Drug Company shared the same building, controlled substances handling areas and personnel, and since Mr. Leon Serling is a responsible officer of both companies, that any inadequacies in Serling's physical security and operating procedures are properly attributable to Detroit and that where the former had notice of these shortcomings, this was notice to the latter.

Detroit's failure to maintain adequate controls, particularly in its transfers of schedule II substances other than pursuant to a written order, is in itself sufficient reason to deny its application under the circumstances in this matter. However, there is another compelling reason why this registration should not be renewed. The Administrator has in this very order denied the application of Serling Drug Company for registration as a distributor. The record in this matter leaves no doubt but that Detroit is merely a pseudonym for Serling—a paper entity through which Serling ordered pharmaceuticals for various economic and business reasons. Mr. Leon Serling, Detroit's Secretary-Treasurer and sole shareholder, stated that, upon arrival at the companies' joint facility, pharmaceuticals lost their identity as Detroit's and were placed immediately into Serling Drug Company's inventory and that, in effect, Serling paid for all merchandise ordered by Detroit.

Therefore, since the Administrator has held that permitting Serling Drug Company to continue to distribute controlled substances would not be in the public interest, it would be inconsistent and likewise contrary to the public interest to permit Serling to do vicariously through Detroit what it may not do of its own.

For these reasons, Detroit Prescription Wholesaler's application is denied. However, for the same reasons as articulated in the Serling matter, above, the Drug Enforcement Administration will consider a new application after the passage of one year.

Therefore, under the authority vested in the Attorney General by section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823), and redelegated to the Administrator of the Drug Enforcement Administration, by § 0.100, as amended, Title 28, Code of Federal Regulations, the Administrator orders that the application of Serling Drug Company for a Certificate of Registration under DEA Registration Number PS 0032932 and that of Detroit Prescription Wholesaler, Inc., under DEA Registration Number PD 0033011 be denied. This order shall be effective on or before April 14, 1975, and during this period, Serling Drug Company and Detroit Prescription Wholesaler, Inc., shall be permitted to dispose of all controlled substances in their possession in a lawful and regular manner.

Dated: March 11, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-6893 Filed 3-13-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

DRAFT FACILITY LOCATION SUPPLEMENT

Public Meeting

Notice of a public information meeting is hereby given by the Bonneville Power Administration to solicit public comments on the Draft Facility Location Supplement to BPA's Fiscal Year 1976 Program Environmental Statement covering Satsop Integrating Transmission.

The Satsop Integration Transmission Supplement describes the environmental impact of constructing a proposed new substation near Satsop, Washington, 24 miles west of Olympia, Washington; and the proposed construction of two 500-kV transmission lines, one from Satsop to Paul Substation, approximately 20 miles south of Olympia, and one from Satsop to Olympia Substation.

The purpose of this public information meeting is to present to the public, alternative locations relative to the proposed facilities for Satsop Integration Transmission, and to solicit comments from the public with respect to the environmental impact of the proposals.

A notice of availability of the Draft Facility Location Supplement for Satsop Integration Transmission appeared in the FEDERAL REGISTER on March 7, 1975. Copies of the Draft Facility Location Supplement describing the proposal are available for inspection in the library of the Headquarters Office of BPA, 1002 NE Holladay Street, Portland, Oregon 97232; the BPA Washington, D.C. Office in the Interior Building, Room 5600; and at the Seattle Area Office, 415 First Avenue N., Room 250, Seattle, Washington 98109.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Seattle Area Manager at the above address.

The meeting covering Satsop Integrating Transmission will be held on Wednesday, April 16, 1975, 7:30 p.m., at Evergreen State College (Lecture Hall No. 5), in Olympia, Washington. Those not able

to attend may submit comments by writing to the Environmental Office, Bonneville Power Administration, Portland, at the address above. All written comments must be received by April 24, 1975, in order to be considered for inclusion in the final supplement.

Dated: March 10, 1975.

WILLIAM H. CLAGETT,
Assistant Administrator.

[FR Doc.75-6667 Filed 3-13-75;8:45 am]

Geological Survey

GULF OF MEXICO AREA

Intention To Develop an OCS Order Concerning Hydrogen Sulfide in Producing Operations

The Geological Survey intends to develop an OCS Order concerning hydrogen sulfide (H_2S) in oil and gas well producing operations, Gulf of Mexico Area. Interested persons may submit written comments and suggestions concerning the content of this proposed Order to the Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 600, 12201 Sunrise Valley Drive, Reston, Virginia 22092, on or before May 1, 1975.

W. A. RADLINSKI,
Acting Director.

[FR Doc.75-6728 Filed 3-13-75;8:45 am]

NEW MEXICO

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby added to the Kilbourne Hole known geothermal resources area, effective Feb. 1, 1974:

(31) NEW MEXICO

KILBOURNE HOLE KNOWN GEOTHERMAL RESOURCES AREA

New Mexico Principal Meridian, New Mexico
T. 27 S., R. 1 W.,
Secs. 8, 17, and 21.

The area described aggregates 1,920 acres, more or less.

Dated: March 3, 1975.

GEORGE H. HORN,
Conservation Manager,
Central Region.

[FR Doc.75-6726 Filed 3-13-75;8:45 am]

FLY RANCH, NEVADA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by section 21 (a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572, 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as an addition to the Fly Ranch Known Geothermal Resources Area, effective March 1, 1974:

(28) NEVADA

FLY RANCH KNOWN GEOTHERMAL RESOURCES AREA MT. DIABLO MERIDIAN, NEVADA

T. 33 N., R. 23 E.
Sec. 1: Lots 1 through 4, S½N½, S½;
Sec. 2: Lots 1 through 4, S½N½, S½;
Sec. 11: Lots 1 through 8, NW¼, S½;
Sec. 12: Lots 1 through 10, NE¼.
T. 34 N., R. 23 E.
Sec. 9: All;
Sec. 10: Lots 1 through 12, W½;
Sec. 15: Lots 1 through 12, W½;
Sec. 16: All;
Sec. 22: Lot 4;
Sec. 25: All;
Sec. 26: All;
Sec. 27: Lots 1 through 4;
Sec. 34: Lot 1;
Sec. 35: All;
Sec. 36: All;
T. 34 N., R. 24 E.
Sec. 6: Lots 1 through 7, S½NE¼, SE¼ NW¼, NE¼SW¼, SE¼;
Sec. 7: Lots 1 and 2, NE¼, E½NW¼, S½;
Sec. 8: All;
Sec. 16: All;
Sec. 17: All;
Sec. 18: All;
Sec. 19: All;
Sec. 20: All;
Sec. 21: All;
Sec. 29: All;
Sec. 30: Lots 3 and 4, N½, E½SW¼, SE¼;
Sec. 31: Lots 1 through 4.

Containing 15,537.38 acres, more or less.

Dated: February 20, 1975.

HILLARY A. ODEN,
Acting Conservation Manager,
Western Region.

[FR Doc.75-6727 Filed 3-13-75;8:45 am]

National Park Service

GOLDEN GATE NATIONAL RECREATION AREA CITIZENS' ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 7:30 p.m. on Tuesday, April 8, at the Fort Mason Officers' Club, Fort Mason, San Francisco, California.

The purpose of the Golden Gate National Recreation Area Advisory Commission is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the National Park system in Marin and San Francisco counties.

Members of the Advisory Commission are as follows:

Mr. Frank Boerger, Chairman.
Mrs. Army Meyer, Secretary.
Mr. Ernest C. Ayala.
Mr. Richard Bartke.
Mr. Fred Blumberg.
Mr. Joseph Caverly.
Mr. Lambert Lee Choy.
Mrs. Daphne Greene.
Mr. Peter Haas, Sr.
Mr. Joseph Mendoza.
Mrs. John Mitchell.
Mr. Merritt Robinson.
Mr. William Thomas.
Mr. Gene Washington.
Dr. Edgar Wayburn.

The major item on the agenda will be selection of participants for interim use of space at Fort Mason.

This meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact William J. Whalen, General Superintendent, Golden Gate/Point Reyes, Fort Mason, San Francisco, California 94123, telephone 415-556-2920.

Minutes of the meeting will be available for public inspection by April 25, 1975, in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco.

Dated: March 5, 1975.

RAY C. FOUST,
Acting Superintendent,
South Unit.

[FR Doc.75-6778 Filed 3-13-75;8:45 am]

OZARK NATIONAL SCENIC RIVERWAYS ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Ozark National Scenic Riverways Advisory Commission will be held on Friday, April 11, 1975 at 10:00 a.m., at the Welch Spring Education Center, one-quarter mile off State Route K, 20 miles southwest of Salem in Shannon County, Missouri.

The Commission was established by Pub. L. 88-492 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Ozark National Scenic Riverways.

The members of the Commission are as follows:

Mr. William C. Schock, St. Louis, Missouri.
Mr. Kirby Hart, Houston, Missouri.
Mr. Robert G. Kelley, Ellsinore, Missouri.
Mr. Carlton E. Bay, Salem, Missouri.
Mr. Edward Hodge, Eminence, Missouri.

The purpose of the meeting is to consider the following agenda items:

1. Progress report covering current problems and major activities.
2. Status of the draft master plan and environmental impact statement will be reviewed.
3. Review preliminary Owl's Bend development plan.
4. Progress report on research programs.

The meeting will be open to the public. However, facilities and space of accommodating members of the public are

limited and it is expected that not more than 15 persons will be able to attend the session. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Randall R. Pope, Superintendent, Ozark National Scenic Riverways at (314) 323–4236. Minutes of the meeting will be available four weeks after the meeting at the office of Ozarks National Scenic Riverways, Van Buren, Missouri 63965.

Dated: March 6, 1975.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc.75–6779 Filed 3–13–75;8:45 am]

[INT FES 75–35]

Office of the Secretary

WILDERNESS RECOMMENDATION MOUNT RAINIER NATIONAL PARK, WASHINGTON

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the wilderness recommendation, Mount Rainier National Park, Washington.

The statement considers the recommendation for including 210,700 acres of Mount Rainier National Park in the National Wilderness Preservation System.

Copies of the statement are available from or for inspection at the following locations:

Pacific Northwest Region
National Park Service
Fourth and Pike Building
Seattle, Washington 98101

Portland Field Office
National Park Service
920 Northeast Seventh Avenue
Portland, Oregon 97232

Mount Rainier National Park
Longmire, Washington 98397

Dated: March 3, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.75–6781 Filed 3–13–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

PEANUTS; 1974 CROP

Outgoing Quality Regulation; Amendment

Pursuant to the provisions of sections 32 and 34 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 FR 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found that the amendments hereinafter set forth to the Outgoing Quality Regulations applicable to 1974 Crop Peanuts (39 FR 22170, 39 FR 30526 and 39 FR 35583) will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement.

Amendment of paragraph (g)(2) of the Outgoing Quality Regulation is necessary to provide that handlers may have larger sized lots of loose shelled kernels, fall through and pickouts inspected at one time. This proposal would change the lot size limitation from 100,000 pounds to 120,000 pounds except on bulk lots shipped in one conveying vehicle which would be permitted to go up to 200,000 pounds.

Therefore, paragraph (g)(2) of the Outgoing Quality Regulation (39 FR 22170, 39 FR 30526 and 39 FR 35583) is amended by deleting the last sentence and replaced by the following:

Such peanuts shall be inspected by Federal or Federal-State inspectors and a certification made on each lot as to moisture and foreign material content. Such lot size shall not exceed 120,000 pounds except bulk lots shipped in one conveying vehicle where the weight limitation shall not exceed 200,000 pounds.

Amendment of paragraph (g)(3) of the Outgoing Quality Regulation is necessary to change the fragmentation requirements on non-edible quality peanuts destined for export. The proposed change would not eliminate the fragmentation requirement but would relax it. The relaxation is intended to eliminate the caking or packing of the resultant fragmented peanuts during the shipping process.

Therefore, paragraph (g)(3) of the Outgoing Quality Regulation (39 FR 22170, 39 FR 30526 and 39 FR 35583) is amended by deleting the third sentence and replaced by the following:

The term "fragmented" means to fragment the shelled peanuts so that not more than 20 percent of the kernels that remain as whole kernels will ride the following screens by type: Spanish 1$\frac{1}{64}$ x $\frac{3}{4}$ inch slot; Runner 1$\frac{5}{64}$ x $\frac{3}{4}$ inch slot; and Virginia 1$\frac{1}{64}$ x 1 inch slot.

The Peanut Administrative Committee has recommended that these amendments be issued as soon as possible so as to implement and effectuate the provisions of the marketing agreement dealing with the Outgoing Quality Regulations. Marketing of the 1974 peanut crop is well underway and such regulations for actual operations under the agreement should therefore be modified and made effective as soon as possible, i.e., on the effective date specified herein. Handlers of peanuts who will be affected by such amendments have signed the marketing agreement authorizing the issuance of such regulations, they are represented on the Committee which recommended such amendments and time does not permit prior notice of the proposed amendments of such handlers.

The foregoing amendments of the Outgoing Quality Regulations are hereby approved.

Dated: March 10, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.75–6752 Filed 3–13–75;8:45 am]

Agricultural Stabilization and Conservation Service

NATIONAL PEANUT ADVISORY COMMITTEE

Emergency Public Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of an emergency meeting of the National Peanut Advisory Committee at 9 a.m. on March 20, 1975 in Room 218–A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

The purpose of this meeting is to provide the Secretary with the advice and counsel of the industry on the emergency surplus problems associated with the present peanut program, owing partially to the unusual yield and surplus production situation resulting from the 1974 crop.

The meeting will be open to the public. Any member of the public may file a written statement with the committee, before or within one week following the meeting.

The names of the members of the committee, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from William Lanier, Director, Tobacco & Peanut Division, Room 6741–S, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

Signed at Washington, D.C., on March 12, 1975.

WILLIAM LANIER,
Executive Secretary, National
Peanut Advisory Committee.

[FR Doc. 75–6935 Filed 3–13–75; 10:18 am]

Farmers Home Administration

[Notice of Designation Number A166]

NEW MEXICO

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in New Mexico as a result of the following natural disasters:

De Baca:
Drought September 1, 1973, to August 25, 1974.
Excessive rainfall August 26 to November 15, 1974.
Fires caused by lightning April 15 to August 25, 1974.

Eddy:
Drought October 1, 1973, through August 20, 1974.
Excessive rainfall August 21 through December 31, 1974.

Sandoval:
Drought January 1 to August 15, 1974.
Freeze April 8, 1974.

San Miguel:
Drought January 1 to December 1, 1974.

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 Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Jerry Apodaca that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 5, 1975, for physical losses and December 8, 1975, for 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 10th day of March 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-6808 Filed 3-13-75;8:45 am]

Rural Electrification Administration

CENTRAL LOUISIANA TELEPHONE COMPANY, INC.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974, (Vol. 39 No. 180, 39 FR 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $6,425,000 to Central Louisiana Telephone Company, Inc., Jena, Louisiana. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. James F. Miles, Vice President, Central Louisiana Telephone Company, Inc., P.O. Box 5246, Bakersfield, California 93308.

To assure consideration, proposals must be submitted (within 30 days of the date of this notice) to Mr. James F. Miles, Vice President. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Central Louisiana Telephone Company and REA deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 10th day of March 1975.

DAVID A. HORMIL,
Administrator, Rural
Electrification Administration.

[FR Doc.75-6810 Filed 3-13-75;8:45 am]

KENTUCKY TELEPHONE CO., LONDON, KENTUCKY

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974, (Vol. 39 No. 180, 39 FR 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $5,000,000 to Kentucky Telephone Company, London, Kentucky. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. W. W. Thomason, President, Kentucky Telephone Company, 719 N. Main Street, London, Kentucky 40471.

To assure consideration, proposals must be submitted (within 30 days of the time of this notice) to Mr. W. W. Thomason. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Kentucky Telephone Company and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 7 day of March 1975.

DAVID H. ASKEGAARD,
Administrator, Rural
Electrification Administration.

[FR Doc.75-6809 Filed 3-13-75;8:45 am]

OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with a loan guarantee for Oglethorpe Electric Membership Corporation, 148 Cain Street, Suite 845, Atlanta, Georgia 30303, which will provide for participation by Oglethorpe Electric Membership Corporation with Georgia Power Company in joint financing and ownership of certain new generation facilities and related transmission facilities.

The proposed generating facilities, known as Plant Hal Wansley Units No. 1 and 2, consist of two coal fired units of approximately 865 MW each, located in west central Georgia at a new site and now under construction by Georgia Power Company in Heard and Carroll Counties approximately 47 miles southwest of Atlanta, Georgia.

Transmission facilities for the movement of bulk power from Plant Wansley into Georgia Power Company's existing transmission system are being provided. The following transmission facilities are under construction by Georgia Power Company or are being designed for construction in the immediate future:

1. A 500 kV transmission line, approximately 24 miles in total length from Plant Wansley in a northerly direction to the existing Villa Rica 500/230 kV substation in Douglas County, Georgia. This line is under construction.

2. A 500 kV transmission line approximately 60 miles in total length from Plant Wansley in a southerly direction to the existing Fortson 500/230/115 kV substation in Harris County, Georgia. This line is under construction.

3. A 500 kV transmission line approximately 49 miles in total length from Plant Wansley to a proposed O'Hara 500 kV substation to be located in Clayton County, Georgia. This line is being designed for 1977 completion. Transmission facilities for supplying starting station service for Plant Wansley from the Georgia Power Company's existing transmission system are also being provided but are not a part of the joint venture. The following such transmission facilities have been constructed or will be designed and constructed in the immediate future:

1. A 115 kV transmission line approximately 4 miles in total length connecting Plant Yates, a generating station of the Georgia Power Company, to Plant Wansley station service substation. This line has been constructed.

2. A 115 kV transmission line approximately 8 miles in total length to connect from Plant Yates to Plant Wansley to provide a second source of start-up power for Plant Wansley. This line has not been designed or constructed.

Additional information may be obtained at Oglethorpe's office during regular business hours.

Interested parties are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to Oglethorpe Electric Membership Corporation whose address is given.

Dated at Washington, D.C., this 7th day of March 1975.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.75-6811 Filed 3-13-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 5B3074]

E. I. DUPONT DE NEMOURS & CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B3074) has been filed by E. I. duPont de Nemours & Co., Wilmington, DE 19898, proposing that § 121.2625 *Acrylonitrile/styrene copolymer modified with butadiene/styrene elastomer* (21 CFR 121.2625) be amended to: (1) Expand the permitted use of the copolymer, currently restricted to use with nonalcoholic beverages, to use as an article or a component of articles intended to contact all foods except those containing more than 8 percent alcohol, including use as a beer bottle; (2) expand the permitted composition range of the acrylonitrile, butadiene, and styrene components of the copolymer.

It has been determined that the proposed uses, other than as bottles intended to hold beer, will not have a significant environmental impact. An environmental impact analysis report (EIAR) on the use of this polymer in the fabrication of plastic bottles intended for carbonated beverage and beer use was filed with the Food and Drug Administration in response to a notice published in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391). This notice announced the requirement of submission of EIARs for substances used or intended for use in the fabrication of plastic bottles for carbonated beverage and beer use. The EIAR for this petition and others submitted in response to this notice are being reviewed for issuance of a Draft Environmental Impact Statement. The environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: March 6, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-6734 Filed 3-13-75;8:45 am]

National Institutes of Health

BIOMEDICAL LIBRARY REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biomedical Library Review Committee, National Library of Medicine, on May 6-8, 1975, from 9 a.m. to 5 p.m. on May 6, from 8:30 a.m. to 5 p.m. on May 7, and from 8:30 a.m. to adjournment on May 8, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland.

This meeting will be open to the public from 9 a.m. to 5 p.m. on May 6 for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available. In accordance with provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 7 from 8:30 a.m. to 5 p.m. and from 8:30 a.m. to adjournment on May 8, for the review, discussion, and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone Number: 301-496-4191, will furnish summaries of the meeting, rosters of committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.349, 13.351, 13.352, 13.353—National Institutes of Health)

Dated: March 7, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-6720 Filed 3-13-75;8:45 am]

CANCER CLINICAL INVESTIGATION REVIEW COMMITTEE AND CLINICAL CANCER EDUCATION COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

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 meetings and rosters of committee members upon request. Substantive program information can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014 unless otherwise stated.

Name of committee: Cancer Clinical Investigation Review Committee.
Dates: April 21-23, 1975, 8:30 a.m.
Place: Linden Hill Hotel, Terrace Room, 5400 Pooks Hill Road, Bethesda, Maryland.
Times:
Open: April 21, 8:30 a.m.-12:30 p.m.
Closed: April 21, 1:30 p.m.-5 p.m.
Open: April 22, 8:30 a.m.-12:30 p.m.
Closed: April 22, 1:30 p.m.-5 p.m.
Closed: April 23, 8:30 a.m.-adjournment.
Closure reason: To Review Research Grant Applications.
Executive Secretary: Dr. John E. Lane.
Address: Westwood Building, Room: 803, National Institutes of Health.
Phone: 301/496-7903.
(Catalog of Federal Domestic Assistance Number 13.314)

Name of committee: Clinical Cancer Education Committee.
Dates: April 30-May 1, 1975, 8:30 a.m.
Place: Building 31A Room: Conference Room 4, National Institutes of Health.
Times:
Open: April 30, 8:30 a.m.-10:00 a.m.
Closed: April 30, 10 a.m.-5:00 p.m.
Closed: May 1, 8:30 a.m.-adjournment.
Closure reason: To Review Research Grant Applications.

Executive Secretary: Dr. Margaret Edwards.
Address: Westwood Building Room: 10A07, National Institutes of Health.
Phone: 301/496-7762.

(Catalog of Federal Domestic Assistance number 13.314)

Dated: March 7, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-6721 Filed 3-13-75;8:45 am]

CANCER CONTROL INTERVENTION PROGRAMS REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

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 meetings and rosters of committee members upon request. Substantive program information can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014 unless otherwise stated.

Name of committee: Cancer Control Intervention Programs Review Committee.
Dates: April 1-2, 1975, 8:30 a.m.
Place: Building 31C. Room: Conference Room 7, National Institutes of Health.
Times:
Open: April 1, 8:30 a.m.—9:00 a.m.
Closed: April 1, 9 a.m.—5 p.m.
Closed: April 2, 8:30 a.m.—adjournment.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Dr. Veronica L. Conley. Address: Blair Building. Room: 7A01, National Institutes of Health. Phone: 301/427-7943.
Catalog of Federal Domestic Assistance number 13.825.

Name of committee: Cancer Clinical Investigation Review Committee.
Dates: April 3, 1975, 8:30 a.m.
Place: Building 31A. Room: Conference Room 10A34, National Institutes of Health.
Times:
Open for the Entire Meeting.
Executive Secretary: Dr. John E. Lane. Address: Westwood Building. Room: 803, National Institutes of Health. Phone: 301/496-7903.

Name of committee: Breast Cancer Experimental Biology Committee.
Dates: April 3-4, 1975, 8:30 a.m.
Place: Building 31A. Room: Conference Room 4, National Institutes of Health.
Times:
Open: April 3, 8:30 a.m.-9:00 a.m.
Closed: April 3, 9 a.m.-5 p.m.
Closed: April 4, 8:30 a.m.-2 p.m.
Open: April 4, 2 p.m.-adjournment.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Dr. D. Jane Taylor. Address: Landow Building. Room: A404, National Institutes of Health. Phone: 301/496-6718.
Catalog of Federal Domestic Assistance number 13.825.

Name of committee: Breast Cancer Treatment Committee.
Dates: April 4, 1975, 9:00 a.m.
Place: Building 31C. Room: Conference Room 9, National Institutes of Health.
Times:
Open: April 4, 9 a.m.-10:30 a.m.
Closed: April 4, 10:30 a.m.-adjournment.
Agenda/open portion: General discussion of program scientific session on predictive biological and biochemical studies.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Dr. Mary E. Sears. Address: Landow Building. Room: A416, National Institutes of Health. Phone: 301/496-6773.
Catalog of Federal Domestic Assistance number 13.825.

Name of committee: Board of Scientific Counselors, Division of Cancer Treatment.
Dates: April 7-8, 1975, 9 a.m.
Place: Building 31C. Room: Conference Room 6, National Institutes of Health.
Times: Open for the Entire Meeting.
Agenda: To discuss national cancer program responsibilities of the Division of Cancer Treatment in lung cancer and to discuss contract review procedures and peer review of contracts.
Executive Secretary: Dr. Vincent T. DeVita, Jr. Address: Building 31. Room: 3A52, National Institutes of Health. Phone: 301/496-4291.

Name of committee: Biometry and Epidemiology Contract Review Committee.
Dates: April 8-9, 1975, 7:30 p.m.
Place: Landow Building. Room: Conference Room C418, National Institutes of Health.
Times:
Open: April 8, 7:30 p.m.-10:30 p.m.
Closed: April 9, 9 a.m.-adjournment.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Mr. Harvey Geller. Address: Landow Building. Room: C519, National Institutes of Health. Phone: 301/496-6014.
Catalog of Federal Domestic Assistance number 13.825.

Name of committee: Committee on Cancer Immunotherapy.
Dates: April 10, 1975, 1 p.m.
Place: Building 10. Room: Conference Room 4B17, National Institutes of Health.
Times:
Open: April 10, 1 p.m.-1:30 p.m.
Closed: April 10, 1:30 p.m.-adjournment.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Dr. Dorothy Windhorst Address: Building 10. Room: 4B17, National Institutes of Health. Phone: 301/496-1791.
Catalog of Federal Domestic Assistance number 13.825.

Name of committee: Virus Cancer Program Scientific Review Committee B.
Dates: April 16-17, 1975, 9 a.m.
Place: Building 426. Room: Conference Room, National Institutes of Health.
Times:
Open: April 16, 9 a.m.-9:30 a.m.
Closed: April 16, 9:30 a.m.-5:00 p.m.
Closed: April 17, 9 a.m.-adjournment.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Dr. Elke Jordan. Address: Building 37. Room: 1A01, National Institutes of Health. Phone 301/496-6927.
Catalog of Federal Domestic Assistance number 13.825.

Name of committee: Cancer Control Community Activities Review Committee Meeting.
Dates: April 17, 1975, 8:30 a.m.
Place: Building 31C. Room: Conference Room 7, National Institutes of Health.
Times:
Open: April 17, 8:30 a.m.-9 a.m.
Closed: April 17, 9 a.m.-adjournment.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Dr. Veronica L. Conley. Address: Blair Building. Room: 7A01, National Institutes of Health. Phone: 301/427-7943.
Catalog of Federal Domestic Assistance number 13.825.

Name of committee: Cancer Control Supportive Services Review Committee.
Dates: April 18, 1975, 8:30 a.m.
Place: Building 31C. Room: Conference Room 7, National Institutes of Health.
Times:
Open: April 18, 8:30 a.m.-9 a.m.
Closed: April 18, 9 a.m.-adjournment.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Dr. Veronica L. Conley, Address: Blair Building. Room: 7A01, National Institutes of Health. Phone: 301/427-7943.
Catalog of Federal Domestic Assistance number 13.825.

Name of Committee: Virus Cancer Program Scientific Review Committee A.
Dates: April 18, 1975, 9 a.m.
Place: Building 37. Room: Conference Room 1B04, National Institutes of Health.
Times:
Open: April 18, 9 a.m.-9:30 a.m.
Closed: April 18, 9:30 a.m.-adjournment.
Closure Reason: To Review Research Contract Proposals.
Executive Secretary: Dr. Elke Jordan. Address: Building 37. Room: 1A01, National Institutes of Health. Phone: 301/496-6927.
Catalog of Federal Domestic Assistance number 13.825.

Name of committee: Cancer Control Intervention Programs Review Committee.
Dates: April 21-22, 1975, 8:30 a.m.
Place: Sheraton-Silver Spring Motor Hotel, 8727 Colesville Road, Silver Spring, Maryland.
Times:
Open: April 21, 8:30 a.m.-9 a.m.
Closed: April 21, 9 a.m.-5 p.m.
Closed: April 22, 8:30 a.m.-adjournment.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Dr. Veronica L. Conley. Address: Blair Building. Room: 7A01, National Institutes of Health. Phone: 301/427-7943.
Catalog of Federal Domestic Assistance number 13.825.

Name of committee: Carcinogenesis Program Scientific Review Committee A.
Dates: April 21-22, 1975, 9 a.m.
Place: Landow Building. Room: Conference

Room C418, National Institutes of Health.
Times:
Open: April 21, 9 a.m.–12 noon.
Closed: April 21, 1:30 p.m.–5 p.m.
Closed: April 22, 9 a.m.–adjournment.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Dr. Allen H. Heim. Address: Landow Building. Room: A306, National Institutes of Health. Phone: 301/496–1881.
Catalog of Federal Domestic Assistance number 13.825.

Name of committee: Carcinogenesis Program Scientific Review Committee B.
Dates: April 21–22, 1975, 9 a.m.
Place: Landow Building. Room: Conference Room C418, National Institutes of Health.
Times:
Open: April 21, 9 a.m.–12 p.m.
Closed: April 21, 1:30 p.m.–5 p.m.
Closed: April 22, 9 a.m.–adjournment.
Closure Reason: To Review Research Contract Proposals.
Executive Secretary: Dr. Marcia D. Litwack. Address: Landaw Building. Room: A306, National Institutes of Health. Phone: 301/496–5988.
Catalog of Federal Domestic Assistance number 13.825.

Name of committee: Carcinogenesis Program Scientific Review Committee C.
Dates: April 21–22, 1975, 9 a.m.
Place: Landow Building. Room: Conference Room C418, National Institutes of Health.
Times:
Open: April 21, 9 a.m.–12 p.m.
Closed: April 21, 1:30 p.m.–5 p.m.
Closed: April 22, 9 a.m.–adjournment.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Dr. James M. Sontag. Address: Landow Building. Room: A306, National Institutes of Health. Phone: 301/496–5471.
Catalog of Federal Domestic Assistance number 13.825.

Name of committee: Committee on Cancer Immunotherapy.
Dates: April 24, 1975, 1 p.m.
Place: Building 10. Room: 4B17, National Institutes of Health.
Times:
Open: April 24, 1 p.m.–1:30 p.m.
Closed: April 24, 1:30 p.m.–adjournment.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Dr. Dorothy Windhorst. Address: Building 10. Room: 4B17, National Institutes of Health. Phone: 301/496–1791.
Catalog of Federal Domestic Assistance number 13.825.

Name of committee: Virus Cancer Program Scientific Review Committee A.
Dates: April 24–25, 1975, 9 a.m.
Place: Landow Building. Room: Conference Room C418, National Institutes of Health.
Times:
Open: April 24, 9 a.m.–10 a.m.
Closed: April 24, 10 a.m.–5 p.m.
Closed: April 25, 9 a.m.–adjournment.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Dr. Elke Jordan. Address: Building 37. Room: 1A01, National Institutes of Health. Phone: 301/496–6927.
Catalog of Federal Domestic Assistance number 13.825.

Name of committee: Committee on Cancer Immunobiology.
Date: April 28, 1975, 2 p.m.
Place: Building 10. Room: Conference Room 4B17, National Institutes of Health.
Times:
Open: April 28, 2 p.m.–2:30 p.m.
Closed: April 28, 2:30–adjournment.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Ms. Judith M. Magnotta. Address: Building 10. Room: 4B17, National Institutes of Health. Phone: 301/496–1791.
Catalog of Federal Domestic Assistance number 13.825.

Name of committee: Cancer Control Community Activities Review Committee.
Dates: April 28–29, 1975, 8:30 a.m.
Place: Building 31C. Room: Conference Room 7, National Institutes of Health.
Times:
Open: April 28, 8:30 a.m.–9 a.m.
Closed: April 28, 9 a.m.–5 p.m.
Closed: April 29, 8:30 a.m.–adjournment.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Dr. Veronica L. Conley. Address: Blair Building. Room: 7A01, National Institutes of Health. Phone: 301/427–7943.
Catalog of Federal Domestic Assistance number 13.825.

Name of committee: Cancer Control Supportive Services Review Committee.
Dates: April 29, 1975, 8:30 a.m.
Place: Building 31A. Room: Conference Room 4, National Institutes of Health.
Times:
Open: April 29, 8:30 a.m.–9 a.m.
Closed: April 29, 9 a.m.–adjournment.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Dr. Veronica L. Conley. Address: Blair Building. Room: 7A01, National Institutes of Health. Phone: 301–427–7943.
7943.
Catalog of Federal Domestic Assistance number 13.825.
Name of Committee: Diagnostic Research Advisory Group.
Dates: April 29, 1975, 8:30 a.m.
Place: Building 31B. Room: Conference Room 5, National Institutes of Health.
Times:
Open: April 29, 8:30 a.m.–10:30 a.m.
Closed: April 29, 10:30 a.m.–adjournment.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Mr. Louis P. Greenberg. Address: Building 31. Room: 3A10, National Institutes of Health. Phone: 301–496–1591.
Catalog of Federal Domestic Assistance number 13.825.

Dated: March 7, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–6717 Filed 3–13–75;8:45 am]

CANCER CONTROL SUPPORTIVE SERVICES REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Control Supportive Services Review Committee, National Cancer Institute, April 10–11, 1975, National Institutes of Health, Landow Building, Conference Room 418C.

This meeting will be open to the public on April 10, 1975, from 8:30 a.m. to 9 a.m. for opening statements by the staff. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on April 10, 1975, from 9 a.m. to 5 p.m. and on April 11, 1975, from 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

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 meetings and rosters of committee members.

Dr. Veronica L. Conley, Executive Secretary, Blair Building, Room 7A01, National Institutes of Health, Bethesda, Maryland 20014 (301/427–7943) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 7, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–6725 Filed 3–13–75;8:45 am]

EPILEPSY ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Epilepsy Advisory Committee, National Institute of Neurological Diseases and Stroke, May 20, 1975, Room 8, Building 31, National Institutes of Health.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. to discuss research progress and research plans related to the Institute's epilepsy program. Attendance by the public will be limited to space available.

Dr. J. Kiffin Penry, Chief, Applied Neurologic Research Branch, C&FR, NINDS (Federal Building, Room 114), National Institutes of Health, Bethesda, Md. 20014; telephone 301/496–6691; will provide summaries of the meeting, rosters of the committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health)

Dated: March 7, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–6722 Filed 3–13–75;8:45 am]

NEUROLOGICAL DISORDERS PROGRAM-PROJECT REVIEW A COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review A Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, May 3–4, 1975, at 9, in the Americana of Bal Harbour, Westwood A Room, 9701 Collins Avenue, Bal Harbour, Florida 33154.

This meeting will be open to the public from 9 a.m. until 10 a.m. on May 3rd, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 3rd, from 10 a.m. to adjournment on May 4th, for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Ruth Dudley, Institute Information Officer, Bldg. 31, Room 8A03, Bethesda, Maryland 20014, (301) 496–5751, will provide summaries of the meeting and rosters of committee members.

Dr. Leon J. Greenbaum, Jr., Executive Secretary, Westwood Bldg., Room 7A16A, Bethesda, Maryland 20014 (301) 496–7966, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health)

Dated: March 7, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–6723 Filed 3–13–75;8:45 am]

NEUROLOGICAL DISORDERS PROGRAM—PROJECT REVIEW B COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program—Project Review B Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, May 3–4, 1975, at 9, in the Americana of Bal Harbour, Westwood B Room, 9701 Collins Avenue, Bal Harbour, Florida 33154.

This meeting will be open to the public from 9 a.m. until 10 a.m. on May 3rd, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 3rd, from 10 a.m. to adjournment on May 4th, for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Ruth Dudley, Institute Information Officer, Bldg. 31, Room 8A03, Bethesda, Maryland 20014, (301) 496–5751, will provide summaries of the meeting and rosters of committee members.

Dr. G. Lawrence Fisher, Executive Secretary, Westwood Bldg., Room 7A03B, Bethesda, Maryland 20014, (301) 496–7967, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health)

Dated: March 7, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–6724 Filed 3–13–75;8:45 am]

PHARMACOLOGY-TOXICOLOGY RESEARCH PROGRAM COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Pharmacology - Toxicology Research Program Committee, National Institute of General Medical Sciences, April 26–29, 1975, Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Maryland.

This meeting will be open to the public on April 28 from 9 a.m. to 10:30 a.m. for opening remarks and discussion of objectives and accomplishments of the program and revision of program guidelines. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on April 26–27 from 9 a.m. to 5 p.m., April 28 from 10:30 a.m. to 5 p.m., and April 29 from 9 a.m. to 5 p.m. for the review, discussion and evaluation of initial pending, supplemental, and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data such as salaries; and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Building 31, Room 4A46, Bethesda, Maryland 20014, Telephone: 301–496–5676, will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Raymond E. Bahor, Executive Secretary, Westwood Building, Room 9A03, Bethesda, Maryland 20014, Telephone: 301–496–7707.

(Catalog of Federal Domestic Assistance Program 13–859, Pharmacology-Toxicology Program, National Institute of General Medical Sciences, National Institutes of Health)

Dated: March 7, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–6718 Filed 3–13–75;8:45 am]

VISION RESEARCH PROGRAM COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Vision Research Program Committee, National Eye Institute on May 2–4, 1975, at the St. Armand Inn, 700 Ben Franklin Drive, Sarasota, Florida, 33577.

This meeting will be open to the public from 6:30 p.m. to 7:30 p.m. on May 2nd, for discussion of guidelines for review of the Academic Investigator Awards and the institutional fellowship applications and for the Institute's Administrative Report. Attendance by the public will be limited to Space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 2 from 7:30 p.m. to adjournment on May 4, for the review, discussion, and evaluation of individual initial pending supplemental and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries and personal information concerning individuals associated with the applications.

Mr. Julian Morris, Information Officer, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, room 6A27, telephone (301) 496–5248, will furnish summaries of the meeting and rosters of committee members.

Substantive program information may be obtained from Dr. Wilfard L. Nusser, Chief, Scientific Programs Branch, Extramural and Collaborative Programs, National Eye Institute, National Institutes of Health, Bethesda, Maryland

20014, Building 31, room 6A49, telephone (301) 496–5303.

(Catalog of Federal Domestic Assistance Program No. 13.851, National Institutes of Health)

Dated: March 7, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–6719 Filed 3–13–75;8:45 am]

CLINICAL TRIALS REVIEW COMMITTEE

Amended Meeting

Notice is hereby given of changes in the meeting of the Clinical Trials Review Committee, National Heart and Lung Institute, National Institutes of Health, which was published in the FEDERAL REGISTER on February 21, 1975 (40 FR 7698) to meet on April 1–2, 1975, Building 31, Conference Room 2. The date and place of meeting have been changed to March 31, April 1–2, 1975, Holiday Inn, Lobby Room, 5520 Wisconsin Avenue, Chevy Chase, Maryland. The meeting will be open to the public from 8:30 p.m. to 10 p.m. on March 31 to discuss an administrative report. Attendance by the public will be limited to space available.

In addition to the review, discussion and evaluation of contract proposals mentioned in the FEDERAL REGISTER notice of February 21, the committee will also review grant applications. In accordance with provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 8:30 a.m. on April 1 to adjournment on April 2 for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications. The April 1–2 closed portion of the meeting will be held in NIH conference space.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A21, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Samuel M. Schwartz, Associate Director for Review, Division of Extramural Affairs, NHLI, Westwood Building, Room 655A, phone (301) 496–7351 will furnish substantive program information.

(Catalog of Federal Assistance Program No. 13.837, National Institutes of Health)

Dated: March 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–6680 Filed 3–13–75;8:45 am]

Office of the Assistant Secretary for Health

PRESIDENT'S BIOMEDICAL RESEARCH PANEL

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the President's Biomedical Research Panel on March 31 and April 1, 1975, in Conference Room 10, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on both March 31 and April 1, 1975. The agenda includes a survey and briefing regarding programs of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration. A review will also be undertaken of data relating to the national support of health research, and of the impact on the operation of the National Institutes of Health, of the Wooldridge Committee Report, "Biomedical Science and Its Administration," of February 1965.

Attendance by the public will be limited to space available. Members of the public who wish to participate in this meeting must file a written request with the Executive Director 15 days before the date of the meeting, giving the name and address of the person to be contacted, and summarizing the nature of the proposed participation.

All requests for information, including the roster of the Panel members should be directed to Ms. Anne Ballard (301–496–7526), Room 125, Westwood Building, 9000 Rockville Pike, Bethesda, Maryland 20014.

Substantive program information will be provided by Dr. Charles U. Lowe, Executive Director of the Panel (301–496–5035), Building 31B, Room 4B–59, 9000 Rockville Pike, Bethesda, Maryland 20014.

Dated: March 5, 1975.

C. U. LOWE,
Executive Director.

[FR Doc.75–6755 Filed 3–13–75;8:45 am]

Office of Education

CAREER EDUCATION PROGRAM

Proposed Funding Criteria

Pursuant to the authority contained in section 406(f)(1) of the Education Amendments of 1974, Pub. L. 93–380 (20 U.S.C. 1865(f)(1)), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to establish the following funding criteria for the Career Education Program.

1. *Program purpose.* Paragraph f(1) of section 406, title IV, Pub. L. 93–380 authorizes the Commissioner of Education to make grants to State and local educational agencies, institutions of higher education, and other nonprofit agencies and organizations to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models (including models in which handicapped children receive appropriate career education either by participation in regular or modified programs with nonhandicapped children or where necessary in specially designed programs for handicapped children whose handicaps are of such severity that they cannot benefit from regular or modified programs). Funds which are appropriated pursuant to this authority to carry out the Career Education Program will be utilized to make grants to eligible applicants for the purpose of improving the implementation of career education within the United States. Grants will be awarded for any one of the following purposes:

(1) Activities designed to effect incremental improvements in K–12 career education through one or a series of exemplary projects;

(2) Activities designed to demonstrate the most effective methods and techniques in career education in such settings as the senior high school, the community college, or in institutions of higher education;

(3) Activities designed to demonstrate the most effective methods and techniques in career education for such special segments of the population as handicapped, minority, low income, or female youth;

(4) Activities designed to demonstrate the most effective methods and techniques for the training and retraining of persons for conducting career education programs; and

(5) Activities designed to communicate career education philosophy, methods, program activities, and evaluation results to career education practitioners and to the general public.

2. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)), a citation of statutory or other legal authority for each section of the funding criteria has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section it applies to the entire section.

3. *General provisions regulations.* The proposed funding criteria do not contain provisions relating to general fiscal and administrative matters. Requirements of this nature are covered by the Office of Education General Provisions Regulations (38 FR 30654, November 6, 1973). (Reference is made in particular to 45 CFR Part 100a, which contains general provisions for discretionary programs, including the Career Education Program.)

4. *Written comments.* Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed funding criteria to the Office of Career Education, U.S. Office of Education, 7th and D Streets, SW., Room 3100, Regional Office Building Three,

Washington, D.C. 20202. Comments received in response to these funding criteria will be available for public inspection at the above office on Mondays through Fridays of each week between 8:30 a.m. and 4:00 p.m.

All relevant material must be received not later than the 30th day following publication of these criteria in the FEDERAL REGISTER unless such 30th day is a Saturday, Sunday, or Federal holiday, (April 14, 1975), in which case such material must be received by the next following business day.

(Catalog of Federal Domestic Assistance No. 13.554, Career Education Program)

Dated: February 13, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: March 10, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

CAREER EDUCATION PROGRAM

FUNDING CRITERIA

A. *Scope and purpose.* These funding criteria govern the selection of applications from State and local educational agencies, institutions of higher education, and other nonprofit agencies and organizations for purposes of carrying out activities designed to improve the implementation of career education.

(20 U.S.C. 1865)

B. *Eligible applicants.* The following categories of agencies and organizations are eligible for grants pursuant to these funding criteria:

(1) State educational agencies;
(2) Local educational agencies;
(3) Institutions of higher education; and
(4) Other nonprofit agencies and organizations.

(20 U.S.C. 1865)

C. *Definitions.* As used in these funding criteria: "Career education" means an education process designed to:

(1) Increase the relationship between schools and society as a whole;
(2) Provide opportunities for counseling, guidance and career development for all children;
(3) Relate the subject matter of the curricula of schools to the needs of persons to function fully in society;
(4) Extend the concept of the education process beyond the school into the area of employment and the community;
(5) Foster flexibility in attitudes, skills, and knowledge in order to enable persons to cope with accelerating change and obsolescence;
(6) Make education more relevant to employment and functioning in society; and
(7) Eliminate any distinction between education for vocational purposes and general or academic education.

(20 U.S.C. 1865(a))

"Handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services.

(20 U.S.C. 1401)

"State educational agency" means the State Board of Education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools; or, if there is no such agency or officer, an agency or officer designated by the Governor or by State Law.

(20 U.S.C. 1141(h))

"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. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 1141(g))

"Institution of higher education" or "institution" means an educational institution in any State which meets the requirements set forth in section 1201(a) of the Higher Education Act of 1965 as amended.

(20 U.S.C. 1141(a))

D. *Required application data.* Projects funded pursuant to these funding criteria must be designed to contribute to one of the following purposes to:

(1) Effect incremental improvements in K–12 career education through one or a series of exemplary projects;
(2) Demonstrate the most effective methods and techniques in career education in such settings as the senior high school, the community college, or in institutions of higher education;
(3) Demonstrate the most effective methods and techniques in career education for such special segments of the population as handicapped, minority, low income, or female youth;
(4) Demonstrate the most effective methods and techniques for the training and retraining of persons for conducting career education programs; and
(5) Communicate career education philosophy, methods, program activities, and evaluation results to career education practitioners and to the general public.

Each application for assistance under these funding criteria must set forth a detailed plan which includes:

(i) Identification of the purpose to which the application is addressed (If the applicant chooses to participate in more than one purpose, a separate application will be required for each purpose.);
(ii) Identification of the specific setting(s) in which the proposed activities will be carried out, and the need for such activities;
(iii) Specification of prior career education activities, if any, which the applicant has carried out with the population and in the setting(s) covered by the proposal, including data bearing on evaluation of effectiveness of such prior activities;
(iv) A description of career education processes, techniques, and materials developed in previous projects supported under the National Institute of Education, under Parts C, D, and I of the Vocational Education Act, and under other appropriate sources, which the applicant proposes to utilize in this proposed project;
(v) An operational plan describing, in detail, exactly how the applicant proposes to achieve the specific purpose addressed in the application and explaining the exemplary nature of the proposed procedures;
(vi) Specific learner outcomes expected to result from activities carried out under the application;
(vii) A specific plan to be utilized in evaluating the effectiveness of activities carried out under the application, including specification of the criteria to be utilized in assessing effectiveness and the evaluation instruments to be applied;
(viii) A description of applicant or other additional resources, if any, to be contributed to the proposed activities to supplement funds received pursuant to those funding criteria; and
(ix) A plan for disseminating information to others during the course of the project and at the conclusion of the project grant period.

E. *Application review criteria.* Criteria will be utilized by the reviewers in reviewing formally transmitted applications. Segments or a segment of the application must address each criterion area. Each criterion is weighted and includes the maximum score that can be given to a segment of an application in relation to the criteria. The criteria and maximum weights for each criterion are as follows:

Criteria	Maximum score
(1) *Evidence of need.* The application clearly demonstrates the need for its proposed activities in terms of the purpose it seeks to attain and the population(s) it seeks to serve	5
(2) *Objectives.* The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured	10
(3) *Operational plan.* The application clearly describes the prior career education activities which the applicant has carried out, if any, as well as career education processes, techniques, and materials developed in previous projects supported by the National Institute of Education and other agencies and sources, and explains how this prior work will be utilized in implementing the proposed project. A specific description is provided of the activities proposed for each major step in the project. The time required for each activity, and the period of the project it covers, is clearly chartered in the operational plan	25
(4) *Evaluation Plan.* Provision is made for adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished	20
(5) *Exemplary Nature of Project.* The plan clearly calls for a model that, if successfully attained, holds high promise of serving as one that others could profit by emulating. The activities hold promise of being useful in other projects or programs for similar educational purposes	15
(6) *Personnel.* The personnel with committed major responsibilities for the proposed activities have the necessary qualifications and experience to assure successful completion of the activities	15
(7) *Budget.* The size, scope, and duration of the project are reasonable and the estimated cost is reasonable in relation to anticipated results	10

F. *Allowable costs.* (1) Allowable costs under grants awarded pursuant to these funding criteria shall be determined in accordance with cost principles set forth in

Appendix B, C, or D (as applicable) to subchapter A of Title 45, Code of Federal Regulations (the Office of Education's General Provisions Regulations) and the restriction that funds supplied under grants may not be used to pay regular salaries of State career education staff. (2) It is expected that grants will generally not exceed $200,000, although each application will be judged on the basis of the proposed activities.

G. *Project duration.* (1) Projects will normally be one year in duration. However, applicants should make a realistic estimate of the amount of time needed to implement the proposed project activities. Where this estimate indicates that more or less than one year is necessary, the operational plan and budget should reflect this. (2) With respect to funded projects of more than one year duration, it is anticipated that generally an initial grant will be awarded for the first year of the project. A continuation grant will support the activities proposed for any remaining time period. Decisions for refunding will be made on the basis of the extent to which the grantee has satisfactorily performed under the first grant period and will be contingent upon the availability of funds. For continuations, the following will be necessary:

(1) A determination by the Office of Education that such continuation would be in the best interest of the government; and

(11) Execution of a revised notification of grant award acceptable to the Office of Education and the grantee.

(20 U.S.C. 1865)

[FR Doc.75-6756 Filed 3-13-75;8:45 am]

CAREER EDUCATION PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 406(f)(1) of the Education Amendments of 1974, Pub. L. 93-380 (20 U.S.C. 1865(f)(1)) applications are being accepted for grants from State and local educational agencies, institutions of higher education, and other nonprofit agencies, and organizations to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models (including models in which handicapped children receive appropriate career education either by participation in regular or modified programs with nonhandicapped children or where necessary in specially designed programs for handicapped children whose handicaps are of such severity that they cannot benefit from regular or modified programs).

Applications must be received by the U.S. Office of Education Application Control Center on or before April 21, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.554. 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 April 16, 1975, 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 application is 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).

B. *Hand delivered applications.* An application to be hand delivered must be taken 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 be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Application routing.* All applicants must furnish an information copy of their proposal to the State educational agency. The application submitted to the Office of Education must contain a statement that this has been accomplished. State educational agencies wishing to submit advice and comment on any application originating within their State may do so by forwarding such advice and comment to the Office of Career Education, U.S. Office of Education.

D. *Program information and forms.* Information and application forms may be obtained from the Office of Career Education, U.S. Office of Education, Room 3100, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202.

E. *Applicable regulations.* The regulations applicable to this program are the Office of Education General Provisions Regulations (45 CFR Part 100a) and the Career Education Program Funding Criteria published in this issue of the FEDERAL REGISTER.

(20 U.S.C. 1865)

(Catalog of Federal Domestic Assistance Number 13.554; Career Education Program)

Dated: February 13, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-6757 Filed 3-13-75;8:45 am]

FOREIGN LANGUAGE AND AREA STUDIES RESEARCH PROGRAM

Proposed Priorities for the Funding of Proposals

Notice is hereby given that pursuant to the authority contained in section 602 of the National Defense Education Act of 1958, as amended (20 U.S.C. 512), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to utilize the funding priorities set forth below in the evaluation of unsolicited proposals for contracts to conduct research, surveys, and studies under the Foreign Language and Area Studies Research Program. Under this program the Commissioner is authorized to contract for studies and surveys to determine the need for increased or improved instruction in modern foreign languages and related fields needed to provide a full understanding of the areas, regions, or countries in which such languages are commonly used, to conduct research on more effective methods of teaching such languages and such fields, and to develop specialized materials for use in training students and language teachers. Proposals for contracts to conduct research and studies under the Foreign Language and Area Studies Research Program will be accepted as unsolicited proposals and be received and evaluated in accordance with the requirements and evaluation criteria listed in § 3-4.5203-2(b) of the HEW procurement regulations (41 CFR 3-4.5203-2(b)). The proposed priorities are as follows:

Priority will be given to proposals dealing with: (1) The preparation of specialized instructional material particularly for languages which are not widely taught in the United States and for which there is no commercial market, and for area studies concerned with the non-Western world; (2) teaching methodology, and more specifically methodology which applies linguistic, psycholinguistic and sociolinguistic theories to projects which can thereby be expected to increase our understanding of second language acquisition and improve teaching and learning methodology; and (3) conferences, studies, and surveys to assess the state of the art of foreign language and area studies in the United States, to determine new directions as needed, to identify priority needs for specialized materials, and to observe national trends through surveys of enrollments and degree requirements.

For the information of applicants, the criteria listed in § 3-4.5203-2(b) of the HEW Procurement Regulation include:

(1) The overall scientific and technical merit of the proposed effort;

(2) The potential contribution which the proposed effort is expected to make to specific program objective(s), if supported at this time;

(3) The unique capabilities, related experience, facilities, instrumentation, or techniques which the offeror possesses and offers, and which are considered to be integral factors for achieving the scientific, technical, or technological objective(s) of the proposal; and

(4) The unique qualifications, capabilities, and experiences of the proposed principal investigator and/or key personnel.

For the further information of applicants, unsolicited proposals under the HEW procurement regulations (41 CFR 3-4.5202-1(b)), must include the following information:

(1) Name and address of the organization or individual submitting the proposal;

(2) Date of preparation or submission;

(3) Type of organization (profit, nonprofit, educational, other);

(4) Concise title and clear and concise abstract. Extensive material should be included only in appendices;

(5) An outline and discussion of the purpose of the proposed effort or activity, the method of approach to the problem, and the nature and extent of the anticipated results;

(6) Names of the key personnel to be involved, brief biographical information, including principal publications and relevant experience;

(7) Proposed starting and completion dates;

(8) Equipment, facility, and personnel requirements;

(9) Proposed budget, including separate cost estimates for salaries and wages, equipment, expendable supplies, services, travel, subcontracts, other direct costs and overhead;

(10) Names of any other Federal agencies receiving the unsolicited proposal and/or funding the proposed effort or activity;

(11) Brief description of the offeror's facilities, particularly those which would be used in the proposed effort or activity;

(12) Brief outline of the offeror's previous work and experience in the field;

(13) A current financial statement and, if available, a descriptive brochure;

(14) Period for which unsolicited proposal is valid;

(15) Names and telephone numbers of offeror's primary business and technical personnel whom the agency may contact during evaluation and/or negotiation;

(16) Identification, on the cover sheet, of technical data which the offeror intends to be used by HEW for evaluation purposes only (see 41 CFR 3–1.353(c)); and

(17) Signature of a responsible official of the proposing organization of a person authorized to contractually obligate such organization.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed areas of funding priorities to Foreign Language and Area Research Program, Bureau of Postsecondary Education, U.S. Office of Education, Room 3928, 7th and D Streets SW., Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m.

All relevant material must be received not later than April 14, 1975.

(20 U.S.C. 512)

(Catalog of Federal Domestic Assistance Number 13.436; Higher Education—Foreign Language and Area Research Program)

Dated: February 16, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: March 11, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.75-6783 Filed 3-13-75;8:45 am]

FOREIGN LANGUAGE AND AREA STUDIES RESEARCH PROGRAM

Closing Date for Receipt of Proposals

Notice is hereby given that pursuant to the authority contained in section 602 of Title VI of the National Defense Education Act of 1958, as amended (20 U.S.C. 512), proposals will be accepted for contracts under the Foreign Language and Area Studies Research Program. Under this program the Commissioner is authorized to contract for studies and surveys to determine the need for increased or improved instruction in modern foreign languages and related fields, to conduct research on training methods for use in such languages and fields, and to develop specialized materials for use in training students and language teachers.

Proposals for such contracts will be treated as unsolicited proposals in accordance with Subpart 3–4.52 of the HEW procurement regulations (41 CFR 3–4.52). However, since the Office of Education intends to fund these contracts from fiscal year 1975 funds and since proposals for such contracts must be evaluated and negotiated, time constraints make it impracticable to award such contracts to applicants whose applications are received by the Office of Education after April 15, 1975. Therefore proposals must be received by the U.S. Office of Education Application Control Center on or before April 15, 1975.

A. *Proposals sent by mail.* A proposal sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.436. A proposal sent by mail will be considered to be received on time by the Application Control Center if:

(1) The proposal was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth 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 proposal is 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.)

B. *Hand delivered proposals.* A proposal to be hand delivered must be taken 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 proposals will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays or Federal holidays. Proposals will not be accepted after 4 p.m. on the closing date.

C. *Program information.* Information may be obtained from the Foreign Language and Area Research Program, Bureau of Postsecondary Education, U.S. Office of Education, Room 3928, 7th and D Streets SW., Washington, D.C. 20202.

(Catalog of Federal Domestic Assistance Number 13.436, Higher Education—Foreign Language and Area Research Program)

Dated: February 7, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-6784 Filed 3-13-75;8:45 am]

SUPPLEMENTARY EDUCATION CENTERS AND SERVICES

Special Programs and Projects; Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 306 of Title III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 844b), applications are being accepted from local education agencies for projects which make "a substantial contribution to the solution of critical educational problems common to all or several States."

Applications must be received by the U.S. Office of Education Application Control Center on or before April 25, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.516. 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 fifth 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 application is 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).

B. *Hand delivered applications.* An application to be hand delivered must be taken 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 be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of Supplementary Centers and Services, Bureau of School Systems, Office of Education, Room 3616, 7th and D Streets SW., Washington, D.C. 20202 or the Elementary and Secondary Education Act, Title III, Office of your State Department of Education.

D. *Applicable regulations and criteria.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and regulations which were published in the FEDERAL REGISTER on February 26, 1975 at 40 FR 8176. Additional funding criteria for Fiscal Year 1975 are being published in this issue of the FEDERAL REGISTER and are proposed to be used in determining the selection and funding of grant awards.

(20 U.S.C. 844b)

(Catalog of Federal Domestic Assistance No. 13.516, Preschool, Elementary and Secondary Education—Special Programs and Projects (Title III, Section 306))

Dated: February 24, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-6759 Filed 3-13-75;8:45 am]

Public Health Service

HEALTH SERVICES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3, Health Services Administration, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, is hereby amended to reflect: the increased emphasis on the work planning and the manpower management functions assigned to the Office of Planning, Evaluation, and Legislation (3AA5); the transfer of responsibility for the Operational Planning System from the Office of Evaluation and Operational Planning (3AA505) to the Office of Manpower Management (3AA504); and the changing of the name of the Office of Evaluation and Operational Planning (3AA505) to the Office of Evaluation (3AA505).

"Section 3-B Organization and Function" is amended by replacing the current organization and function statements with revised statements for the following HSA organizations:

Office of Planning, Evaluation and Legislation (3AA5). Under the direction of the Associate Administrator for Planning, Evaluation, and Legislation, who is a member of the Administrator's immediate staff: (1) Serves as the Administrator's primary staff unit and principal source of advice on program planning, program evaluation, work planning, regulation development, legislative affairs, and manpower management; (2) develops in collaboration with financial management staff the long-range program and financial plan for the Administration; (3) oversees, in coordination with the Office of the Assistant Secretary for Health, communications between HSA and higher levels of government (including the Office of the Secretary, the Office of Management and Budget, and Congress) on all matters that involve long-range plans, manpower management, the regulation development process, evaluations of program performance, or legislative affairs; (4) develops long-range goals, objectives, and priorities for HSA; (5) directs all activities within HSA which have the goal of comparing the costs of the agency's programs with their benefits, including the preparation and implementation of comprehensive program evaluation plans; (6) oversees the development of annual operating objectives and coordinates HSA's work planning system; (7) directs all the legislative affairs of HSA, including the development of legislative proposals and a legislative program; (8) acts as the focal point in HSA for the preparation, development, and monitoring of program regulations; (9) conducts policy analyses and develops policy positions in programmatic areas for HSA; and (10) plans, directs and coordinates HSA manpower management activities.

Office of Manpower Management (3AA504). (1) Assists and supports the Administrator and Bureau Directors in effective management of HSA manpower resources; (2) plans, directs and coordinates HSA's manpower management program; (3) supervises the operation of the HSA manpower management system including the manpower deployment and utilization system, the work measurement and productivity tracking system, the future manning needs forecasting system, and the manpower budgeting system; (4) integrates manpower analyses with the preparation of agency forward plans and annual budget submissions; (5) conducts special studies and analyses of manpower utilization productivity and future manning requirements; (6) serves as the focal point in HSA for manpower management and analysis efforts; (7) interprets PHS and Departmental policy in this area for HSA; (8) oversees HSA's work planning system; and (9) coordinates HSA's participation in the Department's OPS system.

Office of Evaluation (3AA505). (1) Serves as the Administrator's primary staff unit and principal source of advice on program evaluation; (2) oversees communications between HSA and higher levels of government on all matters that involve evaluations of program performance; (3) maintains liaison with other Federal and non-Federal health agencies on matters within its area of responsibility; (4) directs all activities within HSA which have the goal of comparing the costs of the Agency's programs with their benefits; (5) identifies for the Administrator any missing program performance data required for use in the management and direction of HSA programs; (6) prepares and implements comprehensive program evaluation strategies to obtain needed evaluative data; (7) monitors ongoing information systems which produce evaluative data about the Agency's programs; (8) performs analyses of the impact of Agency programs on specific groups within the population including minorities; and (9) coordinates HSA's public use reports clearance function.

Dated: March 7, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-6762 Filed 3-13-75;8:45 am]

[Part 8]

NATIONAL INSTITUTES OF HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part 8 (formerly Part 9, National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare is amended to change the title of the National Institute of Neurological Diseases and Stroke to National Institute of Neurological and Communicative Disorders and Stroke. The statement for the National Institute of Neurological Diseases and Stroke should be replaced by the following statement:

National Institute of Neurological and Communicative Disorders and Stroke (8S). Conducts, fosters, and supports research and research training on the causes, prevention, diagnosis, and treatment of neurological, sensory, communicative, and muscle disorders through: (1) Intramural collaborative research in its own laboratories, branches, and clinics, and through contracts, (2) research grants to scientific institutions and to individuals, (3) individual and institutional research training awards to increase trained professional research manpower in neurological and communicative fields; and (4) cooperation with various agencies in collecting and disseminating educational and informational material related to neurological and communicative disorders.

Dated: March 7, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-6761 Filed 3-13-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRPORTS DISTRICT OFFICE AT OKLAHOMA CITY, OKLAHOMA

Change of Geographical Area of Responsibility

Notice is hereby given that on January 13, 1975, the Airports District Office at Oklahoma City, Oklahoma, assumed jurisdiction of the State of Arkansas, as well as the State of Oklahoma. Services to the general public of the State of Arkansas formerly provided by the Airports District Office, Fort Worth, Texas,

are provided by the Airports District Office in Oklahoma City.

Address:

Oklahoma City Airports District Office
Federal Aviation Administration
FAA Building, Room 204
Wiley Post Airport
Bethany, Oklahoma 73008

Issued in Fort Forth, Tex., on January 14, 1975.

HENRY L. NEWMAN,
Director,
Southwest Region.

[FR Doc.75-6676 Filed 3-13-75;8:45 am]

CONCORDE SUPERSONIC TRANSPORT AIRCRAFT

Public Hearings Regarding Draft Environmental Impact Statement

The Federal Aviation Administration will hold a public hearing in Washington, D.C., on April 14, 1975 and in Queens, New York on April 18, 1975, on the draft environmental impact statement prepared in connection with a proposal by British Airways and Air France to amend their operations specifications to permit those carriers to conduct limited commercial air service to and from the United States with the Concorde airplane under Part 129 of the Federal Aviation Regulations (14 CFR Part 129). These hearings are for the purpose of assisting the FAA in making a determination on the proposal and will afford interested persons the opportunity to present views, data and arguments regarding the substance and issues associated with this proposal and identified in the draft environmental impact statement.

The hearing in Washington, D.C., will be conducted in the Auditorium on the 3rd floor of the Federal Aviation Administration Building, 800 Independence Avenue SW., Washington, D.C., convening at 9:30 a.m.

The hearing in Queens will be conducted in the Queens Playhouse, Flushing Meadow Park, Flushing, New York, convening at 9:30 a.m.

The hearings will be informal in nature and will be conducted by a designated representative of the Administrator. The hearings will not be evidentiary or judicial in nature. There will be no cross-examination or other adjudicatory procedure applied to the presentations. However, interested persons wishing to make rebuttal statements will be given an opportunity to do so at the conclusion of the presentations in the same order in which the initial statements are made.

Interested persons are invited to attend the hearings and to participate by making oral or written statements. Written statements should be submitted in duplicate and will be made a part of the record. Persons wishing to make oral statements at one of the hearings must notify the FAA and indicate at which hearing they wish to speak and the amount of time required for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit. Requests to be heard should be addressed:

Director, Flight Standards Service (AFS-1)
Attention: Concorde EIS
Federal Aviation Administration
800 Independence Avenue SW.
Washington, D.C. 20591

In the event that there is response to this notice that exceeds the time allotted to either hearing, that hearing will be continued an additional day.

In addition, persons not participating in the hearings are invited to submit relevant written comments to the same address.

The closing date for submitting comments is May 6, 1975.

A transcript of the hearings will be made and anyone may purchase a copy of it from the reporter.

A limited number of the draft impact statements will be available at the hearing. Also, the draft impact statement can be reviewed at the Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C., and at the FAA Regional Office, Federal Building, JFK International Airport, Jamaica, New York. Copies may be obtained by writing to the Federal Aviation Administration, Attention: AFS-1 (Concorde EIS), 800 Independence Avenue, SW., Washington, D.C. 20591.

Issued in Washington, D.C., on March 11, 1975.

F. A. MEISTER,
Acting Associate Administrator for Policy Development and Review.

[FR Doc.75-6861 Filed 3-13-75;8:45 am]

Federal Railroad Administration

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Railroad Operating Rules Advisory Committee will meet on Tuesday, April 8, 1975 in Room 5332, Nassif Building, 400 Seventh Street NW., Washington, D.C., at 9 a.m.

The Committee was established to provide advice to the Federal Railroad Administration concerning solutions to problem areas involving the operating rules of the nation's railroads.

The agenda for this meeting will include a discussion of issues involved in the use of radio communications within the railroad industry. In addition, the Committee will review accident materials and discuss the need for and means of improving Rule 99 of the Association of American Railroads' Standard Code.

The meeting will be open to the public. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so. Under a procedure established by the Committee, persons submitting written statements are requested to provide 15 copies to provide distribution to each of the Committee members. Members of the public who wish to make prepared oral presentations should inform the Office of the Chief Counsel, Federal Railroad Administration (202) 426-0767 at least 5 days prior to the meeting if possible and reasonable provision will be made for their appearance on the agenda. Time will also be provided on the agenda for public comment with respect to the discussions during the meeting.

Minutes of the meeting will be made available for public inspection and duplication during regular business hours in the Office of Chief Counsel, Federal Railroad Administration, Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C.

Issued in Washington, D.C., on March 7, 1975.

ASAPH H. HALL,
Deputy Administrator,
(Committee Chairman).

[FR Doc.75-6739 Filed 3-13-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27499]

AIR NAURU, NAURU/TRUST TERRITORY/GUAM/OKINAWA/JAPAN

Postponement of Prehearing Conference and Hearing

Notice is hereby given that, at the request of counsel for the applicant, to which the Bureau of Operating Rights has indicated it has no objection, the prehearing conference and hearing previously scheduled in this case for March 18, 1975 (40 FR 8587, February 28, 1975), has been postponed to April 15, 1975, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

The hearing will be held immediately following conclusion of the prehearing conference unless a person has objected or shown reason for postponement pursuant to notice previously given.

Dated at Washington, D.C., March 10, 1975.

[SEAL] WILLIAM A. KANE, Jr.,
Administrative Law Judge.

[FR Doc.75-6804 Filed 3-13-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

Market Disruption Information

MARCH 7, 1975.

On March 3, 1975, there was published in the FEDERAL REGISTER (40 FR 8850) a notice dated February 28, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements advising that on February 27, 1975, the United States Government, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, had requested the Government of Haiti, pursuant to Articles 3 and 6 of the Arrangement, to enter into consultations concerning exports to the United States of

man-made fiber textile products in Categories 214, 219, 228 and 229, produced or manufactured in Haiti. The notice further advised that if no solution is mutually agreed upon by the two governments within sixty (60) days, entry or withdrawal from warehouse for consumption of man-made fiber textile products in Categories 214, 219, 228 and 229, produced or manufactured in Haiti and exported to the United States during the twelve-month period which began on February 27, 1975, may be restrained at levels which are yet to be determined.

There is published below market disruption information relating to each of the aforementioned categories. Any party wishing to express a view or provide data or information with respect to these categories is invited to submit such in ten copies to Mr. Alan Polansky, Acting Chairman of the Committee for the Implementation of Textile Agreements and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce, 14th and Constitution Avenue NW., Room 3826, Washington, D.C. 20230. To enable timely consideration, comments should be submitted at the earliest date possible, but no later than April 14, 1975.

Views, data or information submitted under this procedure will be available for public inspection at the Central Reference and Records Inspection Facility, U.S. Department of Commerce, 14th and Constitution Avenue NW., Room 7043, Washington, D.C. 20230 and may be obtained upon written request pursuant to the Freedom of Information Act, 5 U.S.C. 552 (1970), as amended, Pub. L. No. 93-502 (November 21, 1974) and the regulations of the Department of Commerce (15 CFR Part 4 (1974)). Whenever practicable, public comment may be invited concerning views, comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments on market disruption or any other matter pursuant to this notice is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) and 554(a)(4) (1970) relating to matters which constitute "a foreign affairs function of the United States."

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements; and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

MARKET CONDITIONS IN THE U.S. APPAREL INDUSTRY

The United States apparel industry is in a depressed state.

The Federal Reserve Board production index for apparel products in November 1974 was down 14 percent from a year earlier.

Total employment in the apparel industry declined in January 1975 to 1,206,000, down 175,000 or 13 percent from January 1974, and the lowest since May 1961.

Unemployment in the apparel industry increased to 17.6 percent for January 1975, compared with 10.5 percent for the same month a year earlier.

Average hours worked for those employed declined to 34.1 hours in January 1975 compared with 35.3 hours in January 1974.

CATEGORY 214—GLOVES AND MITTENS

The import/production ratio for man-made fiber gloves and mittens increased from 172.3 percent in 1967 to an estimated 288 percent in 1974.

Imports, after dropping from 3.7 million dozen pairs in 1967 to 2.7 million dozen pairs in 1971, increased by 53 percent to 4.1 million dozen pairs in 1973. Imports were 3.6 million dozen pairs in 1974.

After a decline in imports of gloves and mittens from Haiti during the first eight months of 1974, shipments increased by 27.5 percent from 255,524 dozen pairs for the year ending September 1974 to 325,785 dozen pairs for the year ending December 1974. Haiti is the fourth largest exporter of man-made fiber gloves and mittens to the United States. Of the three larger exporters, Taiwan and Hong Kong have agreed to restrain their shipments, and the other country is scheduled for negotiations.

The CIF value, including import duties, of imports of knit gloves averages $12 per dozen, 33 percent lower than the domestic price of $16 per dozen and at the same price level as imports from Hong Kong. (Annex B)

Domestic production dropped by 24 percent from 2.1 million dozen pairs in 1967 to 1.6 million dozen pairs in 1971. After a slight increase in 1972, production further decreased to 1.5 million dozen pairs in 1973 and is estimated to be 1.3 million dozen pairs in 1974.

U.S. production and imports of gloves, category 214

[1,000 dozen pairs]

Year	Production	Imports	Ratio
1967	2,123	3,658	172.3
1968	2,261	3,230	142.9
1969	2,171	3,714	171.0
1970	2,014	3,366	167.1
1971	1,616	2,705	167.4
1972	1,706	3,436	201.4
1973	1,452	4,135	284.8
1974	[1] 1,250	3,601	[1] 288.0

[1] Estimated.

U.S. general imports of men-made fiber gloves and mittens from Haiti and major suppliers, Category 214

[In dozens of pairs]

Month	Year	Imports from Haiti	
		Monthly	Year ending
December	1972	----------	37,604
Do	1973	----------	295,115
June	1974	34,532	268,439
July	1974	25,518	260,957
August	1974	35,791	259,788
September	1974	18,975	255,523
October	1974	28,703	274,274
November	1974	37,698	294,432
December	1974	42,926	325,985

Country	Imports from major suppliers		
	Calendar year 1973	Year ending May 30, 1974	Year ending Dec. 31, 1974
Total all countries	4,134,996	4,186,472	3,600,579
Haiti	295,115	268,439	325,785
Taiwan	1,363,590	1,420,915	1,136,269
Philippines	620,210	910,208	697,111
Hong Kong	473,727	510,537	381,906

Source: TQ 2,310.

CATEGORY 219—KNIT SHIRTS

The import/production ratio for man-made fiber knit shirts is estimated at 80.8 percent in 1974, up from 50.5 percent in 1967.

Imports increased from 3 million dozen in 1967 to 18.2 million dozen in 1974.

Imports from Haiti of knit shirts increased by 398 percent from 51,104 dozen for calendar year 1973 to 254,400 dozen for calendar year 1974. This compares to an increase in total U.S. imports in this category of 6.6 percent, from 17,061,127 dozen to 18,180,553 dozen, for the same period. Haiti is the ninth largest of all exporters to the United States. Of those countries exporting knit shirts to the United States, Taiwan, Korea, Singapore, Japan and Hong Kong are presently restraining.

The CIF value, including import duties, of imports of this category from Haiti ranged from $5 per dozen for children's shirts to $35 per dozen for men's shirts. These prices are substantially below the domestic prices for comparable items, and are also below the value of comparable products being imported from Hong Kong, Korea and Taiwan. (Annex B).

Domestic production rose from 6 million dozen in 1967 to 23.3 million dozen in 1973. Production in 1974 is estimated at 22.5 million dozen, or 3 percent less than in 1973.

Employment in January 1975 was down 7.8 percent from January 1974. (Employment includes men's and boys' shirts and nightwear and women's and misses' blouses and waists.)

U.S. production and imports of shirts, knit, including blouses, category 219

[1,000 dozen]

Year	Production	Imports	Ratio
1967	6,033	3,044	50.5
1968	9,170	3,513	38.3
1969	8,941	5,336	59.7
1970	9,711	6,629	68.3
1971	11,921	11,728	98.4
1972	20,068	15,475	77.0
1973	23,302	17,061	73.2
1974	[1] 22,500	18,181	[1] 80.8

[1] Estimated.

U.S. general imports of man-made fiber knit shirts, other from Haiti and major suppliers, category 219

[In dozens]

Month	Year	Imports from Haiti	
		Monthly	Year ending
December	1972	----------	2,356
Do	1973	----------	51,104
June	1974	26,912	129,365
July	1974	33,769	162,741
August	1974	21,501	182,158
September	1974	18,801	197,403
October	1974	24,382	217,382
November	1974	24,651	239,420
December	1974	22,656	254,400

Country	Imports from major suppliers		
	Calendar year 1973	Year ending June 1974	Year ending Dec. 1974
Total all countries	17,061,127	15,429,016	18,180,553
Haiti	51,104	129,365	254,400
Taiwan	4,716,776	4,834,144	5,965,573
Korea	3,641,275	2,170,408	3,099,722
Singapore	2,499,097	2,438,766	2,354,960
Japan	1,381,618	1,408,703	1,717,950
Hong Kong	1,689,781	1,393,023	1,703,191
Thailand	868,170	945,828	808,396
Brazil	230,491	313,619	408,077
Mexico	354,825	419,440	487,062

CATEGORY 228—WOVEN BLOUSES

The import/production ratio for man-made fiber woven blouses increased from 9.7 percent in 1967 to 18.7 percent in 1972, and declined to 17.8 percent in 1974.

Imports increased from 526,000 dozen in 1967 to 2.9 million dozen in 1971. In 1971, the United States negotiated bilateral agreements with major man-made fiber apparel exporting countries, and imports declined to 1.4 million dozen in 1974.

Imports from Haiti increased by 62.1 percent from 87,278 dozen for calendar year 1973 to 141,529 dozen for calendar year 1974. This compares to a decrease of 6.9 percent in U.S. imports from all countries in the category from 1,545,054 dozen to 1,438,672 dozen for the same period. Haiti is the fourth largest of all exporters to the United States. The three largest exporters, Korea, Taiwan, and Hong Kong have agreed to restrain exports to the United States.

The CIF value, including import duties, of imports of this category from Haiti ranged from $2 per dozen for children's blouses to $25 per dozen for women's. These prices are substantially below the domestic prices for comparable items and are also below the value of comparable products being imported from Hong Kong, Korea and Taiwan. (Annex B)

Domestic production increased from 5.4 million dozen in 1967 to 8.5 million dozen in 1973. Production in 1974 is estimated at 8.1 million dozen, or 5 percent less than in 1973.

Employment in January 1975 was down 7.7 percent from January 1974. (Employment includes only women's and misses' blouses and waists.)

U.S. production and imports of women's, girls' and infants, blouses, woven, category 228

[1,000 dozens]

Year	Production	Imports	Ratio
1967	5,442	526	9.7
1968	7,233	828	11.4
1969	7,609	1,643	21.3
1970	7,506	2,852	38.0
1971	7,152	2,900	40.5
1972	8,371	1,568	18.7
1973	8,480	1,545	18.2
1974	[1] 8,100	1,439	[1] 17.8

[1] Estimated.

U.S. general imports of man-made fiber blouses, not knit from Haiti and major suppliers, category 228

[In dozens]

Month	Year	Imports from Haiti: Monthly	Imports from Haiti: Year ending
December	1972		28,986
Do	1973		87,278
June	1974	27,389	139,611
July	1974	4,040	136,099
August	1974	14,785	142,573
September	1974	13,487	151,321
October	1974	11,478	143,587
November	1974	1,724	139,532
December	1974	8,093	141,529

Country	Imports from major suppliers: Calendar year 1973	Year ending June 30, 1974	Year ending Dec. 31, 1974
Total all countries	1,545,054	1,405,292	1,438,672
Haiti	87,278	139,611	141,529
Korea	486,364	463,622	428,425
Taiwan	212,524	202,972	282,921
Hong Kong	220,542	163,073	167,490

CATEGORY 229—COATS, WOVEN

The import/production ratio for man-made fiber woven coats increased from 3.4 percent in 1967 to 56 percent in 1972 and declined to 45 percent in 1974.

Imports increased from 159,000 dozen in 1967 to 2.7 million dozen in 1973 and 2.2 million dozen in 1974.

Imports from Haiti of woven coats increased by 207 percent from 31,025 for calendar year 1973 to 95,194 dozen for calendar year 1974. This compares to a decrease of 17 percent in U.S. imports of this category from all countries from 2,653,762 dozen to 2,202,065 dozen, for the same period. Haiti is the ninth largest of all exporters to the United States. Seven countries control their exports of woven coats to the United States. They are Korea, Singapore, Hong Kong, Taiwan, Japan, Malaysia, and Macao. Four others are scheduled for negotiations.

The CIF value, including import duties, of imports of this category from Haiti ranged from $6 per dozen for children's coats to $96 per dozen for men's jackets. These prices are substantially below the domestic prices for comparable items, and are also below the value of comparable products being imported from Hong Kong, Korea and Taiwan. (Annex B)

Domestic production increased from 4.7 million dozen in 1967 to 5 million dozen in 1973, and declined to 4.9 million dozen in 1974.

Employment in January 1975 was down 12.7 percent from January 1974. (Employment includes men's and boys' and women's and misses' suits and coats.)

U.S. production and imports of coats, woven, category 229

[1,000 dozens]

Year	Production	Imports	Ratio
1967	4,663	159	3.4
1968	4,623	530	11.5
1969	4,244	1,325	31.2
1970	4,981	1,865	37.4
1971	4,618	2,126	46.0
1972	4,501	2,522	56.0
1973	4,951	2,654	53.6
1974	[1] 4,900	2,203	[1] 45.0

[1] Estimated.

U.S. general imports of man-made fiber coats, not knit from Haiti and major suppliers, category 229

[In dozens]

Month	Year	Imports from Haiti: Monthly	Imports from Haiti: Year ending
December	1972		14,833
Do	1973		31,025
June	1974	7,857	61,536
July	1974	6,811	65,947
August	1974	10,611	72,001
September	1974	3,128	71,845
October	1974	9,986	79,264
November	1974	9,675	86,937
December	1974	11,128	95,194

Country	Imports from major suppliers: Calendar year 1973	Year ending June 30, 1974	Year ending Dec. 31, 1974
Total all countries	2,653,762	2,233,527	2,202,065
Haiti	31,025	61,536	95,194
Korea	677,477	472,679	516,622
Singapore	379,103	301,156	244,166
Taiwan	310,289	264,429	245,213
Hong Kong	284,598	236,517	201,379
Philippines	92,455	161,312	189,995
Thailand	176,585	152,349	166,549
Mexico	81,681	108,923	143,623
Colombia	47,694	104,002	120,139

Import and domestic price data

Service summary category	Item	Price ranges (dollars per dozen)				
		Haiti	Hong Kong	Korea	Taiwan	United States
214	Gloves (cut from pre-existing fabric)	12	12			16
219	Knit shirts:					
	Men's	32-35	42-66	28-40	32-40	85-92
	Women's	12-20	26-27	15-24	27-35	88
	Girls' and infants'	5-20	8-35	18	13-16	22-24
228	Blouses:					
	Women's	11-25		22-45	22-30	85
	Girls' and infants'	2-4	6-8	13-15		24-33
229	Coats and jackets:					
	Men's	80-96	84-156	76-122	42-136	165-360
	Women's	58-72	50-113		105-126	192-312
	Girls'	21-36	46-50	24-32	20-40	156
	Children's	6-10	15-20	16	11-19	26

NOTE.—Import prices include cost, insurance, freight and duty at the port of entry. United States prices are f.o.b. factory.

[FR Doc.75-6465 Filed 3-13-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1975, November 12, 1974 (39 FR 39964).

INDUSTRIAL CLASS 0782

Grounds Maintenance, Bonneville Power Administration, for the following locations:

Keeler Substation
Hillsboro, Oregon

Oregon City Substation
Sherwood, Oregon

Strander Substation
Oregon City, Oregon

St. Johns Substation
Portland, Oregon

Brush College Substation
West Salem, Oregon

Forest Grove Substation
Forest Grove, Oregon

Albany Substation
Albany, Oregon

Chemawa Substation
Salem, Oregon

Marion Substation
Stayton, Oregon

McMinnville Substation
McMinnville, Oregon

Salem Substation
Salem, Oregon

Santiam Substation
Stayton, Oregon

Comments and views regarding this proposed addition may be filed with the Committee on or before April 14, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-6765 Filed 3-13-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

TECHNICAL ADVISORY COMMITTEE ON POISON PREVENTION PACKAGING

Meeting

Notice is given that the Technical Advisory Committee on Poison Prevention Packaging will meet on Tuesday, April 29 (9 a.m.–5 p.m.) and Wednesday, April 30 (9 a.m.–1 p.m.) at the Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C., Sixth Floor Conference Room.

The Technical Advisory Committee provides 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.

Tentative agenda topics scheduled for discussion on Tuesday, April 29, include a status report of poison prevention packaging regulations; compliance activities; a review of the National Electronic Injury Surveillance System (NEISS) and how poison prevention activities fit into this system. Outstanding requests for exemption of certain products from poison prevention packaging regulations are scheduled also for discussion. Presently there are two exemption requests planned for review by the Technical Advisory Committee at this meeting. They are Methenamine Mandelate made by Warner Chilcott and Sulfamethizole and phenazopyridine hydrochloride made by Key Pharmaceuticals.

Wednesday, April 30, the Committee will review the definition and processing by the Food and Drug Administration of New Drug Applications and will discuss the question of consumer opposition to child-resistant packaging.

The meeting is 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. 20207, telephone (202) 634-7700.

Dated: March 10, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-6776 Filed 3-13-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

RETAIL DEALERS ADVISORY COMMITTEE

Change in Meeting Date

This notice is given to advise of a change in date of the meeting for the Retail Dealers Advisory Committee. The Committee will meet at 9 a.m., Room 3400, 12th and Pennsylvania Avenue NW., Washington, D.C., Friday, March 28, 1975, rather than Monday, March 24, 1975, as previously announced. A notice of meeting was published in the issue of March 4, 1975 (40 FR 8990).

Issued at Washington, D.C., on March 11, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-6678 Filed 3-11-75;10:18 am]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD. AND PORTLAND STEVEDORING CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commisison 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, 100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puertio 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 March 24, 1975. 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:

Robert Goodwin, Esq., American President Lines, International Building, 601 California Street, San Francisco, California 94108.

Agreement No. T-3070, between American President Lines, Ltd., (APL) and Portland Stevedoring Company (PSC), an affiliate of States Steamship Company, provides that PSC will act as stevedore at all ports on the Columbia/Willamette Rivers and Oregon Coast for combination breakbulk cargo/container vessels which are owned, chartered or controlled by APL, at rates set forth in schedules attached to and made a part of the agreement.

Dated: March 11, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-6792 Filed 3-13-75;8:45 am]

AMERICAN PRESIDENT LINES, LTD. AND STATES STEAMSHIP CO.

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 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 March 24, 1975. 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:

Robert Goodwin, Esq., American President Lines, International Building, 601 California Street, San Francisco, California 94108.

Agreement No. T-3069, between American President Lines, Ltd., (APL) and States Steamship Company (States), provides that APL will act as stevedore at all ports on Puget Sound except Bellingham for combination breakbulk cargo/container vessels which are owned, chartered or controlled by States, at rates set forth in schedules attached to and made a part of the agreement.

Dated: March 11, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-6791 Filed 3-13-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-110]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

MARCH 6, 1975.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas"), on January 29, 1975 tendered for filing Second Substitute Second Revised Sheet No. 10 and Revised Second Substitute Second Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1, with proposed effective dates of January 1, 1975 and January 2, 1975, respectively.

These sheets are being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. Algonquin Gas' Second Substitute Second Revised Sheet No. 10 and Revised Second Substitute Second Revised Sheet No. 10 are being filed to reflect changes in the cost of purchased gas filed by Texas Eastern Transmission Corporation ("Texas Eastern") in its proposed effective rates as of January 1, 1975 and January 2, 1975.

Algonquin Gas requests that the Commission waive the requisite notice and grant special permission to permit the above-noted tariff sheets to become effective on January 1, 1975 and January 2, 1975, which will synchronize Algonquin Gas' rates with those of Texas Eastern in time for its February 7 billing for January sales.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6687 Filed 3-13-75;8:45 am]

[Docket No. E-9092]

ARKANSAS-MISSOURI POWER CO.

Extension of Procedural Dates

MARCH 6, 1975.

On March 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 29, 1974, as most recently modified by notice issued February 19, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, April 15, 1975.
Service of Intervenor's Testimony, May 2, 1975.
Service of Company Rebuttal, May 16, 1975.
Hearing, June 3, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6688 Filed 3-13-75;8:45 am]

[Docket No. RP75-64]

BERKSHIRE GAS CO. AND TENNESSEE GAS PIPELINE CO.

Filing of Complaint

MARCH 11, 1975.

Take notice that on February 12, 1975, the Berkshire Gas Company (Berkshire) filed in Docket No. RP75-64 a complaint against its sole supplier of natural gas, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (TGP). Berkshire's complaint is based on TGP's refusal to correct an error made by Berkshire in submitting the end use data to TGP for use in the implementation of TGP's currently effective curtailment plan. Berkshire contends that TGP's refusal (1) violates its contract obligations to Berkshire to rectify obvious errors involved in transactions under the service contracts, (2) violates Tennessee's obligation under its filed curtailment tariff to compile accurate end use data from its customers, (3) violates the Commission's stated policy that pipelines must compile accurate end use data as announced in Order No. 467-B and subsequent orders in other curtailment proceedings, and (4) is patently an unjust and unreasonable practice in violation of section 4 of the Natural Gas Act.

Berkshire states that in response to a request from TGP, it provided a breakdown of its end use volumes. In so doing Berkshire states it erroneously applied the instructions provided by TGP in regard to priority of service category 2. This category was defined by TGP as follows:

(2) Large commercial requirements (50 [Mcf] or more on a peak day), firm industrial requirements for plant protection, feedstock, and process needs, pipeline customer storage injection requirements and firm industrial sales up to 300 mcf per day.

Berkshire states that it interpreted the 300 Mcf daily limitation relating to "firm industrial sales" as applying to all of the proceeding categories of "industrial requirements" enumerated in priority 2. This interpretation resulted in

the inclusion of three of Berkshire's large industrial customers with firm contracts for deliveries in excess of 300 Mcf per day in priority 3, even though their usage, Berkshire asserts is for "process" needs for which no alternate fuel other than propane is technically suitable; and therefore according to Berkshire is properly placed in curtailment priority 2. Accordingly, Berkshire requests the Commisssion order TGP to reclassify to priority 2 the 545,431 Mcf which it asserts has been erroneously classified.

Berkshire states that the good faith basis of its error has not been disputed by TGP, and that the propriety of the requested change is supported by the sworn affidavits and underlying contracts which were submitted with its filing.

Additionally, Berkshire requests expedited action on its complaint since, it asserts, as a result of its error, it has suffered the loss of substantial volumes of gas to its financial detriment; that the period for comment and response be limited to 15 days after it has been noticed by the Commission; and that if relief be granted it be prospective only so that future curtailments by TGP will be based on Berkshire's corrected end use data.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All petitions or protests should be filed on or before March 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6679 Filed 3-11-75;10:47 am]

[Docket No. E-8712]

CAROLINA POWER AND LIGHT CO.

Further Extension of Procedural Dates

MARCH 6, 1975.

On March 4, 1975, Carolina Power and Light Company filed a motion to extend the procedural dates fixed by order issued December 12, 1974, as most recently modified by notice issued February 7, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company's Testimony, April 11, 1975.
Service of Staff's Testimony, July 11, 1975.
Hearing, July 23, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6685 Filed 3-13-75;8:45 am]

[Docket No. CI74-124]

CASTLE, INC.

Application To Withdraw Abandonment Application and Terminate Proceeding and Motion To Be Governed by Another Rate Schedule

MARCH 6, 1975.

Take notice that on February 24, 1975, Castle, Inc. (Applicant), 205 North Main, Butler, Pennsylvania 16001, filed in Docket No. CI74-124 an application to withdraw its application filed pursuant to section 7(b) of the Natural Gas Act to abandon the sale of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) in the La Gloria Field, Brooks and Jim Wells Counties, Texas, and filed in the same docket a motion to make sales of natural gas pursuant to Mobil Oil Corporation (Operator) FPC Gas Rate Schedule No. 318 from the La Gloria Field to Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the filings submitted in the subject docket, which are on file with the Commission and open to public inspection.

The instant filings are prompted, according to Applicant, by the settlement reached in the proceeding in "Hilda B. Weinert and Jane W. Blumberg, et al.," in Docket No. G-2730, et al. Applicant states that it has entered into a contract dated November 7, 1974, with Transco to sell gas in the La Gloria Field, and, therefore, desires to withdraw its application for abandonment of sale to Transco.

Applicant also reasserts its request that the Commission immediately grant its motion to have its sales in the La Gloria Field to Natural be governed by Mobil's rate schedule in lieu of H. H. Phillipps, Jr., FPC Gas Rate Schedule No. 3. Applicant filed said motion on January 9, 1974, in the instant docket. By order of June 24, 1974, the Commission ruled that it would consider Applicant's interest in the La Gloria Field sale to Transco covered by Mobil's rate schedule pending issuance of authorization to abandon the sale in Docket No. CI74-124. Applicant's sales to Natural however, continue to be governed by the Phillips rate schedule. Applicant contends that its present interest would be better served if such sales were governed by the rate filings of Mobil as operator of the La Gloria Field.

Applicant states that both it and Mobil have executed amendments to the existing contracts with Natural in the same form and that both Applicant and Mobil are selling to Natural on the same contractual basis. Applicant contends that no purpose would be served by postponing authorization for Applicant to be governed by the rate filings of Mobil for sales to Natural until final outcome of the proceeding in the instant docket.

The Phillips rate schedule consists of a contract dated September 12, 1947, under which Applicant originally sold gas to Transco from the La Gloria Field at a rate of 13.03921 cents per Mcf at 14.65 psia.

Any person desiring to be heard or to make any protest with reference to said application to withdraw abandonment application and said motion to be governed by another rate schedule should on or before March 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6689 Filed 3-13-75;8:45 am]

[Docket No. ID-1758]

CHARLES T. FISHER, III

Initial Application

MARCH 7, 1975.

Take notice that on February 24, 1975, Charles T. Fisher, III (Applicant) filed an initial application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, The Detroit Edison Company, Public Utility.
Director, General Motors Corp., Public Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6690 Filed 3-13-75;8:45 am]

[Docket Nos. RP73-65, PGA75-6]

COLUMBIA GAS TRANSMISSION CORP.

Purchased Gas Cost Account

MARCH 6, 1975.

Take notice that Columbia Gas Transmission Corporation (Columbia) on February 28, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1 to become effective April 1, 1975, as follows:

Twenty-first Revised Sheet No. 16
Seventh Revised Sheet No. 64A
Eleventh Revised Sheet No. 64B

These proposed changes are being made pursuant to Columbia's Purchased Gas Cost Adjustment provision contained in section 20 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1, and Opinion 699-H which permitted a one-time special PGA filing. Columbia states that the rate adjustment provides for increased costs of gas purchased of $96,257,259 annually, which the surcharge provides for the recovery of deferred purchased gas costs of $17,001,447 over the five-month period April, 1975, through August, 1975.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6682 Filed 3-13-75;8:45 am]

[Docket No. CP72-304]

COLUMBIA GAS TRANSMISSION CORP. AND TEXAS EASTERN TRANSMISSION CORP.

Petition To Amend

MARCH 7, 1975.

Take notice that on February 20, 1975, Columbia Gas Transmission Corporation (Columbia), PO. Box 1273, Charleston, West Virginia 25325, and Texas Eastern Transmission Corporation (TETCO), PO. Box 2521, Houston, Texas 77001, filed in Docket No. CP72-304 a joint petition to amend the order issued in the subject docket pursuant to section 7(c) of the Natural Gas Act so as to authorized the exchange of natural gas between the two companies at additional delivery points, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

Petitioners are authorized in the subject docket to exchange gas and to construct and operate facilities for such exchanges and have each filed the applicable exchange agreement as part of their respective tariffs.

By the instant petition Columbia and TETCO propose to exchange gas by delivering gas to one or more of their joint customers for the account of the other. Petitioners propose to make such deliveries through mutual dispatching arrangements among Columbia, TETCO and the joint customer or customers. Deliveries of gas to any joint customer would not exceed the total deliveries of gas that TETCO and Columbia are authorized to deliver to that joint customer on that day. The joint customers include Equitable Gas Company, Elizabethtown Gas Company, National Gas and Oil Corporation and the Penn Fuel Gas Companies. The petition to amend states that no additional facilities are required in order to make such deliveries.

The petition further states that the exchanges of natural gas and the construction and operation of the facilities previously authorized in the instant docket were designed to serve as a protective measure to insure continuity of service to customers served by both Columbia and TETCO and that the additional exchange points proposed herein will give Columbia and TETCO added flexibility in making the exchanges and provide added assurance of continuity of service to customers served by both Columbia and TETCO.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6692 Filed 3-13-75;8:45 am]

[Docket No. E-9302]

CONSUMERS POWER CO.

Tariff Change

MARCH 7, 1975.

Take notice that on March 3, 1975, Consumers Power Company (Consumers) tendered for filing its Certificate of Concurrence with the concurrent filing by The Detroit Edison Company (Detroit Edison) of a new Interconnection Agreement between Consumers Power and Detroit Edison as one party (Michigan Companies) and Ontario Hydro (Hydro) as the other party. Consumers states that the new Agreement, dated January 29, 1975, cancels and supersedes an earlier Agreement between the same parties that was dated May 23, 1969. The former Agreement was designated Consumers Power Company Export Rate Schedule FPC No. 24 and Detroit Edison Export Rate Schedule FPC No. 13.

Consumers further states that the new Agreement has the effect, based on actual transactions between the parties during the 12 months ending December 1974, of increasing payments by the Michigan Companies to Hydro for Capacity Power by $1.5 million, or 20 percent and for Short-Term Power by $3 million, or 7 percent.

Consumers alleges that the new Agreement is intended to establish rates for Capacity and Short-Term Power that will more adequately reflect current fixed charges related to generation and transmission facilities as well as to allow recovery of the out-of-pocket costs associated with supplying energy under the Agreement.

Copies of the filing were served on The Detroit Edison Company, Ontario Hydro and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said Agreement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection. (Order No. 487, 38 FR 19967, July 26, 1973).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6691 Filed 3-13-75;8:45 am]

[Docket Nos. CP74-227, CP73-135, CP74-212]

DISTRIGAS CORP. AND DISTRIGAS OF MASSACHUSETTS CORP.

Extension of Time

MARCH 6, 1975.

On March 4, 1975, Distrigas Corporation and Distrigas of Massachusetts Corporation filed a motion to extend the procedural dates fixed by notice issued February 28, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company's Direct Case, March 27, 1975.
Hearing, April 1, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6686 Filed 3-13-75;8:45 am]

[Docket No. RP75-70]

EQUITABLE GAS CO.

Order Initiating Hearing

MARCH 10, 1975.

On January 9, 1975, Euitable Gas Company submitted a letter to Mr. Lorin H. Drennan, Jr., the Commission's Chief Accountant, requesting that further consideration be given to Equitable's request for approval to transfer an amount of $11,576,206 from the accumulated provision for depreciation to retained earnings. The requested adjusting entry is proposed to compensate for allegedly excessive depreciation charges recorded in the period 1920–1939 by a predecessor company prior to its acquisition by Equitable over 20 years ago.

Equitable's request was originally denied by the Commission by letter-order of the Secretary dated June 11, 1974. Equitable's application for rehearing of the June 11 letter-order was denied on August 8, 1974.

Equitable continues to argue that the Commission's rejection of its proposed accounting adjustment is improper. In support of its request for reconsideration of the matter by the Commission, Equitable has included letters of opinion from representatives of The First Boston Corporation, Moody's Investors Service, Inc., Standard and Poor's Corporation, and Arthur Young & Company, all of whom support the adjustment proposed by Equitable. The company further enumerates a series of arguments in support of the adjustment, among which the fact is that the proposed entry has been approved by the Pennsylvania and West Virginia regulatory commissions which exercise jurisdiction over the rates of the customers involved.

Based on our review of Equitable's letter request, including the attached materials, we find that the arguments made by Equitable are sufficient to warrant further investigation into this matter. At the same time, we are not prepared to make a final ruling on the basis of the present submittals, which are in the nature of pleadings. We shall therefore set the entire matter for hearing in accordance with § 158.7 of the regulations under the Natural Gas Act. The prior orders of June 11 and August 8, 1974, will remain in effect pending the hearings and decision thereon. However in the event the Commission ultimately finds in favor of Equitable's claim, the previous orders will be vacated.

The Commission finds. It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the reasonableness of the accounting entries proposed herein by Equitable Gas Company.

The Commission orders. (A) pursuant to the authority of the Natural Gas Act, particularly sections 5, 9, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held commencing on June 17, 1975, at 10 a.m. (e.d.t.), in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the reasonableness of the accounting entries proposed herein by Equitable Gas Company.

(B) On or before April 21, 1975, Equitable shall serve its direct evidentiary case, consisting of prepared testimony and exhibits in support of the proposed adjustments. The prepared testimony and exhibits of the Commission staff and any intervenors shall be served on or before May 21, 1975.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing initiated by this order, shall conduct such hearing in accordance with the Natural Gas Act, the Commission's rules and regulations, and the terms of this order.

(D) Notice is hereby given of the hearings to be held pursuant to this order. Any person desiring to be heard or to participate in the hearings should file a petition to intervene with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with § 1.8 of the Commission's rules of practice and procedure. (18 CFR 1.8). All such petitions should be filed on or before March 26, 1975.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6693 Filed 3-13-75;8:45 am]

[Docket No. CI74-328, CI74-381]

FOURWAY OIL CO.

Withdrawal and Cancellation of Hearing

MARCH 6, 1975.

On February 26, 1975, Fourway Oil Company filed a withdrawal of its application for abandonment in the above-designated matter which was set for hearing by order issued February 10, 1975.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure, the withdrawal of the above application shall become effective March 28, 1975. The hearing scheduled for March 11, 1975 is cancelled.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6694 Filed 3-13-75;8:45 am]

[Project No. 2374]

HAMMERMILL PAPER CO. AND WATERVLIET PAPER CO. INC.

Application for Transfer of License

MARCH 7, 1975.

The Hammermill Paper Company of Erie, Pennsylvania, Licensee for Project No. 2374—Paw Paw River, and the Watervliet Paper Company, Inc., of Watervliet, Michigan, filed a joint application on November 22, 1974, as supplemented on January 21, 1975, requesting the transfer of the license from Hammermill to the Watervliet Paper Company. The project is located on the Paw Paw River in the City of Watervliet, Berrien County, Michigan. Correspondence should be addressed to Mr. L. M. Shadduck, Plant Engineer, Watervliet Paper Company, Inc., 279 Paw Paw, Watervliet, Michigan 49098, and to Mr. R. J. Kilgore, Vice President, Secretary and General Counsel, Hammermill Paper Company, 1540 East Lake Road, Erie, Pennsylvania 16533.

The license was issued to the Hammermill Paper Company on March 3, 1965, and terminates on December 31, 1990. The Licensee merged with the Watervliet Paper Company on December 1, 1958 and emerged as the surviving Company.

On October 3, 1974, the Watervliet Paper Company, Inc. was created as a new corporate entity. The joint application requests that the Commission approve the transfer of the license to the new corporate entity, Watervliet Paper.

The Paw Paw River project consists of: (1) A concrete dam approximately 8 feet high and 86 feet long surmounted with wooden flashboards two feet high on steel ways; (2) a head-race channel extending from the dam to the mill which is located approximately 2,000 feet downstream from the dam; (3) a small forebay pond; (4) a concrete spillway located on the head-race channel about 500 feet upstream from the mill; (5) a rack house or intake; (6) two steel flumes; (7) a powerhouse containing a 446 horsepower turbine connected to a 375 kva generator; and (8) appurtenant electrical and mechanical facilities.

Any person desiring to be heard or to make protest with reference to this application should on or before April 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate actions to be taken, but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6695 Filed 3-13-75;8:45 am]

[Docket No. E-9023]

INTERSTATE POWER CO.

Extension of Procedural Dates

MARCH 6, 1975.

On March 5, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 18, 1974, sued February 6, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

as most recently modified by notice is-

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, May 20, 1975.
Service of Intervenor's Testimony, June 3, 1975.
Service of Company Rebuttal, June 17, 1975.
Hearing, July 1, 1975, (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6696 Filed 3-13-75;8:45 am]

[Docket No. CP75-27]

KANSAS-NEBRASKA NATURAL GAS CO. INC.

Amendment to Application

MARCH 7, 1975.

Take notice that on February 18, 1975, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), 300 North St. Joseph Avenue, Hastings, Nebraska 68901, filed in Docket No. CP75-27 an amendment to its application filed in the subject docket pursuant to section 7(c) of the Natural Gas Act requesting authorization for an exchange of natural gas between Applicant and El Paso Natural Gas Company (El Paso) by proposing the installation of a direct connection between Applicant and El Paso for purposes of balancing any volumetric deficencies arising from said gas exchange, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

By its application in the subject docket filed August 1, 1974,[1] Applicant requests authorization to exchange with El Paso natural gas controlled by each party in the area of Roger Mills County, Oklahoma, and Hemphill and Wheeler Counties, Texas, by means of existing facilities. Additionally, the application provides for the balancing of any volumetric deficiencies that may occur by utilizing Applicant's and El Paso's existing connections to the Kerr-McGee Corporation facilities in Hemphill County, Texas. Applicant explains, however, that the Kerr McGee facilities are no longer available to El Paso because El Paso and Kerr McGee have terminated a contractual arrangement. Accordingly, pursuant to an amendment to the Gas Exchange Agreement between Applicant and El Paso dated June 17, 1974, Applicant proposes the installation of a direct connection between the facilities of the two parties at a point approximately 100 yards from the aforementioned Kerr McGee facilities and adjacent to Applicant's existing Mesa compressor station in Hemphill County, Texas.

The amendment indicates that Applicant intends to install dual metering facilities and a tap valve at an estimated cost of $22,000. The amendment further indicates that Applicant and El Paso will share equally the cost of the proposed facilities.

Any person desiring to be heard or to make any protest with reference to said amendment to application should on or before March 26, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Any person who has heretofore filed a protest, petition to intervene or notice of intervention need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6697 Filed 3-13-75;8:45 am]

[Docket No. E-9275]

KANSAS POWER AND LIGHT CO.

Cancellation

MARCH 7, 1975.

Take notice that on February 18, 1975, Kansas Power and Light Company (Kansas) tendered for filing a proposed cancellation of FPC Rate Schedule No. 120. Said rate schedule was dated January 9, 1970, between Dick Delaney and Kansas.

Kansas states that the termination of the contract was effective July 12, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capital Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6698 Filed 3-13-75;8:45 am]

[Docket No. E-9259]

LONG ISLAND LIGHTING CO.

Application

MARCH 7, 1975.

Take notice that on February 6, 1974, Long Island Lighting Company (Applicant), filed an application pursuant to section 204 of the Federal Power Act seeking authority to issue short-term unsecured promissory notes in the aggregate principal amount not to exceed $175 million and to issue commercial paper in a principal amount not to exceed $25 million. All short-term securities are to bear final maturity dates of September 30, 1977.

Applicant is incorporated under the laws of the State of New York, with its principal business office at Mineola, New York and is engaged in the electrical utility business within the State of New York.

The net proceeds to be derived from the sale of the notes will be used to reimburse the treasury and to finance expenditures against which other securities have not as yet been issued and for construction purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426 petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6699 Filed 3-13-75;8:45 am]

[Docket No. ID-1760]

MAURICE J. FELDMANN

Initial Application

MARCH 7, 1975.

Take notice that on March 3, 1975, Maurice J. Feldmann (Applicant) filed an initial application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act to hold the following positions:

[1] Notice of the application was published in the FEDERAL REGISTER on August 21, 1974 (39 FR 30203).

Vice President, Boston Edison Company, Public Utility.
Director, Connecticut Yankee Electric Power Company, Public Utility.
Director, Yankee Atomic Electric Company, Public Utility.

Boston Edison Company, a Massachusetts corporation, is an operating utility engaged primarily in the generation, transmission, distribution, purchase and sale of electric energy. As an incident to its electric business, the Company is engaged in the generation, distribution and sale of steam.

Connecticut Yankee Atomic Power Company is engaged in the generation and sale of electricity. The Company sells its entire net electric output to its utility company stockholders.

The Yankee Atomic Electric Company is engaged in the generation and sale of electricity. The Company sells its entire net electrical output to its utility company stockholders.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6700 Filed 3-13-75;8:45 am]

[Docket Nos. E-8394, E-8439]

METROPOLITAN EDISON CO.

Order Approving Settlement Agreements

MARCH 7, 1975.

On November 5, 1974, the Presiding Administrative Law Judge in these proceedings certified to the Commission two settlement agreements, one related to each of the above referenced dockets. Notice of the certification was issued on November 18, 1974, with comments on the certification due by November 26, 1974. Two comments have been received, one by Staff, the other by an intervenor, the Borough of Kutztown. Both favor the settlement agreements.

These proceedings involve two filings made by the Metropolitan Edison Company (Company). The first was filed September 10, 1973, in Docket No. E-8394 and proposed a rate increase of $356,018 to Allegheny Electric Cooperative (Allegheny). On November 9, 1973, the Commission issued an order which suspended the rate increase for five months and ordered the Company to file a fuel clause conforming to Opinion No. 633. The second filing was made on November 9, 1973, in Docket No. E-8439 and proposed rate increases totaling $1,620,734 to Hershey Electric Company (Hershey) and four municipal customers, the Boroughs of Kutztown, Goldsboro, Lewisberry, and Royalton. Hershey and Kutztown sought and were granted the right to intervene. On December 7, 1973, the Commission suspended the proposed increase for 5 months and ordered the Company to file a fuel clause conforming with Opinion No. 633. The Commission also consolidated the two dockets. Hearings were held on August 21, 1974 pursuant to Commission order at which time the prepared testimony was admitted to the record and the hearing was recessed to permit settlement discussions. After several conferences the settlement proposals were submitted to the Presiding Administrative Law Judge.

The proposed settlement in Docket No. E-8439 will result in an increase of $1,388,298 based on a 1972 test year. Summary of the settlement cost of service is shown on attached Appendix A.[1]

A summary of the settlement provisions at Docket No. E-8439 is as follows:

Article I provides that:

(1) There will be a reduction in the number of blocks in the demand charge from five to three;

(2) There will be an elimination of the certain restrictions on service for resale, restrictions which prohibited the resale of energy to other than ultimate consumers; and

(3) There will be a new fuel clause filed, said clause being contained in the agreement.

Article II provides that there will be a moratorium on new rate increase filings until March 1, 1975, except that:

(1) The company may file for a rate increase in a case where there are significant changes in the load of a customer as a result of the elimination of the restrictions referred to above; and

(2) The company may file a new fuel clause to conform with Order No. 517.

Article V provides that the settlement is expressly conditioned on acceptance by the Commission with necessary waiver of regulations pertaining to filing requirements.

The settlement agreement in Docket No. E-8394 provides for the rates as originally filed by the Company. A summary of the settlement cost of service is shown on attached Appendix B.[2]

The settlement agreement provides that there will be a moratorium on new rate increase filings until May 10, 1975. The fuel adjustment clause to be used will be the one accepted by Commission order dated January 29, 1974. The fuel adjustment clause differs from the fuel adjustment clause in the agreement in E-8439 only in that the loss factor is different due to different voltages. The settlement is expressly conditioned upon Commission acceptance of it.

Our review of these settlement agreements, as well as the entire record in this proceeding indicates that the proposed settlement agreements adequately resolve the issues raised by the filings, are in the public interest, and should therefore be approved and made effective as hereinafter ordered and conditioned.

The Commission finds. Approval of the settlement agreements certified to us by the Presiding Administrative Law Judge in this proceeding are reasonable and appropriate in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders. (A) The settlement agreements certified to us by the Presiding Administrative Law Judge are incorporated herein by reference, approved and made effective as provided by the provision of the settlement agreements.

(B) Within 30 days of the date of issuance of this order, the Company shall file revised tariff sheets consistent with the provisions of this order and the approved settlement agreements.

(C) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against the Company or any person or party, except as provided in the settlement agreements.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6701 Filed 3-13-75;8:45 am]

[1] Appendix A filed as part of the original document.

[2] Appendix B filed as part of the original document.

[Docket No. CP74-302]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition To Amend

MARCH 7, 1975.

Take notice that on February 18, 1975, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP74-302 a petition to amend the order of the Commission issued in said docket on July 22, 1974, pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to increase the total expenditure for "budget-type" natural gas purchase facilities from $7 million to $8 million, to increase the authorized limitation for any single onshore project from $1 million to $1.5 million, and to increase the authorized limitation for a single offshore project from $1.75 million to $2.5 million, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued July 22, 1974, Petitioner was granted "budget-type" authorization to construct, during a twelve-month period commencing July 13, 1974, and operate various facilities

for the purpose of connecting into its pipeline system, new supplies of natural gas from producers authorized to sell to Petitioner. The authorized total expenditure for facilities is limited to $7,000,000 subject to the further limitations that no single onshore project will exceed a cost of $1,000,000 and no single offshore project will exceed a cost of $1,750,000. By Order No. 522 issued January 16, 1975, and effective February 21, 1975, in Docket No. RM75–2, the Commission amended § 157.7 of its Regulations under the Natural Gas Act to authorize the lesser of $12,000,000 or 2 percent of an Applicant's gas plant for gas purchase facilities under budget type authorization. Additionally, the cost of facilities therein for any single onshore project has been increased to the lesser of $1.5 million or 25 percent of the total budget amount except that a single offshore project is limited to the lesser of $2.5 million or the total budget amount. Applicant states the modification requested in this petition are within the limitations prescribed in Docket No. RM75–2 and will facilitate the construction of various projects within Petitioner's budget authorization which were previously precluded due to limitations on expenditures.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 25, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–6702 Filed 3–13–75;8:45 am]

[Docket No. E–9058]

MISSISSIPPI POWER AND LIGHT CO.

Extension of Procedural Dates

MARCH 6, 1975.

On March 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued December 20, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, May 13, 1975.
Service of Intervenors Testimony, May 27, 1975.
Service of Company Rebuttal, June 10, 1975.
Hearing, June 24, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–6703 Filed 3–13–75;8:45 am]

[Docket No. RP72–149, PGA 75–7]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

MARCH 6, 1975.

Take notice that Mississippi River Transmission Corporation (MRT) on February 21, 1975 tendered for filing Twenty-Seventh Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1 to become effective March 1, 1975.

MRT states that the instant filing is being made pursuant to the provisions of MRT's purchased gas cost adjustment clause to its tariff to reflect rate change filings of United Gas Pipe Line Company (United) and Natural Gas Pipeline Company of America (Natural) which are being filed pursuant to the Opinion No. 699–H, Docket No. R389–B. MRT has been advised by United that its filing will be made February 21, 1975 to become effective March 1, 1975. Natural has advised MRT that it will track United's February 21 filing to become effective on the same day as United's rate change.

MRT submitted schedules containing computations supporting the rate changes to be effective March 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–6683 Filed 3–13–75;8:45 am]

[Docket No. CP75–242]

MOUNTAIN FUEL SUPPLY CO.

Notice of Application

MARCH 7, 1975.

Take notice that on February 24, 1975, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP75–242 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport gas for and exchange gas with Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), pursuant to the terms of a gas purchase and exchange agreement between the parties dated January 2, 1975, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The application states that CIG has a supply of gas which is available, or may become available, from acreage which CIG controls in the North Hiawatha Field Area, Sweetwater County, Wyoming. Applicant proposes to receive the gas from CIG at an existing 3-inch tap located in Moffat County, Colorado, on Applicant's pipeline. Applicant then will transport and redeliver said gas on a thermally equivalent basis from its Spearhead Ranch and Antelope Area supplies, which are currently connected to CIG's transmission system. Total volumes are expected to average 3,400 Mcf per day.

Pursuant to the subject agreement Applicant has a continuing option to purchase 25 percent of the gas tendered by CIG, the price for which gas is set forth in the said agreement.

No additional facilities are proposed.

Applicant states that by the instant proposal natural gas will be brought to market at the lowest reasonable cost to the ultimate consumer.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10.). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–6704 Filed 3–13–75;8:45 am]

[Docket No. RP74–100, PGA75–8]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

MARCH 7, 1975.

Take notice that on February 25, 1975, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Gas Tariff, Original Volume No.

1, Second Revised Sheet No. 4, proposed to be effective March 1, 1975.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provision in section 17 of the General Terms and Conditions. National further states that such tariff sheet reflects an adjustment in National's rates of 2.99¢ per Mcf on Second Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before March 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6684 Filed 3-13-75;8:45 am]

[Docket No. E-8882]

PUBLIC SERVICE COMPANY OF COLORADO

Extension of Procedural Dates

MARCH 6, 1975.

On March 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 30, 1974, as most recently modified by notice issued January 9, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, April 22, 1975.
Service of Intervenor's Testimony, May 6, 1975.
Service of Company Rebuttal, May 20, 1975.
Hearing, June 3, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6706 Filed 3-13-75;8:45 am]

[Docket No. R-389-B]

TEXAS PRODUCTION CO. ET AL.

Applications and Motions for Rehearing, Reconsideration and Clarification

MARCH 7, 1975.

Just and reasonable national rates for sales of natural gas from wells commenced on or after January 1, 1973, and new dedications of natural gas to Interstate Commerce on or after January 1, 1973.

On February 6, 1975, Texas Production Company, Ecee, Inc. and Pinto, Inc. (TEP) and Natural Gas Pipeline Company of America (Natural) filed an application for rehearing and reconsideration and a motion for reconsideration, respectively, of our Opinion Nos. 699-F and 699-I.[1] On February 14, 1975, Panhandle Eastern Pipe Line Company and Trunkline Gas Company (Panhandle) filed an application for reconsideration and clarification of our Opinion No. 699-H.[2]

Although the aforesaid applications for rehearing and reconsideration were filed within the thirty day period after the issuance of the subject orders provided for in section 19(a) of the Natural Gas Act,[3] by direction of the Court the record in Docket No. R-389-B was certified to the Court of Appeals for the Fifth Circuit on January 14, 1975.[4] Consequently, under the provisions of section 19(b) of the Act, the exclusive jurisdiction to modify or set aside the orders issued by us in Docket No. R-389-B is now vested in the Court.[5]

However, insofar as the applications and motions ask for clarification of the orders in Docket No. R-389-B we may properly address ourselves to specific questions presented. In the Panhandle application (pp. 6-8) specific fact situations are set forth which Panhandle states require clarification as to the applicability of the national rate prescribed by the Commission in Docket No. R-389-B. As to avoid ambiguity or uncertainty we shall set forth the Panhandle questions as posed, and our response thereto immediately following each question.

Panhandle postulates that "* * * [e]ach of the following fact situations involves acreage (a) committed to an interstate pipeline by contract prior to January 1, 1973; and (b) from which gas was being sold to such pipeline in interstate commerce prior to January 1, 1973." And, first, it asks "[d]oes the higher new national rate apply to gas from:

(1) A new well commenced on or after January 1, 1973, and completed in the same reservoir as the original well,

A. where the original well became incapable of further commercial production due to watering out, depletion or other impairment of an irremedial nature?

B. where the original well is plugged, or production from it is discontinued because it is deemed economically more beneficial to produce from the new well?

C. where the original well continues to be produced but a spacing order is obtained permitting the drilling and production from the new well also?"

The answer to each of the questions is: no, the national rate does not apply because in each instance the gas produced from the subject reservoir was committed, or dedicated, to the interstate market under a contract executed prior to January 1, 1973, and gas was actually sold under that contract prior to January 1, 1973. The differing fact situations which caused the drilling of the new well or wells is immaterial because the gas produced thereby comes from the reservoir which was under production prior to January 1, 1973, pursuant to a pre-January 1, 1973 contract dedication.

Second, Panhandle asks if the national rate would apply to gas from:

(2) A new completion commenced on or after January 1, 1973, in a well which was producing from a different reservoir prior to January 1, 1973?

A. Where recoverable gas remains in the original reservoir but it is deemed economically more beneficial to complete and produce from the new reservoir?

B. Where new completion is in a reservoir previously known to be productive in such acreage?

In each instance the controlling fact would be the date of discovery of the new or second reservoir into which the new completion is commenced. Neither the commencement date of the new completion, nor the fact situations set forth by Panhandle would affect the date of discovery of the new reservoir itself.

Third, Panhandle asks:

II. With respect to newly discovered reservoirs on committed acreage, Opinion No. 699-H (at page 46) stated in part:

"We shall provide that reservoirs, discovered on or after January 1, 1973, as the result of a well commenced on or after January 1, 1973, on acreage dedicated to interstate commerce in such a manner that the sale would not otherwise come within the provisions of § 2.56a(a)(1), shall be entitled to the rate determined in this proceeding."

In the ordering provisions of Opinion No. 699-H (at page 86) provisions regarding newly discovered reservoirs were added to § 2.56a in subsection (k). Paragraph (1) thereof specified that the new rate would be available for reservoirs "discovered on or after January 1, 1973," upon acreage previously dedicated under a contract dated prior to January 1, 1973, but did not specify any commencement date with respect to the well discovering such reservoir.

* * * * *

The provisions referenced above raise the following questions:

(1) Obviously the Commission needs to clarify its regulations to reflect whether or not the newly discovered reservoir must have been discovered by a well commenced subsequent to, or must have been discovered by a well commenced prior to, January 1, 1973. As matters now stand, the Commission in said Opinion (at page 46) indicates the well must have been commenced on or after January 1, 1973, whereas the referenced letter of January 29, 1975, indicates that the well must (or may) have been commenced prior

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[1] Opinion No. 699-F was issued November 7, 1974, ------ FPC ------, and the Order Modifying In Part Opinion No. 699-F, to which Natural directs its motion was issued January 3, 1975, ------ FPC ------. Opinion No. 699-I was issued January 7, 1975, ------ FPC ------.

[2] Opinion No. 699-H was issued December 4, 1974, ------ FPC ------.

[3] 52 Stat. 831 (1938); 15 U.S.C. 717r.

[4] Transmission of the record to the Court may be required by it after a proceeding has been instituted for review, under Pub. L. 85-791, Section 2, August 28, 1958, 72 Stat. 941; Pub. L. 89-773, Section 5(a), (b), November 6, 1966, 80 Stat. 1323; 28 U.S.C. 2112.

[5] See, "Mobil Oil Corp. v. F.P.C.," 417 U.S. 283, 310 (1974).

to January 1, 1973. The regulations contained in § 2.56a(k) are silent with respect thereto.

(2) Further, the Commission should likewise clarify whether or not it intended to provide in Opinion No. 699–H that the words "wells commenced" should mean and include "workovers" and/or "recompletions" * * *.

Panhandle's questions regarding newly discovered reservoirs are among those which caused us to amend Section 2.56 (f) (3), adopted by Ordering Paragraph (B) of Opinion No. 699–H, when we issued Opinion No. 699–I on January 7, 1975. Our purpose was to make § 2.56(f) (3) conform to § 2.56a(k) (1) which reads as follows:

(1) In all areas, the rate for natural gas produced from a reservoir discovered on or after January 1, 1973, which is located upon acreage previously dedicated to interstate commerce under a contract dated prior to January 1, 1973, shall be determined by the date of discovery of such reservoir, in lieu of the contract date.

Hence, the date of commencement of the well is not material.

The Commission finds. (1) The joint application filed by Trunkline Gas Company and Panhandle Eastern Pipe Line Company on February 14, 1975, insofar as it seeks clarification of Opinion No. 699–H should be granted.

(2) The motion for reconsideration filed by Natural Gas Pipeline Company of America filed on February 6, 1975, and the Application of Texas Production Company, Ecee, Inc. and Pinto, Inc. filed on February 6, 1975, should be dismissed as not now being within the jurisdiction of the Commission to entertain.

The Commission orders. (A) The joint application filed by Trunkline Gas Company and Panhandle Eastern Pipe Line Company on February 14, 1975, insofar as it seeks clarification of Opinion No. 699–H is granted, and the responses hereinabove set forth constitute our clarification thereof.

(B) The Motion for Reconsideration filed by Natural Gas Pipeline Company of America filed on February 6, 1975, and the application of Texas Production Company, Ecee, Inc. and Pinto, Inc. filed on February 6, 1975, are dismissed as not now being within the jurisdiction of the Commission to entertain.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–6715 Filed 3–13–75;8:45 am]

[Docket No. ID–1759]

RICHARD C. GERSTENBERG

Initial Application

MARCH 7, 1975.

Take notice that on February 24, 1975, Richard C. Gerstenberg, (Applicant) filed an initial application with the Federal Power Commission, pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, The Detroit Edison Company, Public Utility.

Director, General Motors Corp., Public Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–6707 Filed 3–13–75;8:45 am]

[Project No. 559]

SAN DIEGO GAS & ELECTRIC CO.

Issuance of Interim License

MARCH 7, 1975.

On March 4, 1974, San Diego Gas & Electric Company, Licensee for Project No. 559, located in the County of San Diego, State of California, filed an application for a new license under the Federal Power Act (16 U.S.C. 791 et seq.) and Commission Regulations thereunder (Part 4 and §§ 16.12–16.13).

The license for Project No. 559 was issued effective March 5, 1925 for a period ending March 4, 1975. In order to authorize the continued operation and maintenance of the Project pursuant to section 9(b) of the Administrative Procedure Act (5 U.S.C. 558(c)) pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an interim license to San Diego Gas & Electric Company, for continued operation and maintenance of Project No. 559.

Take notice that an interim license is issued to San Diego Gas & Electric Company (Licensee) under section 9(b) of the Administrative Procedure Act for the period March 5, 1975 to March 4, 1976, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 559, subject to the terms and conditions of its present license.

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–6708 Filed 3–13–75;8:45 am]

[Docket No. RP73–49, PGA75–4]

SOUTH GEORGIA NATURAL GAS CO.

Revision to Tariff

MARCH 6, 1975.

Take notice that on February 21, 1975, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of Original Volume No. 1 to its FPC Gas Tariff the following revised tariff sheets:

Eleventh Revised Sheet No. 3A
Thirty-Sixth Revised Sheet No. 5
Thirty-Fifth Revised Sheet No. 6
Twenty-Seventh Revised Sheet No. 9
Twenty-Sixth Revised Sheet No. 11
Thirtieth Revised Sheet No. 12B

South Georgia states that the above sheets represent a rate change under its PGA Clause, such clause approved to become effective April 14, 1973, by Commission Order in FPC Docket No. RP73–49 issued April 13, 1973. The company further states that it proposes to increase its rates to jurisdictional customers by $1,439,741 for the purpose of tracking a rate increase filing by Southern Natural Gas Company (Southern). The instant filing will increase South Georgia's overall cost of gas by $2,214,329 annually, according to South Georgia. An effective date of March 1, 1975 is requested.

South Georgia has requested waiver of the forty-five (45) day notice requirements as set forth in § 14.2(e) of the General Terms and Conditions of South Georgia's FPC Gas Tariff. South Georgia states that knowledge of Southern's filing, which South Georgia proposes to track, was not known to South Georgia in time to make it possible for South Georgia to comply with the forty-five (45) day notice requirement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–6709 Filed 3–13–75;8:45 am]

[Docket No. RP75–56]

TEXAS GAS PIPE LINE CORP.

Filing and Suspending Proposed Rate Increase Granting Intervention and Establishing Procedure

MARCH 7, 1975.

On January 24, 1975, Texas Gas Pipe Line Corporation (TGPLC) tendered for filing proposed changes in its FPC Gas Tariff First Revised Volume No. 1.[1] The proposed changes provide for a 34.46¢ per Mcf increase in the commodity portion of the rate charged for gas sold to Transcontinental Gas Pipeline Corporation (Transco) and a 30.03¢ per Mcf

[1] First Revised Sheet No. 5 and First Revised Sheet No. 8.

increase in the rate charged for gas sold to Texas Eastern Transmission Corporation (Texas Eastern). The proposed changes would result in increased revenues from jurisdictional sales and service by $1,644,141 based on a 12-month period ended October 31, 1974, as adjusted. TGPLC states that the principal reasons for the proposed rate increases are increased purchased gas costs, other increased operating expenses and to offset a net operating revenue deficiency. TGPLC has requested a proposed effective date of March 10, 1975.

TGPLC further requested the Commission to waive its Regulations insofar as it is necessary to treat its filing as a minor rate increase, requiring the filing of only Statements L, M, and N.

Notice of TGPLC's filing was issued by the Commission on January 31, 1975 with any comments, protests, or petitions to intervene due on or before February 13, 1975.

On February 12, 1975, Texas Eastern Transmission Corporation filed a petition to intervene in this proceeding.

Our review of TGPLC's January 24, 1975 filing indicates that there are certain issues raised which may require development in an evidentiary hearing. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall therefore suspend the effectiveness of TGPLC's proposed rates for a period of five months, to become effective August 10, 1975 and establish a hearing procedure to determine the justness and reasonableness of TGPLC's proposed rates.

Our review of TGPLC's filing further indicates that the information filed by TGPLC in Statements L, M, and N is sufficient for our analysis of the filing. We shall therefore treat TGPLC's filing as a minor rate increase under § 154.63 (a)(3) and 154.63(b)(4) of our Regulations and not require TGPLC to file the additional Statements necessary for a major rate increase under § 154.63(b)(3).

The Commission finds. (1) It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act, that the Commission suspend the effectiveness of the proposed rates filed by TGPLC on January 24, 1975, and enter upon a hearing concerning the lawfulness of the proposed rates as hereinafter ordered.

(2) Good cause exists to grant Texas Eastern Transmission Corporation's petition to intervene.

(3) Good cause exists to treat TGPLC's filing of January 24, 1975 as a minor rate increase under §§ 154.63(a)(3) and 154.63(b)(4) of our regulations.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 15, and 18 thereof, and the Commission's rules and regulations, a public hearing shall be held on July 30, 1975, in a hearing room of the Federal Power Commission, 825 North Capitol Street NE. Washington, D.C. 20426, concerning the justness and reasonableness of the rates proposed in this proceeding.

(B) Pending such hearing and a decision thereon, TGPLC's proposed changes in its FPC Gas Tariff First Revised Volume No. 1, First Revised Sheet Nos. 5 and 8 are accepted for filing and their effectiveness suspended until August 10, 1975, at which time they may become effective, subject to refund.

(C) On or before June 18, 1975, Commission Staff shall serve its prepared testimony and exhibits. Any prepared testimony or exhibits of intervenors shall be served on or before July 2, 1975. Company rebuttal shall be served on or before July 16, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing provided for by this order and shall otherwise conduct the hearing in accordance with the Commission's rules and regulations.

(E) Texas Eastern Transmission Corporation's petition to intervene in this proceeding is hereby granted.

(F) TGPLC's request for waiver of our regulations insofar as it is necessary to treat its filing of January 24, 1975 as a minor rate increase under §§ 154.63(a)(3) and 154.63(b)(4) is hereby granted.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6711 Filed 3-13-75;8:45 am]

[Docket No. CP75-246]

TEXAS GAS TRANSMISSION CORP.

Application

MARCH 7, 1975.

Take notice that on February 27, 1975, Texas Gas Transmission Corporation (Applicant), PO. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP75-246 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render a storage service of up to 12 million Mcf (at 14.7 psia) of natural gas for Transcontinental Pipe Line Corporation (Transco) during the period of April 16, 1975, through April 15, 1976, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Transco will effectuate deliveries of natural gas to Applicant for injection into storage through Texas Eastern Transmission Corporation (Texas Eastern) at the existing interconnection of the facilities of Applicant and Texas Eastern near Lebanon, Ohio, during the period April 16, 1975, through November 15, 1975. Applicant states that during the period November 16, 1975, to April 16, 1976, it will deliver the volumes of natural gas stored for Transco at the existing interconnection of the facilities of Applicant and Transco near Eunice, Louisiana, Applicant points out that its deliveries to Transco will be subject to interruption when the capacity is needed by Applicant to meet the requirements of its firm customers, *Provided, however,* That Applicant must deliver 20 percent of such stored gas to Transco during any consecutive thirty-day period, unless otherwise mutually agreed to by the two parties. Applicant states that it will be paid by Transco a storage fee of 29.56 cents for each Mcf of natural gas stored by Applicant for Transco.

Applicant proposes neither new sales nor new facilities herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6710 Filed 3-13-75;8:45 am]

[Docket No. CI75-499]

THOMAS G. VESSELS

Application

MARCH 6, 1975.

Take notice that on February 19, 1975, Thomas G. Vessels (Applicant), Cherry Creek Plaza, Suite 1220, 600 South Cherry Street, Denver, Colorado 80202, filed in

Docket No. CI75–499 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of residue natural gas in interstate commerce to Panhandle Eastern Pipe Line Company (Panhandle) from the tailgate of Applicant's Brighton Processing Plant, Weld County, Colorado, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to sell and deliver to Panhandle residue gas from Applicant's Brighton Plant for one year commencing on the date of initial operation of the Brighton Plant (expected to be March 15, 1975) within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant states that it intends to undertake a 60-day emergency sale of gas to Panhandle within the contemplation of § 157.29 of the regulations (18 CFR 157.29) when the plant commences operation if the requested certification has not yet been granted.

Applicant proposes to sell approximately 85,000 Mcf of gas per month to Panhandle at a base price of 60.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot with upward adjustment limited to 1,200 Btu per cubic foot. The application indicates that although Applicant shall have the right to take extractions from the residue gas, Applicant may be required to reimburse Panhandle for any reduction in heating value of the residue gas caused thereby.

Applicant explains that the volumes of residue gas to be delivered to Panhandle for the proposed sale are dedicated under a long-term agreement with an intrastate purchaser. Applicant states that said intrastate purchaser has agreed, however, to permit Panhandle to purchase the gas on a limited-term basis.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–6712 Filed 3–13–75;8:45 am]

[Docket No. CP75–238]

UNITED GAS PIPE LINE CO.

Application

MARCH 7, 1975.

Take notice that on February 19, 1975, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP75–238 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing March 1, 1975, and operation of certain natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for supplies of gas from various producing areas and connecting such gas to its pipeline system.

Applicant states that the total cost of the proposed facilities will not exceed $12,000,000, with no single onshore project to exceed $1,500,000 and no single offshore project to exceed $2,500,000. Applicant further states that the proposed facilities will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–6713 Filed 3–13–75;8:45 am]

Docket No. CP75–235

WEST TEXAS NATURAL GAS CO.

Application

MARCH 7, 1975.

Take notice that on February 13, 1975, West Texas Natural Gas Co. (Applicant), P.O. Box 1621, Fort Stockton, Texas 79735, filed in Docket No. CP75–235 an application pursuant to section 1(c) of the Natural Gas Act and Part 152 of the Regulations thereunder for exemption from the provisions of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it was organized in October 1974 for the purpose of acquiring certain isolated irrigation gas systems located in Texas from the Peoples Natural Gas division of Northern Natural Gas Company which acquisition was effected as of August 27, 1974. Applicant further states that it bills and services approximately 140 accounts for grantor taps on the system of Northern Natural Gas Company in West Texas. Applicant claims that it purchases all of its gas from three interstate suppliers and three intrastate suppliers,[1] that all of said gas is sold only to intrastate markets in Pecos County, Texas,[2] and that Applicant has no connection with any other interstate pipelines other than the aforementioned three suppliers.

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[1] See following data:

Source:	*Mcf of gas*
Interstate—	
Northern Natural Gas Co.	2,280,000
El Paso Natural Gas Co.	1,164,350
Cities Service Gas Co.	1,095,000
Intrastate—	
David Fasken	3,000
Texas International, Petroleum Corp. and Atlantic Richfield Corp.	3,000

[2] Applicant states that it makes sales for domestic dwellings, agricultural uses, and drilling rig fuel, and makes minor industrial sales.

Applicant states that in order to augment its supply and reduce its dependence upon its three interstate pipeline company suppliers, Applicant proposes to do the following:

(1) Interconnect its separate systems with one or more small diameter transmission lines;

(2) Execute contracts to acquire intrastate gas reserves;

(3) Enter into one or more contracts for the sale of excess gas to an intrastate pipeline company so as to permit the efficient operation of its system. Applicant claims that no gas purchased by Applicant will physically leave the State of Texas.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6714 Filed 3-13-75;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON IMPACT OF INADEQUATE ELECTRIC POWER SUPPLY

Agenda of Meeting

Agenda For a meeting of the Technical Advisory Committee on the Impact of Inadequate Electric Power Supply, to be held at the Federal Power Commission Offices 825 North Capitol Street, NE., Washington, D.C., 10 a.m., April 2, 1975, Room 5200.

1. Meeting opened by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
   a. Correction and additions to minutes of previous meeting.
   b. Discussion of comments received and revisions of draft committee report.
   c. Other business.
   d. Set date of next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6687 Filed 3-13-75;10:45 am]

INTERNATIONAL TRADE COMMISSION

[337-37]

GOLF GLOVES

Finding

Upon completion of its investigation No. 337-37 under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in response to a complaint of Anthony J. Antonious and the Ajac Glove Corp., both of Ellicott City, Maryland, the Commission does not find unfair methods of competition or unfair acts in the importation into the United States of certain golf gloves or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

Under subsection (c) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337(c)), a rehearing before the Commission may be requested. In accordance with §§ 201.14 and 203.10 of the Commission's rules of practice and procedure (19 CFR 201.14 and 203.10), a motion for a rehearing may be granted for good cause shown. Any such motion for a rehearing must be in writing and filed with the Secretary of the U.S. International Trade Commission, Washington, D.C. 20436, on or before March 31, 1975. The motion must state clearly the grounds which are relied upon for the granting of a rehearing and must be accompanied by 19 true copies.

Issued: March 13, 1975.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.75-6929 Filed 3-13-75;9:51 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-19)]

RESEARCH AND TECHNOLOGY ADVISORY COUNCIL PANEL ON RESEARCH

Meeting

The NASA Research and Technology Advisory Council Panel on Research will meet on April 3 and 4, 1975, at NASA Headquarters, Washington, D.C. 20546. The meeting will be held in Room 226A of Federal Office Building 10B, 600 Independence Avenue, SW. Members of the public will be admitted on a first-come, first-served basis, limited by the seating capacity of the room which is about 44 persons. All visitors must sign in prior to attending the meeting.

The Panel on Research of the NASA Research and Technology Advisory Council serves in an advisory capacity only. Its Chairman is Professor A. S. Hertzberg, and there are 12 members. The following list sets forth the approved agenda and schedule for the meeting of this Panel on Research on April 3 and 4, 1975. For further information, please contact Mr. F. C. Schwenk, Area Code 202, 755-2488.

APRIL 3, 1975

Time	*Topic*
9 a.m.	Report of the Chairman. (Purpose: To report to the Panel on the most recent Research and Technology Advisory Council meeting.)
9:30 a.m.	Remarks by the Executive Secretary. (Purpose: To brief the Panel on recent activities in NASA Headquarters which may affect the work of the Panel on Research.)
10 a.m.	Subpanel reports. (Purpose: To provide the full Panel with results of subpanel studies of NASA-university relationships in regard to OAST-funded basic research in the fields of materials, fluid mechanics, and gas-phase physics and chemistry.)
2 p.m.	Research Council report. (Purpose: To provide results of Research Council analyses of the types of relationships established between NASA and universities in OAST-funded basic research programs.)
3:30 p.m.	Report by NASA Office of University Affairs. (Purpose: To present findings on the study made by the Office of University Affairs on basic research in aeronautics supported by other agencies and conducted in universities.)
4:30 p.m.	Panel discussion. (Purpose: To discuss presentations and prepare findings and recommendations for NASA.)

APRIL 4, 1975

9 a.m.	Panel discussion continued. (Purpose: To continue discussion and preparation of findings and recommendations for NASA.)
11 a.m.	Discussion of future Panel activities. (Purpose: To define areas of further study by the Panel on Research.)
12 noon	Adjournment.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

MARCH 10, 1975.

[FR Doc.75-6704 Filed 3-13-75;8:45]

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-250, 50-251]

FLORIDA POWER AND LIGHT CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR-31 and DPR-41 issued to Florida Power and Light Company (the licensee) for operation of the Turkey Point Nuclear Generating Units 3 and 4 located in Dade County, Florida.

The license amendments under consideration would revise the provisions in the Technical Specifications in accordance with the licensee's application for amendments dated September 19, 1974, to: (1) Relax the requirement for performing reactor coolant radioisotope determinations; (2) remove the restriction on reactor coolant oxygen concentration when the reactor coolant is below 250° F; (3) redefine surveillance intervals so that they are applicable to all surveillance tests; and (4) make several changes to Technical Specification Table 4.1-2 "Minimum Frequencies for Equipment and Sampling Tests," to maintain consistency with the above proposed changes or to clarify explanatory statements.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations.

On or before April 14, 1975, any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by April 14, 1975. A copy of the petition and/or request for a hearing should be sent to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Jack R. Newman, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, NW., Washington, D.C. 20036, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendments dated September 19, 1974, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Lily Lawrence Row Public Library, 212 NW. First Avenue, Homestead, Florida. As they become available, the Commission's related Safety Evaluation, license amendments and attachments may be inspected at the above locations. A copy of the license amendments and attachments and the Safety Evaluation, when available, may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 5th day of March 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-6481 Filed 3-13-75;8:45 am]

[Docket Nos. 50-461, 50-462]

ILLINOIS POWER CO., CLINTON POWER STATION UNITS 1 AND 2

Availability of Safety Evaluation Report

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Clinton Power Station, Units 1 and 2, to be located in Harp Township, DeWitt County, Illinois. Notice of receipt of Illinois Power Company's application to construct and operate the Clinton Power Station, Units 1 and 2 was published in the FEDERAL REGISTER on December 7, 1973 (38 FR 33788).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois, for inspection and copying. The report (Docket No. NUREG-75/013) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 10th day of March, 1975.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Projects Branch 2-1, Division of Reactor Licensing.

[FR Doc.75-6745 Filed 3-13-75;8:45 am]

[Docket Nos. 50-463, 50-464]

PHILADELPHIA ELECTRIC CO., FULTON GENERATING STATION, UNITS 1 AND 2

Availability of Safety Evaluation Report

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Fulton Generating Station, Units 1 and 2 to be located in Fulton and Drumore Townships, Lancaster County, Pennsylvania. Notice of receipt of Philadelphia Electric Company's application to construct and operate the Fulton Generating Station, Units 1 and 2 was published in the FEDERAL REGISTER on December 7, 1973 (38 FR 33789).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Lancaster County Library, 125 North Duke Street, Lancaster, Pennsylvania, for inspection and copying. The report (Document No. NUREG-75/015) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 10th day of March, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Division of Reactor Licensing.

[FR Doc.75-6746 Filed 3-13-75;8:45 am]

[Docket No. 50-10]

COMMONWEALTH EDISON CO.

Request for Extension and Exemption

The Commonwealth Edison Company (the licensee) is authorized by Facility Operating License No. DPR-2 to operate a nuclear power reactor identified as Dresden Nuclear Power Station Unit 1 at the licensee's Dresden Nuclear Power Station, located in Grundy County, Illinois, at steady state power levels up to 700 MWt.

By letter dated February 18, 1975, the licensee has requested an extension of time until August 2, 1975, to file a complete analysis of conformance with the

Final Acceptance Criteria for Emergency Core Cooling System ("FAC") for Dresden Unit 1. An extension from August 6, 1974 until April 4, 1975 has previously been granted by the Commission in its Determination with Respect to Variance from the Interim Acceptance Criteria and Extension in Submitting Evaluations from the Acceptance Criteria for Emergency Core Cooling System (10 CFR 50.46(a)(2)(iii)) dated August 5, 1974 (39 FR 29611).

The letter further requests an exemption from the "requirements of 10 CFR § 50.46 and any underlying requirement with respect to the diversity of emergency systems or the diversity and redundancy of power sources, which would relieve Commonwealth Edison of the obligation to file a complete analysis prior to August 2, 1975, and continue in effect the variance previously granted from the requirements of the Interim Acceptance Criteria ("IAC")."

Notice is hereby given that the licensee's request has been received and is under consideration. In support of its request, the licensee has submitted a number of affidavits.

The requested relief may be granted if the Commission determines that it conforms to the standards for requested extensions and exemptions specified in 10 CFR Part 50, §§ 50.12 and 50.46. In connection with this request, the submission of views and comments by any interested person is invited. Such views and comments should be submitted in writing, addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before March 30, 1975.

A copy of the request for extension and exemption dated February 18, 1975 and related correspondence and documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the request for extension and exemption dated February 18, 1975, may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 12th day of March 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-6936 Filed 3-13-75;10:24 am]

[Docket No. 50-155]

CONSUMERS POWER CO.

Request for Extension

The Consumers Power Company (the licensee) is authorized by Facility Operating License No. DPR-6 to operate a nuclear power reactor identified as Big Rock Point Plant at the licensee's Nuclear Power Station, located in Charlevoix County, Michigan, at steady state power levels up to 240 MWt.

By letter dated February 18, 1975, the licensee has requested an extension of time until July 26, 1975, to file a complete analysis of conformance with the Acceptance Criteria for Emergency Core Cooling System for Big Rock Point. An extension from August 5, 1974 until March 31, 1975 has previously been granted by the Commission in its Determination with Respect to Variance from the Interim Acceptance Criteria and Extension in Submitting Evaluations from the Acceptance Criteria for Emergency Core Cooling System (10 CFR 50.46(a)(2)(iii)) dated August 5, 1974 (39 FR 29403).

Notice is hereby given that the licensee's request has been received and is under consideration. In support of its request, the licensee has submitted two affidavits.

The requested relief may be granted if the Commission determines that it conforms with 10 CFR Part 50, §§ 50.12 and 50.46. In connection with this request, the submission of views and comments by any interested person is invited. Such views and comments should be submitted in writing, addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before March 30, 1975.

A copy of the request dated February 18, 1975 and related correspondence and documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan.

Dated at Bethesda, Md., this 12th day of March, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2 Division of Reactor Licensing.

[FR Doc.75-6937 Filed 3-13-75;10:24 am]

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO.

Request for Extension

The Pacific Gas and Electric Company (the licensee) is authorized by Facility Operating License No. DPR-7 to operate a nuclear power reactor identified as Humboldt Bay Power Plant Unit No. 3 at the licensee's Humboldt Bay Power Plant, located near Eureka, California, at steady state power levels up to 220 MWt.

By letter dated February 21, 1975, the licensee has requested an extension of time until July 28, 1975, to file a complete analysis of conformance with the Acceptance Criteria for Emergency Core Cooling System for Humboldt Bay Unit 3. An extension from August 6, 1974 until March 31, 1975 has previously been granted by the Commission in its Determination of Request for Extension of Time For Submittal of Evaluations Required by Acceptance Criteria for Emergency Core Cooling Systems (10 CFR 50.46(a)(2)(iii)) dated August 5, 1974 (39 FR 29034).

Notice is hereby given that the licensee's request has been received and is under consideration. In support of its request, the licensee has submitted a number of affidavits.

The requested relief may be granted if the Commission determines that it conforms with 10 CFR Part 50, §§ 50.12 and 50.46. In connection with this request, the submission of views and comments by any interested person is invited. Such views and comments should be submitted in writing, addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before March 30, 1975.

A copy of the request for extension dated February 21, 1975, and related correspondence and documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW. Washington, D.C. A copy of the request for extension dated February 21, 1975, may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 12th day of March 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-6938 Filed 3-13-75;10:24 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-3993]

ACME INTERNATIONAL CORP.

Order Permanently Suspending Exemption

MARCH 5, 1975.

I. Acme International Corporation ("Acme"), Suite 1700, 445 South Figueroa Street, Los Angeles, California 90017, incorporated in the State of Nevada on July 22, 1969, filed with the Commission on February 26, 1973, a Notification on Form 1-A and an Offering Circular relating to an offering of 200,000 shares of $.50 par value common stock at $2.50 per share. The aggregate offering price was $500,000. The filing was made for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, pursuant to section 3(b) thereof and regulation A thereunder. Koss Securities Corp. ("Koss"), a registered broker-dealer, having its principal place of business at 1266 East 24th Street, Brooklyn, New York 11210, was named as underwriter of the proposed offering.

II. On August 6, 1974 the Commission temporarily suspended the Regulation A exemption of Acme, stating that on the basis of information provided by its staff, it had reason to believe that:

A. The Notification and Offering Circular of Acme contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading particularly with respect to:

1. The failure to disclose the activities of the parent corporation, Acme, between July 23, 1970, when the current management acquired control of Acme Mining Co., and January 11, 1972, when Acme Mining Co. was merged into the Issuer;
2. The failure to disclose the reasons for the January 11, 1972, merger of Acme Mining Company and Acme International;
3. The failure to disclose in the Risk Factors section of the Offering Circular all the special risks apparent in the nature and structure of the business of Wall Street Data Sciences ("Wall Street Data") and Western Cryogenics, the two subsidiaries of Acme.
4. The failure to disclose the origin of Wall Street Data and its history, ownership and management prior to its merger with Acme;
5. The failure to describe the business and operations of the Wall Street Data subsidiary;
6. The failure to disclose the extent of dependence of Wall Street Data upon any one customer or group of customers for a significant portion of its revenues;
7. The failure to disclose the names of the parties with whom Wall Street Data has oral agreements to acquire 18 additional mailing lists;
8. The failure to disclose the business activities and operating methods of Western Cryogenics;
9. The failure to disclose Western Cryogenics' plans with regard to each of its products, including the relative importance of each product line in the over-all profit or loss experience of Western Cryogenics;
10. The failure to disclose whether Western Cryogenics has patent protection for its "Cryo funnel" product;
11. The failure to disclose the annual rental for Acme's offices and the facilities of its operating subsidiaries;
12. The failure to disclose in the Offering Circular the right granted the underwriter in the underwriting agreement to place a nominee on Acme's board of directors for the next five years following the effective date of the offering;
13. The failure to disclose that Acme entered into merger negotiations in the summer of 1973 with NACA Corporation, a Las Vegas, Nevada, holding company; and
14. The failure to accurately state those jurisdictions in which the securities were proposed to be offered.

B. On September 25, 1973, an indictment alleging violations of sections 17 (a) and 24 of the Securities Act and of sections 10b, 15(a)(1), 32 and Rule 10b-5 of the Exchange Act was returned against Theodore Koss and Koss Securities Corporation by a Federal Grand Jury sitting in the Southern District of New York. Pursuant to rule 261(a)(6) of the Act, indictment of the designated underwriter is grounds for suspension of the Regulation A exemption.

C. Acme failed to cooperate with the Commission in that Acme failed or refused to reply to its April 18, 1973 comment letter and three telephone requests from the Commission's staff with respect to the amending of the Notification and Offering Circular or its withdrawal.

D. The offering, if allowed to commence, would have been made in violation of section 17 of the Securities Act of 1933.

III. No hearing having been requested by Acme International Corporation within thirty days after the entry of an order temporarily suspending the exemption of Acme International Corporation under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of Acme International Corporation under Regulation A be permanently suspended.

It is ordered, Pursuant to rule 261 of the general rules and regulations under the Securities Act of 1933, that the exemption of the Issuer under regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-6767 Filed 3-13-75;8:45 am]

[70-5634]

ALABAMA POWER CO.

Transactions Related to Financing of Pollution Control Facilities

MARCH 7, 1975.

Notice is hereby given that Alabama Power Company ("Alabama"), 600 North 18th Street, Birmingham, Alabama 35291, an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to said application, which is summarized below, for a complete statement of the proposed transactions.

Alabama states that in order to comply with prescribed environmental standards of the State of Alabama with respect to air and water quality it has been and will be necessary to construct certain pollution control facilities. This filing relates to Alabama's proposal for its disposition and acquisition of the pollution control facilities for use in connection with its Gadsden and Gorgas steam plants (the "Plants") located, respectively, in the City of Gadsden and the Town of Parrish, Alabama.

The Industrial Development Board of the City of Gadsden and The Industrial Development Board of the Town of Parrish have agreed to issue their pollution control revenue bonds for the purpose of paying the cost of the construction and equipping of the pollution control facilities at the Plants (the "Projects"). Alabama proposes to enter into Installment Sale Agreements ("Agreements") with each Board which will provide for the acquisition and completion of the Projects by each of the Boards and the issuance by each of the Boards of pollution control revenue bonds ("Revenue Bonds") in principal amounts estimated not to exceed in the aggregate $24,500,000, the amount presently estimated to be sufficient to cover the aggregate cost of construction of the Projects. Of such Revenue Bonds, not more than $5,500,000 will be issued by the Gadsden Board and not more than $19,000,000 will be issued by the Parrish Board. Such proceeds will be applied to payment of the cost of construction of the Projects.

The Agreements also will provide for the sale of the Projects to Alabama, the payment by Alabama of the purchase price for each of the Projects in semi-annual installments over a term of years, and the assignment to the Trustee of each Board's interest in, and of the moneys receivable by the Boards under, the Agreements. The Agreements will provide that the purchase prices for the Projects, including interest thereon, payable by Alabama will be such amount as shall be sufficient to pay the principal of and premium (if any) and interest on the specific series of Revenue Bonds as the same become due and payable. To secure its payment obligations under the Agreements, Alabama proposes to grant to the respective Boards a security interest in the related Project subordinate to the lien of its mortgage indenture. The Agreements will provide that Alabama may at any time prepay the purchase prices of the respective Projects in whole or in part, such payments to be sufficient to redeem or purchase the outstanding Revenue Bonds.

The Revenue Bonds will be sold by the Boards pursuant to arrangements with a group of underwriters represented by Dean Witter & Co. Incorporated. It is intended that the Revenue Bonds will mature not later than 35 years from the first day of the month in which they are initially issued and that they will include serial maturities and/or the benefit of a mandatory redemption sinking fund, the effect of either to be calculated to retire not less than 25 percent of the aggregate principal amount of the issue prior to maturity. In accordance with the laws of the State of Alabama, the interest rate to be borne by each series of Revenue Bonds will be fixed by the issuing Board. Alabama will not be party to the underwriting agreements for the Revenue Bonds. Bond counsel are to issue an opinion that interest on the Revenue Bonds presently is exempt from Federal income taxation. Alabama has been advised that the annual interest rates on obligations, the interest on

which is tax exempt, historically have been and can be expected at the time of issue of the Revenue Bonds, to be 1½ percent to 2½ percent lower than the rates of obligations of like tenor and comparable quality, interest on which is fully subject to Federal income taxation.

The fees and expenses to be incurred in connection with the proposed disposition of the Existing Facilities and the acquisition of the Projects (as distinguished from and excluding fees and expenses incurred or to be incurred in connection with the sale of the Revenue Bonds by the Boards payable out of the proceeds of such sale and in connection with the determination of the tax exempt status of the Revenue Bonds) will be filed by amendment. It is stated that the incurring of the obligations under the Agreements by Alabama will have been authorized by the Alabama Public Service Commission. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 2, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address; and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-6768 Filed 3-13-75;8:45 am]

[70-5637]

ARKANSAS POWER & LIGHT CO.

Issuance and Sale of Notes to Banks and/or a Dealer in Commercial Paper; Exception From Competitive Bidding

MARCH 7, 1975.

Notice is hereby given that Arkansas Power & Light Company ("Arkansas"), Ninth and Louisiana Streets, Little Rock, Arkansas 72203, a public-utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated August 21, 1974 (HCAR No. 18540), the Commission authorized Arkansas to issue and sell, from time to time through May 31, 1975, up to $85,000,000 aggregate principal amount outstanding at any one time of unsecured short-term promissory notes.

Arkansas now proposes to revise the foregoing program and to issue and sell, from time to time through December 31, 1976, unsecured short-term promissory notes (including commercial paper) to various commercial banks and/or a dealer in commercial paper in an aggregate principal amount outstanding at any one time not to exceed $95,000,000. The aggregate principal amount of commercial paper outstanding at any one time will not exceed $60,000,000.

The notes proposed to be issued and sold to commercial banks will be in the form of unsecured promissory notes payable not more than nine months from the date of issuance with right of renewal, will bear interest at the prime commercial bank rate in effect at the lending bank on the date of issuance, and will, at the option of Arkansas, be prepayable, in whole or in part, at any time without premium or penalty. While no formal commitments for future borrowings have been made with any bank, it is expected that the banks to whom such notes will be issued and sold and the maximum amount to be issued and outstanding at any one time to each such bank will be substantially as follows:

Name of Bank:	*Maximum amount to be borrowed*
First National Bank of Eastern Arkansas, Forrest City, Ark.	$300,000
Arkansas Bank & Trust Co., Hot Springs, Ark.	800,000
First National Bank of Hot Springs, Little Rock, Ark.	500,000
The Commercial National Bank, Little Rock, Ark.	800,000
First National Bank in Little Rock, Little Rock, Ark.	4,000,000
Union National Bank, Little Rock, Ark.	1,300,000
Worthen Bank & Trust Co., Little Rock, Ark.	3,000,000
Irving Trust Co., New York, N.Y.	5,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	45,000,000
Morgan Guaranty Trust Co. of New York, New York, N.Y.	8,000,000
National Bank of Commerce, Pine Bluff, Ark.	1,000,000
Simmons First National, Pine Bluff, Ark.	14,000,000
Peoples Bank & Trust Co., Russellville, Ark.	300,000
Republic National Bank of Dallas, Dallas, Tex.	5,000,000
Total	89,000,000

Arkansas maintains daily operating balances with the above Arkansas banks. If balances were to be maintained solely for the purpose of satisfying a compensating balance requirement at the prevailing rate of 15 percent and assuming a 9¼ percent prime rate, the effective interest cost would be 10.88 percent. The above non-Arkansas banks may require compensating balances from 10 percent to 20 percent of the average annual amount of the loans outstanding from those banks. Assuming a 9¼ prime rate and a 20 percent compensating balance the effective interest cost on loans from the non-Arkansas banks would be 11.56 percent.

The proposed commercial paper will be in the form of unsecured promissory notes with varying maturities not to exceed 270 days, the actual maturities to be determined by market conditions, effective cost of money to Arkansas and Arkansas' anticipated cash requirements at the time of issuance. In accordance with the established custom and practices in the market, the proposed commercial paper will not be payable prior to maturity. Arkansas proposes to issue, reissue, and sell commercial paper in denominations of not less than $100,000 directly to Salomon Brothers, a dealer in commercial paper, at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality of that particular maturity sold by public-utility issuers to commercial paper dealers. No commission or fee will be payable by Arkansas in connection with the issuance and sale of the commercial paper. Salomon Brothers, as principal, will reoffer and sell the commercial paper at a discount rate of ⅛ of 1 percent per annum less than the prevailing discount rate to Arkansas. Salomon Brothers in reoffering the commercial paper will limit the reoffer and sale to a non-public customer list of not more than 200 buyers of commercial paper. Such list will be furnished to the Commission and no change will be made therein without advising the Commission of such change. It is anticipated that the commercial paper will be held by the buyers to maturity. However, Salomon Brothers may, if desired by a buyer, repurchase the commercial paper for resale to others on the list of customers.

Arkansas asserts that the issue and sale of the commercial paper should be excepted from the competitive bidding requirements of rule 50 because the commercial paper will have a maturity not in excess of 270 days; current rates for commercial paper for such prime borrowers as Arkansas are published daily in financial publications and it is not practical to invite bids for commercial paper.

As of February 26, 1975, Arkansas' construction program is expected to result in expenditures of approximately $212,100,000 in 1975, and $323,200,000 in 1976. Included in the estimate of construction program expenditures for 1975 are $163,800,000 for generating facilities, $12,800,000 for transmission facilities, $29,600,000 for distribution facilities, and $5,900,000 for other facilities. The net proceeds to be received by Arkansas from the issuance and sale of the notes referred to herein, together with other funds available from time to time to Arkansas from its operations or derived from the issuance and sale of long-term debt and/or equity securities, will be applied to the Arkansas' construction program. As such notes mature, they will be renewed (but to mature not later than September 30, 1977) or repaid out of funds then available to Arkansas from its operations or derived from the issuance and sale of similar securities or long-term debt and/or equity securities.

It is estimated that the fees and expenses to be incurred in connection with the proposed transactions will not exceed $5,000. No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 4, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-6769 Filed 3-13-75;8:45 am]

[812-3756]

CANADIAN FUND, INC.

Filing of Application for Exemption

MARCH 10, 1975.

Notice is hereby given that Canadian Fund, Inc. ("Applicant"), One Wall Street, New York, New York 10005, a diversified, open-end management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application for an order of the Commission pursuant to section 6(c) of the Act declaring that Eric L. Hamilton ("Hamilton") and Howard J. Lang ("Lang") shall not be deemed "interested persons" of Applicant within the meaning of section 2(a)(19) of the Act solely by reason of their status as directors of Sun Life Assurance Co. of Canada Ltd. ("Sun"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Hamilton and Lang, members of the board of directors of Applicant, are also directors of Sun, whose wholly-owned subsidiary, Suncan Equity Services Company ("Suncan"), is registered as a broker-dealer under the Securities Exchange Act of 1934 (the "1934 Act").

Sun, a mutual insurance company incorporated in Canada, is in the business of selling life insurance and annuities. Through its subsidiary Suncan, Sun offers for sale to the public in the United States individual variable annuities funded by separate accounts which are registered under the Act ("variable annuity contracts") and HR-10 plans funded by separate accounts, interests in which are registered under the Securities Act of 1933. Sun does not otherwise, directly or indirectly, act as a broker or dealer. Solely because it sells variable annuity contracts and HR-10 plans, Suncan has registered as a broker-dealer under the 1934 Act and has become a member of the National Association of Securities Dealers, Inc. ("NASD").

Applicant represents that neither Sun nor Suncan has ever engaged in securities transactions on behalf of Applicant or participated in the distribution of Applicant's shares. Furthermore, Applicant represents and warrants that so long as Hamilton and Lang remain directors of Applicant, it will not knowingly purchase any securities from or through, or sell any securities to or through, Sun or any of its subsidiaries and neither Sun nor any of its subsidiaries will be permitted to participate in the distribution of Applicant's shares.

Applicant represents that Hamilton and Lang in no way participate in the day-to-day operations of Sun and its subsidiaries, and that they are neither directors nor officers of Suncan.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company, its investment adviser and principal underwriter to include any broker or dealer registered under the Securities Exchange Act of 1934, or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act defines an affiliated person of another person to include any director of such other person.

Hamilton and Lang, as directors of Sun, the parent of Suncan, are affiliated persons of an affiliated person of a broker or dealer, and thus "interested persons" of Applicant.

Applicant contends that Hamilton and Lang should not be deemed "interested persons" of Applicant because their affiliation with Sun does not affect, and will not impair, their independence in acting on behalf of Applicant and its shareholders, and the requested exemption is therefore consistent with the provisions of section 6(c) of the Act.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 4, 1975, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of this interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-6770 Filed 3-13-75;8:45 am]

[File No. 3-4633]

FIRST FACTORS

Application and Opportunity for Hearing

MARCH 7, 1975.

Notice is hereby given that First Factors, 1060 Crenshaw Boulevard, Los Angeles, California 90019, has filed an application pursuant to section 15(a)(2) of the Securities Exchange Act of 1934, as amended (the "Act") for an order exempting it from the registration requirements of section 15(a)(1) of the Act.

Section 15(a)(2) authorizes the Commission to exempt any broker or dealer or class of brokers or dealers, either unconditionally or upon specified terms and conditions or for specific periods, from the registration requirement of section 15(a)(1) of the Act, if the Commission deems it necessary or appropriate in the public interest or for the protection of investors.

First Factors is a California co-partnership which makes direct loans to eligible small business concerns under the loan guarantee program of the United States Small Business Administration ("SBA"). A loan made to an eligible small business with SBA approval qualifies for an SBA loan guarantee as to principal and interest to the extent of 90% of the unpaid balance of the loan or $350,000, whichever is less. First Factors is an approved lender under that program. In return for any loan it makes, First Factors will receive a promissory note from the borrower for the full amount of the loan. First Factors will then sell, with the consent of the SBA, the guaranteed portion of each loan to institutional investors. All such sales will be made through brokers or dealers registered with the Commission. First Factors will retain the non-guaranteed portion of each loan and will customarily service the loan for purchasers of the guaranteed portion.

A more detailed statement of information is contained in the application for exemption which is on file at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

Notice is further given that any interested person may submit to the Commission, not later than April 11, 1975, in writing any views or substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549 and should refer to File No. 3-4633. Any such statement should also briefly provide the nature of the interest of the person submitting information or requesting a hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Any time after April 11, 1975, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-6771 Filed 3-13-75;8:45 am]

[File No. 7-4720]

INTERNATIONAL NICKEL COMPANY OF CANADA, LTD

Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 7, 1975.

In the matter of application of the Pacific Stock Exchange, Inc., for unlisted trading privileges in a certain security, Securities Exchange Act of 1934.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

THE INTERNATIONAL NICKEL COMPANY OF CANADA, LTD., File No. 7-4720.

Upon receipt of a request, on or before March 23, 1975 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, the application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-6766 Filed 3-13-75;8:45 am]

PITTWAY CORP.

Filing of Application for Exemption

MARCH 7, 1975.

Notice is hereby given that Pittway Corporation ("Applicant"), 333 Skokie Boulevard, Northbrook, Illinois 60062, a subsidiary of Standard Shares, Inc. ("Standard"), a closed-end, non-diversified, management investment company, filed an application on October 10, 1974, and an amendment thereto on January 31, 1975, for an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission permitting officers of Applicant, for a fee and in accordance with the other terms and conditions described below, to rent from Applicant its Lockheed Jet Star aircraft ("Jet Star") at such time as it is not used for company business. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

As of July 31, 1974, Standard owned 1,231,880 shares constituting approximately 38 percent of the outstanding common stock of Applicant. As a result of such ownership, Standard may be deemed to be in control of Applicant, within the meaning of the Act.

Applicant is a diversified operating company engaged in the manufacture of burglar and fire alarm equipment and devices, the contract packaging of aerosol products, the manufacture of aerosol valves, the publishing of trade magazines and directories, including a direct mail marketing business with offices and manufacturing facilities in Illinois, Ohio, New York, and Wisconsin and investment participation in real estate ventures in and near Chicago, Illinois and Montreal, Canada.

Nelson Harris, the President and chief executive officer, and a director of Applicant, is also Chairman of the Board of Standard; his brother, Irving B. Harris, is the Chairman of the Board of Applicant and President of Standard; and his brother-in-law, Sidney Barrows, a director of Pittway, is a Vice President and Treasurer of Standard. The above mentioned persons, and their families, are also substantial stockholders of Standard.

Applicant purchased Jet Star in June 1969. At the time of purchase, Applicant believed that it would require substantially the full use of Jet Star, then estimated at approximately 250 hours of annual flying time, but that it would be appropriate, at other time, to make the aircraft available to its officers and directors for casual and sporadic personal use upon payment of a fee. A fee, determined by reference to the manufacturer's estimate of the aggregate of the incremental cost of each hour of flying time ("incremental cost") and the depreciation and out-of-pocket expenses attributable, irrespective of hours flown, to owning and operating Jet Star ("fixed costs"), was set at $1000 per hour of use.

For the 1970-1973 period, aggregate flying time of Jet Star averaged about 254 annually with personal use by officers and directors averaging about 13 hours per year, or approximately 5 percent of total flying time.

Applicant's Board of Directors has now determined that it would be in the interests of Applicant to permit Nelson

Harris and other officers of Applicant to use Jet Star for purposes not related to Applicant's business during periods when it is not being used by Applicant, upon payment of a fee equal to the cost to Applicant of permitting such use plus a fixed hourly charge of $110. The aircraft would not be made available to directors who are not employees of Applicant.

Applicant states that since 1969 costs have risen to the point where the aggregate of the fixed and incremental costs divided by the number of hours would amount to $1400 to $1500 per hour, and that the practical effect of attempting to include in the hourly charge pro-rata charges for all incremental and fixed costs would be that when the aircraft is not used for business purposes, it would remain unused. Applicant states that if it can obtain compensation for non-business use in an amount sufficient to cover the costs of such use, plus a modest surcharge, it would be in its interests to reduce the time the plane is unused even though the total charge would be less then a pro-rata amount of all present incremental and fixed costs and also less than the current fee of $1,000 per hour. Applicant, therefore, proposes to make Jet Star available to its officers for nonbusines use at such times as it is not being used for Company busines, for a fee for each hour of use equal to $110 plus the quotient obtained by dividing the incremental costs of its operation during each year by the total number of hours flown during that year. Charges will be paid promptly after use of the aircraft. Hourly fees will be pro-rated for periods of use less than an hour. Since actual incremental costs for a given year cannot be determined until year-end, the amount of the hourly charge for use during each year will be computed by reference to an annualized estimate of such costs for the calendar quarter proceeding the date of such use; and an adjustment will be made at the end of such year for any difference betwene such quarterly estimates and actual incremental costs for that year. Applicant states that, based upon 1973 figures, the charge to officers would be $649 per hour. At that fee, use of the aircraft by officers for nonbusines purposes is expected to approach 30 to 40 hours per year. In any case, Applicant proposes to limit such use to a maximum of 20% of the total number of hours flown in any one year.

Applicant represents that it considered leasing the aircraft to outside persons during periods of non-use, but rejected that possibility because of its conclusion that an outside leasing program would create scheduling difficulties and uncertainty as to whether the aircraft would be in optimum condition when needed by Applicant, and might inhibit Applicant's own use.

Applicant contends that, apart from the net economic benefit it would derive from the fees paid by officers who used the aircraft, such use reflects a proper exercise of business judgment for an operating company as to appropriate employment incentives for key personnel.

Section 17(a)(3) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to borrow money or other property from such registered company or from any company controlled by such registered company. Section 17(b) of the Act provides, that the Commission, upon application, may exempt proposed transactions from the provisions of section 17(a), if evidence establishes that the terms of such proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transactions are consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

Notice is further given that any interested person may, not later than April 2, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit, or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-6772 Filed 3-13-75;8:45 am]

[812-3734]

PUTNAM INVESTORS FUND, INC. ET AL.

Filing of Application

In the matter of Putnam Investors Fund, Inc.; Putnam Fund Distributors, Inc. c/o Putnam Fund Distributors, Inc., 265 Franklin Street, Boston Massachusetts 02110; Merrill Lynch, Pierce, Fenner & Smith Incorporated, The Municipal Income Fund (First Insured Discount Series and Subsequent Series), The Corporate Income Fund (First Discount Series and Subsequent Series), c/o Merrill Lynch, Pierce, Fenner & Smith Incorporated, One Liberty Plaza, 165 Broadway, New York, New York 10006.

Notice is hereby given that Putnam Investors Fund, Inc. ("Putnam Investors"), an open-end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), The Municipal Income Fund (First Insured Discount Series and Subsequent Series), The Corporate Income Fund (First Discount Series and Subsequent Series) ("Bond Funds"), both unit investment trusts registered under the Act, Putnam Fund Distributors, Inc. ("PFD"), principal underwriter for sales of Putnam Investors, and Merrill Lynch, Pierce, Fenner & Smith Incorporated ("Merrill Lynch"), principal underwriter and sponsor of the Bond Funds (collectively "Applicants"), filed an application on December 10, 1974, and amendments thereto on January 28, 1975 and February 7, 1975, for an order, pursuant to section 6(c) of the Act, exempting applicants and certain proposed transactions from the provisions of section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Shares of Putnam Investors are continuously offered for sale with a minimum purchase requirement of $500. The sales charge for Putnam Investors shares is 8½% of the public offering price for sales of less than $10,000, with lowered sales charges for larger transactions.

Units of the Bond Funds will be offered to the public with a sales charge of 4 percent of the public offering price. The Bond Funds were formed for the purpose of investing in interest-bearing municipal or corporate bonds which are selling at deep market discounts at the date of purchase.

Merrill Lynch proposes to offer to the public on a combination basis, units of the Bond Funds along with shares of Putnam Investors ("Combined Units"). The public offering price of a single Combined Unit will be $1,000 which will be applied first to the payment of the purchase price of one unit of one of the Bond Funds at its then public offering price per unit with the balance to be applied to the purchase of shares of Putnam Investors. The public offering price of a Combined Unit will include a sales charge consisting of 4 percent of that portion of the offering price allocated to purchases of units of one of the Bond Funds and 6 percent of that portion of the offering price allocated to Putnam Investors shares. Investors who purchase Combined Units and are thereby or are otherwise entitled to receive a further reduction in the sales charge on Putnam Investors shares by reason of the Combined Purchase Privilege, the Cumulative Quantity Discount or a Statement of Intention as described in the current prospectus of Putnam Investors, will receive such further reduction in the form of

additional shares of Putnam Investors at the applicable public offering price. However, any investor otherwise entitled to sales charges under 6 percent will not be entitled to further reductions because shares are purchased in combination with Bond Fund units. The minimum purchase by any investor will be sufficient Combined Units such that Putnam Investors' minimum investment requirement of $500 will be met. It is anticipated that this will be two or three Combined Units depending upon the market discount on the bonds purchased for the Bond Fund portfolio.

Section 22(d). Section 22(d) of the Act, in pertinent part, prohibits a registered investment company and its principal underwriter from selling its redeemable securities to any person other than a dealer, a principal underwriter or the issuer except at the current public offering price described in the prospectus.

Applicants assert that a considerable portion of the sales charge on a Fund such as Putnam Investors covers the costs of initially soliciting the customer, ascertaining his financial needs, and counseling him; and that if a retailer sells fund shares to an investor to whom he has previously or contemporaneously sold some other financial products, much of the necessary solicitation and financial counseling will already have taken place and need not be repeated in connection with the sale of the fund. Applicants state that it is desirable to recognize such cost savings and to allow them to be passed along to investors.

Applicants further state that the retailing of Combined Units by Merrill Lynch will allow PFD to distribute an increased number of Putnam Investors shares without a corresponding increase in selling costs; because PFD will be dealing with only one retailer, there will be increased coordination between the underwriter and retailer which, it is believed, will permit cost savings to each.

Applicants propose that the Putnam Investors shares purchased from the same retailer in combination with the units of the Bonds Funds be offered to the public at a reduced sales load of 6 percent of the public offering price rather than at 8½ percent. Applicants believe that a reduction in Putnam Investors' sales charge from 8½ percent to 6 percent of the offering price is appropriate to reflect savings which may be realized and passed along to investors. Whereas Merrill Lynch would ordinarily receive a dealer-discount of 7.0 percent of the public offering price on sales of Putnam Investors involving less than $10,000, it will receive 4.6 percent of the public offering price when sold in the Combined Units. PFD would ordinarily receive 1.5 percent of the public offering price of Putnam Investors when the transaction involved less than $10,000, but it will receive 1.4 percent of the public offering price when sold as part of the Combined Units.

Section 6(c). Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or class of persons, securities or transactions from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 1, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75–6773 Filed 3–13–75;8:45 am]

[245–2596]

VALLEY RANCHES, LTD.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Opportunity for Hearing

MARCH 5, 1975.

I. North Valley Ranches, Inc. (the "issuer"), a Washington corporation organized February 15, 1973, with offices located at Suite 203, 1800 Westlake Avenue North, Seattle, Washington, filed with the Commission on April 16, 1973, a Form 1–A Notification with attached exhibits, including an offering circular, relating to the offering of 500 units of limited partnership interest at $1,000 per unit for an aggregate of $500,000 in a proposed limited partnership to be called Valley Ranches, Ltd. The issuer, whose sole stockholder and president is Francis A. Scheiderich, was to act as general partner for Valley Ranches, Ltd. Unity Securities Corporation of Beverly Hills, California was named underwriter. The offering pursuant to the Regulation A exemption has not commenced.

II. The Commission, on the basis of information reported by the staff, has reason to believe that:

A. The notification and offering circular, as amended, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, concerning:

1. The fair market value of the land to be purchased by the partnership;
2. The extent to which such land could be utilized profitably for agricultural purposes;
3. Limitations on the availability of irrigation water for use on such land;
4. Losses suffered by investors in a previous limited partnership venture promoted by Scheiderich;
5. Modes and extent of compensation received by Scheiderich and management practices in another limited partnership venture promoted by him;
6. The experience and training in farming operations of the persons who would manage the land to be acquired by the partnership;
7. The possibility that the promoters breached their fiduciary obligations to the limited partners of an affiliated partnership.

B. An order of injunction was issued in the United States District Court at Los Angeles against the underwriter of the proposed offering, after the filing of the notification which would have rendered the Regulation A exemption unavailable if it had occurred prior to such filing.

C. The offering, if made, would be in violation of Section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended;

It is further ordered, Pursuant to Rule 7 of the Commission's Rules of Practice, that the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof;

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and

place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-6774 Filed 3-13-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street, NW, Washington, D.C. 20213.

Signed at Washington, D.C., this 10th day of March 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending Mar. 7, 1975

Name of applicant	Location of enterprise	Principal product or activity
Timberline Outfitters, Inc	Jackman, Maine	Retail sales of sporting goods.
IEC Electronics Corp	Wayne Co., N.Y.	Manufacturing, electronics.
Jellystone Camp Resort of North Jersey.	Hamburg, N.J.	Recreational campground.
Jacobson Manufacturing Co., Inc	New Castle, Pa.	Industrial fasteners (nuts and washers).
Christy & Associates House of Parkersburg.	Parkersburg, W. Va.	Retail restaurant.
Turf Enterprises, Inc	Ranson, W. Va.	Production of ready-mix concrete for sale to general public.
Lessee-Oakview Plantations, Inc	Woodruff, S.C.	Ferment, bottle and sell frozen grape pulp, frozen storage of grape service-concentrate.
Pear Orchard Corp	LaGrange, Ky.	To build approx. 150 low income, single family homes.
Sam R. Heard	Starkville, Miss.	Manufacturing lime fertilizer for soil conditioning.
Walter L. Sanders	Lexington, S.C.	Men's wear-sport-dress-formal rental.
Raymond H. Kemmerlin and Kemmerlin Meats, Inc.	Orangeburg, S.C.	Wholesale beef and pork cuts and related by-products.
W. E. Parks Lumber Co., Inc	Port Gibson, Miss. and Newellton, La.	Hardwood and softwood lumber products.
Pee Dee Ceramics, Inc	Marion County, S.C.	Manufacturing of architectural brick pavers.
C&S Sales Company, Inc	Easley, S.C.	Distribution of boats, boat trailers, and accessories to marine retail stores.
Cuke, Inc	Mendota, Ill.	A complete mechanical pickle harvester and associated repair parts.
Salem All Channel Cablevision, Inc	Salem, Ind.	To maintain present employment and to create additional employment.
Iron River Nursing Home, Inc	Iron River, Mich.	An intermediate care nursing home facility.
Stanley G. Bosker	Plainwell, Mich.	Full service family restaurant.
Almar Industries, Inc	Vandalia, Ill.	Aluminum can and plastic markers all types.
Bobby Crowell	Rockwall, Tex.	Meat processing plant-custom processing and retail meat outlet of beef and pork.
Moore Equipment Co	Chillicothe, Mo.	Sale and service of John Deere farm equipment.
Landmark Enterprises, Inc	Trenton, Mo.	Complete commercial sandblasting and refinishing, including portable services.
Conrad, Inc	Houghton, Iowa	Manufacturing grain storage bins for sale.
Aloha Cedar Products, Inc	Aloha, Wash.	Lumber, shingles, and wood chips (cedar).
Blackfoot Enterprises, Inc	Blackfoot, Idaho	Motel, cafe, and lounge.

[FR Doc.75-6594 Filed 3-13-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 720]

ASSIGNMENT OF HEARINGS

MARCH 11, 1975.

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.

MC 123407 Sub 197, Sawyer Transport, Inc., now being assigned June 10, 1975 at Denver, Colo., in a hearing room to be later designated.

MC 61592 Sub 329, Jenkins Truck Line, Inc., and MC 124692 Sub 136, Sammons Trucking, A Corporation, now being assigned June 11, 1975, at Denver, Colorado, in a hearing room to be later designated.

MC 133233 Sub 32, Clarence L. Werner, Dba Werner Enterprises, now being assigned June 16, 1975, at Denver, Colo., in a hearing room to be later designated.

MC 140122 Sub 2, Snowball, Ltd., now being assigned June 18, 1975, at Denver, Colo., in a hearing room to be later designated.

MC 133941 Sub 4, Northern Industrial Carriers Ltd., now being assigned June 23, 1975, at Denver, Colo., in a hearing room to be later designated.

MC 138730 Sub 2, Caravan Tours, Inc., dba Caravan Towne Cars, now being assigned June 9, 1975 (2 weeks) at Newark, New Jersey; in a hearing room to be designated later.

I & S No. M 28239, Restructured LTL Rates, January, 1975, Central & Southern Territory, now assigned March 25, 1975, at Washington, D.C., is postponed to April 22, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

W 78 Sub 12, The Valley Line Company, W 104 Sub 28, Union Mechling Corp., and W 377 Sub 15, Dixie Carriers, Inc., now being assigned for pre-hearing conference on May 28, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 61592 Sub 322, Jenkins Truck Line, Inc., now being assigned for pre-hearing conference on May 28, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117574 Sub 252, Daily Express, Inc., now being assigned May 29, 1975, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 113843 Sub 212, Refrigerated Food Express, Inc., now being assigned June 3, 1975, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 21866 Sub 78, West Motor Freight, Inc., now being assigned June 11, 1975, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 138018 Sub 15, Refrigerated Foods, Inc., now assigned March 17, 1975 at Denver, Colo., is cancelled and the application is dismissed.

MC 105269 Sub 57, Graff Trucking Company, Inc., now assigned April 7, 1975 at Chicago, Illinois; is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-6658 Filed 3-13-75;8:45 am]

[Notice 721]

ASSIGNMENT OF HEARINGS

MARCH 11, 1975.

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.

CORRECTION

MC 138770 Sub 3, Boyd Trucking Company, Inc., now being assigned June 9, 1975 (1 week), at Atlanta, Georgia, in a hearing room to be designated later; instead of MC 138741 Sub 11, E. K. Motor Service, Inc.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-6812 Filed 3-13-75;8:45 am]