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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.**



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# reminders

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

## Rules Going Into Effect Today

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



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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.

## CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

**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 October.**

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presidential documents

## Title 3—The President

PROCLAMATION 4320

# Fire Prevention Week, 1974

*By the President of the United States of America*

## A Proclamation

Losses by destructive fires, many of which could have been prevented, constitute a tragic waste of our Nation's human and material resources. Destructive fire is a burden affecting all Americans and constitutes a public health and safety problem of major magnitude.

Our great Nation, blessed with unparalleled technological resources, has the highest per capita rate of death and property loss from fire of all the major industrialized nations in the world. Of most concern is the needless loss of human life. Each year over 12,000 Americans die and over 300,000 are seriously injured and maimed. The tragic part is that the large majority of the deaths and injuries victimize the very young and the aged. In 1973, nearly 2.7 million fires caused in excess of $3 billion in direct property damage, with the total costs of fire, including fire departments costs, estimated at well over $11 billion.

I believe that our continuing high rate of losses due to fire is totally unacceptable. This shameful and needless waste of our people and resources, with its adverse effect on our economy, is one which our Nation and local communities can ill afford. As I have stated before, curbing inflation and improving the state of our economy are the highest priorities in this Administration. Fire loss reduction and fire prevention are activities directly related to reducing economic loss and should be a part of our overall national effort.

Of vital concern, and an area in which there is a major need for improved fire safety, is the place where we live: our homes. Each year, more than half the deaths caused by fire—about 6,600 on the average—have occurred in our homes. Last year alone, 73 per cent of all building fires occurred in residences while the loss and damage to homes amounted to more than $1 billion. For the last 20 years, home fires have accounted for about two-thirds of all building fires. Improved home fire safety is essential if we are to control this human and economic waste.

Most fires are caused by carelessness, lack of knowledge, or hazardous conditions which can be corrected. Much of the tragic waste associated with unwanted fires can be avoided. More emphasis on fire prevention programs and activities throughout the country is needed. Vigorous community fire departments, both paid and volunteer, which have effectively conducted fire prevention programs have contributed substantially to the local and national welfare by reducing significantly the number and

effects of destructive fires. Those fire departments which confine their roles to putting out fires and rescuing its victims need to expend more effort on fire prevention. This should include educating children on the principles of fire safety, educating adults on fire safety in homes through residential inspections, enforcing fire protection and prevention codes and standards, and ensuring that adequate fire safety features are designed into our buildings and structures. All citizens need to know the basics of fire prevention, how to report fires, how to extinguish simple fires, and how to react if fire occurs in their homes or places of work. Progress can be made in reducing our fire losses if every American recognizes his and her responsibility for eliminating fire hazards and for participating in the community fire prevention programs. Therefore, it is vital that everyone support and participate in local fire prevention activities, not only during Fire Prevention Week, but at all times. In this way we can reduce the needless losses caused by unwanted fires.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning October 6, 1974, as Fire Prevention Week.

I call upon all citizens, individually and as a Nation, to support, participate in, and promote the fire prevention programs and activities of their local community fire departments and of the National Fire Protection Association.

I urge state and local governments, business, labor, and other organizations, as well as schools, civic groups, and public information agencies, to observe Fire Prevention Week, to provide useful fire safety information to the public, and to enlist the active participation of all citizens in year-round fire prevention programs.

I also urge all Federal agencies, in cooperation with the Federal Fire Council, to set an example for the Nation by conducting effective year-round fire prevention programs, including employee fire safety training programs and drills.

Let us all work together in reducing the unnecessary waste of human life and property from fire.

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

Gerald R. Ford

[FR Doc.74-23266 Filed 10-2-74;2:32 pm]

PROCLAMATION 4321

# Leif Erikson Day, 1974

*By the President of the United States of America*

## A Proclamation

Nearly one thousand years ago, Leif Erikson and his small crew of Norse explorers embarked upon a courageous voyage through unknown seas that led them to the bountiful shores of the New World.

Today most of the world's frontiers have been explored but there are still personal frontiers that are no less challenging and forbidding than those faced so many years ago. As we push forward, let us draw inspiration from the indomitable spirit and undaunting determination of Leif Erikson. His achievement is a beacon for all men and women of vision who navigate the rough waters of uncertainty and adversity.

I am honored to comply with the request of the Congress of the United States, in a joint resolution approved September 2, 1964 (78 Stat. 849), that the President proclaim October 9 in each year as Leif Erikson Day.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Wednesday, October 9, 1974, as Leif Erikson Day and I direct the appropriate Government officials to display the flag of the United States on all Government buildings that day.

I also invite the people of the United States to honor the memory of Leif Erikson on that day by holding appropriate exercises and ceremonies in suitable places throughout our land.

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

[FR Doc.74-23357 Filed 10-3-74;12:11 pm]

Gerald R. Ford

# rules and regulations



## Title 7—Agriculture

## CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 1]

## PART 240—CASH IN LIEU OF COMMODITIES

### Commodity Assistance

Public Law 93-326, approved June 30, 1974, amends section 6 of the National School Lunch Act to add a new subsection (e) which provides for a minimum national average value of donated foods, or cash payments in lieu thereof, of 10 cents per lunch with annual adjustments to the nearest one-fourth cent to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor.

In addition, the report of the Committee of Conference on H.R. 14354, enacted as Public Law 93–326, states in part as follows:

"At least one State has phased out its commodity distribution facilities according to the previously-stated intention of the Department of Agriculture to terminate the commodity distribution program and now lacks the personnel, facilities, and budget to distribute commodities for the school lunch program. In such a case, it is the Conferees' expectation that the Secretary of Agriculture will be able to work out with the affected State arrangements for the distribution of commodities made possible through this new legislation. At the same time the Conferees wish to stress that no State is to be penalized because of previous action on the part of the State in phasing out commodity distribution facilities and mechanisms."

This amendment authorizes the disbursement of cash in lieu of commodities to such a State. Since it is limited in scope and sets forth standards which are prescribed by law, the Department believes that the proposed rulemaking and public participation procedure is impracticable and unnecessary.

Accordingly, Part 240 of Chapter II of Title 7 of the Code of Federal Regulations is amended as follows:

**§ 240.5 [Amended]**

1. In § 240.5 the last sentence is deleted.

2. A new § 240.8 is added as follows:

**§ 240.8 Phase out of commodity distribution facilities.**

Notwithstanding any provision in this part to the contrary, where the Secretary finds that a State has phased out its commodity distribution facilities prior to July 1, 1974, according to the previously stated intention of the Department of Agriculture to terminate the commodity distribution program and lacks the personnel, facilities, and budget to distribute commodities for the school lunch program, the Secretary shall disburse to such State an amount not less than 10 cents, adjusted annually to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor, for each lunch meeting the requirements of § 210.10 of Part 210 of this chapter. Such payments shall be made by means of Letters of Credit issued by FNS to appropriate Federal Reserve Banks in favor of the State agency. Provisions of this part with respect to matching, use of funds for lunches, payments to school food authorities and records and reports of lunches are applicable.

*Effective date:* This amendment shall become effective October 4, 1974.

Dated: October 2, 1974.

RICHARD L. FELTNER,
*Assistant Secretary.*

[FR Doc.74-23186 Filed 10-3-74;8:45 am]

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

[Lemon Reg. 660]

## 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 October 6–12, 1974. 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.

**§ 910.960 Lemon Regulation 660.**

(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 regulation 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 continues somewhat sluggish and about the same as last week for the available sizes and grades. Average f.o.b. price was $6.81 per carton the week ended September 28, 1974, compared to $6.41 per carton the previous week. Track and rolling supplies at 106 cars were down 3 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 rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting 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 regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 1, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 6, 1974 through October 12, 1974, is hereby fixed at 190,094 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: October 2, 1974.

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

[FR Doc.74-23319 Filed 10-3-74;8:45 am]

## PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

### Expenses, Rate of Assessment, and Carryover of Unexpended Funds for the 1974–75 Fiscal Period

This document authorizes expenses of $23,271 by the Northwest Fresh Bartlett Pear Marketing Committee, under Marketing Order No. 931, for the 1974–75 fiscal period and fixes a rate of assessment of $0.01 per standard western pear box of Bartlett pears.

On September 12, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 32919) regarding proposed expenses and the related rate of assessment for the fiscal period July 1, 1974, through June 30, 1975, pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington. This notice allowed interested persons until September 30, 1974, to submit written data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Northwest Fresh Bartlett Pear Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

**§ 931.209 Expenses, rate of assessment, and carryover of unexpended funds.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee during the fiscal period July 1, 1974, through June 30, 1975, will amount to $23,271.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 931.41, is fixed at $0.01 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(c) *Carryover of unexpended funds.* Unexpended assessment funds in excess of expenses incurred during the fiscal period ended June 30, 1974, shall be carried over as a reserve in accordance with § 931.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until November 4, 1974 (5 U.S.C. 553) in that (1) shipments of the current crop of Bartlett pears grown in Oregon and Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable pears handled during the aforesaid period; and (3) such period began on July 1, 1974, and said rate of assessment will automatically apply to all such pears beginning with such date.

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

Dated: October 1, 1974.

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

[FR Doc.74-22804 Filed 10-3-74;8:45 am]

## Title 9—Animals and Animal Products

## CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

## PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

## PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

### Calendar Date on Labeling of Meat and Poultry Products; Correction

The amendments to the Federal meat inspection regulations and the poultry products inspection regulations published in the FEDERAL REGISTER of August 8, 1974 (39 FR 28515–28516, FR Doc. 74–17787), concerning calendar dates on labeling of meat and poultry products contain an error, in that they do not reflect an amendment to § 381.126(a) published in the FEDERAL REGISTER on February 5, 1974 (39 FR 4569).

The first sentence of § 381.126(a) is changed to read as follows: "Either the immediate container or the shipping container of all poultry food products shall be plainly and permanently marked by code or otherwise with the date of packing."

Done at Washington, D.C., on: September 30, 1974.

F. J. MULHERN,
*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc.74-23139 Filed 10-3-74;8:45 am]

## Title 14—Aeronautics and Space

## CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-CE-22-AD; Amdt. 39-1983]

## PART 39—AIRWORTHINESS DIRECTIVES

### Cessna Model 500 Airplanes

Amendment 39–1763, AD 73–26–9, published in the FEDERAL REGISTER on December 26, 1973 (39 FR 35232, 35233), is an Airworthiness Directive (AD) which requires repetitive inspections of the flight compartment side windows (P/N 5511265 –3 and –4) of Cessna Model 500 airplanes to detect cracks. Subsequent to the issuance of AD 73–26–9, the manufacturer has designed and has made available to aircraft owners a new improved window installation, which, when installed, eliminates the need for further compliance with this AD. This installation has been incorporated into production aircraft starting with aircraft Serial Number 500–0184. Accordingly, AD 73–26–9 is being revised to provide that the new improved window installation when installed in Cessna Model 500 airplanes negates the need for further compliance with said AD.

Since this amendment is relieving in nature and is in the interest of safety it imposes no additional burden on any person. Consequently, 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, Amendment 39–1763 (38 FR 35232, 35233), AD 73–26–9, is amended in the following respects:

1. The applicability statement is amended to read as follows:

CESSNA. Applies to Model 500 (Serial Numbers 500–0001 through 500–0183) airplanes, with 400 or more hours' time in service

2. Add Paragraph (D):

(D) The inspections and 400 hour window replacement requirements of this AD may be discontinued upon installation of left and right flight compartment side windows (P/N

5511285-3 and -4) in accordance with Cessna Service Bulletin SB 56-4 dated July 24, 1974, or later approved revisions. Any equivalent method must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective October 9, 1974.

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

Issued in Kansas City, Missouri, on September 25, 1974.

GEORGE R. LACAILLE,
*Acting Director,*
*Central Region.*

[FR Doc.74-23132 Filed 10-3-74;8:45 am]

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[Docket No. 74-EA-62; Amdt. 39-1984]

## PART 39—AIRWORTHINESS DIRECTIVE

### Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 73-23-01.

Subsequent to publication of AD 73-23-01, it has been determined that additional engines now fall within the criteria for establishing potential piston pins.

Since the same urgency exists in terms of air safety as for the original airworthiness directive, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 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 amending AD 73-23-01, as follows:

Amend AD 73-23-01 as follows:

1. Delete Lycoming Service Bulletin No. 367D wherever it appears and insert in lieu thereof Lycoming Service Bulletin No. 367F.

2. Add the following:

AIO-360 Series, L-165-63A thru L-171-63A.

TIO-360 Series, L-112-64A thru L-115-64A.

3. Add the following engine numbers to the IO-360 and HIO-360 series.

L-9421-51A, L-9442-51A, L-9455-51A, L-9457-51A, L-9458-51A, L-9489-51A thru L-9491-51A, L-9497-51A, L-9498-51A, L-9500-51A, thru L-9502-51A, L-9505-51A thru L-9517-51A, L-9519-51A thru L-9528-51A, L-9531-51A thru L-9548-51A, L-9550-51A thru L-9558-51A, L-9560-51A thru L-9563-51A, L-9566-51A thru L-9572-51A, L-9576-51A, L-9598-51A, L-9600-51A, thru L-9608-51A, L-9613-51A, L-9614-51A, L-9623-51A, L-9628-51A thru L-9640-51A, L-9642-51A thru L-9651-51A, L-9653-51A thru L-9656-51A, L-9667-51A, L-9668-51A, L-9679-51A, L-9680-51A, L-9682-51A thru L-9684-51A, L-9692-51A, L-9697-51A thru L-9699-51A, L-9701-51A thru L-9713-51A, L-9715-51A, L-9716-51A, L-9718-51A thru L-9738-51A, L-9740-51A thru L-9747-51A, L-9750-51A, L-9755-51A, L-9762-51A thru L-9766-51A, L-9772-51A, L-9776-51A, L-9780-51A, L-9781-51A, L-9785-51A thru L-9826-51A, L-9828-51A thru L-9848-51A, L-9850-51A thru L-9904-51A, L-9910-51A thru L-9913-51A, L-9929-51A, L-9930-51A, L-9932-51A thru L-9936-51A, L-9938-51A, L-9941-51A thru L-9962-51A, L-9965-51A thru L-9980-51A, L-9983-51A thru L-9985-51A, L-9989-51A, L-9997-51A thru L-10001-51A, L-10005-51A thru L-10011-51A, L-10014-51A thru L-10020-51A, L-10022-51A thru L-10072-51A, L-10075-51A, L-10077-51A, L-10080-51A, L-10090-51A, L-10094-51A, L-10106-51A, L-10107-51A, L-10162-51A, L-10196-51A, L-10202-51A, L-10203-51A, L-10227-51A thru L-10249-51A, L-10257A thru L-10261-51A, L-10263-51A thru L-10273-51A, L-10279-51A thru L-10281-51A, L-10284-51A thru L-10290-51A.

RL-191-51A, RL-591-51A, RL-595-51A, RL-702-51A, RL-776-51A, RL-955-51A, RL-993-51A, RL-1267-51A, RL-1435-51A, RL-1515-51A, RL-1815-51A, RL-1847-51A, RL-2143-51A, RL-2227-51A, RL-2249-51A, RL-2476-51A, RL-2629-51A, RL-2923-51A, RL-3113-51A, RL-3235-51A, RL-3318-51A, RL-3344-51A, RL-3392-51A, RL-3427-51A, RL-3573-51A, RL-3738-51A, RL-3832-51A, RL-3868-51A, RL-3974-51A, RL-4787-51A, RL-4960-51A, RL-5082-51A, RL-5085-51A, RL-5685-51A, RL-5824-51A, RL-6350-51A, RL-6417-51A, RL-6623-51A, RL-6693-51A, RL-6724-51A, RL-6950-51A, RL-7043-51A, RL-7201-51A, RL-7475-51A, RL-7852-51A, RL-8354-51A, RL-9611-51A, RL-9812-51A.

4. Add the following engine numbers to the LIO-360 Series.

L-462-67A thru L-480-67A, L-499-67A thru L-512-67A, L-516-67A, L-517-67A, L-519-67A thru L-537-67A, L-545-67A thru L-571-67A, L-578-67A thru L-591-67A, L-593-67A thru L-611-67A, L-653-67A thru L-655-67A, L-660-67A.

5. Add the following engine number to the O-540-A Series engines.

RL-1207-40.

6. Revise the applicability paragraph as follows:

Applies to all Lycoming Series engines and all engines overhauled by Lycoming (also known as remanufactured) listed below and in Lycoming Service Bulletin No. 367F.

This amendment is effective October 10, 1974.

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

Issued in Jamaica, N.Y., on September 26, 1974.

L. J. CARDINALI,
*Deputy Director,*
*Eastern Region.*

[FR Doc.74-23131 Filed 10-3-74;8:45 am]

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[Airspace Docket No. 74-NE-27]

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

### Alteration of Transition Area

On Page 29194 of the FEDERAL REGISTER dated August 13, 1974, the Federal Aviation Administration published a Notice of Proposed Rule Making which would alter the Newport, Vermont, 700-foot Transition Area.

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., January 2, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348) sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts, on September 19, 1974.

FERRIS J. HOWLAND,
*Director, New England Region.*

§ 71.181 [Amended]

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by amending the existing description of the Newport, Vermont, 700-foot Transition Area by deleting the words "This transition area is effective from sunrise to sunset, daily."

[FR Doc.74-23135 Filed 10-3-74;8:45 am]

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[Airspace Docket No. 74-NE-29]

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

### Alteration of Transition Area

On Page 29195 of the FEDERAL REGISTER dated August 13, 1974, the Federal Aviation Administration published a Notice of Proposed Rule Making which would alter the Hartford, Connecticut, 700-foot Transition Area.

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., January 2, 1975.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749 (49 U.S.C. 1348; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts, on September 19, 1974.

FERRIS J. HOWLAND,
*Director, New England Region.*

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Hartford, Connecticut, 700-foot Transition Area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, lat. 41°56'19" N., long. 72°41'00" W. of Bradley International Airport, Windsor Locks, Conn.; within 6.5 miles southeast and 4 miles northwest of the Bradley International Airport back-course localizer northeast course, extending from the 11.5-mile radius area to 19.5 miles northeast of the Bradley International Airport; within 4.5 miles northwest and 15.5 miles

southeast of the Bradley International Airport ILS localizer southwest course, extending from the 11.5-mile radius area to 18.5 miles southwest of the OM; within a 9-mile radius of the center 41°45'10" N., 72°37'25" W. of the Rentschler Field, East Hartford, Conn.; within 3.5 miles each side of a 130° bearing from the Brainard NDB extending from the NDB to 11.5 miles southeast of the NDB; within 2 miles each side of the centerline of Runway 4 extended 10 miles from the end of the runway; within 2 miles each side of the centerline of Runway 22 extended 10 miles from the end of the runway; within 2 miles each side of the Hartford VOR 154° radial extending from the 9-mile radius area to 8 miles southeast of the VORTAC; within 2 miles each side of the Hartford VORTAC 130° and 310° radials extending from the 9-mile radius area to 6 miles southeast of the VORTAC; within 5 miles northwest and 5 miles southeast of the Hartford VOR 223° radial extending from the VOR to a point 15 miles southwest; excluding those portions that coincide with the Chicopee Falls, Mass. 700-foot Transition Area.

[FR Doc.74-23134 Filed 10-3-74;8:45 am]

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[Docket No. 14031; Amdt. No. 936]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

### Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW, Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective November 14, 1974.

Belleville, Kans.—Belleville Municipal Arpt., VORTAC-A, Orig.
Biddeford, Maine—Biddeford Municipal Arpt., VOR-A, Amdt. 1.
Jackson, Mich.—Reynolds Municipal Arpt., VOR Rwy 5, Amdt. 9.
Jackson, Mich.—Reynolds Municipal Arpt., VOR Rwy 13, Amdt. 8.
Jackson, Mich.—Reynolds Municipal Arpt., VOR Rwy 23, Amdt. 10.
Jackson, Mich.—Reynolds Municipal Arpt., VOR Rwy 31, Amdt. 8.
Lumberton, N.C.—Lumberton Municipal Arpt., VOR Rwy 5, Orig.
Lumberton, N.C.—Lumberton Municipal Arpt., VOR Rwy 13, Orig.
Madison, Wisc.—Morey Arpt., VOR-A, Orig.
Marshall, Minn.—Marshall Municipal-Ryan Field, VOR Rwy 12, Amdt. 2.
Vincetown, N.J.—Red Lion Arpt., VOR-A, Amdt. 2.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective November 14, 1974.

Los Angeles, Calif.—Los Angeles Int'l Arpt., LOC BC Rwy 6R, Orig.

• • • effective October 17, 1974:

Greensboro, N.C.—Greensboro-High Point-Wilson-Salem Regional Arpt., LOC (BC) Rwy 5, Orig.
Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional Arpt., LOC Rwy 23, Orig., canceled.

• • • effective October 10, 1974:

Christiansted, St. Croix, V.I.—Alexander Hamilton Arpt., LOC Rwy 9, Amdt. 3, canceled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective November 14, 1974.

Belleville, Kans.—Belleville Municipal Arpt., NDB Rwy 17, Orig.
Conrad, Mont.—Conrad Arpt., NDB Rwy 23, Amdt. 1.
Jackson, Mich.—Reynolds Municipal Arpt., NDB Rwy 23, Amdt. 3.
Stuttgart, Ark.—Stuttgart Municipal Arpt., NDB Rwy 18, Amdt. 3.

• • • effective October 17, 1974:

Shreveport, La.—Shreveport Regional Arpt., NDB Rwy 13, Amdt. 16.

• • • effective October 10, 1974:

Christiansted, St. Croix, V.I.—Alexander Hamilton Arpt., NDB Rwy 9, Amdt. 4.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective November 14, 1974.

Jackson, Mich.—Reynolds Municipal Arpt., ILS Rwy 23, Amdt. 2.

• • • effective October 17, 1974:

Greensboro, N.C.—Greensboro-High Point-Winston Salem Regional Arpt., ILS Rwy 23, Orig.
Shreveport, La.—Shreveport Regional Arpt., ILS Rwy 13, Amdt. 6.

• • • effective October 10, 1974:

Christiansted, St. Croix, V.I.—Alexander Hamilton Arpt., ILS Rwy. 9, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective November 14, 1974.

Des Moines, Iowa—Des Moines Municipal Arpt., RADAR-1, Amdt. 10.
Madison, Wis.—Morey Arpt., RADAR-1, Orig.

### Corrections

In Docket No. 13990, Amendment 932, to Part 97 of the Federal Aviation Regulations published in the Federal Register dated September 6, 1974, on page 32327, under § 97.23, effective October 17, 1974—Change effective date of Madison, Ga.—Madison Municipal Arpt.; VOR/DME-A, Amdt. 1, to November 7, 1974.

In Docket No. 14024, Amendment 935, to Part 97 of Federal Aviation Regulations published in the Federal Register under § 97.27, effective October 10, 1974—Change effective date of Ponape Island, Caroline Islands—Ponape Int'l. Arpt., NDB-A, Orig., to November 7, 1974.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1354, 1421, 1510) sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

Note: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

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

James M. Vines,
*Chief,*
*Aircraft Programs Division.*

[FR Doc.74-23133 Filed 10-3-74;8:45 am]

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## CHAPTER II—CIVIL AERONAUTICS BOARD

### SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-88, Amdt. 4]

## PART 384—STATEMENT OF ORGANIZATION, DELEGATION OF AUTHORITY, AND AVAILABILITY OF RECORDS AND INFORMATION

### Field Offices

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., October 1, 1974.

Section 384.4 includes the statement that the Board's Bureau of Accounts and Statistics maintains a field office in San Mateo, California. This field office is no longer maintained by that Bureau, and § 384.4 will accordingly be amended.[1] In addition, § 384.7(a)(5) lists the Office of Management Analysis as a component within the Office of Managing Director or reporting to the Managing Director. However, the Office of Management Analysis has been redesignated as the

[1] Section 384.4 is also being revised to bring up to date the location of the Board's field offices.

Management Analysis Division and made a component of the Office of Comptroller. Accordingly § 384.7(a)(5) will be deleted.

These editorial amendments are issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19 and shall become effective on October 24, 1974. Procedures for review of these amendments by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

Accordingly, the Board hereby amends Part 384 of the Organization Regulations (14 CFR Part 384) effective October 24, 1974, as follows:

1. Amend § 384.4 to read as follows:

**§ 384.4 Offices.**

The central offices of the Civil Aeronautics Board are located in the Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., and in the Universal Building North, 1875 Connecticut Avenue, NW, Washington, D.C. Its mailing address is Civil Aeronautics Board, Washington, D.C. 20428. The Board maintains field offices in Anchorage, Alaska; Des Plaines, Ill.; Fort Worth, Tex.; Jamaica, N.Y.; Los Angeles, Calif.; Miami, Fla.; and San Mateo, Calif. The hours of business for Board offices are 8:30 a.m. to 5 p.m., local time, Monday through Friday, excluding legal holidays, unless otherwise provided by statute or Executive Order.

2. Delete and reserve § 384.7(a)(5) as follows:

**§ 384.7 Organization and delegation of authority.**

* * * * * *

(a) * * *

(5) [Reserved]

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

Adopted: October 1, 1974.

Effective: October 24, 1974.

[SEAL] THOMAS J. HEYE,
*General Counsel.*

[FR Doc.74-23179 Filed 10-3-74;8:45 am]

## Title 18—Conservation of Power and Water Resources

### CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-389-B; Opinion No. 699-C]

### PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

### Just and Reasonable Rates for Sales of Certain Natural Gas; Clarification

SEPTEMBER 26, 1974.

On September 9, 1974 (39 FR 33205, September 16, 1974), the Commission issued its "Opinion And Order On Rehearing Reinstating And Amending The Emergency Sales Provisions Of § 157.29 (18 CFR 157.29) and The Limited Term Certificate Authority Of § 2.70 (18 CFR 2.70) And Reserving Decision On The Merits Of All Other Issues Raised By Petitions For Rehearing Of Opinion No. 699 For Further Consideration."[1] On September 13, 1974, a letter-request for clarification of § 157.29 (Emergency 60-day Sales Provision) was filed with the Commission by counsel for Robert J. Hewitt, et al., producers of natural gas.[2] In the request for clarification, the uncertainty for which clarification is sought is expressed as being:

> Opinion 699-B does not speak to the issue as to whether a non-jurisdictional producer which previously sold gas to an interstate pipeline under FPC emergency sales regulations (i.e. Order 491 or § 157.29), can again make an emergency sale *strictly limited* to 60-days pursuant to the reinstated § 157.29 without falling under the Commission's regulations requiring certificate authorization. Stated differently, can a non-jurisdictional producer, who *initiated and terminated* emergency sales prior to the issuance of Opinion No. 699 and/or Opinion No. 699-B, again make a 60-day emergency sale of gas from the same well or wells without having to obtain initial certificate (or abandonment) authorization, provided the emergency operations are discontinued upon the expiration of the 60-day period[?]. [Italics added]

The Commission finds:

It is in the public interest and appropriate so as to remove the expressed uncertainty of certain provisions of § 157.29, as amended, that it declare its intent hereinafter.

The Commission, in order to remove expressed uncertainty, declares that:

(A) It was the intention of the Commission in promulgating the reinstatement of § 157.29, as amended, on September 9, 1974, to have it so provide that the answer to the question, posed more precisely in the second sentence of the above-quoted excerpt of the letter-request, is affirmative. Further, this is true as to a jurisdictional producer which has initiated and terminated emergency sales prior to June 21, 1974. Such a producer may also again make an emergency sale for a single period of not more than sixty (60) days in accordance with the provisions of § 157.29, as amended.

(B) However, it should be emphasized that in answering the petition for clarification in the affirmative it is confined strictly to those instances where the previous emergency sale was initiated and terminated prior to the issuance of Opinion No. 699, and that there will be permitted only a single period of sixty (60) days for sales from the same well or wells under the provisions of § 157.29, as amended, regardless of the identity of the seller or sellers—in those cases where the well or wells may be jointly owned—and regardless of a change in the identity of a purchaser.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23079 Filed 10-3-74;8:45 am]

[1] Opinion No. 699-B, ____ F.P.C. ____.

[2] The letter-request filed on September 13, 1974, by Michael J. Manning, Attorney for and on the behalf Mr. Robert J. Hewitt, et al. is deemed to be a petition for a declaratory order to "remove uncertainty" under § 1.7(c) of the Commission's rules of practice and procedure (18 CFR 1.7(c)).

## Title 34—Government Management

### CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

### SUBCHAPTER D—FINANCIAL MANAGEMENT

[FMC 74-7]

### PART 256—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS-IN-AID TO STATE AND LOCAL GOVERNMENTS

### Administrative Requirements for Grants to State and Local Governments

This document converts Office of Management and Budget Circular No. A-102 into a General Services Administration Federal Management Circular (FMC 74-7) in accordance with Executive Order 11717 and Office of Management and Budget Bulletin 74-4 which transferred certain Office of Management and Budget responsibilities to the General Services Administration. FMC 74-7, dated September 13, 1974, promulgates standards for establishing consistency and uniformity among Federal agencies in the administration of grants to State and local governments.

Part 256, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments, is added to read as set forth below.

Sec.
256.1 Purpose.
256.2 Supersession.
256.3 Background.
256.4 Applicability and scope.
256.5 Definitions.
256.6 Appendixes.
256.7 Requests for exceptions.
256.8 Responsibilities.
256.9 Inquiries.

AUTHORITY: Executive Order 11717 (38 FR 12315, May 11, 1973).

NOTE: The forms illustrated in appendixes H and M are filed as part of the original document.

*Effective date.* This regulation is effective September 13, 1974.

Dated: September 13, 1974.

DWIGHT A. INK,
*Acting Administrator of General Services.*

**§ 256.1 Purpose.**

This part promulgates standards for establishing consistency and uniformity among Federal agencies in the administration of grants to State and local governments. Also included in the part are standards to ensure the consistent implementation of sections 202, 203, and 204 of the Intergovernmental Cooperation Act of 1968 (Pub. L. 90-577) (82 Stat. 1101).

**§ 256.2 Suppression.**

The President by Executive Order 11717 transferred the functions covered

by this part from the Office of Management and Budget to the General Services Administration. This part is therefore issued as a replacement for Office of Management and Budget Circular No. A-102. No substantive changes have been made.

### § 256.3 Background.

On March 27, 1969, the President ordered a 3-year effort to simplify, standardize, decentralize, and otherwise modernize the Federal grant machinery. The standards included in the attachments to this part replace the multitude of varying and oftentimes conflicting requirements in the same subject matter which have been burdensome to State and local governments. Inherent in the standardization process is the concept of placing greater reliance on State and local governments. In addition, the Intergovernmental Cooperation Act of 1968 was passed, in part, for the purpose of: (a) Achieving the fullest cooperation and coordination of activities among levels of Government, (b) improving the administration of grants-in-aid to the States, and (c) establishing coordinated intergovernmental policy and administration of federal assistance programs. This act provides the following basic policies pertaining to administrative requirements to be imposed upon the States as a condition to receiving Federal grants:

DEPOSIT OF GRANTS-IN-AID

SEC. 202. No grant-in-aid to a State shall be required by Federal law or administrative regulation to be deposited in a separate bank account apart from other funds administered by the State. All Federal grant-in-aid funds made available to the States shall be properly accounted for as Federal funds in the accounts of the State. In each case the State agency concerned shall render regular authenticated reports to the appropriate Federal agency covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by said Federal agency. The head of the Federal agency and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the grant-in-aid received by the States.

SCHEDULING OF FEDERAL TRANSFERS TO THE STATES

SEC. 203. Heads of Federal departments and agencies responsible for administering grant-in-aid programs shall schedule the transfer of grant-in-aid funds consistent with program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of such funds from the United States Treasury and the disbursement thereof by a State, whether such disbursement occurs prior to or subsequent to such transfer of funds, or subsequent to such transfer of funds [sic]. States shall not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes.

ELIGIBLE STATE AGENCY

SEC. 204. Notwithstanding any other Federal law which provides that a single State agency or multimember board or commission must be established or designated to administer or supervise the administration of any grant-in-aid program, the head of any Federal department or agency administering such program may, upon request of the Governor or other appropriate executive or legislative authority of the State responsible for determining or revising the organizational structure of State government, waive the single State agency or multimember board or commission provision upon adequate showing that such provision prevents the establishment of the most effective and efficient organizational arrangements within the State government and approve other State administrative structure or arrangements: *Provided*, That the head of the Federal department or agency determines that the objectives of the Federal statute authorizing the grant-in-aid program will not be endangered by the use of such other State structure or arrangements.

Some of the above provisions require implementing instructions. These provisions are provided in the appendixes to this part which deal with the specific provisions.

### § 256.4 Applicability and scope.

The standards promulgated by this part apply to all Federal agencies responsible for administering programs that involve grants to State and local governments. However, agencies are encouraged to apply the standards to loan and loan guarantee programs to the extent practicable. If the enabling legislation for a specific grant program prescribes policies or requirements that differ from the standards provided herein, the provisions of the enabling legislation shall govern.

### § 256.5 Definitions.

For the purposes of this part:

(a) The term "grant" or "grant-in-aid" means money or property provided in lieu of money paid or furnished by the Federal Government to a State or local government under programs that provide financial assistance through grant or contractual arrangements. The term does not include technical assistance programs or other assistance in the form of revenue sharing, loans, loan guarantees, or insurance.

(b) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of State institutions of higher education and hospitals.

(c) The term "local government" means a local unit of government including specifically a county, municipality, city, town, township, local public authority, special district, intrastate district, council of governments, sponsor group representative organization, and other regional or interstate government entity, or any agency or instrumentality of a local government exclusive of institutions of higher education, hospitals, and school districts.

### § 256.6 Appendixes.

The standards promulgated by this part are set forth in the appendixes, which are:

Appendix A—Cash depositories.
Appendix B—Bonding and insurance.
Appendix C—Retention and custodial requirements for records.
Appendix D—Waiver of "single" State agency requirements.
Appendix E—Program income.
Appendix F—Matching share.
Appendix G—Standards for grantee financial management systems.
Appendix H—Financial reporting requirements.
Appendix I—Monitoring and reporting program performance.
Appendix J—Grant payment requirements.
Appendix K—Budget revision procedures.
Appendix L—Grant closeout procedures.
Appendix M—Standard forms for applying for Federal assistance.
Appendix N—Property management standards.
Appendix O—Procurement standards.

### § 256.7 Requests for exceptions.

The General Services Administration may grant exceptions from the requirements of this part when exceptions are permissible under existing laws. However, in the interest of keeping maximum uniformity, deviations from the requirements of this part will be permitted only in exceptional cases.

### § 256.8 Responsibilities.

The head of each Federal agency responsible for administering programs that involve grants to State and local governments will designate an official to serve as the agency representative on matters relating to the implementation of this part. The name and title of that representative will be furnished to the Office of Federal Management Policy, GSA, not later than 30 days after receipt of this part. If the name and title were previously transmitted to the Office of Management and Budget in connection with its OMB Circular No. A-102, notification to the Office of Federal Management Policy, GSA, is required only when there is a change in the designated representative.

### § 256.9 Inquiries.

Further information concerning this part may be obtained by contacting:

General Services Administration (AMF)
Washington, DC 20405
Telephone: IDS 183-33816, FTS 202-343-3816

APPENDIX A

CASH DEPOSITORIES

1. Except for situations described in 2, 3, and 4, below, no grant program shall:

a. Require physical segregation of cash depositories for Federal grant funds which are provided to a State or local government.

b. Establish any eligibility requirements for cash depositories, in which Federal grant funds are deposited by State or local governments.

2. A separate bank account may be used when payments under letter of credit are made on a "checks-paid" basis in accordance with agreements entered into by a grantee,

the Federal Government, and the banking institutions involved.

3. Any moneys advanced to the State or local governments which are determined to be "public moneys" (owned by the Federal Government) must be deposited in a bank with FDIC insurance coverage and the balances exceeding the FDIC coverage must be collaterally secure, as provided for in 12 U.S.C. 265.

4. Consistent with the national goal of expanding the opportunities for minority business enterprises, State and local governments shall be encouraged to use minority banks.

## APPENDIX B

### BONDING AND INSURANCE

1. Except for situations described in 2 and 3, below, Federal grantor agencies shall not impose bonding and insurance requirements, including fidelity bonds, over and above those normally required by the State or local units of government.

2. A State or local unit of government receiving a grant from the Federal Government which requires contracting for construction or facility improvement shall follow its own requirements relating to bid guarantees, performance bonds, and payment bonds except for contracts exceeding $100,000. For contracts exceeding $100,000, the minimum requirements shall be as follows:

a. *A bid guarantee from each bidder equivalent to five percent of the bid price.* The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

b. *A performance bond on the part of the contractor for 100 percent of the contract price.* A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

c. *A payment bond on the part of the contractor for 100 percent of the contract price.* A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

3. Where the Federal Government guarantees the payment of money borrowed by the grantee, the Federal grantor agency may, at its discretion, require adequate bonding and insurance if the bonding and insurance requirements of a State or local government are not deemed to be sufficient to protect adequately the interest of the Federal Government.

## APPENDIX C

### RETENTION AND CUSTODIAL REQUIREMENTS FOR RECORDS

1. Federal grantor agencies shall not impose record retention requirements over and above those established by the State or local governments, receiving Federal grants except that financial records, supporting documents, statistical records, and all other records pertinent to a grant program shall be retained for a period of three years, with the following qualifications:

a. The records shall be retained beyond the three-year period if audit findings have not been resolved.

b. Records for nonexpendable property which was acquired with Federal grant funds shall be retained for three years after its final disposition.

c. When grant records are transferred to or maintained by the Federal grantor agency, the three-year retention requirement is not applicable to the grantee.

2. The retention period starts from the date of the submission of the final expenditure report or, for grants which are renewed annually, from the date of the submission of the annual expenditure report.

3. State and local governments should be authorized, by the Federal grantor agency, if they so desire, to substitute microfilm copies in lieu of original records.

4. The Federal grantor agency shall request transfer of certain records to its custody from State and local governments when it determines that the records possess long-term retention value. However, in order to avoid duplicate record-keeping a Federal grantor agency may make arrangements with State and local governments to retain any records which are continuously needed for joint use.

5. The head of the Federal grantor agency and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the State and local governments and their subgrantees which are pertinent to a specific grant program for the purpose of making audit, examination, excerpts, and transcripts.

6. Unless otherwise required by law, no Federal grantor agency will place restrictions on State and local governments which will limit public access to the State and local governments' records except when records must remain confidential. Following are some of the reasons for withholding records:

a. Prevent a clearly unwarranted invasion of personal privacy.

b. Specifically required by statute or Executive order to be kept secret.

c. Commercial or financial information obtained from a person or a firm on a privileged or confidential basis.

## APPENDIX D

### WAIVER OF "SINGLE" STATE AGENCY REQUIREMENTS

1. Requests to Federal grantor agencies from the Governors, or other duly constituted State authorities, for waiver of the "single" State agency requirements in accordance with section 204 of the Intergovernmental Cooperation Act of 1968 should be given expeditious handling and, whenever possible, an affirmative response should be made to such requests.

2. When it is necessary to refuse a request for waiver of the "single" State agency requirements under section 204, the Federal grantor agency handling such request will so advise the General Services Administration prior to informing the State that the request cannot be granted. Such advice should indicate the reasons for the denial of the request.

3. Future legislative proposals embracing grant-in-aid programs should avoid inclusion of proposals for "single" State agencies in the absence of compelling reasons to do otherwise. In addition, existing "single" State agency requirements in present grant-in-aid programs should be reviewed and legislative proposals should be developed for the removal of these restrictive provisions.

## APPENDIX E

### PROGRAM INCOME

1. Federal grantor agencies shall apply the standards set forth in this appendix in requiring State and local government grantees to account for program income related to projects financed in whole or in part with Federal grant funds. For the purpose of this appendix, program income means gross income earned by the grant-supported activities.

2. In accordance with section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577) (82 Stat. 1101), the States and any agency or instrumentality of a State shall not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes.

3. Units of local government shall be required to return to the Federal Government interest earned on advances of grant-in-aid funds in accordance with a decision of the Comptroller General of the United States (42 Comp. Gen. 289).

4. Proceeds from the sale of real and personal property, either provided by the Federal Government or purchased in whole or in part with Federal funds, shall be handled in accordance with appendix N to this part pertaining to property management.

5. Royalties received from copyrights and patents produced under the grant during the grant period shall be retained by the grantee and, in accordance with the grant agreement, be either added to the funds already committed to the program or deducted from total allowable project costs for the purpose of determining the net costs on which the Federal share of costs will be based. After termination or completion of the grant, the Federal share of royalties in excess of $200 received annually shall be returned to the Federal grantor agency in the absence of other specific agreements between the grantor agency and the grantee. The Federal share of royalties shall be computed on the same ratio basis as the Federal share of the total project cost.

6. All other program income earned during the grant period shall be retained by the grantee and, in accordance with the grant agreement, shall be:

a. Added to funds committed to the project by the grantor and grantee and be used to further eligible program objectives, or

b. Deducted from the total project costs for the purpose of determining the net costs on which the Federal share of costs will be based.

7. Federal grantor agencies shall require the grantees to record the receipt and expenditure of revenues (such as taxes, special assessments, levies, fines, etc.) as a part of grant project transactions when such revenues are specifically earmarked for a grant project in accordance with grant agreements.

## APPENDIX F

### MATCHING SHARE

1. This appendix sets forth criteria and procedures for the allowability and evaluation of cash and in-kind contributions made by State and local governments in satisfying matching share requirements of Federal grants.

2. The following definitions apply for the purpose of this appendix:

a. *Project costs.* Project costs are all necessary charges made by a grantee in accomplishing the objectives of a grant during the grant period. For matching share purposes, project costs are limited to the allowable types of costs as set forth in the provisions of Part 255.

b. *Matching share.* In general, matching share represents that portion of project costs not borne by the Federal Government. Usually, a minimum percentage for matching share is prescribed by program legislation, and matching share requirements are included in the grant agreements.

c. *Cash contributions.* Cash contributions represent the grantee's cash outlay, including the outlay of money contributed to the grantee by other public agencies and institutions, and private organizations and individuals. When authorized by Federal legislation, Federal funds received from other grants may be considered as grantee's cash contributions.

d. *In-kind contributions.* In-kind contributions represent the value of noncash contributions provided by (1) the grantee, (2) other public agencies and institutions, and (3) private organizations and individuals. In-kind contributions may consist of charges for real property and equipment, and value of goods and services directly benefiting and specifically identifiable to the grant program. When authorized by Federal legislation, property purchased with Federal funds may be considered as grantee's in-kind contributions.

3. General guidelines for computing matching share are as follows:

a. Matching share may consist of:

(1) Charges incurred by the grantee as project costs. Not all charges require cash outlays during the grant period by the grantee; examples are depreciation and use charges for buildings and equipment.

(2) Project costs financed with cash contributed or donated to the grantee by other public agencies and institutions, and private organizations and individuals.

(3) Project costs represented by services and real or personal property, or use thereof, donated by other public agencies and institutions, and private organizations and individuals.

b. All in-kind contributions shall be accepted as part of the grantee's matching share when such contributions meet the following criteria:

(1) Are identifiable from the grantee's records;

(2) Are not included as contributions for any other federally-assisted program;

(3) Are necessary and reasonable for proper and efficient accomplishment of project objectives; and

(4) Conform to other provisions of this appendix.

4. Specific procedures for the grantees in placing the value on in-kind contributions from private organizations and individuals are set forth below:

a. *Valuation of volunteer services.* Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Each hour of volunteered service may be counted as matching share if the service is an integral and necessary part of an approved program.

(1) *Rates for volunteer service.* Rates for volunteers should be consistent with those regular rates paid for similar work in other activities of the State or local government. In cases where the kinds of skills required for the federally-assisted activities are not found in the other activities of the grantee, rates used should be consistent with those paid for similar work in the labor market in which the grantee competes for the kind of services involved.

(2) *Volunteers employed by other organizations.* When an employer other than the grantee furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (exclusive of fringe benefits and overhead cost) provided these services are in the same skill for which the employee is normally paid.

b. *Valuation of materials.* Contributed materials include office supplies, maintenance supplies, or workshop and classroom supplies. Prices assessed to donated materials included in the matching share should be reasonable and should not exceed the cost of the materials to the donor or current market prices, whichever is less, at the time they are charged to the project.

c. *Valuation of donated equipment, buildings, and land, or use of space.*

(1) The method used for charging matching share for donated equipment, buildings, and land may differ depending upon the purpose of the grant as follows:

(a) If the purpose of the grant is to furnish equipment, buildings, or land to the grantee or otherwise provide a facility, the total value of the donated property may be claimed as a matching share.

(b) If the purpose of the grant is to support activities that require the use of equipment, buildings, or land on a temporary or part-time basis, depreciation or use charges for equipment and buildings may be made; and fair rental charges for land may be made provided that the grantor agency has approved the charges.

(2) The value of donated property will be determined as follows:

(a) *Equipment and buildings.* The value of donated equipment or buildings should be based on the donor's cost less depreciation or the current market prices of similar property, whichever is less.

(b) *Land or use of space.* The value of donated land or its usage charge should be established by an independent appraiser (i.e., private realty firm or GSA representatives) and certified by the responsible official of the grantee.

d. *Valuation of other charges.* Other necessary charges incurred specifically for and in direct benefit to the grant program in behalf of the grantee may be accepted as matching share provided that they are adequately supported and permissible under the law. Such charges must be reasonable and properly justifiable.

5. The following requirements pertain to the grantee's supporting records for in-kind contribution from private organizations and individuals:

a. The number of hours of volunteer services must be supported by the same methods used by the grantee for its employees.

b. The basis for determining the charges for personal services, material, equipment, buildings, and land must be documented.

## Appendix G

### Standards for Grantee Financial Management Systems

1. This appendix prescribes standards for financial management systems of grant-supported activities of State and local governments. Federal grantor agencies shall not impose additional standards on grantees unless specifically provided for in other appendixes to this part. However, grantor agencies are encouraged to make suggestions and assist the grantees in establishing or improving financial management systems when such assistance is needed or requested.

2. Grantee financial management systems shall provide for:

a. Accurate, current, and complete disclosure of the financial results of each grant program in accordance with Federal reporting requirements. When a Federal grantor agency requires reporting on an accrual basis and the grantee's accounting records are not kept on that basis, the grantee should develop such information through an analysis of the documentation on hand or on the basis of best estimates.

b. Records which identify adequately the source and application of funds for grant-supported activities. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

c. Effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

d. Comparison of actual with budgeted amounts for each grant. Also, relation of financial information with performance or productivity data, including the production of unit cost information whenever appropriate and required by the grantor agency.

e. Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal Government. When advances are made by a letter-of-credit method, the grantee shall make drawdowns from the U.S. Treasury through his commercial bank as close as possible to the time of making the disbursements.

f. Procedures for determining the allowability and allocability of costs in accordance with the provisions of Part 255.

g. Accounting records which are supported by source documentation.

h. Audits to be made by the grantee or at his direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations, and administrative requirements. The grantee will schedule such audits with reasonable frequency, usually annually, but not less frequently than once every two years, considering the nature, size, and complexity of the activity.

i. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

3. Grantees shall require subgrantees (recipients of grants which are passed through by the grantee) to adopt all of the standards in paragraph 2 above.

## Appendix H

### Financial Reporting Requirements

1. This appendix prescribes requirements for grantees to report financial information to grantor agencies and to request advances and reimbursement when a letter-of-credit method is not used, and promulgates standard forms incident thereto.

2. The following definitions apply for the purposes of this appendix:

a. *Accrued expenditures.* Accrued expenditures are the charges incurred by the grantee during a given period requiring the provision of funds for: (1) Goods and other tangible property received; (2) services performed by employees, contractors, subgrantees, and other payees; and (3) amounts becoming owed under programs for which no current services or performance are required.

b. *Accrued income.* Accrued income is the earnings during a given period which is a source of funds resulting from (1) services performed by the grantee, (2) goods and other tangible property delivered to purchasers, and (3) amounts becoming owed to the grantee for which no current services or performance are required by the grantee.

c. *Disbursements.* Disbursements are payments in cash or by check.

d. *Federal funds authorized.* Funds authorized represent the total amount of the Federal funds authorized for obligations and establish the ceilings for obligation of Federal funds. This amount may include any authorized carryover of unobligated funds from prior fiscal years.

e. *In-kind contributions.* In-kind contributions represent the value of noncash contributions provided by (1) the grantee, (2) other public agencies and institutions, and (3) private organizations and individuals. In-kind contributions may consist of charges for real property and equipment, and value of goods and services directly benefiting and specifically identifiable to the grant program. When authorized by Federal legislation, property purchased with Federal funds may be considered as grantee's in-kind contributions.

f. *Obligations.* Obligations are the amounts of orders placed, contracts and grants

awarded, services received, and similar transactions during a given period, which will require payment during the same or a future period.

g. *Outlays*. Outlays represent charges made to the grant project or program. Outlays can be reported on a cash or accrued expenditure basis.

h. *Program income*. Program income represents earnings by the grantee realized from the grant-supported activities. Such earnings exclude interest income and may include, but will not be limited to, income from service fees, sale of commodities, usage or rental fees, sale of assets purchased with grant funds, and royalties on patents and copyrights. Program income can be reported on a cash or accrued income basis.

i. *Unobligated balance*. The unobligated balance is the portion of the funds authorized by the Federal agency which has not been obligated by the grantee and is determined by deducting the cumulative obligations from the funds authorized.

j. *Unpaid obligations*. Unpaid obligations represent the amount of obligations incurred by the grantee which have not been paid.

3. Only the following forms will be authorized for obtaining financial information from State and local governments for grants-in-aid programs.

a. *Financial Status Report (Exhibit 1)*.

(1) Each Federal grantor agency shall require grantees to use the standard Financial Status Report to report the status of funds for all nonconstruction grant programs. The grantor agencies may, however, have the option of not requiring the Financial Status Report when the Request for Advance or Reimbursement (paragraph 4a) is determined to provide adequate information to meet their needs, except that a final Financial Status Report shall be required at the completion of the grant when the Request for Advance or Reimbursement form is used only for advances.

(2) The grantor agency shall prescribe whether the report shall be on a cash or accrual basis. If the grantor agency requires accrual information and the grantee's accounting records are not normally kept on the accrual basis, the grantee should develop such information through an analysis of the documentation on hand or on the basis of best estimates.

(3) The grantor agency shall determine the frequency of the Financial Status Report for each grant program considering the size and complexity of the particular program. However, the report shall not be required more frequently than quarterly or less frequently than annually. Also, a final report shall be required at the completion of the grant.

(4) The original and two copies of the Financial Status Report shall be submitted 30 days after the end of each specified reporting period. In addition, final reports shall be submitted 90 days after the end of the grant period or the completion of the project or program. Extensions to reporting due dates may be granted when requested by the grantee.

b. *Report of Federal Cash Transactions (Exhibit 2)*.

(1) When funds are advanced to grantees through letters of credit or with Treasury checks, the Federal grantor agencies shall require each grantee to submit a Report of Federal Cash Transactions. The Federal grantor agency shall use this report to monitor cash advanced to grantees and to obtain disbursement or outlay information for each grant or project from the grantees.

(2) Grantor agencies may require forecasts of Federal cash requirements in the Remarks section of the report.

(3) When practical and deemed necessary, the grantor agencies may require grantees to report in the Remarks section the amount of cash in excess of three days' requirements in the hands of subgrantees or other secondary recipients and to provide short narrative explanations of actions taken by the grantees to reduce the excess balances.

(4) Grantor agencies may accept the identical information from the grantees in a machine-usable format in lieu of the Report of Federal Cash Transactions.

(5) Grantees shall be required to submit the original and two copies of the Report of Federal Cash Transactions no later than 15 working days following the end of each quarter. For those grantees receiving annual grants totalling one million dollars or more, the Federal grantor agencies may require a monthly report.

(6) Grantor agencies may waive the requirement for submission of the Report of Federal Cash Transactions when monthly advances do not exceed $10,000 per grantee provided that such advances are monitored through other forms contained in this Appendix or the grantee's accounting controls are adequate to minimize excessive Federal advances.

4. Except as noted below, only the following forms will be authorized for the grantees in requesting advances and reimbursements.

a. *Request for Advance or Reimbursement (Exhibit 3)*.

(1) Each grantor agency shall adopt the Request for Advance or Reimbursement as the standard form for all nonconstruction grant programs when letters of credit or predetermined automatic advance methods are not used. Agencies, however, have the option of using this form for construction programs in lieu of the Outlay Report and Request for Reimbursement for Construction Programs (paragraph 4b).

(2) Grantees shall be authorized to submit requests for advances or reimbursement at least monthly when letters of credit are not used. Grantees shall submit the original and two copies of the Request for Advance or Reimbursement.

b. *Outlay Report and Request for Reimbursement for Construction Programs (Exhibit 4)*.

(1) Each grantor agency shall adopt the Outlay Report and Request for Reimbursement for Construction Programs as the standard format to be used for requesting reimbursement for construction programs. The grantor agencies may, however, have the option of substituting the Request for Advance or Reimbursement (paragraph 4a) in lieu of this form when the grantor agencies determine that the former provides adequate information to meet their needs.

(2) Grantees shall be authorized to submit requests for reimbursements at least monthly when letters of credit are not used. Grantees shall submit the original and two copies of the Outlay Report and Request for Reimbursement for Construction Programs.

5. When the grantor agencies need additional information in using these forms, the following shall be observed:

a. When necessary to comply with legislative requirements, grantor agencies shall issue instructions to require grantees to submit such information under the Remarks section of the reports.

b. When necessary to meet specific program needs, grantor agencies shall submit the proposed reporting requirements to the General Services Administration for approval under the exception provision of this part.

c. The grantor agency, in obtaining information as in paragraphs a and b above, must also comply with report clearance requirements of the Office of Management and Budget Circular No. A-40, as revised.

6. Federal grantor agencies are authorized to reproduce these forms. The forms for reproduction purposes can be obtained from the General Services Administration (AMF), Washington, DC 20405, and are available both in letter size and legal size; the larger size provides more space where large dollar amounts are involved.

## APPENDIX I

### MONITORING AND REPORTING PROGRAM PERFORMANCE

1. This appendix sets forth the procedures for monitoring and reporting program performance under Federal grants. These procedures are designed to place greater reliance on State and local governments to manage the day-to-day operations of the grant-supported activities.

2. Grantees shall constantly monitor the performance under grant-supported activities to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved. This review shall be made for each program, function, or activity of each grant as set forth in the approved grant application.

3. Grantees shall submit a performance report for each grant which briefly presents the following for each program, function, or activity involved:

a. A comparison of actual accomplishments to the goals established for the period. Where the output of grant programs can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.

b. Reasons for slippage in those cases where established goals were not met.

c. Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

4. Grantees shall submit the performance reports to grantor agencies with the Financial Status Reports, in the frequency established by appendix H of this part. The grantor agency shall prescribe the frequency with which the performance reports will be submitted with the Request for Advance or Reimbursement when that form is used in lieu of the Financial Status Report. In no case shall the performance reports be required more frequently than quarterly or less frequently than annually.

5. Between the required performance reporting dates, events may occur which have significant impact upon the project or program. In such cases, the grantee shall inform the grantor agency as soon as the following types of conditions become known:

a. Problems, delays, or adverse conditions which will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

b. Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

6. If any performance review conducted by the grantee discloses the need for change in the budget estimates in accordance with the criteria established in appendix K to this part, the grantee shall submit a request for budget revision.

7. The grantor agency shall make site visits as frequently as practicable to:

a. Review program accomplishments and management control systems.

b. Provide such technical assistance as may be required.

## APPENDIX J

### GRANT PAYMENT REQUIREMENTS

1. This appendix establishes required methods of making grant payments to State and local governments that will minimize the time elapsing between the disbursement by a grantee and the transfer of funds from the United States Treasury to the grantee, whether such disbursement occurs prior to or subsequent to the transfer of funds.

2. Grant payments are made to grantees through a letter of credit, and advance by Treasury check, or a reimbursement by Treasury check. The following definitions apply for the purpose of this appendix:

a. *Letter of credit.* A letter of credit is an instrument certified by an authorized official of a grantor agency which authorizes a grantee to draw funds when needed from the Treasury, through a Federal Reserve Bank and the grantee's commercial bank, in accordance with the provisions of Treasury Circular No. 1075.

b. *Advance by Treasury check.* An advance by Treasury check is a payment made by a Treasury check to a grantee upon its request or through the use of predetermined payment schedules before payments are made by the grantee.

c. *Reimbursement by Treasury check.* A reimbursement by Treasury check is a payment made to a grantee with a Treasury check upon request for reimbursement from the grantee.

3. Except for construction grants for which the letter-of-credit method is optional, the letter-of-credit funding method shall be used by grantor agencies where all of the following conditions exist:

a. When there is or will be a continuing relationship between a grantee and a Federal grantor agency for at least a 12-month period and the total amount of advances to be received within that period from the grantor agency is $250,000, or more, as prescribed by Treasury Circular No. 1075.

b. When the grantee has established or demonstrated to the grantor the willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds and their disbursement by the grantee.

c. When the grantee's financial management system meets the standards for fund control and accountability prescribed in Appendix G to this part, "Standards for Grantee Financial Management Systems."

4. The method of advancing funds by Treasury check shall be used, in accordance with the provisions of Treasury Circular No. 1075, when the grantee meets all of the requirements specified in paragraph 3 above except those in 3.a.

5. The reimbursement by Treasury check method shall be the preferred method when the grantee does not meet the requirements specified in either or both of paragraphs 3.b. and 3.c. This method may also be used when the major portion of the program is accomplished through private market financing or Federal loans, and when the Federal grant assistance constitutes a minor portion of the program.

6. Unless otherwise required by law, grantor agencies shall not withhold payments for proper charges made by State and local governments at any time during the grant period unless (a) a grantee has failed to comply with the program objectives, grant award conditions, or Federal reporting requirements, or (b) the grantee is indebted to the United States and collection of the indebtedness will not impair accomplishment of the objectives of any grant program sponsored by the United States. Under such conditions, the grantor may, upon reasonable notice, inform the grantee that payments will not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the Federal government is liquidated.

7. Appendix H of this part, "Financial Reporting," provides for the procedures and forms for requesting advances or reimbursements.

## APPENDIX K

### BUDGET REVISION PROCEDURES

1. This appendix promulgates criteria and procedures to be followed by Federal grantor agencies in requiring grantees to report deviations from grant budgets and to request approvals for budget revisions.

2. The grant budget as used in this appendix means the approved financial plan for both the Federal and nonfederal shares to carry out the purpose of the grant. This plan is the financial expression of the project or program as approved during the grant application and award process. It should be related to performance for program evaluation purposes whenever appropriate and required by the grantor agency.

3. For nonconstruction grants, State and local governments shall request prior approvals promptly from grantor agencies for budget revisions whenever:

a. The revision results from changes in the scope or the objective of the grant-supported program.

b. The revision indicates the need for additional Federal funding.

c. The grant budget is over $100,000 and the cumulative amount of transfers among direct cost object class budget categories exceeds or is expected to exceed $10,000, or five percent of the grant budget, whichever is greater. The same criteria apply to the cumulative amount of transfers among programs, functions, and activities when budgeted separately for a grant, except that the grantor agency shall permit no transfer which would cause any Federal appropriation, or part thereof, to be used for purposes other than those intended.

d. The grant budget is $100,000, or less, and the cumulative amount of transfers among direct cost object class budget categories exceeds or is expected to exceed five percent of the grant budget. The same criteria apply to the cumulative amount of transfers among programs, functions, and activities when budgeted separately for a grant, except that the grantor agency shall permit no transfer which would cause any Federal appropriation, or part thereof, to be used for purposes other than those intended.

e. The revisions involve the transfer of amounts budgeted for indirect costs to absorb increases in direct costs.

f. The revisions pertain to the addition of items requiring approval in accordance with the provisions of Part 255.

4. All other changes to nonconstruction grant budgets, except for the changes described in paragraph 6, do not require approval. These changes include (a) the use of grantee funds in furtherance of program objectives over and above the grantee minimum share included in the approved grant budget and (b) the transfer of amounts budgeted for direct costs to absorb authorized increases in indirect costs.

5. For construction grants, State and local governments shall request prior approvals promptly from grantor agencies for budget revisions whenever:

a. The revision results from changes in the scope or the objective of the grant-supported programs.

b. The revision increases the budgeted amounts of Federal funds needed to complete the project.

6. When a grantor agency awards a grant which provides support for both construction and nonconstruction work, the grantor agency may require the grantee to request prior approval from the grantor agency before making any fund or budget transfers between the two types of work supported.

7. For both construction and nonconstruction grants, grantor agencies shall require State and local governments to notify the grantor agency promptly whenever the amount of Federal authorized funds is expected to exceed the needs of the grantee by more than $5,000 or 5 percent of the Federal grant, whichever is greater. This notification will not be required when applications for additional funding are submitted for continuing grants.

8. When requesting approval for budget revisions, grantees shall use the budget forms which were used in the grant application. However, grantees may request by letter the approvals required by the provisions of Part 255.

9. Within 30 days from the date of receipt of the request for budget revisions, grantor agencies shall review the request and notify the grantee whether or not the budget revisions have been approved. If the revision is still under consideration at the end of 30 days, the grantor shall inform the grantee in writing as to when the grantee may expect the decision.

## APPENDIX L

### GRANT CLOSEOUT PROCEDURES

1. This appendix prescribes uniform closeout procedures for Federal grants to State and local governments.

2. The following definitions shall apply for the purpose of this appendix:

a. *Grant closeout.* The closeout of a grant is the process by which a Federal grantor agency determines that all applicable administrative actions and all required work of the grant have been completed by the grantee and the grantor.

b. *Date of completion.* The date when all work under a grant is completed or the date in the grant award document, or any supplement or amendment thereto, on which Federal assistance ends.

c. *Termination.* The termination of a grant means the cancellation of Federal assistance, in whole or in part, under a grant at any time prior to the date of completion.

d. *Suspension.* The suspension of a grant is an action by a Federal grantor agency which temporarily suspends Federal assistance under the grant pending corrective action by the grantee or pending a decision to terminate the grant by the grantor agency.

e. *Disallowed Costs.* Disallowed costs are those charges to a grant which the grantor agency or its representative determines to be unallowable. (See Part 255.)

3. All Federal grantor agencies shall establish grant closeout procedures which include the following requirements:

a. Upon request, the Federal grantor agency shall make prompt payments to a grantee for allowable reimbursable costs under the grant being closed out.

b. The grantee shall immediately refund to the grantor agency any unencumbered balance of cash advanced to the grantee.

c. The grantor agency shall obtain from the grantee within 90 days after the date of completion of the grant all financial, performance, and other reports required as a condition of the grant. The agency may grant extensions when requested by the grantee.

d. The grantor agency shall make a settlement for any upward or downward adjustments to the Federal share of costs after these reports are received.

e. The grantee shall account for any property acquired with grant funds, or received from the Government in accordance with the provisions of appendix N to this part.

f. In the event a final audit has not been performed prior to the closeout of the grant, the grantor agency shall retain the right to recover an appropriate amount after fully considering the recommendations of disallowed costs resulting from the final audit.

4. All Federal grantor agencies shall provide procedures to be followed when a grantee has failed to comply with the grant award stipulations, standards, or conditions. When that occurs, the grantor agency may, on reasonable notice to the grantee, suspend the grant, and withhold further payments, or prohibit the grantee from incurring additional obligations of grant funds, pending corrective action by the grantee or a decision to terminate in accordance with paragraph 5.a. The grantor agency may allow all necessary and proper costs which the grantee could not reasonably avoid during the period of suspension provided that they meet the provisions of Part 255.

5. Subject to statutory provisions referred to in § 256.4, all Federal grantor agencies shall provide for the systematic settlement of terminated grants including the following:

a. *Termination for cause.* The grantor agency may terminate any grant in whole, or in part, at any time before the date of completion, whenever it is determined that the grantee has failed to comply with the conditions of the grant. The grantor agency shall promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to grantees or recoveries by the grantor agencies under grants terminated for cause shall be in accord with the legal rights and liabilities of the parties.

b. *Termination for convenience.* The grantor agency or grantee may terminate grants in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Federal agency shall allow full credit to the grantee for the Federal share of the noncanceiable obligations, properly incurred by the grantee prior to termination.

## APPENDIX M

### STANDARD FORMS FOR APPLYING FOR FEDERAL ASSISTANCE

1. This appendix promulgates standard forms to be used by State and local governments in applying for all Federal grants except those Federal formula grant programs which do not require grantees to apply for Federal funds on a project basis.

2. The standard forms and their purposes are briefly described in the following paragraphs:

a. *Preapplication for Federal Assistance (Exhibit 1).* Preapplication for Federal Assistance is used to: (1) establish communication between the Federal grantor agency and the applicant; (2) determine the applicant's eligibility; (3) determine how well the project can complete with similar applications from others; and (4) eliminate any proposals which have little or no chance for Federal funding before applicants incur significant expenditures for preparing an application. Preapplication forms shall be required for all construction, land acquisition and land development projects or programs for which the need for Federal funding exceeds $100,000. The Federal grantor agency may require the use of the preapplication form for other types of grant programs or for those for which the Federal fund request is for $100,000 or less. In addition, Federal agencies shall establish procedures allowing State and local government applicants to submit, if they so desire, the preapplication form when mandatory requirements for preapplication do not exist.

b. *Notice of Review Action (Exhibit 2).* The purpose of the Notice of Review Action is to inform the applicant of the results of the review of the preapplication forms which were submitted to Federal grantor agencies. The Federal grantor agency shall send a notice to the applicant within 45 days of the receipt of the preapplication form. When the review cannot be made within 45 days, the applicant shall be informed by letter as to when the review will be completed.

c. *Federal Assistance Application for Nonconstruction Programs (Exhibit 3).* The Federal Assistance Application for Nonconstruction Programs form is designed to accommodate several programs and shall be used by the applicant for all actions covered by this appendix except where the major purpose of the grant involves construction, land acquisition, or development or single-purpose and one-time grant applications for less than $10,000 which do not require clearinghouse approval, an environmental impact statement, or the relocation of persons, businesses, or farms.

d. *Federal Assistance Application for Construction Programs (Exhibit 4).* The Federal Assistance Application for Construction Programs form shall be used for all grants where the major purpose of the program involves construction, land acquisition, and land development, except when the Application for Federal Assistance-Short Form (paragraph 2e) is used.

e. *Application for Federal Assistance—Short Form (Exhibit 5).* The Application for Federal Assistance—Short Form shall be used for all grants for single-purpose and one-time grant applications for less than $10,000 not requiring clearinghouse approval, an environmental impact statement, or the relocation of persons, businesses, or farms. Federal grantor agencies may, at their discretion, authorize the use of this form for applications for larger amounts.

3. For all forms described herein, the following shall apply:

a. All requests by grantees for changes, continuations, and supplementals to approved grants shall be submitted on the same form as the original application. For these purposes, only the required pages of the forms should be submitted.

b. Grantor agencies may issue supplementary instructions to the standard forms to;

(1) Specify and describe the programs, functions, or activities which will be used to plan, budget, and evaluate the work under the grant programs.

(2) Provide amplification or specifics to the requirements for program narrative statements. These changes will require approval under the provisions of § 256.7.

(3) Design report forms for additional information to meet legal and program management requirements. These forms shall be submitted for report form clearance in accordance with Office of Management and Budget Circular No. A-40, as revised.

c. Grantees shall submit the original and two copies of the application.

d. Federal grantor agencies are authorized to reproduce these forms. The forms for reproduction purposes can be obtained from the General Services Administration (AMF), Washington, D.C. 20405.

## APPENDIX N

### PROPERTY MANAGEMENT STANDARDS

1. This appendix prescribes uniform standards governing the utilization and disposition of property furnished by the Federal Government or acquired in whole or in part with Federal funds by State and local governments. Federal grantor agencies shall require State and local governments to observe these standards under grants from the Federal Government and shall not impose additional requirements unless specifically required by Federal law. The grantees shall be authorized to use their own property management standards and procedures as long as the provisions of this appendix are included.

2. The following definitions apply for the purpose of this appendix:

a. *Real property.* Real property means land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

b. *Personal property.* Personal property means property of any kind except real property. It may be tangible—having physical existence, or intangible—having no physical existence, such as patents, inventions, and copyrights.

c. *Nonexpendable personal property.* Nonexpendable personal property means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. A grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined above.

d. *Expendable personal property.* Expendable personal property refers to all tangible personal property other than nonexpendable property.

e. *Excess property.* Excess property means property under the control of any Federal agency which, as determined by the head thereof, is no longer required for its needs.

3. Each Federal grantor agency shall prescribe requirements for grantees concerning the use of real property funded partly or wholly by the Federal Government. Unless otherwise provided by statute, such requirements, as a minimum, shall contain the following:

a. The grantee shall use the real property for the authorized purpose of the original grant as long as needed.

b. The grantee shall obtain approval by the grantor agency for the use of the real property in other projects when the grantee determines that the property is no longer needed for the original grant purposes. Use in other projects shall be limited to those under other Federal grant programs, or programs that have purposes consistent with those authorized for support by the grantor.

c. When the real property is no longer needed as provided in a. and b., above, the grantee shall return all real property furnished or purchased wholly with Federal grant funds to the control of the Federal grantor agency. In the case of property purchased in part with Federal grant funds, the grantee may be permitted to take title to the Federal interest therein upon compensating the Federal Government for its fair share of the property. The Federal share of the property shall be the amount computed by applying the percentage of the Federal participation in the total cost of the grant program for which the property was acquired to the current fair market value of the property.

4. Standards and procedures governing ownership, use, and disposition of nonexpendable personal property furnished by the Federal Government or acquired with Federal funds are set forth below:

a. *Nonexpendable personal property acquired with Federal funds.* When nonexpendable personal property is acquired by a grantee wholly or in part with Federal funds, title will not be taken by the Federal Government except as provided in paragraph 4a(4), but shall be vested in the grantee subject to the following restrictions on use and disposition of the property:

(1) The grantee shall retain the property acquired with Federal funds in the grant program as long as there is a need for the property to accomplish the purpose of the grant program whether or not the program continues to be supported by Federal funds. When there is no longer a need for the property to accomplish the purpose of the grant program, the grantee shall use the property in connection with other Federal grants it has received in the following order of priority:

(a) Other grants of the same Federal grantor agency needing the property.

(b) Grants of other Federal agencies needing the property.

(2) When the grantee no longer has need for the property in any of its Federal grant programs, the property may be used for its own official activities in accordance with the following standards:

(a) *Nonexpendable property with an acquisition cost of less than $500 and used four years or more.* The grantee may use the property for its own official activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(b) *All other nonexpendable property.* The grantee may retain the property for its own use provided that a fair compensation is made to the original grantor agency for the latter's share of the property. The amount of compensation shall be computed by applying the percentage of Federal participation in the grant program to the current fair market value of the property.

(3) If the grantee has no need for the property, disposition of the property shall be made as follows:

(a) *Nonexpendable property with an acquisition cost of $1,000 or less.* Except for that property which meets the criteria of (2)(a) above, the grantee shall sell the property and reimburse the Federal grantor agency an amount which is computed in accordance with (iii) below.

(b) *Nonexpendable property with an acquisition cost of over $1,000.* The grantee shall request disposition instructions from the grantor agency. The Federal agency shall determine whether the property can be used to meet the agency's requirement. If no requirement exists within that agency, the availability of the property shall be reported to the General Services Administration (GSA) by the Federal agency to determine whether a requirement for the property exists in other Federal agencies. The Federal grantor agency shall issue instructions to the grantee within 120 days and the following procedures shall govern:

(i) If the grantee is instructed to ship the property elsewhere, the grantee shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the grantee's participation in the grant program to the current fair market value of the property, plus any shipping or interim storage costs incurred.

(ii) If the grantee is instructed to otherwise dispose of the property, he shall be reimbursed by the Federal grantor agency for such costs incurred in its disposition.

(iii) If disposition instructions are not issued within 120 days after reporting, the grantee shall sell the property and reimburse the Federal grantor agency an amount which is computed by applying the percentage of Federal participation in the grant program to the sales proceeds. Further, the grantee shall be permitted to retain $100 or 10 percent of the proceeds, whichever is greater, for the grantee's selling and handling expenses.

(4) Where the grantor agency determines that property with an acquisition cost of $1,000 or more and financed solely with Federal funds is unique, difficult, or costly to replace, it may reserve title to such property, subject to the following provisions:

(a) The property shall be appropriately identified in the grant agreement or otherwise made known to the grantee.

(b) The grantor agency shall issue disposition instructions within 120 days after the completion of the need for the property under the Federal grant for which it was acquired. If the grantor agency fails to issue disposition instructions within 120 days, the grantee shall apply the standards of 4a(1), 4a(2)(b), and 4a(3)(b).

b. *Federally-owned nonexpendable personal property.* Unless statutory authority to transfer title has been granted to an agency, title to Federally-owned property (property to which the Federal Government retains title including excess property made available by the Federal grantor agencies to grantees) remains vested by law in the Federal Government. Upon termination of the grant or need for the property, such property shall be reported to the grantor agency for further agency utilization or, if appropriate, for reporting to the General Services Administration for other Federal agency utilization. Appropriate disposition instructions will be issued to the grantee after completion of Federal agency review.

5. The grantees' property management standards for nonexpendable personal property shall also include the following procedural requirements:

a. Property records shall be maintained accurately and provide for: a description of the property; manufacturer's serial number or other identification number; acquisition date and cost; source of the property; percentage of Federal funds used in the purchase of property; location, use, and condition of the property; and ultimate disposition data including sales price or the method used to determine current fair market value if the grantee reimburses the grantor agency for its share.

b. A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years to verify the existence, current utilization, and continued need for the property.

c. A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft to the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented.

d. Adequate maintenance procedures shall be implemented to keep the property in good condition.

e. Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

6. When the total inventory value of any unused expendable personal property exceeds $500 at the expiration of need for any Federal grant purposes, the grantee may retain the property or sell the property as long as he compensates the Federal Government for its share in the cost. The amount of compensation shall be computed in accordance with 4a(2)(b).

7. Specific standards for control of intangible property are provided as follows:

a. If any program produces patentable items, patent rights, processes, or inventions, in the course of work aided by a Federal grant, such fact shall be promptly and fully reported to the grantor agency. Unless there is prior agreement between the grantee and grantor on disposition of such items, the grantor agency shall determine whether protection on such invention or discovery shall be sought and how the rights in the invention or discovery—including rights under any patent issued thereon—shall be allocated and administered in order to protect the public interest consistent with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and Statement of Government Patent Policy as printed in 36 FR 16889).

b. Where the grant results in a book or other copyrightable material, the author or grantee is free to copyright the work, but the Federal grantor agency reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes.

## APPENDIX O

### PROCUREMENT STANDARDS

1. This appendix provides standards for use by the State and local governments in establishing procedures for the procurement of supplies, equipment, construction, and other services with Federal grant funds. These standards are furnished to insure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive orders. No additional requirements shall be imposed by the Federal agencies upon the grantees unless specifically required by Federal law or Executive orders.

2. The standards contained in this appendix do not relieve the grantee of the contractual responsibilities arising under its contracts. The grantee is the responsible authority, without recourse to the grantor agency regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of a grant. This includes but is not limited to: disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

3. Grantees may use their own procurement regulations which reflect applicable State and local law, rules and regulations provided that procurements made with Federal grant funds adhere to the standards set forth as follows:

a. The grantee shall maintain a code or standards of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending Federal grant funds. Grantee's officers, employees or agents, shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible by State or local law, rules or regulations, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the grantee officers, employees, or agents, or by contractors or their agents.

b. All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The grantee should be alert to organizational conflicts of interest or noncompetitive practices among

contractors which may restrict or eliminate competition or otherwise restrain trade.

c. The grantee shall establish procurement procedures which provide for, as a minimum, the following procedural requirements:

(1) Proposed procurement actions shall be reviewed by grantee officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(2) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used the specific features of the named brand which must be met by offerors should be clearly specified.

(3) Positive efforts shall be made by the grantees to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing Federal grant funds.

(4) The type of procuring instruments used (i.e., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.), shall be appropriate for the particular procurement and for promoting the best interest of the grant program involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(5) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (6) below is necessary to accomplish sound procurement. However, procurements of $2,500 or less need not be so advertised unless otherwise required by State or local law or regulations. Where such advertised bids are obtained the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the grantee, price and other factors considered. (Factors such as discounts, transportation costs, taxes may be considered in determining the lowest bid.) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the grantee. Any or all bids may be rejected when it is in the grantee's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations.

(6) Procurements may be negotiated if it is impracticable and unfeasible to use formal advertising. Generally, procurements may be negotiated by the grantee if:

(a) The public exigency will not permit the delay incident to advertising;

(b) The material or servcie to be procured is available from only one person or firm; (All contemplated sole source procurements where the aggregate expenditure is expected to exceed $5,000 shall be referred to the grantor agency for prior approval.)

(c) The aggregate amount involved does not exceed $2,500;

(d) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institutions;

(e) The material or services are to be procured and used outside the limits of the United States and its possessions;

(f) No acceptable bids have been received after formal advertising;

(g) The purchases are for highly perishable materials or medical supplies, for material or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture;

(h) Otherwise authorized by law, rules, or regulations. Notwithstanding the existence of circumstances justifying negotiation, competition shall be obtained to the maximum extent practicable.

(7) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

(8) Procurement records or files for purchases in amounts in excess of $2,500 shall provide at least the following pertinent information: justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiated.

(9) A system for contract administration shall be maintained to assure contractor conformance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely followup of all purchases.

4. The grantee shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts and subgrants:

a. Contracts shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contracts terms, and provide for such sanctions and penalties as may be appropriate.

b. All contracts, amounts for which are in excess of $2,500, shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

c. In all contracts for construction or facility improvement awarded in excess of $100,000, grantees shall observe the bonding requirements provided in appendix B to this part.

d. All construction contracts awarded by recipients and their contractors or subgrantees having a value of more than $10,000, shall contain a provision requiring compliance with Executive Order No. 11246, entitled "Equal Employment Opportunity," as amended by Executive Order No. 11375, and as supplemented in Department of Labor Regulations (41 CFR, Part 60).

e. All contracts and subgrants for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This act provides that each contractor or subgrantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The grantee shall report all suspected or reported violaltions to the grantor agency.

f. When required by the Federal grant program legislation, all construction contracts awarded by grantees and subgrantees in excess of $2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR, Part 5). Under this act contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less often than once a week. The grantee shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The grantee shall report all suspected or reported violations to the grantor agency.

g. Where applicable, all contracts awarded by grantees and subgrantees in excess of $2,000 for construction contracts and in excess of $2,500 for other contracts which involve the employment of mechanics or laborers shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR, Part 5). Under section 103 of the act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the work week. Section 107 of the act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction, safety, and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

h. Contracts or agreements, the principal purpose of which is to create, develop, or improve products, processes or methods; or for exploration into fields which directly concern public health, safety, or welfare; or contracts in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Federal grantor agency. The contractor shall be advised as to the source of additional information regarding these matters.

i. All negotiated contracts (except those of $2,500 or less) awarded by grantees shall include a provision to the effect that the grantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purpose of making audit, examination, excerpts, and transcriptions.

j. Contracts and subgrants of amounts in excess of $100,000 shall contain a provision which requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean

Air Act of 1970 (42 U.S.C. 1857 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended. Violations shall be reported to the grantor agency and the Regional Office of the Environmental Protection Agency.

[FR Doc.74-22000 Filed 10-3-74;8:45 am]

## Title 38—Pensions, Bonuses, and Veterans' Relief

### CHAPTER I—VETERANS ADMINISTRATION

### PART 17—MEDICAL

### State Home Facilities for Furnishing Nursing Home Care

Appendix A is revised to establish the maximum number of beds allowed by 38 U.S.C. 5034(1) to provide adequate nursing home care to war veterans residing in each State.

Compliance with the provisions of 38 CFR 1.12, as to notice of proposed regulatory development and delayed effective date, is unnecessary in this instance and would serve no useful purpose. This amendment merely adjusts the bed quotas in each State to reflect the current war veteran population.

Immediately following § 17.176, Appendix A is revised to read as follows:

APPENDIX A

(See § 17.171)

STATE HOME FACILITIES FOR FURNISHING NURSING HOME CARE

The maximum number of beds, as required by 38 U.S.C. 5034(1), to provide adequate nursing home care to war veterans residing in each State is established as follows:

| State | War veteran population [1] | Number of beds |
|---|---|---|
| Alabama | 375,000 | 937 |
| Alaska | 36,000 | 90 |
| Arizona | 255,000 | 637 |
| Arkansas | 227,000 | 567 |
| California | 2,923,000 | 7,307 |
| Colorado | 305,000 | 762 |
| Connecticut | 413,000 | 1,032 |
| Delaware | 70,000 | 175 |
| District of Columbia | 102,000 | 255 |
| Florida | 1,059,000 | 2,647 |
| Georgia | 527,000 | 1,317 |
| Hawaii | 80,000 | 200 |
| Idaho | 87,000 | 212 |
| Illinois | 1,395,000 | 3,487 |
| Indiana | 637,000 | 1,597 |
| Iowa | 329,000 | 822 |
| Kansas | 275,000 | 687 |
| Kentucky | 359,000 | 897 |
| Louisiana | 400,000 | 1,000 |
| Maine | 126,000 | 315 |
| Maryland | 538,000 | 1,345 |
| Massachusetts | 785,000 | 1,962 |
| Michigan | 1,047,000 | 2,617 |
| Minnesota | 483,000 | 1,207 |
| Mississippi | 215,000 | 537 |
| Missouri | 613,000 | 1,532 |
| Montana | 89,000 | 222 |
| Nebraska | 173,000 | 432 |
| Nevada | 79,000 | 197 |
| New Hampshire | 106,000 | 265 |
| New Jersey | 985,000 | 2,462 |
| New Mexico | 122,000 | 305 |
| New York | 2,266,000 | 5,665 |
| North Carolina | 534,000 | 1,335 |
| North Dakota | 58,000 | 145 |
| Ohio | 1,336,000 | 3,340 |
| Oklahoma | 343,000 | 857 |
| Oregon | 316,000 | 790 |
| Pennsylvania | 1,567,000 | 3,917 |
| Rhode Island | 132,000 | 330 |
| South Carolina | 275,000 | 687 |
| South Dakota | 71,000 | 177 |
| Tennessee | 464,000 | 1,160 |
| Texas | 1,393,000 | 3,482 |
| Utah | 127,000 | 317 |
| Vermont | 55,000 | 137 |
| Virginia | 566,000 | 1,415 |
| Washington | 499,000 | 1,247 |
| West Virginia | 209,000 | 522 |
| Wisconsin | 511,000 | 1,277 |
| Wyoming | 44,000 | 110 |
| Puerto Rico (Commonwealth) | 132,000 | 330 |

[1] Data as of June 30, 1974.

SOURCE: Reports and Statistics Service, Office of the Veterans' Administration Controller. (Based on last available Bureau of the Census data; 72 Stat. 1114 (38 U.S.C. 210).)

This VA regulation is effective September 27, 1974.

Approved: September 27, 1974.

[SEAL] R. L. ROUDEBUSH,
*Acting Administrator.*

[FR Doc.74-23007 Filed 10-3-74;8:45 am]

## Title 41—Public Contracts and Property Management

### CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

### PART 5A-1—GENERAL

### Subpart 5A-1.3—General Policies

DELIVERY CLAUSES

This change to the General Services Administration Procurement Regulations (GSPR) updates procedures amplifying time for delivery requirements, and provides time of delivery clauses for use in Federal Supply Schedules.

1. Section 5A-1.316-2 is amended as follows:

§ 5A-1.316-2 General.

(a) Normally, time of delivery provisions in solicitations and resultant contracts, except multiple-award Federal Supply Schedules, shall be stated as "required" time of delivery (or shipment), expressed in specific periods from receipt by the contractor of a notice of award (or receipt of a delivery order under term contracts). In multiple-award Schedule solicitations, delivery times shall ordinarily be stated as "desired" time of delivery, and offerors shall be requested to indicate in spaces provided in the solicitation a definite number of days within which delivery will be made.

* * * * *

(d) Delivery times for requirements-type contracts solicitations shall be carefully calculated to ensure that they reflect the most advantageous terms to the Government without imposing an unreasonable burden on potential contractors.

(e) When a particular solicitation contains a mixture of items which possess a potential for substantially different times for delivery, the different delivery periods should be set forth separately and items with similar delivery time potentials should be grouped under the appropriate delivery time frame shown in the solicitation.

(f) In negotiations for multiple-awards, secure the best possible delivery time regardless of the "desired" delivery time(s) shown in the solicitation. For example, where some offers comply with the Government's desired delivery time but others cite delivery times which are substantially shorter, the former should be questioned and negotiated to bring them closer in line with the latter. Variable delivery time offers (e.g., 30–90 days) should be negotiated to keep the time span to a minimum in favor of the shorter end of the span. If the span applies to several items or several quantity breaks for one item, the items or item quantity breaks should be segregated into smaller groups which can be assigned more specific delivery times.

2. Section 5A-1.316-5 is amended as follows:

§ 5A-1.316-5 Time of delivery clauses.

* * * * *

(d) Federal Supply Schedule solicitations for supplies.

(1) *Other than multiple-award Schedules.*

TIME OF DELIVERY

The time of delivery for each item means the time required after receipt of an order (i) to make delivery to destination in the case of delivered prices, or (ii) to place shipment in transit in the case of f.o.b. origin prices.

Delivery is required to be made at the point(s) specified within _____ days after receipt of order.

When it is appropriate to show different delivery times for different items or groups of items, the second paragraph of the above clause should be revised to read: "Delivery is required to be made at the point(s) specified within the number of days after receipt of order as indictated below." Appropriately captioned columns (completed by the solicitation preparer) should be inserted following the text of the clause.

(2) *Multiple-award schedules.*

TIME OF DELIVERY

The Government desires that delivery be made at destination within the number of days after receipt of order (ARO) as set forth below. Offerors are requested to insert in the "Time of Delivery (days ARO)" column in the Schedule of Items a definite number of days within which delivery will be made. *If the offeror does not insert a delivery time, he shall be deemed to offer delivery in accordance with the Government's stated desired delivery time.*

| *Items or groups of items (Special item numbers or nomenclature)* | *Desired delivery time (days ARO)* |
|---|---|
| | |
| | |
| | |

As an alternative, the Government's listing of desired delivery times may be shown in a column titled "Desired Delivery Time (Days ARO)" next to the column "Time of Delivery (days ARO)" in the Schedule of Items. In this instance, the above clause shall be appropriately modified.

(3) When the same desired delivery time applies to all items, the preceding clause shall be modified by substituting the following as the first sentence of the

clause: "The Government desires that delivery be made at destination within _____ days after receipt of order." Also, the blank spaces and headings shall be omitted.

* * * * *

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

*Effective date.* These regulations are effective on the date shown below.

Dated: September 16, 1974.

M. J. TIMBERS,
*Commissioner,*
*Federal Supply Service.*

[FR Doc.74-23117 Filed 10-3-74;8:45 am]

## PART 5A-3—PROCUREMENT BY NEGOTIATION

## PART 5A-14—INSPECTION AND ACCEPTANCE

### Elimination of Need for Annotation of Purchase Orders

This change to the General Services Administration Procurement Regulations (GSPR), eliminates the need for annotating purchase orders to the effect that a contractor is under the Quality Approved Manufacturer Program.

### Subpart 5A-3.6—Small Purchases

1. Section 5A-3.670 is amended to read as follows:

**§ 5A-3.670 Small purchase procedure when utilizing GSA Form 2049, Contractor's Certificate of Conformance.**

* * * * *

(b) *Conditions for use.* Subject to the following conditions, careful consideration shall be given to the feasibility of using the Certificate-of-conformance for any small-purchase procurement which requires direct delivery to a customer:

(1) The value of individual direct-shipment orders shall be limited to $10,000 or less;

(2) The title to supplies will vest in the Government upon delivery to the post office or common carrier for mailing or shipment to destination or upon receipt by the Government when shipment is by means other than U.S. Mail or common carrier;

(3) The contractor agrees without contest to replace, repair, or correct at his expense supplies not received at destination, damaged in transit, or not conforming to purchase requirements, provided replacement instructions are furnished the contractor within 90 days from the date of shipment; and

(4) The contractor will perform in accordance with terms of the purchase order.

### Subpart 5A-14.1—Inspection

2. Section 5A-14.105-1 is amended as follows:

**§ 5A-14.105-1 General.**

The criteria for designating the place of inspection (source or destination) are as follows:

(a) Source inspection shall be designated on contracts and on orders issued against them:

(1) For national requirements;

(2) For Federal Supply Schedules selected for source inspection (5A-76.317);

(3) For area buying assignment;

(4) For regional requirements—estimated value $15,000 and over;

(5) For definite quantity over $10,000;

(6) For class 8010 items over $5,000;

(7) For the following vehicles:

(i) Special purpose;

(ii) Trucks over 10,000 lbs. GVW;

(iii) Those shipped outside the 48 contiguous states; and

(8) In other instances where the head of the buying activity determines it would be in the best interests of the Government due to the critical nature of the material and fact that the quality performance of the supplier is unknown. In these instances, the buying activity will notify the appropriate Quality Control Division office that the contract provides for origin inspection and state the reason therefor.

(b) Destination inspection shall be designated on contracts and orders:

(1) For subsistence items and wiping rags;

(2) With domestic consignees for:

(i) Standard vehicles;

(ii) Light trucks (10,000 lbs., GVW and under); and

(iii) All other Motor Vehicles not listed in (a)(7), above.

(3) With lower dollar value than those listed in (a), above.

(c) The regional Director, Quality Control Division, may request that the appropriate Director, Procurement Division, initiate contractual procedures to change the place of inspection from destination to source (except nonselected Federal Supply Schedules) when the manufacturer has:

(1) A Quality Approved Manufacturer Agreement; or

(2) Other contracts which the QAS is administering.

* * * * *

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

*Effective date.* These regulations are effective on the date shown below.

Dated: September 16, 1974.

M. J. TIMBERS,
*Commissioner,*
*Federal Supply Service.*

[FR Doc.74-23116 Filed 10-3-74;8:45 am]

## Title 43—Public Lands: Interior

## CHAPTER II—BUREAU OF LAND MANAGEMENT

### [APPENDIX—PUBLIC LAND ORDERS]

[Public Land Order 5435]

[Wyoming 41896]

### WYOMING

### Partial Revocation of Public Water Reserve

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 43 U.S.C. 141 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. The Executive Order of October 27, 1920, creating Public Water Reserve No. 75, is hereby revoked so far as it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 47 N., R. 87 W.,
Sec. 15, NW¼NE¼.

The area described contains 40 acres in Washakie County.

The land is located approximately 8 miles east of Tensleep, Wyoming. The parcel is dry, rough and mountainous with some conifer cover and good sagebrush-grassland grazing land.

2. At 10 a.m. on November 5, 1974, the land shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 5, 1974, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to location for nonmetalliferous minerals at 10 a.m. on November 5, 1974. It has been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws for metalliferous minerals.

Inquiries concerning the land shall be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Cheyenne, Wyoming 82001.

JACK O. HORTON,
*Assistant Secretary of the Interior.*

SEPTEMBER 30, 1974.

[FR Doc.74-23122 Filed 10-3-74;8:45 am]

[Public Land Order 5436]

[Idaho 7235]

### IDAHO

### Partial Revocation of Reclamation Withdrawal

By virtue of the authority vested in the Secretary of the Interior by Section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

Secretarial Order of December 22, 1903, so far as it withdrew the following described land for reclamation purposes, is hereby revoked:

BOISE MERIDIAN

T. 5 N., R. 6 W.,
Sec. 25, SE¼SW¼.

The area described contains 40 acres in Canyon County.

The land is included in an allowed entry under the homestead laws.

JACK O. HORTON,
*Assistant Secretary of the Interior.*

SEPTEMBER 30, 1974.

[FR Doc.74-23121 Filed 10-3-74;8:45 am]

## Title 46—Shipping

## CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-257]

### CROSS REFERENCES

### Editorial Corrections

Several sections in Subchapters J and Q of Title 46 of the Code of Federal Regulations have recently been renumbered. Some of these same sections are cross-referenced in Subchapter H of Title 46, but the cross-references were not amended at the time the sections were renumbered. As a result, the present cross-references appearing in Subchapter H are incorrect. The purpose of these amendments is to update these cross-references in Subchapter "H" to reflect the new numbers of the sections referenced.

Inasmuch as these amendments consist of only editorial changes and, therefore do not affect the substance of the regulations being amended, good cause exists for omitting notice and public procedure thereon pursuant to 5 U.S.C. 553 (b)(3)(B).

In consideration of the foregoing, Subchapter H of Title 46 of the Code of Federal Regulations is amended as follows:

### PART 73—WATERTIGHT SUBDIVISION

§ 73.35–20 [Amended]

1. By striking in § 73.35–20(c)(2) the reference "§ 111.65–30(c)" and inserting in place thereof the reference "§ 111.80–45(c)".

### PART 75—LIFESAVING EQUIPMENT

§ 75.20–15 [Amended]

2. By striking in § 75.20–15(b) the reference "§ 160.035–8(b)" and inserting in place thereof the reference "§ 160.035–9(b)".

3. By striking in § 75.20–15(gg) the reference "§ 111.60" and inserting in place thereof the reference "§ 111.75".

§ 75.30–150 [Amended]

4. By striking in § 75.30–15(a) the reference "§ 111.65–40" and inserting in place thereof the reference "§ 111.80–55".

### PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

§ 77.05–1 [Amended]

5. By striking in § 77.05–1(b) the reference "§ 111.65–10" and inserting in place thereof the reference "§ 111.80–25".

### PART 78—OPERATIONS

§ 78.47–40 [Amended]

6. By striking in the paragraph entitled "Cross Reference" that follows paragraph § 78.47–40(b) the reference "§ 111.50–15(d)" and inserting in place thereof the reference "§ 111.75–15(d)".

(46 U.S.C. 85a, 88a, 363, 367, 369, 375, 390b, 391, 392, 395, 404, 416, 435, 481, 482, 483, 489, 526p, 1333; 49 U.S.C. 1655(b); 50 U.S.C. 198; 49 CFR 1.46(b); and E.O. 11239 (July 31, 1965))

*Effective Date:* These amendments are effective October 3, 1974.

Dated: September 20, 1974.

E. L. PERRY,
*Vice Admiral, U.S. Coast Guard,*
*Acting Commandant.*

[FR Doc.74-23142 Filed 10-3-74;8:45 am]

## Title 49—Transportation

## CHAPTER X—INTERSTATE COMMERCE COMMISSION

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1197]

### PART 1033—CAR SERVICE

### Atchison, Topeka and Santa Fe Railway Co. and Denver & Rio Grande Western Railroad Co.

In the matter of the Atchison, Topeka and Santa Fe Railway Company and the Denver and Rio Grande Western Railroad Company authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of September 1974.

*It appearing,* That the excessive hazard to vehicular and pedestrian traffic, the City of Colorado Springs, Colorado, had requested The Atchison, Topeka and Santa Fe Railway Company (ATSF), and The Denver and Rio Grande Western Railroad Company (DRGW) to discontinue the use of certain tracks in Colorado Springs, Colorado; that such discontinuance will deprive certain shippers of ATSF and DRGW services; that service to these shippers can be continued by the ATSF and DRGW over certain tracks of the Chicago, Rock Island and Pacific Railroad Company (RI); that the RI has consented to the use of its tracks by the ATSF and DRGW between a point of connection between the RI and the joint line of the ATSF and DRGW between DRGW milepost 74.3 and RI milepost at 606.21; that operation by the ATSF and DRGW over the aforementioned tracks of the RI, pending disposition of application by the ATSF and DRGW with the Commission seeking permanent authority to operate over these tracks, is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered,* That:

§ 1033.1197 *The Atchison, Topeka and Santa Fe Railway Company and the Denver and Rio Grande Western Railroad Company authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company.*

(a) The Atchison, Topeka and Santa Fe Railway Company (ATSF) and The Denver and Rio Grande Western Railroad Company (DRGW), be, and are hereby, authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) between a point of connection between the RI and the joint line of the ATSF and DRGW between DRGW milepost 74.3 and RI milepost at 606.21.

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

(c) *Effective date.* This order shall become effective at 12:01 a.m., September 27, 1974.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 15, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

*It is further ordered,* That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

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

[FR Doc.74-23172 Filed 10-3-74;8:45 am]

## Title 50—Wildlife and Fisheries

## CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

### PART 32—HUNTING

### Hunting on Certain National Wildlife Refuges in Oregon and Washington

In the FEDERAL REGISTER, Volume 39, No. 171, page 31907, dated September 3, 1974, it was proposed that Columbian White-tailed Deer National Wildlife Refuge, Oregon and Washington, and Lewis and Clark National Wildlife Refuge, Oregon, be added to the list of areas open to the hunting of migratory game birds.

The public was provided with a 30-day comment period and no comments were received.

Accordingly, § 32.11, List of open areas; migratory game birds is amended as follows:

§ 32.11 **List of open areas; migratory game birds.**

OREGON

* * * * *

Columbian White-tailed Deer National Wildlife Refuge
Lewis and Clark National Wildlife Refuge

WASHINGTON

Columbian White-tailed Deer National Wildlife Refuge

The waterfowl seasons in Oregon and Washington open on October 12, 1974. If the above amendment were not to become effective until 30 days following its publication, the waterfowl seasons for these national wildlife refuges would not open in conjunction with the State seasons. The confusion which would be caused to the public by establishing waterfowl seasons of a different duration than the seasons otherwise in effect in Oregon and Washington is deemed to be of sufficient magnitude and consequence to warrant a finding of "good cause" within the terms of 5 U.S.C. § 553(d)(3). Accordingly, the effective date of this amendment shall be October 12, 1974.

LYNN A. GREENWALT,
*Special Assistant to the Director, Fish and Wildlife Service.*

[FR Doc.74-23177 Filed 10-3-74;8:45 am]

## Title 5—Administrative Personnel

## CHAPTER I—CIVIL SERVICE COMMISSION

## PART 213 EXCEPTED SERVICE

### Entire Executive Civil Service

Section 213.3102(j) is added to Part 213 to permit agencies to implement the requirements of section 2 of Executive Order 11804 providing for a program of alternate service for the return of Vietnam era draft evaders and military deserters.

Effective October 4, 1974, § 213.3102(j) is added as set out below.

§ 213.3102 **Entire executive civil service.**

* * * * *

(j) Subject to approval of the Director of Selective Service, positions for which in the opinion of the Commission a local recruiting shortage exists when filled by individuals performing reconciliation service pursuant to Presidential Proclamation No. 4313 of September 16, 1974. Initial apoitments under this authority may not exceed 1 year, and an initial appointment may be extended for one or more periods to a total of not to exceed 1 year. Such appointment may be further extended for one or more periods not to exceed 1 additional year. No person may serve under this authority longer than 2 years. No new appointments may be made under this authority after June 30, 1977.

[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.74-23335 Filed 10-3-74;10:17 am]

# proposed rules



## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### [43 CFR Part 1780]

### ADVISORY BOARDS

The purpose of this amendment is to provide regulations to implement the requirements of the Federal Advisory Committee Act (86 Stat. 770; 5 App. I U.S.C.) through guidelines and procedures for the establishment, operation, control, and termination of advisory boards created to advise the Secretary of the Interior and Director, State Directors, and District Managers of the Bureau of Land Management on matters pertaining to the use and management of lands under the administrative jurisdiction of the Bureau of Land Management.

Additional regulations will be promulgated to deal specifically with the various advisory boards of the Bureau of Land Management.

In accordance with the Department's policy on public participation in rulemaking (36 FR 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until November 8, 1974.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Public Affairs, Bureau of Land Management, Room 5625, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.–4:15 p.m.).

It is hereby determined that the publication of this amendment is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

Group 1700 of Chapter II, Title 43 of the Code of Federal Regulations is amended as follows:

1. The heading of Part 1780 and a Subpart 1784 are added to read as follows:

### Group 1700—Program Management

### PART 1780—COOPERATIVE RELATIONS

#### Subpart 1784—Advisory Boards

Sec.



AUTHORITY: The act of Oct. 6, 1972 (86 Stat. 770; 5 App. I U.S.C.).

#### Subpart 1784—Advisory Boards

**§ 1784.0–1 Purpose.**

(a) This subpart contains guidelines and procedures for advisory boards created to advise the Secretary of the Interior and Director, State Directors, and district Managers of the Bureau of Land Management on matters relating to the use and management of lands and resources under the administrative jurisdiction of the Bureau of Land Management.

(b) The objective of advisory boards under these regulations is to make available to the Department of the Interior and the Bureau of Land Management expert counsel by concerned people who are knowledgeable by experience, training, or education about the use and management of lands and their natural resources and the environment.

**§ 1784.0–3 Authority.**

The Act of October 6, 1972 (86 Stat. 770; 5 App. I U.S.C.) authorizes the establishment of a system governing the creation, operation, and termination of advisory boards in the executive branch of the Federal Government and specifies responsibilities, policies, and procedures in the creation, management, and termination of those boards.

**§ 1784.0–4 Definitions.**

An "advisory board" has the same meaning as an "advisory committee" which is defined in section 3 of the Federal Advisory Committee Act.

**§ 1784.1 Establishment, termination, and renewal.**

(a) An advisory board not specifically authorized by statute or by the President shall become established if and when the Secretary of the Interior determines, as a matter of formal record, after consultation with the Director, Office of Management and Budget, with timely notice published in the FEDERAL REGISTER, that establishment of the board is in the public interest in connection with duties imposed on the Department of the Interior by law. No advisory board shall meet or take any action until an advisory committee charter is filed as required by the Act.

(b) (1) Each nonstatutory advisory board (i.e. not established by statute or reorganization plan) which is in existence on January 5, 1973, shall terminate no later than January 5, 1975, unless it is renewed by the Secretary of the Interior prior to January 5, 1975, in accordance with the regulations of the Office of Management and Budget. Any advisory board which is renewed shall continue for not more than two years unless, prior to the expiration of that period, it is renewed. Each such advisory board established by the Secretary of the Interior after January 5, 1973, shall terminate not later than two years after its establishment unless prior to that time it is renewed.

(2) Each advisory board established by statute or reorganization plan which is in existence on January 5, 1973, shall terminate by January 5, 1975, unless its duration is otherwise provided for by law.

(i) Each such advisory board established by statute or reorganization plan which is established after January 5, 1973, shall terminate not later than two years after its establishment unless its duration is otherwise provided for by law.

(ii) Any such statutory advisory board shall file a new charter upon the expiration of each successive two-year period following the date of enactment of the statute establishing the board.

**§ 1784.2 Appointment of members.**

(a) To be qualified for appointment to an advisory board, a person must be capable, through education, training, or experience, to give informed advice as to a specified industry, service, or discipline. A person will not be qualified as an advisor with respect to an industry, service, or discipline if he has substantial relationship to a conflicting or competing industry, service, or discipline.

(b) Appointments to an advisory board will terminate 365 days from and after the beginning of appointment, unless a shorter period is specified in the appointing document. An individual may serve on any one advisory board for not more than a total of 10 years. Exceptions will be made only on demonstration to the Secretary or his delegate that longer service will yield substantially more benefits to the public interest than appointment of another individual.

(c) For purposes of compensation, members of advisory boards are considered nonsalaried employees of the Bureau of Land Management. While on advisory board business, they will receive reimbursement for travel costs and per diem.

**§ 1784.3 Termination of appointments.**

The Secretary or his authorized representative may, after due notice, terminate the services of an advisor if the person no longer meets the criteria or requirements under which appointed, fails to or is unable to serve, or otherwise in

the opinion of the Secretary or his authorized representative should be removed in the public interest.

§ 1784.4 Operating procedures.

(a) Unless otherwise provided for by statute, all activities of advisory boards chartered under the regulations of this subpart shall conform to the committee management requirements set forth in Departmental Manual 308 which incorporates the requirements of relevant statutes and executive orders.

(b) The function of advisory boards is solely advisory to the official or officials to whom they report. Members of advisory boards may not act individually or collectively as advisory board members in any other capacity. Membership on advisory boards, however, shall not diminish the exercise of rights of members as private individuals or members of other organizations or offices. Determinations of action to be taken on advisory board reports and recommendations shall be made solely by the Secretary of the Interior or his delegate.

(c) Advisory board meetings shall be held only at the call of the Secretary of the Interior or his authorized representative after at least 15-day published notice in the FEDERAL REGISTER. All meetings shall be held in the presence of an authorized representative of the Secretary. Discussions at the meetings shall be restricted to an agenda approved by the Secretary or his authorized representative prior to the meeting. All meetings of advisory boards shall be open to the public. Interested persons may attend, appear before, or file statements with any advisory board. The number of observers or participants at any advisory board meeting may be limited to the extent that available accommodations and time require limitation. The authorized representative of the Secretary shall give such advance notice of time, place, and general subject matter of scheduled meetings as, in his judgment, will provide interested parties adequate opportunity to participate in or attend the meeting. The time and place of meetings shall be scheduled with the objective of permitting such participation or attendance. The authorized representative may adjourn a meeting at any time if he determines it to be in the public interest for any reason including, but not limited to, any instance where continuance of the meeting would be inconsistent (1) with governing laws, rules, or regulations, or (2) with the purpose for which the board convened.

(d) Detailed minutes shall be kept of each advisory board meeting. The minutes shall include: the time and place of the meeting; a list of advisory board members and staff and agency employees present at the meeting; a complete summary of matters discussed and conclusions reached; copies of all reports received, issued, or approved by the advisory board; a description of the extent to which the meeting was open to the public; and a description of public participation, including a list of members of the public who presented oral or written statements and an estimate of the number of members of the public who attended the meeting. The chairman of the advisory board shall certify to the accuracy of the minutes.

(e) Subject to section 552 of Title 5, U.S.C., the records, reports, studies, working papers, or other documents which were made available to or prepared for or by an advisory board shall be available for public inspection and copying in the office of the authorized officer responsible for support services for that board under the regulations in this subpart until the advisory board ceases to exist. Departmental rules issued pursuant to the Freedom of Information Act (5 U.S.C. 552) and contained in Part 2 of this title apply to such documents.

JACK O. HORTON,
*Assistant Secretary of the Interior.*

SEPTEMBER 27, 1974.

[FR Doc.74-23123 Filed 10-3-74;8:45 am]

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[ 43 CFR Part 2800 ]

## RIGHTS-OF-WAY PERMITS ACROSS PUBLIC LAND AND OUTER CONTINENTAL SHELF

### Reimbursement of Costs; Time Extension for Comments

The deadline for submission of comments on proposed rules concerning recovery of the United States costs incurred in issuing rights-of-way across the public lands and the Outer Continental Shelf is hereby extended from October 1, 1974 to October 18, 1974. The proposed rules were published in the FEDERAL REGISTER, Vol. 39, No. 171, pages 31906 and 31907, on September 3, 1974.

Interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director (210), Bureau of Land Management, Washington, D.C. 20240.

DONALD G. WALDON,
*Acting Deputy Assistant Secretary of the Interior.*

OCTOBER 2, 1974.

[FR Doc.74-23260 Filed 10-3-74;8:45 am]

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# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

[ 7 CFR Ch. IX ]

[Docket No. AO-377]

## HANDLING OF RYEGRASS SEED PRODUCED IN THE STATE OF OREGON

### Findings and Determinations of Referendum and Termination of Proceedings on Proposed Marketing Agreement and Order

Pursuant to 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 proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Albany, Oregon, on January 30, 31 and February 1, 1973, pursuant to a notice thereof which was published in the January 10, 1973, issue of the FEDERAL REGISTER (38 FR 1197) upon a proposed marketing agreement and order regulating the handling of ryegrass seed produced in the designated production area. The recommended decision (39 FR 12015) and the decision (39 FR 24656 and 39 FR 25510) setting forth the proposed marketing agreement and order were published in the FEDERAL REGISTER on April 2, 1974, July 5, 1974, and July 11, 1974, respectively. The decision also contained a referendum order directing that a referendum be conducted among the producers of ryegrass seed produced in the designated production area to determine whether the requisite majority of such producers favor issuance of the proposed marketing order.

It is hereby found and determined on the basis of the results of such referendum conducted August 8 through August 30, 1974, pursuant to the aforesaid referendum order, that the issuance of the proposed Marketing Order No. 1230, regulating the handling of ryegrass seed produced in the State of Oregon is not favored (1) by at least two-thirds of the producers who participated in such referendum and who during the determined representative period (July 1, 1972, through June 30, 1973), were engaged within the designated production area in the production for market of ryegrass seed, or (2) by producers who, during such representative period, produced for market at least two-thirds of the volume of such ryegrass seed produced for market within the production area.

It is hereby found and determined that the proposed order set forth in the decision of July 5, 1974 (39 FR 24656), as corrected July 11, 1974 (39 FR 25510), shall not be made effective because the required percentage of producers voting in the referendum failed to approve or favor its issuance. Accordingly, the proceedings with respect thereto are hereby terminated.

Dated: September 30, 1974.

Signed at Washington, D.C.

RICHARD L. FELTNER,
*Assistant Secretary for Marketing and Consumer Services.*

[FR Doc.74-23183 Filed 10-3-74; 8:45 am]

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[ 7 CFR Part 1231 ]

[Docket No. AO-378]

## BENTGRASS SEED GROWN IN OREGON

### Decision on a Proposed Marketing Agreement and Order

*Correction*

In FR Doc. 74-22713 appearing at page 35373 in the issue of Tuesday, October 1, 1974, the following material was inadvertently omitted. For the convenience of the user, this material is published and

should be inserted immediately after the signature on page 35380.

*Order*[1] *Regulating the Handling of Bentgrass Seed Grown in Oregon*

FINDINGS AND CONCLUSIONS

(a) *Findings.* A public hearing was held upon a proposed marketing agreement and order regulating the handling of bentgrass seed grown in Oregon. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

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

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

(2) The said order regulates the handling of bentgrass seed grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act;

(4) There are no differences in the production and marketing of bentgrass seed grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of bentgrass seed grown in the production area, as defined in said order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of bentgrass seed in Oregon shall be in conformity to and in compliance with the terms and conditions of the order, as follows:

The provisions of the proposed marketing agreement and order contained in the recommended decision issued by the Associate Administrator, on May 20, 1974, and published in the FEDERAL REGISTER on May 23, 1974, shall be and are the terms and provisions of this order, and are set forth in full herein, subject to updating in § 1231.41 of dates relative to providing historical data for use in establishing allocation bases, as adverted to hereinbefore.

## PART 1231—BENTGRASS SEED GROWN IN OREGON

DEFINITIONS

### § 1231.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

### § 1231.2 Bentgrass.

"Bentgrass" means bentgrass seed of those grasses of the Agrostis species identified as Agrostis tenuis (commonly known as colonial bentgrass) grown in the production area.

### § 1231.3 Committee.

"Committee" means the Bentgrass Administrative Committee established pursuant to § 1231.20.

### § 1231.4 Crop year.

"Crop year" means the 12 months beginning July 1 of any year through June 30 of the following year inclusive, or such other period as the Committee, with the approval of the Secretary, may establish; except that the initial crop year shall begin on the effective date of this order and end a year after the following June 30.

### § 1231.5 District.

"District" means the applicable one of the following defined subdivisions of the production area or as such subdivisions may be redefined pursuant to § 1231.20.

(a) District 1—Marion County, Oregon.

(b) District 2—Linn County, Oregon.

(c) District 3—Benton and Lane Counties, Oregon.

(d) District 4—Polk and Yamhill Counties, Oregon.

(e) District 5—All other counties in Oregon.

### § 1231.6 Foundation Seed, Registered Seed or Certified Seed.

"Foundation Seed, Registered Seed or Certified Seed" means the class of bentgrass seed as defined in § 201.2(cc), § 201.2(dd) or § 201.2(ee) of the regulations under the Federal Seed Act (53 Stat. 1275) (7 U.S.C. 1551 et al.).

### § 1231.7 Grower.

"Grower" and "Registered Grower" is synonymous with "producer" and means any person engaged in a proprietary capacity in the commercial production of bentgrass for market. "Registered Grower" means any grower who has been registered as a grower with the Committee pursuant to rules and regulations issued by the Committee.

### § 1231.8 Handle.

"Handle" means to purchase bentgrass from the grower thereof, or to sell, consign, ship or transport (except as a common or contract carrier of bentgrass owned by another person) or acquire bentgrass, whether or not of own production except that (a) the shipment or transportation within the production area of bentgrass by the grower thereof for cleaning or storage therein shall not be construed as "handling"; (b) the sale, shipment, or transportation of bentgrass by the grower thereof to a registered handler shall not be construed as handling by the grower; and (c) the transaction where one grower sells or loans bentgrass to another grower in order to enable the latter to fulfill his allotment shall not be construed as "handling."

### § 1231.9 Handler.

"Handler" and "registered handler" means any person who handles bentgrass: *Provided, however,* That with respect to the acquisition of a grower's bentgrass by a person other than a registered handler, the grower shall be the handler of such bentgrass. "Registered handler" means any handler who has been registered as a handler with the Committee pursuant to rules and regulations issued by the Committee.

### § 1231.10 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

### § 1231.11 Production area.

"Production area" means the State of Oregon.

### § 1231.12 Proprietary variety.

"Proprietary variety" means any variety of bentgrass of the species Agrostis tenuis over which a person has exclusive ownership or control.

### § 1231.13 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may be hereafter delegated to act in his stead.

### § 1231.14 Quantity.

"Quantity" means the weight of cleaned bentgrass in pounds.

### §§ 1231.15–19 [Reserved]

(Additional definitions as required).

BENTGRASS ADMINISTRATIVE COMMITTEE

### § 1231.20 Establishment and Membership.

(a) There is hereby established a Bentgrass Administrative Committee consisting of twelve members, each of whom shall have an alternate. Nine of the members and each of their alternates shall be growers or officers or employees of growers, who are not also handlers. Of the grower members, five of them and each of their alternates shall be producers of bentgrass in District 1, one member and his alternate in District 2, one member and his alternate in District 3; one member and his alternate in District 4, and one member and his alternate in District 5. Three of the members and their alternates shall be handlers or officers or employees of handlers who shall be elected from the production area at large. A producer handler who is classified as a handler may serve as a handler member or alternate handler member only. For purposes of committee membership a grower is a handler if the quantity of bentgrass seed

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[1] Sections 82, 83, and 84 apply only to the marketing agreement and not to the order.

handled by him exceeds the quantity produced by him.

(b) The Committee, with the approval of the Secretary, may redefine the Districts into which the production area is divided, and reapportion the representation of any District on the Committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in bentgrass production within the Districts and the production area.

**§ 1231.21 Eligibility.**

Each grower member of the Committee and his alternate shall be, at the time of his selection and during his term of office, a grower or an officer or employee of a grower in the District for which selected. Each handler member of the Committee and his alternate shall be, at the time of his selection and during his term of office, a handler or an officer or employee of a handler.

**§ 1231.22 Nominations.**

(a) *General.* Separate nominations shall be made for each member position and the respective alternate member for such position listed in § 1231.20. Except as otherwise provided for obtaining initial nominations, nominations shall be certified by the Committee and submitted to the Secretary by June 1 of each crop year, together with information deemed by the Committee to be pertinent or requested by the Secretary. If nominations are not submitted in the specified manner by such date, the Secretary may, without regard to nomination, select the members and alternate members of the Committee on the basis of representation provided for in § 1231.20.

(b) *Grower members.* The Committee shall conduct nominations for grower members and their respective alternates in each District through meetings or on the basis of ballots to be mailed by the Committee to all growers of record. Only growers eligible to serve on the Committee from the District in which the nominations are to be held shall be eligible to vote and each such grower shall have one vote for each grower position to be filled. If a grower is also a handler, such grower may vote either as a grower or as a handler, but not both. No grower shall participate in the election of nominees in more than one District regardless of the number of Districts in which such person is a grower. A multidistrict grower may elect the district in which he votes.

(c) *Handler nominations.* The Committee shall conduct nominations for handler members and their respective alternates through meetings or on the basis of ballots to be mailed by the Committee to all handlers of record. Each handler shall have one vote for each handler position to be filled.

(d) *Initial nominations.* For the purpose of obtaining the initial nominations, the Secretary shall perform the functions of the Committee as soon as practicable after the effective date of this proposed order.

**§ 1231.23 Selection.**

(a) *Selection.* Members shall be selected by the Secretary from nominees submitted by the Committee or from among other eligible persons on the basis of the representation provided for in § 1231.20

(b) *Term of office.* The terms of office of the initial members of the Committee shall be established by the Secretary so that the term of office for three grower members and one handler member shall be the initial crop year, the term of office for three grower members and one handler member shall be the initial crop year plus the succeeding crop year, and the term of office for three grower members and one handler member shall be the initial crop year plus the two succeeding crop years. Successor members of the Committee shall serve for terms of three crop years, except for shorter terms occasioned by the death, removal, resignation, or disqualification of any member, and subject to any such disqualification, each member shall serve until his successor is selected and has qualified.

**§ 1231.24 Acceptance.**

Each person selected by the Secretary as a member or alternate member shall qualify by filing a written acceptance with the Secretary as soon as practicable after being notified of his selection.

**§ 1231.25 Vacancy.**

To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate member of the Committee, or in the event of the failure of any person selected as a member to qualify, a successor for the unexpired term or the term shall be nominated and selected in the manner provided in § 1231.22 and § 1231.23, so far as applicable, unless a selection is deemed unnecessary by the Secretary.

**§ 1231.26 Alternates.**

(a) An alternate for a member of the Committee shall act in the place and stead of such member during his absence, and in the event of the member's removal, resignation, disqualification, or death until a successor for such member's unexpired term has been selected and has qualified.

(b) If a member or his alternate is unable to attend a Committee meeting, the Committee may designate any other alternate from the same group (grower or handler) and the same District to serve in the member's place if such alternate is not serving in the place of another member.

**§ 1231.27 Procedure.**

(a) Nine members (including alternates acting as members) of the Committee shall constitute a quorum at an assembled meeting of the Committee and any action of the Committee at such meeting shall require the concurring vote of at least seven members (including alternates acting as members). At any assembled meeting, all votes shall be cast in person.

(b) All meetings of the Committee shall be public as to all matters affecting growers. For the purpose of handling intra-committee operations, or when circumstances do not allow time to call a public meeting, the Committee may provide for voting by mail, telephone, telegraph, or other means of communication upon due notice to all members and any proposition to be so voted upon first shall be explained accurately, fully, and identically. Any such vote other than by mail, telegraph, or other written means of communication shall be promptly confirmed by the member in writing or by telegraph. Nine concurring votes shall be required for approval of a Committee action so voted upon.

(c) Members and alternate members of the Committee shall serve without compensation, but shall be allowed such reasonable expenses as approved by the Committee in attending to authorized Committee business.

**§ 1231.28 Powers.**

The Committee shall have the following powers:

(a) To administer the provisions of this order in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this order;

(c) To receive, investigate, and report to the Secretary complaints of violations of this order; and

(d) To recommend to the Secretary amendments to this order.

**§ 1231.29 Duties.**

The Committee shall have among others the following duties:

(a) To select from among its members such officers and adopt such rules or bylaws for the conduct of its meetings as it deems necessary;

(b) To hire employees, appoint such subcommittees and advisory committees as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To keep minutes, books, and records which will reflect all of the acts and transactions of the Committee and which shall be subject to examination at any time by the Secretary;

(d) To submit to the Secretary as soon as practicable after the beginning of each crop year a budget for such period, including a report in explanation of the items appearing therein, and a recommendation as to the rate of assessment for such period;

(e) To prepare quarterly statements of the financial operations of the Committee and to make copies of each such statements available to growers and handlers for examination at the office of the Committee and to send two copies to the Secretary;

(f) To cause the books of the Committee to be audited by a competent accountant (acceptable to the Secretary)

at least once each crop year and at such other times as the Committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the office of the Committee by growers and handlers;

(g) To prepare a marketing policy each crop year which policy shall be submitted to the Secretary for his approval;

(h) To act as intermediary between the Secretary and any grower or handler;

(i) To investigate and assemble data on the growing, handling, and marketing conditions with respect to bentgrass;

(j) To submit to the Secretary such available information as he may request or the Committee may deem desirable and pertinent;

(k) To notify growers and handlers of all meetings of the Committee to consider recommendations for regulation; and of all regulatory actions taken affecting growers and handlers;

(l) To give the Secretary the same notice of meetings of the Committee and of meetings of its subcommittees as is given to the applicable membership; and

(m) To investigate compliance and to use means available to the Committee to prevent violations of the provisions of this order.

RESEARCH AND DEVELOPMENT

§ 1231.30 Research and Development.

The Committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and utilization or efficient production of bentgrass. The expense of such projects shall be paid from funds collected pursuant to § 1231.56.

MARKETING POLICY

§ 1231.35 Marketing Policy.

Prior to and as far in advance of each ensuing crop year as it finds feasible, but in any event not prior to the preceding September 1, the Committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for such crop year. Such marketing policy shall set forth the Committee's evaluation of the various factors of supply and demand that will affect the marketing of bentgrass during the crop year, including:

(a) *Carryin.* The estimated quantity of bentgrass in all hands (growers, handlers, brokers, and wholesalers) at the beginning (July 1) of the crop year;

(b) *Production.* The estimated bentgrass production during the crop year;

(c) *Trade Demand.* The prospective domestic and export trade demand, taking into consideration prospective imports;

(d) *Carryout.* The quantity in all grower and handler inventories at the end of the crop year;

(e) *Market prices for bentgrass; and*

(f) *Other relevant factors.* On the basis of its evaluation of these factors, the Committee shall recommend to the Secretary the total quantity of bentgrass (hereinafter referred to as the "Total Desirable Quantity") that should be allotted for handling during the crop year. If, in the event of subsequent changes in the supply and demand factors, the Committee deems it advisable that the total desirable quantity be increased for such crop year, it shall prepare a new or revised marketing policy and submit a report thereon to the Secretary together with its recommendations for an appropriate revision in the total desirable quantity for such crop year. The Committee shall announce each marketing policy (including new and revised policies) and notice and contents thereof shall be provided to growers and handlers by bulletins, newspapers, or other appropriate media.

VOLUME REGULATION

§ 1231.36 Total desirable quantity.

Whenever the Secretary finds, on the basis of the Committee's recommendation or other available information, that establishing, limiting, or increasing the quantity of bentgrass available for handling during a crop year, would tend to effectuate the declared policy of the Act, he shall establish the total desirable quantity for such crop year, which all handlers may acquire in the crop year. The Committee shall equitably apportion such quantity among producers by establishing allocation bases and allotments as provided in § 1231.41 and § 1231.42.

§ 1231.41 Grower Allocation Bases.

(a) Upon request of the Committee, each grower desiring an allocation base for bentgrass shall register with the Committee and furnish to it on forms prescribed by the Committee, a report of the number of pounds of such bentgrass produced by him and sold by him, or on his behalf, during each of the crop years 1967 through 1973, and names of handlers to whom sales were made as may be required by the Committee and approved by the Secretary.

(b) For the crop year which begins in 1975 a separate allocation base shall be established by the Committee for each registered grower as either (1) the average crop year pounds of bentgrass produced and sold by him, or on his behalf, during any one of the crop years 1967 through 1972 and that produced and sold by him during 1973 if his production and sales covered such two crop years; or (2) the crop year pounds of bentgrass produced and sold by him, or on his behalf, during any one of the crop years 1967 through 1973 if he had production and sales in only one of such crop years.

(c) For each crop year subsequent to the crop year 1975, each allocation base shall be recomputed by the Committee as follows: (1) Allocation bases shall be adjusted by adding the grower's preceding crop year's sales of bentgrass to the total number of pounds used in computing his preceding allocation base and dividing by the number of years of sales of such bentgrass until a six year average has been computed; (2) and thereafter by (i) adding the grower's preceding crop year's sales of bentgrass to his six crop year's total sales of bentgrass used in computing his existing allocation base; (i) subtracting the quantity of sales of such bentgrass during the first of such six crop years; (iii) recalculating a new six crop year simple average which shall be the new allocation base.

(d) A condition for the continuing validity of an allocation base is production and sale of bentgrass thereunder. If no bona fide effort has been made in reference to the original allocation base, to produce and sell bentgrass thereunder during any three consecutive crop years, such allocation base shall be declared invalid due to lack of use and cancelled at the end of such third consecutive year of non-production and sale.

(e) The Committee shall, for the crop year 1976 and each subsequent year, recommend to the Secretary an adjustment in allocation bases which will reflect (1) increase in usage of bentgrass; (2) desires of new growers to gain entry, and growers with existing allocation bases to expand, as evidenced by application for allocation bases or increased allocation bases; and (3) any additional factors which bear on industry adjustments to new and changing conditions.

(f) (1) Notwithstanding the foregoing provisions of paragraph (e) of this section any increase in the quantity of bentgrass provided for by this order shall be no more than 5 percent of the total of all allocation bases encompassed by this order during the previous crop year: *Provided,* That new growers, if any, shall be accorded priority in granting the first 50 percent of any such increase. In the absence of applications from new producers for any or all of the first 50 percent of any increase, the unallocated portion of the first 50 percent and the second 50 percent of any increases in allocation bases shall be equitably distributed to growers with existing allocation bases.

(2) Any person may apply, under rules and procedures to be established by the Committee with the approval of the Secretary, either for a new allocation base or for an increase in an existing allocation base. Such applications may be submitted each crop year, but must be filed with the Committee not later than January 1 of a crop year in order to be considered for an award of a new allocation base or the adjustment of an existing allocation base to take effect the following crop year.

(g) The Committee recommendations, with justifications, supporting data, and a listing and summary of all applications for new or adjusted allocation

bases, shall be submitted to the Secretary no later than March 1 of each crop year.

(h) (1) Not more than 60 days after receipt of the Committee recommendations, the Secretary shall either approve said recommendations or make whatever alterations therein that he deems necessary in the public interest. In the event no such recommendations or listing of applications are received, the Secretary may issue adjustments in allocation bases each crop year. The decision of the Secretary shall be final; and he shall communicate his decision and the reasons therefor to the Committee in writing.

(2) Within 30 days after receipt of the Secretary's decision, the Committee shall notify each applicant of the Secretary's decision and of their allocation bases for the following crop year.

(i) The Committee shall, with the approval of the Secretary, establish rules, guides, bases, or standards to be used in determining allocation base awards or adjustments that are to be recommended to the Secretary taking into account, among other things, the minimum economic enterprise requirements for bentgrass production.

(j) Growers' allocation bases may be transferred to other growers as authorized by regulations recommended by the Committee and approved by the Secretary.

(k) Hardship determination in establishment of original allocation bases. Where allocation of a base involves a new owner, or a new lessee, if predecessor owner or lessee is abandoning or relinquishing his allocation base and allotment, and such relinquishing occurs during the interim between the period of the year for base determination for other established growers and the effective date of this order the successor grower may apply to the Committee for an allocation base determined by such history. In considering such applications the Committee shall take into account the extent of abandonment of allocation bases by such predecessor(s). Such determinations shall be subject to review and approval by the Secretary.

(l) The Committee shall check and determine the accuracy of the information submitted pursuant to this section and is authorized to make a thorough investigation of any application. Whenever the Committee finds an error, omission, or inaccuracy in any such application, it shall correct the same and shall give the grower who submitted the application a reasonable opportunity to discuss with the Committee the factors considered in making the correction. In the event the error, omission, or inaccuracy requires correction of an allocation base, the applicable allotment computed for the grower pursuant to § 1231.42 shall be on the basis of the corrected allocation base. All allocation base applications, allocation bases assigned, and adjustments therein, shall be subject to review by the Secretary.

### § 1231.42 Grower allotments.

(a) Prior to the beginning of each crop year but no later than March 1, the Committee shall apportion to each grower who has an allocation base for bentgrass an allotment of bentgrass which handlers may acquire from each grower during the crop year. Each such allotment shall be computed by dividing the total desirable quantity of bentgrass established pursuant to § _____.36 by the sum of the allocation bases of bentgrass for all growers and multiplying the grower's allocation base by the resulting percentage. The result shall be the grower's allotment of bentgrass. Except as otherwise provided, no handler may acquire any quantity of bentgrass (including bentgrass of his own production) which would result in all handlers having acquired a greater quantity of bentgrass with respect to such grower than the grower's applicable allotment. Each allotment shall be expressed in pounds of cleaned bentgrass.

(b) The Committee, with the approval of the Secretary, may establish by regulation such means of certification or identification with respect to allotments to growers as may be required to effectuate the purposes of any regulation issued under this order.

### § 1231.43 Bentgrass harvested prior to effective date of this order.

(a) Any person in the possession of bentgrass harvested prior to the effective date of this order or other later date as the Committee may determine, but not more than 90 days following the effective date of this order, shall be entitled, upon application to the Committee to have such bentgrass so designated, and upon so doing, the bentgrass may be certified for handling without regard to any allotment: *Provided,* That the amount certified for handling under this paragraph in any one crop year may be limited by the Committee to not less than 25 percent of the total amount originally so designated.

(b) Grower contracts on proprietary varieties of bentgrass in effect as of the date of publication of the Secretary's recommended decision about this order, are exempt from the order for the life of such contracts, or for the ensuing four years, whichever period of time is shorter: *Provided,* That holders of the contracts present valid evidence thereof to the Committee within 60 days after the Committee begins to function. Contracts on proprietary varieties of bentgrass entered into after the date of publication of the recommended decision, shall not be exempt from this order.

### § 1231.44 Foundation and registered bentgrass seed.

The handling of foundation and registered bentgrass seed shall be subject to this order.

### § 1231.45 Disposition of excess bentgrass.

Bentgrass produced by a grower in excess of his annual allotment may be disposed of in accordance with such rules and regulations as the Committee, with the approval of the Secretary, may establish. Further, bentgrass in excess of a grower's allotment, may be released for marketing by the Committee, with the approval of the Secretary, for use by the grower, under the supervision of the Committee, (1) to fill a subsequent crop year's allotment pursuant to § 1231.42; or (2) to fill an increased allotment established pursuant to § 1231.42; or (3) to fill a deficit in the allotment of another grower who has made a bona fide effort to produce, harvest, and market bentgrass, but who produced less than his allotment.

### Inspection and Identification

### § 1231.46 Quality regulation.

Subject to § 1231.41 and § 1231.42 all bentgrass seed shall meet regulations of Federal and State seed acts prior to sale. The Committee with the approval of the Secretary, may establish requirements which will prohibit the handling of bentgrass seed containing viable quack grass, wild garlic, wild onion seed, or any other undesirable seed. No quality regulation requiring change in production practices shall become effective prior to at least two crop years following publication. No bentgrass shall be handled unless it meets the quality standards established under this order. The Committee shall have authority to regulate the size of a lot certificated by one certificate in order to control quality.

### § 1231.47 Inspection.

No handler shall handle bentgrass unless prior to or upon handling, such seed has been inspected by such agencies as the Committee, with the approval of the Secretary, may designate and found to meet the requirements of the Committee as approved by the Secretary.

### § 1231.48 Identification.

All bentgrass purchased from growers, or on their behalf, by handlers must be identified as eligible seed, under rules prescribed by the Committee, by stenciling each container with the designated grower number assigned by the Oregon Bentgrass Commission, or by the Committee. Adequate records shall be maintained by each handler of all transactions involving bentgrass seed.

### § 1231.49 Minimum Quantity Exemption.

The Committee, with the approval of the Secretary may establish a minimum quantity of bentgrass which may be handled on behalf of any grower free from regulations issued pursuant to this order.

### Unfair Trade Practices

### § 1231.50 Authorization for Prohibition.

(a) Whenever the Secretary finds, upon recommendation of the Committee or other information that continuance of certain unfair practices in trade

channels would tend to interfere with the achieving of the objectives of this order, he may prohibit such practices for any period or periods.

(b) Prior to any such practices being prohibited in any period, the Committee shall recommend, for the approval of the Secretary, such rules and procedures and such record keeping requirements as are necessary to administer these prohibitions and obtain compliance therewith.

EXPENSES AND ASSESSMENTS

§ 1231.55 Expenses.

The Committee is authorized to incur such expenses, including maintenance of a reserve fund, as the Secretary finds are reasonable and likely to be incurred by the Committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions hereof. The funds to cover such expenses shall be paid to the Committee by handlers in the manner prescribed in § 1231.56. For the purposes of this section and § 1231.56 and § 1231.57, the expenses and assessments shall cover the same periods as provided in § 1231.29(d) dealing with the budgets.

§ 1231.56 Assessments.

(a) As his pro rata share of the expenses, including maintenance of a reserve fund, which the Secretary finds are reasonable and likely to be incurred by the Committee during a crop year, each handler shall pay to the Committee at the end of each month assessments on all bentgrass subject to this order which he handles as the first handler thereof during such period. The payment of assessments for the maintenance and functioning of the Committee may be required under this order throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the uniform rate of assessment to be paid by each handler during a crop year in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund not to exceed one crop year's expenses: *Provided*, That such rate of assessment, including any increase thereof, shall not exceed 1 cent per pound of cleaned bentgrass handled. At any time during or after the crop year, the Secretary, upon recommendation of the Committee, may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall apply to all bentgrass handled during the particular crop year. In order to provide funds for the administration of the provisions of this order during the first part of a crop year before sufficient operating income is available from assessments, the committee may accept the payment of assessments in advance and may also borrow money for such purposes.

§ 1231.57 Accounting.

(a) If at the end of a crop year the assessments collected are in excess of expenses incurred, the Committee with the approval of the Secretary may carry over such excess into subsequent crop years as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one crop year's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this order and (2) to cover necessary expenses of liquidation in the event of termination of this order. If any such excess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom assessments were collected. Upon termination of this order, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical such funds shall be returned pro rata to the handlers from whom such funds were collected.

(b) All funds received by the Committee pursuant to the provisions of this order shall be used solely for the purposes specified in this order and shall be accounted for in the manner provided in this order. The Secretary may at any time require the Committee and its members to account for all receipts and disbursements.

REPORTS AND RECORDS

§ 1231.60 Reports.

(a) *Inventory.* Each handler shall file with the Committee a certified report showing such information as the Committee may specify with respect to any bentgrass held by him on such dates as the Committee may designate.

(b) *Receipts.* Each handler shall upon request of the Committee file with the Committee a certified report showing for each lot of bentgrass received or handled, the identifying marks, species, variety, weight, place of production, and the grower's name and address on such date(s) as the Committee may designate.

(c) *Other reports.* Upon the request of the Committee, with the approval of the Secretary, each handler shall furnish to the Committee such other information as may be necessary to enable it to exercise its powers and perform the duties under this order.

§ 1231.61 Records.

Each handler shall maintain such records pertaining to all bentgrass acquired from, or handled on behalf of all growers as will substantiate the required reports and such others as may be prescribed by the Committee. All such records shall be maintained for not less than two years after the termination of the crop year to which such records relate.

§ 1231.62 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by handlers, the Secretary and the Committee through its duly authorized employees shall have access to any premises where applicable records are maintained, where bentgrass is received or held, and at any time during reasonable hours shall be permitted to inspect such handler premises and any and all records of such handlers with respect to matters within the purview of this order.

§ 1231.63 Confidential information.

All reports and records furnished or submitted by growers and handlers to or obtained by the employees of the Committee which contain data or information constituting a trade secret or disclose the trade position, financial condition, or business operation of the particular grower or handler from whom received shall be treated as confidential, and the reports and all information obtained from records shall at all times be kept in the custody and under control of one or more employees of the Committee who shall not disclose such information to any member of the Committee nor to any person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ 1231.70 Compliance.

Except as provided in this order;

(a) No handler may handle bentgrass, the handling of which has been prohibited under the provisions of this order, and no handler shall handle bentgrass except in conformity with the provisions of this order.

(b) No handler may purchase from or otherwise handle on behalf of a grower any amount of bentgrass that, together with all other marketings of such grower during the crop year, would exceed the allotment of such grower.

§ 1231.71 Right of the Secretary.

The members of the Committee (including successors and alternates), and any agent or employee appointed or employed by the Committee, shall be subject on just cause to removal or suspension at any time by the Secretary. Each and every order, regulation, decision, determination or other act of said Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of the said Committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1231.72 Effective time.

The provisions of this order shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in § 1231.73.

§ 1231.73 Termination or suspension.

(a) The Secretary shall, whenever he finds that any or all provisions of this order obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this order or such provision thereof.

(b) The Secretary shall terminate the provisions of this order at the end of the then current crop year whenever he finds that such termination is favored by a majority of growers who, during a representative period determined by the Secretary, have been engaged in the production of bentgrass seed for market in the production area: *Provided,* That such majority have, during such representative period, produced for market more than 50 percent of the volume of such bentgrass seed produced or sold in the production area, but such termination shall be effective only if announced at least 30 days prior to the end of the then crop year.

(c) The provisions of this order shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

**§ 1231.74 Proceedings after termination.**

(a) Upon the termination of the provisions of this order, the members of the Committee then functioning shall continue as joint trustees for the purpose of settling the affairs of the Committee by liquidating all funds and property then in the possession of or under their control, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the trustees.

(b) The trustees shall continue in such capacity until discharged by the Secretary and shall from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Committee and trustees, to such person as the Secretary may direct, and shall upon request of the Secretary, execute such assignments or other instruments necesasry or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the joint trustees pursuant to this order.

**§ 1231.75 Effect of termination or amendment.**

Unless otherwise expressly provided by the Secretary, the termination of this order or any regulation issued pursuant hereto as the issuance of any amendments to either thereof shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this order or any regulation issued under this order, or (b) release or extinguish any violation of this order or of any regulation issued under this order or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

**§ 1231.76 Duration of immunities.**

The benefits, privileges, and immunities conferred upon any person by virtue of this order shall cease upon termination of this order, except with respect to acts done under and during the existence of this order.

**§ 1231.77 Agents.**

The Secretary may by designation in writing name any person, including any officer or employee of the Government or any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this order.

**§ 1231.78 Derogation.**

Nothing contained in this order is or shall be construed to be in derogation or modification of the rights of the Secretary to exercise any powers granted by the Act or otherwise or in accordance with such powers to act in the premises whenever such action is deemed advisable.

**§ 1231.79 Personal liability.**

No member or alternate of the Committee nor any employee or agent thereof may be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent except for acts of dishonesty.

**§ 1231.80 Separability.**

If any provision of this order is declared invalid, or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this order or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

**§ 1231.81 Amendments.**

Amendments to this order may be proposed, from time to time, by the Committee or by the Secretary.

**§ 1231.82 Counterparts.[1]**

This agreement may be executed in multiple counterparts and, when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

**§ 1231.83 Additional parties.[1]**

After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to show new contracting party.[1]

**§ 1231.84 Order with marketing agreement.[1]**

Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of bentgrass in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the Act such an order.[1]

MARKETING AGREEMENT REGULATING THE HANDLING OF BENTGRASS SEED GROWN IN OREGON

The parties hereto, in order to effectuate the declared policy of the Act and in accordance with the rules of practice and procedure effective thereunder (7 CFR Part 900), desire to enter into this marketing agreement and do hereby agree that the provisions referred to in paragraph I hereof as augmented by the provisions specified in paragraph II hereof, shall be and are the provisions of this marketing agreement as if set out in full herein.

I. The findings and determinations, order relative to handling, and the provisions of §§ 1231.82 to 1231.84, all inclusive of the order regulating the handling of bentgrass seed in Oregon which is annexed hereto; and

II. The following provisions:

§ 1231.85 *Record of bentgrass seed handled and authorization to correct typographical errors.*

(a) *Record of bentgrass seed handled.* The undersigned certifies that he handled during the crop year, July 1, 1972, through June 30, 1973, ____ pounds of bentgrass seed.

(b) *Authorization to correct typographical errors.* The undersigned hereby authorizes the Director, or Acting Director, Grain Division, Agricultural Marketing Service, to correct any typographical errors which may have been made in this marketing agreement.

§ 1231.86 *Effective date.*

This marketing agreement shall become eeffctive upon the execution of a counterpart hereof by the Secretary in accordance with paragraph 900.14(a) of the aforesaid rules of practice and procedure.

IN WITNESS WHEREOF, the contracting handlers, acting under the provisions of the Act, for the purpose and subject to the limitations herein contained, and not otherwise, have hereto set their respective signatures and seals.

---
(Firm Name)

---
(Address)

By: ---
(Name)

---
(Title)

---
Date of Execution

(Corporate seal; if none, so state).

[1] Applicable only to the marketing agreement.

## Agricultural Stabilization and Conservation Service

## [ 7 CFR Part 711 ]

## MARKETING QUOTA REVIEW REGULATIONS

### Areas of Venue Established by State

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), the Department proposes to amend the marketing quota review regulations.

The purpose of this amendment is to revise certain areas of venue established

by State committees as previously published in the FEDERAL REGISTER of October 2 and 16, 1970; January 30, 1971; May 26, June 8, June 20, 1972; and March 22, 1973 (35 FR 15355, 16235, 36 FR 1463, 37 FR 10656, 11465, 12135, 38 FR 967, 7448).

Prior to issuance of this amendment, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Program Operations Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250, will be given consideration provided such submissions are postmarked not later than November 4, 1974.

All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday in Room 3629, South Building, 14th and Independence, SW, Washington, D.C. 20250.

It is proposed that § 711.29 of Part 711, Marketing Quota Review regulations (35 FR 15355, 16235, 36 FR 1463, 37 FR 10656, 11465, 12135, 38 FR 967, 7448) be amended by revising the areas of venue for the State of South Carolina to read as follows:

**§ 711.29 Establishment of areas of venue.**

* * * * *

SOUTH CAROLINA

Counties of:

Area I—Abbeville, Cherokee, Greenville, Lancaster, Spartanburg, York.

Area II—Chesterfield, Kershaw, Lee, Marlboro, Richland, Sumter.

Area III—Clarendon, Darlington, Dillon, Florence, Georgetown, Horry, Marion, Williamsburg.

Area IV—Aiken, Bamberg, Barnwell, Calhoun, Lexington, Orangeburg.

Area V—Allendale, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper.

Signed at Washington, D.C., on September 27, 1974.

GLENN A. WEIR,
*Acting Administrator, Agricultural Stabilization and Conservation Service.*

[FR Doc.74-23136 Filed 10-3-74;8:45 am]

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## Commodity Credit Corporation

## [ 7 CFR Part 1464 ]

## FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

### Grade Loan Rates for Price Support on 1974-Crop Tobacco

Notice is hereby given that CCC is considering the grade loan rates to be applied in making price support available on 1974-crop fire-cured, dark air-cured and Virginia sun-cured tobacco.

Consideration will be given to data, views and recommendations pertaining to the grade loan rates set out in this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director on or before November 4, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Under the Tobacco Loan Program published June 6, 1974 (39 FR 20070), and amended August 23, 1974 (39 FR 30477), CCC proposes to establish loan rates by grades for the 1974-crop fire-cured tobacco, types 21 and 22–23, dark air-cured tobacco, types 35 and 36, and Virginia sun-cured tobacco, type 37, as set forth herein. These proposed rates, calculated to provide the levels of support of 58.2 cents per pound for the fire-cured types and 51.8 cents per pound for the dark air-cured and Virginia sun-cured types, as determined under Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445), are as follows:

**§ 1464.17 1974 Crops—Virginia fire-cured tobacco, type 21—grade loan schedule.[1]**

LOAN RATE

[Dollars per hundred pounds, farm sales weight]

| Grade | Length 47 | Length 46 | Length 45 | Length 44 | Length 43 |
|---|---|---|---|---|---|
| A1F | 77 | 77 | 77 | ---- | ---- |
| A2F | 74 | 74 | 75 | ---- | ---- |
| A1D | 77 | 77 | 77 | ---- | ---- |
| A2D | 74 | 74 | 74 | ---- | ---- |
| B1F | 76 | 76 | 76 | ---- | ---- |
| B2F | 71 | 71 | 72 | 67 | ---- |
| B3F | 64 | 64 | 65 | 64 | 55 |
| B4F | 60 | 60 | 61 | 59 | 52 |
| B5F | 54 | 54 | 55 | 54 | 49 |
| B1D | 76 | 76 | 76 | ---- | ---- |
| B2D | 70 | 70 | 71 | 66 | ---- |
| B3D | 62 | 62 | 63 | 61 | 55 |
| B4D | 57 | 57 | 58 | 57 | 52 |
| B5D | 52 | 52 | 53 | 52 | 49 |
| B3M | 58 | 58 | 59 | 58 | 54 |
| B4M | 55 | 55 | 57 | 55 | 52 |
| B5M | 52 | 52 | 53 | 52 | 47 |
| B3G | 55 | 55 | 56 | 55 | 51 |
| B4G | 53 | 53 | 55 | 54 | 50 |
| B5G | 51 | 51 | 52 | 51 | 47 |

| Grade | Length 47 | Length 46 | Length 45 | Length 44 |
|---|---|---|---|---|
| C1L | 82 | 82 | 83 | ---- |
| C2L | 78 | 78 | 79 | 71 |
| C3L | 69 | 69 | 70 | 68 |
| C4L | 62 | 62 | 63 | 62 |
| C5L | 57 | 57 | 58 | 56 |
| C1F | 81 | 81 | 82 | ---- |
| C2F | 77 | 77 | 78 | 71 |
| C3F | 68 | 68 | 69 | 65 |
| C4F | 62 | 62 | 63 | 62 |
| C5F | 57 | 57 | 59 | 57 |
| C2D | 57 | 57 | 58 | 56 |
| C3D | 55 | 55 | 56 | 54 |
| C4D | 52 | 52 | 53 | 52 |
| C5D | 48 | 48 | 49 | 47 |
| C3M | 58 | 58 | 59 | 58 |
| C4M | 56 | 56 | 58 | 57 |
| C5M | 52 | 52 | 53 | 52 |
| C3G | 53 | 53 | 54 | 52 |
| C4G | 50 | 50 | 52 | 51 |
| C5G | 48 | 48 | 49 | 48 |

| Grade | Grade | Grade |
|---|---|---|
| X1L 63 | X1D 59 | X5M45 50 |
| X2L 62 | X2D 57 | X3G 57 |
| X3L 61 | X3D 56 | X3G45 54 |
| X4L 59 | X4D 54 | X4G 53 |
| X5L 56 | X5D 50 | X4G45 51 |
| X1F 63 | X3M 58 | X5G 49 |
| X2F 62 | X3M45 56 | X5G45 47 |
| X3F 61 | X4M 56 | N1L 46 |
| X4F 58 | X4M45 53 | N1D 43 |
| X5F 55 | X5M 51 | N1G 45 |
| | | N2 35 |

[1] Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "No-G" (no grade), "U" (unsound), "D" (damaged) or scrap will not be accepted. The association is authorized to deduct $1 per hundred pounds to apply against overhead cost.

**§ 1464.18 1974-Crop — Kentucky-Tennessee fire-cured tobacco, Types 22 and 23—grade loan schedule.[1]**

LOAN RATE

[Dollars per hundred pounds, farm sales weight]

| Grade | Length 47 | Length 46 | Length 45 |
|---|---|---|---|
| A1F | 83 | 83 | 83 |
| A2F | 78 | 78 | 78 |
| A3F | 70 | 70 | 70 |
| A1D | 83 | 83 | 83 |
| A2D | 78 | 78 | 78 |
| A3D | 70 | 70 | 70 |

| Grade | Length 47 | Length 46 | Length 45 | Length 44 | Length 43 |
|---|---|---|---|---|---|
| B1F | 72 | 72 | 72 | 67 | ---- |
| B2F | 69 | 69 | 69 | 65 | ---- |
| B3F | 66 | 66 | 66 | 63 | 57 |
| B4F | 60 | 60 | 60 | 57 | 50 |
| B5F | 56 | 56 | 56 | 53 | 47 |
| B1D | 71 | 71 | 71 | 66 | ---- |
| B2D | 68 | 68 | 68 | 64 | ---- |
| B3D | 66 | 66 | 66 | 62 | 56 |
| B4D | 59 | 59 | 59 | 56 | 49 |
| B5D | 55 | 55 | 55 | 51 | 45 |
| B3M | 61 | 61 | 61 | 57 | 52 |
| B4M | 56 | 56 | 56 | 52 | 45 |
| B5M | 51 | 51 | 51 | 46 | 41 |
| B3VF | 60 | 60 | 60 | 56 | 49 |
| B4VF | 58 | 58 | 58 | 55 | 48 |
| B5VF | 54 | 54 | 54 | 51 | 44 |
| B3G | 60 | 60 | 60 | 56 | 48 |
| B4G | 55 | 55 | 55 | 51 | 43 |
| B5G | 51 | 51 | 51 | 46 | 41 |
| C1L | 72 | 72 | 72 | 68 | ---- |
| C2L | 69 | 69 | 69 | 64 | ---- |
| C3L | 67 | 67 | 67 | 63 | 57 |
| C4L | 63 | 63 | 63 | 60 | 54 |
| C5L | 60 | 60 | 60 | 58 | 51 |
| C1F | 71 | 71 | 71 | 67 | ---- |
| C2F | 68 | 68 | 68 | 65 | ---- |
| C3F | 66 | 66 | 66 | 63 | 56 |
| C4F | 62 | 62 | 62 | 59 | 52 |
| C5F | 60 | 60 | 60 | 56 | 49 |
| C1D | 73 | 73 | 73 | 68 | ---- |
| C2D | 64 | 64 | 64 | 61 | ---- |
| C3D | 60 | 60 | 60 | 57 | 51 |
| C4D | 54 | 54 | 54 | 52 | 46 |
| C5D | 53 | 53 | 53 | 51 | 44 |
| C3M | 60 | 60 | 60 | 57 | 51 |
| C4M | 56 | 56 | 56 | 55 | 49 |
| C5M | 54 | 54 | 54 | 52 | 46 |
| C3VF | 61 | 61 | 61 | 58 | 52 |
| C4VF | 58 | 58 | 58 | 56 | 50 |
| C5VF | 56 | 56 | 56 | 54 | 45 |
| C3G | 56 | 56 | 56 | 53 | 48 |
| C4G | 53 | 53 | 53 | 49 | 44 |
| C5G | 49 | 49 | 49 | 46 | 43 |

| Grade | Grade | Grade |
|---|---|---|
| X1L 62 | X5F 53 | X3VF 56 |
| X2L 60 | X1D 59 | X4VF 54 |
| X3L 59 | X2D 57 | X5VF 51 |
| X4L 55 | X3D 54 | X3G 53 |
| X5L 53 | X4D 52 | X4G 48 |
| X1F 60 | X5D 49 | X5G 45 |
| X2F 58 | X3M 54 | N1L 47 |
| X3F 57 | X4M 52 | N1D 42 |
| X4F 55 | X5M 49 | N1G 41 |
| | | N2 36 |

[1] Only the original producer is eligible to receive advances. Tobacco graded "No-G" (no grade), "U" (unsound), "D" (damaged), or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable.

### § 1464.19 1974-Crop—dark air-cured tobacco, Types 35 and 36—grade loan schedule.[1]

LOAN RATE

[Dollars per hundred pounds, farm sales weight]

| Grade | Length 46 | Length 45 | Length 44 |
|---|---|---|---|
| A1F | 73 | 73 | |
| A2F | 69 | 69 | |
| A3F | 64 | 64 | |
| A1R | 73 | 73 | |
| A2R | 69 | 69 | |
| A3R | 64 | 64 | |
| B1F | 68 | 68 | 65 |
| B2F | 64 | 64 | 63 |
| B3F | 61 | 61 | 59 |
| B4F | 57 | 57 | 56 |
| B5F | 52 | 52 | 51 |
| B1R | 67 | 67 | 65 |
| B2R | 63 | 63 | 62 |
| B3R | 59 | 59 | 58 |
| B4R | 56 | 56 | 55 |
| B5R | 52 | 52 | 51 |
| B1D | 67 | 67 | 65 |
| B2D | 63 | 63 | 62 |
| B3D | 59 | 59 | 58 |
| B4D | 57 | 57 | 56 |
| B5D | 51 | 51 | 50 |
| B3M | 57 | 57 | 56 |
| B4M | 53 | 53 | 52 |
| B5M | 48 | 48 | 47 |
| B3G | 56 | 56 | 55 |
| B4G | 53 | 53 | 52 |
| B5G | 48 | 48 | 47 |
| C1L | 68 | 68 | 67 |
| C2L | 67 | 67 | 66 |
| C3L | 63 | 63 | 62 |
| C4L | 59 | 59 | 58 |
| C5L | 51 | 51 | 49 |
| C1F | 68 | 68 | 67 |
| C2F | 65 | 65 | 64 |
| C3F | 62 | 62 | 60 |
| C4F | 59 | 59 | 58 |
| C5F | 53 | 53 | 51 |
| C1R | 66 | 66 | 65 |
| C2R | 64 | 64 | 63 |
| C3R | 59 | 59 | 57 |
| C4R | 54 | 54 | 53 |
| C5R | 48 | 48 | 47 |
| C3M | 57 | 57 | 56 |
| C4M | 51 | 51 | 50 |
| C5M | 47 | 47 | 46 |
| C3G | 58 | 58 | 56 |
| C4G | 52 | 52 | 51 |
| C5G | 47 | 47 | 46 |

| Grade | Grade | Grade |
|---|---|---|
| T3F 53 | X1L 63 | X3D 56 |
| T4F 48 | X2L 61 | X4D 51 |
| T5F 42 | X3L 59 | X5D 48 |
| T3R 53 | X4L 57 | X3M 53 |
| T4R 49 | X5L 53 | X4M 50 |
| T5R 42 | X1F 63 | X5M 47 |
| T3D 53 | X2F 61 | X3G 52 |
| T4D 49 | X3F 57 | X4G 48 |
| T5D 42 | X4F 56 | X5G 42 |
| T3M 52 | X5F 53 | N1L 47 |
| T4M 47 | X1R 63 | N2L 40 |
| T5M 40 | X2R 60 | N1R 40 |
| T3G 51 | X3R 55 | N2R 37 |
| T4G 47 | X4R 51 | N1G 38 |
| T5G 40 | X5R 48 | N2G 36 |

[1] Only the original producer is eligible to receive advances. Tobacco graded "No-G" (no grade), "U" (unsound), "D" (damaged) or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable. Grades marked with the special factor "BH" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Type 35 grades marked with the special factor "BL" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. The advance rates for grades in "47 length" shall be the same as those for such grades in "46 length".

### § 1464.20 1974-crop — Virginia sun-cured tobacco, Type 37—grade loan schedule.[1]

LOAN RATES

[Dollars per hundred pounds, farm sales weight]

| Grade | Length 46 | Length 45 | Length 44 |
|---|---|---|---|
| A1F | 72 | 72 | 70 |
| A2F | 68 | 68 | 65 |
| A3F | 65 | 65 | 62 |
| A1R | 72 | 72 | 69 |
| A2R | 68 | 68 | 65 |
| A3R | 65 | 65 | 62 |
| B1F | 72 | 73 | 67 |
| B2F | 69 | 72 | 66 |
| B3F | 61 | 64 | 62 |
| B4F | 55 | 59 | 57 |
| B5F | 51 | 51 | 51 |
| B1R | 72 | 73 | 66 |
| B2R | 69 | 71 | 66 |
| B3R | 63 | 65 | 62 |
| B4R | 56 | 59 | 57 |
| B5R | 52 | 53 | 50 |
| B1D | 71 | 71 | 66 |
| B2D | 70 | 70 | 65 |
| B3D | 60 | 61 | 59 |
| B4D | 54 | 55 | 54 |
| B5D | 49 | 51 | 49 |
| B3M | 54 | 56 | 53 |
| B4M | 52 | 55 | 52 |
| B5M | 47 | 50 | 49 |
| B3G | 53 | 57 | 54 |
| B4G | 50 | 53 | 52 |
| B5G | 48 | 49 | 47 |
| C1L | 70 | 71 | 63 |
| C2L | 64 | 65 | 60 |
| C3L | 62 | 63 | 60 |
| C4L | 54 | 57 | 55 |
| C5L | 48 | 49 | 48 |
| C1F | 70 | 71 | 63 |
| C2F | 64 | 65 | 62 |
| C3F | 62 | 64 | 62 |
| C4F | 56 | 60 | 57 |
| C5F | 48 | 52 | 51 |
| C1R | 67 | 67 | 61 |
| C2R | 61 | 61 | 57 |
| C3R | 54 | 55 | 53 |
| C4R | 49 | 51 | 49 |
| C5R | 44 | 45 | 44 |
| C3M | 50 | 53 | 52 |
| C4M | 47 | 51 | 48 |
| C5M | 44 | 48 | 46 |
| C3G | 45 | 48 | 45 |
| C4G | 43 | 47 | 45 |
| C5G | 38 | 40 | 39 |

| Grade | Grade | Grade |
|---|---|---|
| T3F 51 | X1L 58 | X3D 45 |
| T4F 49 | X2L 56 | X4D 43 |
| T5F 43 | X3L 53 | X5D 37 |
| T3R 51 | X4L 51 | X3M 53 |
| T4R 49 | X5L 46 | X4M 50 |
| T5R 44 | X1F 58 | X5M 48 |
| T3D 49 | X2F 57 | X3G 50 |
| T4D 47 | X3F 54 | X4G 47 |
| T5D 41 | X4F 51 | X5G 43 |
| T3M 48 | X5F 47 | N1R 35 |
| T4M 46 | X1R 58 | N2R 27 |
| T5M 40 | X2R 55 | N1G 37 |
| T3G 51 | X3R 51 | N2G 27 |
| T4G 49 | X4R 49 | N1L 33 |
| T5G 43 | X5R 42 | N2L 25 |

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

SEPTEMBER 27, 1974.

[FR Doc.74-22996 Filed 10-3-74;8:45 am]

[1] Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "No.-G" (no grade), "U" (unsound), "D" (damaged) or scrap will not be accepted. The association is authorized to deduct $1 per hundred pounds to apply against overhead cost.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 32 ]

### FROZEN STRAWBERRIES

### Proposed Definitions and Standards of Identity and Quality

The Joint Food and Agriculture/World Health Organization Codex Alimentarius Commission has submitted a "Recommended International Standard for Quick Frozen Strawberries" to the United States for acceptance.

The United States, as a member of the Food and Agriculture Organization of the United Nations and of the World Health Organization, is under obligation to consider all Codex standards. The rules of procedure of the Codex Alimentarius Commission provide that a Codex standard may be accepted by a participating country in one of three ways: Full acceptance, target acceptance, or acceptance with minor deviations. A participating country which concludes that it cannot accept the standard in any of these ways is requested to indicate the reasons for the ways in which its requirements differ from the Codex standard. Members of the Commission are requested to notify the Secretariat of the Codex Alimentarius Commission—Joint FAO/WHO Food Standards Programme, FAO, Rome, Italy, of their decision.

There are no U.S. standards of identity or quality for frozen strawberries established by the Food and Drug Administration. The basis for this proposal to establish U.S. definitions and standards of identity and quality for frozen strawberries is that, in the opinion of the Commissioner of Food and Drugs, it will benefit consumers and facilitate international trade to adopt as far as practicable the recommended worldwide standard for frozen strawberries hereinafter referred to as the Codex standard. In many respects the Codex standard is similar to the definitions and standards of identity and quality proposed by the Commissioner.

The Codex standard refers to the Codex "Sampling Plans for Prepackaged Foods (AQL–6.5)," that were developed by the Codex Committee on Processed Fruits and Vegetables and considered by the Codex Committee on Sampling and Analysis. The Codex sampling plans, included by reference in the Codex standard, are under consideration for acceptance by member nations and therefore may be subject to further modification. The Commissioner believes that this is an opportune time to elicit comments on sampling plans for use in the U.S. standards for frozen strawberries. The Commissioner proposes to limit the sampling plans to Codex inspection level II, which is appropriate where disputes arise and enforcement or need for better lot estimate is necessary. Definitions for "lot" and "sampling unit" have been expanded to make them more applicable to a wider

range of size of primary container (pounds when in bulk). In addition, the definition for "defective" has been reworded to apply to the proposed sampling plans for frozen strawberries.

The Codex standard uses the metric system. The Commissioner recognizes that the International (metric) System is used throughout the world and in the United States for technical purposes and that it may eventually be adopted by this country for common usage. The Commissioner, therefore, proposes that the metric system be used in the standards for frozen strawberries with the equivalent units of the U.S. Customary System shown parenthetically.

The Codex standard also includes hygiene requirements and certain basic labeling requirements that are not considered to be a part of food standards within the statutory authority of section 401 of the Federal Food, Drug, and Cosmetic Act, which is the legal basis for the promulgation of food standards. Hygiene and the other factors, however, are dealt with under other sections of the act and therefore are not discussed further in this proposal.

Establishment of U.S. definitions and standards of identity and quality for frozen strawberries will be based upon consideration of the following Codex standard, together with comments and supporting data received and other available information:

RECOMMENDED INTERNATIONAL STANDARD FOR QUICK FROZEN STRAWBERRIES

[CAC/RS 52-1971]

1. *Scope.* This standard shall apply to quick frozen strawberries (excluding quick frozen strawberry puree) of the species *Fragaria grandiflora* L. and *Fragaria vesca* L. as defined below and offered for direct consumption without further processing, except for size grading or repacking if required. It does not apply to the product when indicated as intended for further processing or for other industrial purposes.

2. *Description.* 2.1 *Product definition.* Quick frozen strawberries are the product prepared from fresh, clean, sound, ripe and stemmed strawberries of firm texture conforming to the characteristics of *Fragaria grandiflora* L. or *Fragaria vesca* L.

2.2 *Process definition.* Quick frozen strawberries are the product subjected to a freezing process in appropriate equipment and complying with the conditions laid down hereafter. This freezing operation shall be carried out in such a way that the range of temperature of maximum crystallization is passed quickly. The quick freezing process shall not be regarded as complete unless and until the product temperature has reached −18° C. (0° F.) at the thermal centre after thermal stabilization. The product shall be maintained at a low temperature such as will maintain the quality during transportation, storage and distribution up to and including the time of final sale. The recognized practice of repacking quick frozen products under controlled conditions followed by re-application of the quick freezing process as defined is permitted.

2.3 *Presentation.* 2.3.1 *Style.* (a) Quick frozen strawberries shall be presented as whole, halved, sliced or cut.

(b) Quick frozen strawberies may be presented as free-flowing (i.e. as individual berries not adhering to one another) or non free-flowing (i.e. as a solid block).

2.3.2 *Sizing.* (a) Whole strawberries may be presented as sized or unsized.

(b) If whole strawberries are size graded they shall be reasonably uniform within each package such that the diameter of the largest berry does not exceed the diameter of the smallest berry by more than 10 mm, measured according to the maximum diameter.

(c) In the case of *Fragaria grandiflora* L. the maximum diameter of each berry whether sized or unsized shall not be less than 15 mm.

3. *Essential composition and quality factors.* 3.1 *Optional ingredients.* Sugars (sucrose, invert sugar, dextrose, fructose, glucose syrup, dried glucose syrup).

3.2 *Composition.* 3.2.1 Strawberries prepared with dry sugars: The total soluble solids content of the liquid extracted from the thawed, comminuted sample shall be not more than 35% m/m nor less than 18% m/m expressed as sucrose, as determined by refractometer at 20° C.

3.2.2 Strawberries prepared with syrup: The amount of syrup used shall be not more than that required to cover the berries and fill the spaces between them. The total soluble solids content of the liquid extracted from the thawed, comminuted sample shall be not more than 25% m/m nor less than 15% m/m expressed as sucrose, as determined by refractometer at 20° C.

3.3 *Quality factors.* 3.3.1 *Organoleptic and other characteristics.* Quick frozen strawberries shall be:

(a) Of good colour;

(b) Free from foreign flavour and odour;

(c) Intact if whole, and not materially disintegrated;

(d) Intact if halved, sliced or cut and not seriously affected by disintegrated fruit;

(e) Clean, practically free from sand and grit and free from other foreign material;

(f) Practically free from stalks, parts of stalks, calyces, leaves and other extraneous vegetable material;

(g) Sound, practically free from mould, insect bites and other blemishes;

(h) Normally developed;

(i) Of similar varietal characteristics in each package;

(j) When presented as free-flowing, practically free from berries adhering to one another (whole, halved, sliced or cut), which cannot be easily separated by hand without damage when in a frozen state; not icy.

3.3.2 *Analytcial characteristics.* Mineral impurities such as sand not more than 0.1% m/m on a whole product basis.

3.4 *Definition of defects.* 3.4.1 Partially uncoloured—25%-75% of the outer surface area without the colour characteristic of the variety.

3.4.2 Completely uncoloured—75% or more of the outer surface area without the colour, characteristic of the variety.

3.4.3 Disintegrated—broken, crushed or smashed.

3.4.4 Stalks or parts of stalks—if each greater than 3 mm in one dimension.

3.4.5 Blemished—showing visible signs of pest attack or pathological or physical injury.

3.4.6 Misshapen—not normally developed and more in particular containing hard parts in the fruit flesh.

3.5 *Tolerances for defects.* 3.5.1 Based on a sample unit of 500 g the drained fruit ingredient of the product as defined in paragraph 3.5.2(a) shall have not more than the following:

(a) Stalks or parts of stalks each greater than 3 mm in one dimension, 3 by number.

(b) Calyces, 3 $cm^2$.

(c) Other extraneous vegetable material, 3 $cm^2$.

(d) Completely uncoloured whole berries, 1 by number.

(e) Partially uncoloured whole berries, 5% m/m.

(f) Disintegrated whole berries, 5% m/m.

(g) Blemished, 5% m/m.

(h) Misshapen whole berries, 2% m/m.

(i) Dissimilar varieties, 6% m/m.

3.5.2 *Drained fruit ingredient.* (a) The drained fruit ingredient is determined by thawing the product until it is practically free from ice crystals and then draining on a screen "3 mesh/cm" (8 mesh/inch) for two minutes. The weight of fruit retained on the screen is "drained fruit ingredient". Any of the material described in paragraph 3.5.1 (a), (b) or (c) found in the drained syrup shall be added to the drained fruit ingredient for the purpose of applying the tolerances.

(b) When dry sugar has been added to whole berries after freezing, the dry sugar shall be washed off with water before draining.

3.6 *Tolerances for sizes of whole strawberries.* 3.6.1 When presented as sized, a tolerance of 10% by number is allowed for fruit that fail to meet the requirements of paragraph 2.3.2(b).

3.6.2 In the case of *Fragaria grandiflora* L. whether sized or unsized, the amount of fruit having a maximum diameter of less than 15 mm (paragraph 2.3.2 (c)) shall not exceed 5% by number.

3.7 *Classification of "defectives".* 3.7.1 Any sample unit from a sample taken in accordance with the Sampling Plans for Prepackaged Foods (AQL-6.5) (Ref. No. CAC/RM 42-1971) shall be regarded as "defective" when:

(a) The total soluble solids of the sample unit is outside the range specified in 3.2.1 or 3.2.2 as appropriate; or

(b) Any one of the organoleptic and other characteristics under 3.3.1 are not complied with; or

(c) (i) Any one of the defects listed under 3.5 is present in more than twice the amount of the specified tolerance for the individual defect; or

(ii) The total of defects (e) to (i) exceeds 15% for whole strawberries; or

(iii) The total of defects in (g) and (i) exceeds 12% for halved, sliced or cut strawberries; or

(d) The tolerance for sizes of whole strawberries as listed in 3.6 is exceeded.

3.8 *Lot acceptance.* A lot is considered acceptable when the number of such defectives as specified in (a) or (b) or (c) or (d) in 3.7 when treated independently of each other does not exceed the acceptance number (c) of the Sampling Plans for Prepackaged Foods (AQL-6.5) (Ref. No. CAC/RM 42-1971).

4. *Food additives.*

| | *Maximum level of use* |
|---|---|
| Ascorbic acid | Not limited. |
| Citric acid | Do. |

5. *Hygiene.* It is recommended that the product covered by the provisions of this standard be prepared in accordance with the Code of Hygienic Practice for Quick Frozen Fruits, Vegetables and their Juices (Ref. No. ALINORM 71/13, Appendix IV).

6. *Labelling.* In addition to sections 1, 2, 4 and 6 of the General Standard for the Labelling of Prepackaged Foods (Ref. No. CAC/RS 1-1969) the following specific provisions apply:

6.1 *The name of the food.* 6.1.1 The name of the food as declared on the label shall include "strawberries" or in the case of *Fragaria vesca* L., "wild strawberries" or "alpine strawberries". The words "quick-frozen" shall also appear on the label, except that the term "frozen" [1] may be applied in coun-

[1] "Frozen": This term is used as an alternative to "quick-frozen" in some English speaking countries.

tries where this term is customarily used for describing the product processed in accordance with sub-section 2.2 of the standard.

6.1.2 In addition, there shall appear on the label in conjunction with, or in close proximity to, the word "strawberries":

(a) The style, as appropriate: "halves", "slices" or "cut".

(b) The packing medium: "with (name of the sweetener and whether as such or as the syrup)".

6.2 *Size designation.* 6.2.1 If a term designating the size of the strawberries is used:

(a) It shall be supported by a correct graphic representation on the label of the size range to which the strawberries predominantly conform; and/or

(b) By a statement of the predominant range of the maximum diameter of the strawberries in millimeters, or fractions of an inch in those countries where the English system is in general use; and/or

(c) It shall conform to the customary method of declaring size in the country in which the product is sold.

6.3 *List of ingredients.* A complete list of ingredients shall be declared, in descending order of proportion in accordance with subsection 3.2(c) and 3.2(d) of the General Standard for the Labelling of Prepackaged Foods (1969).

6.4 *Net contents.* The net contents shall be declared by weight in either the metric system ("Système International" units) or avoirdupois or both systems of measurement as required by the country in which the food is sold.

6.5 *Name and address.* The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

6.6 *Country of origin.* 6.6.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.6.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

6.7 *Additional requirements.* Information for keeping and thawing of the product shall be given on retail packs.

6.8 *Bulk packs.* In the case of quick frozen strawberries in bulk the information required in 6.1 to 6.6 must either be placed on the container or be given in accompanying documents, except that the name of the food accompanied by the words "quick frozen" (the term "frozen" may be used in accordance with sub-section 6.1.1 of this standard) and the name and address of the manufacturer or packer must appear on the container.

7. *Packaging.* 7.1 Packaging used for quick frozen strawberries must:

7.1.1 Protect the organoleptic and quality characteristics of the product;

7.1.2 Protect the product from bacteriological and other contamination (including contamination from the packaging material itself);

7.1.3 Protect the product from moisture loss, dehydration and, where appropriate, leakage as far as technologically practicable; and

7.1.4 Not pass on to the product any odour, taste, colour or other foreign characteristics.

8. *Methods of examination, analysis and sampling.* The methods of examination, analysis and sampling described hereunder are international referee methods.

8.1 *Sampling.* Sampling shall be carried out in accordance with the Sampling Plans for Prepackaged Foods (AQL-6.5) (Ref. No. CAC/RM 42-1971).

8.2 *Thawing procedure.* According to the FAO/WHO Codex Alimentarius Method: FAO/WHO Codex Alimentarius Standard Procedure for Thawing of Quick Frozen Fruits and Vegetables (Ref. No. CAC/RM 32-1970).

8.3 *Determination of net weight.* According to the FAO/WHO Codex Alimentarius method: Net Weight Determination of Frozen Fruits and Vegetables (Recommended International Standard for Quick Frozen Peas, Section 8.3, CAC/RS 41-1970, method CAC/RM 34).

8.4 *Determination of mineral impurities such as sand:* [to be elaborated].

8.5 *Determination of total soluble solids content.* According to the FAO/WHO Codex Alimentarius Method: FAO/WHO Codex Alimentarius Standard Procedure for Determination of Total Soluble Solids content in Frozen Fruits (Ref. No. CAC/RM 36-1971).

The following is a discussion of the Codex standard and courses of action being proposed by the Commissioner. Major emphasis, and in particular with the proposed quality standard, was placed on the expertise available in conjunction with the U.S. Department of Agriculture voluntary grading program for frozen strawberries in arriving at the proposed courses of action. In most instances, the proposed quality standard represents the minimum quality of frozen strawberries currently designated as U.S. Grade B under the U.S. Department of Agriculture grade standard for this product. In the opinion of the Commissioner, this level of quality represents general consumer acceptance. The Commissioner invites comments on this position.

DISCUSSION ON THE CODEX STANDARDS AND THE COMMISSIONER'S PROPOSED COURSES OF ACTION

1. Codex (1) states that the standard shall apply to frozen strawberries of the species *Fragaria grandiflora* L. and *Fragaria vesca* L. Frozen strawberries available commercially are of several different species. Many are hybrids.

The Commissioner therefore proposes that the U.S. identity standard refer to strawberries of the genus *Fragaria* and not to any particular species or hybrid.

2. Codex (1) states that the standard applies to frozen strawberries offered for direct consumption without further processing except for size grading or repacking but that it does not apply to products when indicated as intended for further processing or for other industrial purposes.

The Commissioner proposes that the U.S. identity standard apply to frozen strawberries regardless of their intended use. The Commissioner also proposes that the name of the food is "strawberries" accompanied by the words "frozen" or "quick frozen" when packed in "package" form as that term is defined in 21 CFR 1.1b; when packed in other forms of packaging, the name is "strawberries for manufacturing." The Commissioner further proposes that the quality standard not apply to the food designated as "strawberries for manufacturing."

3. Codex (2.2 and 2.3.1) provides for the repacking from bulk of free-flowing (individually quick frozen) and nonfree-flowing whole, halved, sliced, and cut strawberries.

In the opinion of the Commissioner, high quality frozen strawberries of these four optional styles can only be produced from fresh strawberries or individually quick frozen whole strawberries. He therefore proposes that the U.S. identity standard provide that individually quick frozen whole strawberries may be used as an alternative ingredient to fresh strawberries.

4. Codex (4) provides for ascorbic acid and citric acid as optional ingredients.

These acids are the antioxidants generally used in frozen strawberries. The Commissioner is of the opinion, however, that if other antioxidants are found safe and suitable for the product, the standard should not require amendment to permit their use. The Commissioner therefore proposes that the U.S. identity standard provide for the optional use of any safe and suitable antioxidant.

5. Codex (3.1) provides for the use of specific nutritive carbohydrate sweeteners.

The Commissioner is of the opinion that it would be in the interest of the consumer not to restrict the use of sweeteners to those listed in the Codex standard. He therefore proposes to provide for use of any one or combination of two or more safe and suitable nutritive carbohydrate sweeteners.

6. Codex (2.3.2(a)) states that whole strawberries may be sized or unsized. If size graded (Codex 2.3.2(b)), the strawberries shall be reasonably uniform within each package such that the diameter of the largest strawberry does not exceed the diameter of the smallest strawberry by more than 10 mm, measured according to the maximum diameter. Codex (2.3.2(c)) states that in the case of *Fragaria grandiflora* L. the maximum diameter of each strawberry whether sized or unsized shall not be less than 15 mm.

Size grading is currently an optional practice under the U.S. Department of Agriculture grading program for Grade A frozen strawberries. The Commissioner proposes adoption of the Codex (2.3.2 (b)) requirement that where size graded the diameter of the largest strawberry shall not exceed the diameter of the smallest strawberry by more than 10 mm (0.4 in). He further proposes that the term "maximum diameter" mean the greatest dimension measured at right angles to a straight line extending from the stem to the apex. The Commissioner has no basis to propose a minimum size requirement as in Codex (2.3.2(c)). There is no minimum size requirement for unsized strawberries in the United States.

7. Codex (3.6.1) provides a tolerance of 10 percent by number for size-graded strawberries.

The Commissioner proposes adoption of this Codex requirement.

8. Codex (6.2.1) provides requirements for label declaration of size designation.

The Commissioner proposes that the following terms apply for the purpose of size designation of whole strawberries:

| Size designation: | *Maximum diameter* |
|---|---|
| Small | Less than 16 mm (0.625 in). |
| Medium | 16 mm (0.625 in) to 32 mm (1.25 in), inclusive. |
| Large | Larger than 32 mm (1.25 in). |

9. Codex (3.4.1 and 3.4.2) defines uncolored as without the color characteristic of the variety. Strawberries that are uncolored or without the color characteristic of the variety are not properly ripened.

In the opinion of the Commissioner, such strawberries are more specifically described as green, white, or pinkish white. The Commissioner therefore proposes that "uncolored" strawberries in the U.S. quality standard be defined as being green, white, or pinkish white.

10. Codex (3.4.4) defines stalks or parts of stalk as a defect.

In the opinion of the Commissioner, this defect covers two different types of extraneous material, principally stems and pieces of vines. The Commissioner proposes that the presence of stems be considered as a separate defect from pieces of vines. The Commissioner also proposes that the U.S. quality standard refer to that part of the strawberry plant which attaches the fruit to the vine as the stem, to be consistent with the most common terminology in the United States.

11. Codex (3.4.5) defines blemished fruit as a defect and as strawberries showing visible signs of pest attack or pathological or physical injury.

In the opinion of the Commissioner, the term "damaged" more appropriately covers the defects involved. The Commissioner proposes that the defect be referred to in the U.S. quality standard as damaged and parenthetically blemished. Damages by sunburn, insects or birds, and decay are the most common defects related to strawberries. He therefore proposes that "damaged" be defined as sunburn, injuries by insects or birds, and decay.

12. Codex (3.4.3) contains the definition for disintegrated berries as broken, crushed, or smashed that is applicable only to whole strawberries (3.5.1(f)).

In the opinion of the Commissioner, distinguished strawberries are not a significant problem to frozen whole strawberries in the United States. A defect common in the United States that is not included in the Codex standard and which includes disintegrated berries is "partial whole" strawberries. The Commissioner proposes that the U.S. quality standard provide a limitation for partial whole strawberries defined as strawberries that have less than 75 percent of the whole strawberry intact.

13. Codex (3.5.1) specifies that quality be determined on the drained fruit ingredient obtained from 500 g (17.6 oz) of the product. The procedure for obtaining the drained fruit is specified in Codex (3.5.2).

In the opinion of the Commissioner, a sample unit based on net weight is preferable for frozen strawberries. He proposes that the sample size for frozen strawberries without dry sweetener(s) or sirup packing medium be 500 g (17.6 oz) and 650 g (22.9 oz) for frozen strawberries with dry sweetener(s) or sirup packing medium. Since the weight of the dry sweetener(s) or sirup packing medium represents approximately 25 percent of the net weight of the sample, the two sample sizes would provide comparable weights of the strawberry ingredient.

14. Codex (3.5.1(a)) provides that there shall not be more than three stalks or parts of stalks each greater than 3 mm in one dimension. This tolerance is modified by Codex (3.7.1(c)(i)) which provides that a sample unit shall be regarded as defective when any one of the defects listed under Codex (3.5) is present in more than twice the amount of the specified tolerance for the individual defect.

This requirement provides one tolerance for two different types of extraneous materials, principally stems and pieces of vines. In the opinion of the Commissioner, such a tolerance for two different types of defects would be too lenient for pieces of vines when present singly, and too restrictive when stems and pieces of vines are present in combination. The Commissioner, therefore, proposes separate tolerances for stems and pieces of vines or other extraneous material not measurable by area. He proposes that there shall be not more than six attached or detached stems, each longer than 3 mm (0.1 in) in one dimension, per sample unit. He also proposes that there shall be not more than two pieces of extraneous vegetable material not measurable by area, per sample unit.

15. Codex (3.5.1(b)) specifies that there shall be not more than 3 sq cm (0.465 sq in) of calyces. Codex (3.5.1(c)), in addition, specifies that there shall be not more than 3 sq cm of other extraneous vegetable material. These tolerances are modified by Codex (3.7.1(c)(i)) which provides that a sample unit shall be regarded as defective when any one of the defects listed under Codex (3.5) is present in more than twice the amount of the specified tolerance for the individual defect.

Calyces and leaves are defects measurable by area. The Commissioner, therefore, proposes that there be one tolerance of 5 sq cm (0.775 sq in) for extraneous material measurable by area such as calyces and leaves.

16. Codex (3.5.1(g)) specifies that not more than 5 percent by weight for whole strawberries may be blemished. Codex (3.5.1(h)) specifies that not more than 2 percent by weight may be misshapen. These tolerances are modified by Codex (3.7.1(c)(i)) which provides that a sample unit shall be regarded as defective when any one of the defects listed under Codex (3.5) is present in more than twice the amount of the specified tolerance for the individual defect.

The Commissioner proposes that a 10 percent by weight limitation apply to whole strawberries that are not normally developed (hard seedy or deformed end) or damaged (sunburned, damaged by insects or birds) including not more than 4 percent by weight decayed having an aggregate area of a circle not less than 0.3 cm (0.1 in) to not more than 1.3 cm (0.5 in) in diameter or not more than 1 percent by weight decayed having an aggregate area of a circle greater than 1.3 cm (0.5 in) in diameter. These levels represent minimum levels for U.S. Grade B frozen strawberries established by the U.S. Department of Agriculture. The Commissioner further proposes that if a sample unit is otherwise free of defects the individual tolerances shall be twice these limits.

17. Codex (3.5.1(d) and (e)) states that in whole style not more than one berry may be completely uncolored and not more than 5 percent by weight may be partially uncolored. These tolerances are modified by Codex (3.7.1(c)(i)) which provides that a sample unit shall be regarded as defective when any one of the defects listed under Codex (3.5) is present in more than twice the amount of the specified tolerance for the individual defect. The U.S. Department of Agriculture standard for U.S. Grade B frozen strawberries provides that not more than 2 strawberries may be completely uncolored and not more than 10 percent by weight may be partially uncolored, per sample unit.

The Commissioner proposes that the USDA requirements be adopted as previously stated. He further proposes that if a sample unit is otherwise free of defects the individual tolerances for completely uncolored, and partially uncolored strawberries shall be twice these limits.

18. Codex has no limitation on partially whole strawberries. The Commissioner proposes that in whole strawberries not more than 20 percent by weight may consist of strawberries that have less than 75 percent of the whole strawberry intact.

19. Codex (3.5.1(i)) has a limitation for the presence of dissimilar varieties of strawberries.

In the opinion of the Commissioner, the presence of different varieties of strawberries is not a problem in the United States. The Commissioner, therefore, proposes not to provide for such a limitation.

20. Codex has no limitation for not normally developed or damaged (blemished) strawberries in halved, sliced, or cut styles.

The Commissioner proposes a 5 percent by weight limitation for not normally developed (hard seedy or deformed end) or damaged (sunburned, damaged by insects or birds) strawberries, including not more than 2½ percent by weight decayed for these styles. The Commissioner further proposes that if a sample unit is otherwise free of defects the tolerance shall be twice these limits.

21. Codex has no limitation for uncolored units in halved, sliced, or cut styles.

The Commissioner proposes a limitation of 10 percent by weight for uncolored (50 percent or more of the uncut or outer surface green, white, or pinkish white) units in these styles. The Commissioner further proposes that if a sample unit is otherwise free of defects, the tolerance shall be twice this limit.

22. Codex has no limitation for disintegrated berries for halved, sliced, and cut styles of pack.

The Commissioner proposes a limitation of 30 percent by weight for disintegrated berries (broken, crushed, smashed, or mushy) in halved, sliced, and cut styles.

23. Codex (3.7.1(c)(ii)) provides that in addition to the individual quality requirements for whole strawberries that a sample unit is not acceptable when the percent by weight of partially uncolored whole strawberries, disintegrated whole strawberries, blemished strawberries, misshappen whole strawberries, and dissimilar varieties exceeds 15 percent.

The Commissioner proposes that with respect to whole style a sample unit shall not be acceptable where the sum of the defects for not normally developed or damaged, partially uncolored, and partially whole exceeds 25 percent.

24. Codex (3.7.1(c)(iii)) provides that in addition to the individual quality requirements for halved, sliced, or cut strawberries a sample unit is unacceptable when the percent by weight of blemished strawberries and dissimilar varieties exceeds 12 percent.

The Commissioner proposes for these styles that a sample unit not be acceptable when the sum of the defects for not normally developed or damaged and uncolored exceeds 12 percent.

25. Codex (6.3) requires a complete listing of added ingredients.

The Commissioner proposes that all optional ingredients used be declared. Section 401 of the Federal Food, Drug, and Cosmetic Act provides for the listing of only the optional ingredients on the labels of standardized foods. Strawberries, the only mandatory ingredient of frozen strawberries, will not appear in the ingredient statement but will appear in the name of the food.

26. Codex does not contain a substandard in quality labeling provision.

The Commissioner proposes to provide for substandard in quality labeling as a means of disposing of frozen strawberries that are good food but do not meet the quality standard.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, as amended, 70 Stat. 919; 21 U.S.C. 341, 371(e)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Chapter I of Title 21, Code of Federal Regulations, be amended by establishing a new Part 32 consisting at this time of the following three sections:

## PART 32—FROZEN FRUITS

### Subpart A—General Provisions

Sec.

32.3 Definitions.

### Subpart B—Frozen Strawberries

32.10 Frozen strawberries; frozen strawberries for manufacturing; identity; label statement of optional ingredients.

32.11 Frozen strawberries; quality; label statement of substandard quality.

AUTHORITY: Secs. 401, 701(e), 52 Stat. 1046, as amended, 70 Stat. 919; 21 U.S.C. 341, 371(e).

### Subpart A—General Provisions

**§ 32.3 Definitions.**

For the purposes of this part the following definitions shall apply:

(a) *Compliance.* A lot of frozen fruit shall be deemed in compliance for size requirements of whole strawberries, soluble solids content and quality factors based on the sampling and acceptance procedure set forth in paragraph (b) of this section.

(b) *Sampling and acceptance.* The sampling and acceptance procedure means the following:

(1) *Lot.* A collection of primary containers or units of the same size, type, and style manufactured or packed under similar conditions and handled as a single unit of trade.

(2) *Lot size.* The number of primary containers or units (pounds when in bulk) in the lot.

(3) *Sample size.* The total number of sample units drawn for examination from a lot.

(4) *Sample unit.* A container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for the examination or testing as a single unit.

(5) *Defective.* Any sample unit shall be regarded as defective when the sample unit does not meet the criteria set forth in the standards.

(6) *Acceptance number (c).* The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements. The following acceptance numbers shall apply:

| Lot size | Size container | |
|---|---|---|
| | Number of sample units | Acceptance number |
| Number of primary containers: | | |
| 4,800 or less | [1] 13 | [1] 2 |
| 4,801 to 24,000 | [1] 21 | [1] 3 |
| 24,001 to 48,000 | [1] 29 | [1] 4 |
| 48,001 to 84,000 | [1] 48 | [1] 6 |
| 84,001 to 144,000 | [1] 84 | [1] 9 |
| 144,001 to 240,000 | [1] 126 | [1] 13 |
| Over 240,000 | [1] 200 | [1] 19 |
| Number of pounds: | | |
| 20,000 or less | [2] 13 | [2] 2 |
| More than 20,000 to 100,000 | [2] 21 | [2] 3 |
| More than 100,000 to 200,000 | [2] 29 | [2] 4 |
| More than 200,000 to 400,000 | [2] 48 | [2] 6 |
| More than 400,000 to 600,000 | [2] 84 | [2] 9 |
| More than 600,000 to 1 million | [2] 126 | [2] 13 |
| More than 1 million | [2] 200 | [2] 19 |

[1] Net weight equal to or less than 1 kilogram (2.2 pounds).
[2] Net weight greater than 1 kilogram (2.2 pounds).

(7) *Acceptable quality level (AQL).* The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

### Subpart B—Frozen Strawberries

**§ 32.10 Frozen strawberries; frozen strawberries for manufacturing; identity; label statement of optional ingredients.**

(a) *Product definition.* Frozen strawberries is the food prepared from sound properly ripened whole fruit of the strawberry plant of the genus *Fragaria* in the optional styles specified in paragraph (b) of this section. The food may be prepared directly from fresh strawberries or from individually quick frozen whole strawberries. The strawberries are stemmed, washed, drained, and packed either without a packing medium or with one of the optional packing media specified in paragraph (d) (1) and (2) of this section. Such food may also contain safe and suitable antioxidants as an optional ingredient. The strawberries are preserved by freezing in such a way that the range of temperature of maximum crystallization is passed quickly. The freezing process shall not be regarded as complete until the product temperature has reached —18° C (0° F) or lower at the thermal center of the package.

(b) *Styles of pack.* The optional styles of the strawberry ingredient referred to in paragraph (a) of this section are:

(1) Whole.
(2) Halves.
(3) Slices.
(4) Cut (other than sliced or halved).

(c) *Sizes of whole frozen strawberries.* When size graded, not more than 10 percent by count of the strawberries are such that the diameter of the largest strawberry exceeds the diameter of the smallest strawberry by more than 10 mm (0.4 in), measured according to the maximum diameter. The term "maximum diameter" means the greatest dimension measured at right angles to a straight line extending from the stem to the apex. The following terms shall apply for the purpose of size designation of whole strawberries:

| Size designation: | *Maximum diameter* |
|---|---|
| Small | Less than 16 mm (0.625 in). |
| Medium | 16 mm (0.625 in) to 32 mm (1.25 in), inclusive. |
| Large | Larger than 32 mm (1.25 in). |

(d) *Packing media.* The optional packing media referred to in paragraph (a) of this section are:

(1) One or any combination of two or more safe and suitable dry nutritive carbohydrate sweetener(s), in such an amount that the total soluble solids content of the liquid extracted from the thawed comminuted sample shall not be more than 35 percent nor less than 18 percent by weight as determined according to the procedure set forth in paragraph (d)(3) of this section.

(2) One or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s), in an amount not exceeding that required to cover the strawberries and fill the spaces between them. Water is the liquid ingredient with which such packing media are prepared. The total soluble solids content of the liquid extracted from the thawed, comminuted sample shall not be more than 25 percent nor less than 15 percent by weight of such liquid as determined according to the procedure set forth in paragraph (d)(3) of this section.

(3) The liquid extracted from the thawed, comminuted sample referred to in paragraph (d)(1) and (2) of this section is obtained by blending the entire contents of the container into a homogenized slurry. The density of such liquid is obtained by refractometer according to the "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970, p. 526, § 31.011 (Solids), "By Means of Refractometer (4)—Official Final Action" (and §§ 47.012 and 47.015)[1] and is expressed as percent by weight of sucrose (degrees Brix) with correction for temperature to the equivalent at 20° C (68° F) but without correction for invert sugar or other substances.

(e) *Labeling.* (1) When packed in "package" form as that term is defined in § 1.1b of this chapter, the name of the food is "strawberries"; when packed in other forms of packaging, the name is "strawberries for manufacturing." The name of the food in each case shall also contain the words "frozen" or "quick frozen."

(2) The style "halves," "slices," or "cut" as appropriate and the packing medium as provided in paragraph (d)(1) and (2) of this section preceded by "with" shall appear in conjunction or in close proximity to the name of the food. If a reference to the size of whole strawberries is made, the size designations set forth in paragraph (c) of this section shall be used.

(3) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

**§ 32.11 Frozen strawberries; quality; label statement of substandard quality.**

(a) *Standard of quality.* The standard of quality for frozen strawberries other than frozen strawberries for manufacturing is as follows:

(1) *Stems.* Not more than six attached or detached stems (stalks) each longer than 3 mm (0.1 in) in one dimension, per sample unit.

(2) *Extraneous vegetable material measurable by area.* Not more than 5 sq cm (0.775 sq in) of extraneous vegetable material (calyces and leaves and portions thereof), per sample unit.

(3) *Extraneous vegetable material not measurable by area.* Not more than two pieces of extraneous vegetable material not measurable by area (vines), per sample unit.

(4) *For whole strawberries*—(i) *Not normally developed or damaged (blemished).* Not more than 10 percent by weight shall be not normally developed (hard seedy or deformed end) or damaged (e.g., sunburned, damaged by insects or birds), including not more than 4 percent by weight decayed having an aggregate area of a circle not less than 0.3 cm (0.1 in) to not more than 1.3 cm (0.5 in) in diameter, or not more than 1 percent by weight decayed having an aggregate area of a circle greater than 1.3 cm (0.5 in) in diameter.

(ii) *Completely uncolored.* Not more than two strawberries, per sample unit, shall be completely uncolored (75 percent or more of the outer surface green, white, or pinkish white).

(iii) *Partially uncolored.* Not more than 10 percent by weight shall be partially uncolored, with 25 to 75 percent of the outer surface green, white, or pinkish white.

(iv) *Partial whole.* Not more than 20 percent by weight shall consist of strawberries that have less than 75 percent of the whole strawberry intact.

(5) *For halved, sliced, and cut styles*—(i) *Not normally developed or damaged (blemished).* Not more than 5 percent by weight shall be not normally developed (hard seedy or deformed end) or damaged, e.g., sunburned, damaged by insects or birds, including not more than 2½ percent by weight decayed.

(ii) *Uncolored.* Not more than 10 percent by weight shall be uncolored (50 percent or more of the uncut or outer surface green, white, or pinkish white).

(iii) *Disintegrated.* Not more than 30 percent by weight shall be disintegrated (broken, crushed, smashed, or mushy).

(b) *Sample unit size.* The sample unit for determining compliance with the requirements of paragraph (a) of this section shall be 500 g (17.6 oz) for frozen strawberries without dry sweetener(s) or sirup packing medium and 650 g (22.9 oz) for frozen strawberries with dry sweetener(s) or sirup packing medium.

(c) *Classification of defectives.* A sample unit shall be regarded as defective for the purpose of § 32.3(a) accordingly:

(1) Any of the defects exceed the limits specified in paragraph (a) of this section: *Provided,* That in respect to the defects specified in paragraph (a)(4)(i), (ii), and (iii) and (5)(i) and (ii) of this section, if the same unit is otherwise free of the defects specified, any single defect may exceed the limit so specified but shall not exceed twice such limit.

(2) In the case of whole strawberries, the sum of the defects described in paragraph (a)(4)(i), (iii), and (iv) exceeds 25 percent.

(3) In the case of halved, sliced, or cut styles, the sum of the defects described in paragraph (a)(5)(i) and (ii) exceeds 12 percent.

(d) *Substandard.* If the quality of the frozen strawberries falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.7 of this chapter in the manner and form specified; however, in lieu of the words prescribed for the second line in the rectangle, the following words may be used where the frozen strawberries fall below the standard in only one respect: "Below standard in quality ----------," the blank to be filled in with specific reason for substandard quality as listed in the standard.

Interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal on or before January 2, 1974. Such views and comments should be addressed to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

NOTE: Incorporation by references provisions approved by the Director of the Federal Register, March 26, 1973.

Dated: September 25, 1974.

HOWARD R. ROBERTS,
*Acting Director,*
*Bureau of Foods.*

[FR Doc.74-22800 Filed 10-3-74;8:45 am]

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## [21 CFR Part 610]

## INACTIVATED INFLUENZA VACCINE, GENERAL SAFETY TEST

### Notice of Proposed Rulemaking

*Correction*

In FR Doc. 74-17646 appearing at page 27916 in the issue for Friday, August 2, 1974, make the following change.

In the preamble language on page 27917 in the second column, eleventh line, the figure "0.03" should read: "0.3".

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## Social Security Administration

## [20 CFR Part 405]

[Regs. No. 5]

## FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

### Facilities Providing Treatment for End-Stage Renal Disease; Interim Period Qualification and Exception Criteria

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. This notice includes: (1) A republication, as proposed regulations published on June 29, 1973, regulations, of certain provisions of the which set forth requirements under which facilities qualify under the End-Stage Renal Disease Program; and (2) an initial publication in the FEDERAL

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044.

REGISTER of an Appendix to Subpart B, containing interim period exception criteria and guidelines, which are for use in evaluating certain requests under the interim regulations. The publication of these materials does not affect the current applicability of the regulations which were published on June 29, 1973; the latter will continue in full force and effect until subsequent action is taken (for example, they are amended or otherwise modified by final publication of the proposed regulations being published herein with notice of proposed rulemaking or are later revoked or superseded, e.g., by publication of the "long-term" regulations, referred to in the next paragraph). In particular, this document does not affect §§ 405.104, 405.402(g), or 405.502(e) of the interim regulations published on June 29, 1973. If amendments are made in such sections, they will be published under the notice of proposed rulemaking procedure.

In addition, attention is invited to the fact that the regulations published on June 29, 1973, including the parts thereof reprinted below as proposed regulations, are "interim" regulations, designed to apply to the initial implementing stage of the End-Stage Renal Disease Program. The regulations published herein with notice of proposed rulemaking, when published in final, will continue to be "interim" regulations. The interim regulations published on June 29, 1973, and these proposed regulations should not be confused with the "long term" regulations which will be made applicable to the End-Stage Renal Disease Program and which will, when issued, replace these interim provisions. (Such "long-term" regulations will be published at a later date pursuant to a separate notice of proposed rulemaking.)

The interim regulations on facility qualification which were published on June 29, 1973, and are reprinted below, and the implementing guidelines, reflect consultation with a large number of professional and institutional representatives, including, for example, members or staff of the National Kidney Foundation, the Maryland Commission on Kidney Disease, the Northwest Kidney Center, and many of the country's most distinguished nephrologists and transplant surgeons. The regulations on facility qualification requirements are being published at this time as proposed rulemaking to assure that all interested parties have a formal opportunity to comment; comment is invited with respect also to the principles and criteria set out in the Preamble and Appendix to Subpart B.

The proposed amendments would further implement section 299I of the Social Security Amendments of 1972, Pub. L. 92-603 (which amends section 226 of the Social Security Act, 42 U.S.C. 426). That provision of the law extends Medicare protection against the cost of end-stage renal disease (ESRD) to virtually the entire population. The legislation authorizes the Secretary to limit reimbursement to facilities meeting such requirements as he may prescribe by regulation. In view of the new issues that stem from the virtually universal coverage of a very complex service, the absence of prior experience, and possible precedents that the regulations may establish, long term decisions and regulations implementing them in connection with Medicare payment and facility qualification policies will require continuing careful study and reevaluation based upon operating experience.

In view, however, of the provision in the law that reimbursement be made under the program only to facilities meeting requirements prescribed by the Secretary in regulations, it was imperative to publish interim regulations before July 1, 1973, the effective date of the legislation, in order to remove any doubt that authority would exist on that date for payment for life-sustaining services for patients receiving renal dialysis as well as for individuals receiving kidney transplants beginning on that date. It was essential, moreover, to assure to the extent possible at that time: (1) That facility services furnished to Medicare beneficiaries met community standards of quality care; (2) that investment of scarce resources in the proliferation of an unnecessary number of facilities with low utilization rates and consequent high unit costs and lesser likelihood of quality performance be discouraged; and (3) that, in view of the widely varying charging practices, payments made were, consistent with pertinent statutory criteria and limitations, at a level reflective of the Department's responsibility both to contain costs and to contribute to the maintenance of an adequate supply of treatment resources.

The proposed amendments also include an appendix to Subpart B, "Guidelines and Definitions for the End-Stage Renal Disease Program," containing interim period exception criteria and guidelines for use in the evaluation under the Social Security Act of certain facilities providing treatment for end-stage renal disease. The criteria and guidelines further delineate certain basic principles set out in the Preamble to the interim regulations which were published in the FEDERAL REGISTER on June 29, 1973 (38 FR 17210) to implement the amendment to section 226 of the Social Security Act, made by section 299I of Pub. L. 92-603, until regulations for the long term program are promulgated. These basic principles are also set out below in this preamble.

Section 299I requires that regulations include minimum utilization rates, which are associated both with cost of operation and quality of performance (which is generally superior when staff is well-practiced), and a provision for a medical review board to screen the appropriateness of patients for the proposed treatment procedures. The long term regulations, when promulgated, will provide for such rates and review boards. In addition, the long term requirements for qualification under the program will provide that facilities have affiliations which tie them in with the various modalities of treatment so as to support the development of an organized effective system of delivery of treatment of end-stage renal disease. Recognition of a facility on an interim basis (including such determinations made under the exceptions procedure described further below) should not be construed to imply that it will be approved on a permanent basis for reimbursement under the program. When the selection of qualifying facilities under the final long term conditions is made, it is expected that those not qualifying will be phased out with a minimum of interruption in the continuity of service.

As set out in the preamble to the interim regulations of June 29, 1973, subject to requirements described below, facilities which were in operation in the performance of ESRD treatment on June 1, 1973, will be reimbursed under the program during the interim period for services which are not increased substantially; additional facilities will be qualified to participate and substantial additions to services will be allowed for reimbursement on an exceptions basis. Those facilities which have not provided transplantation or chronic maintenance dialysis prior to June 1, 1973, or which have expanded or contemplate substantial expansion of services after June 1, 1973, will in addition, be reviewed during the interim period to determine whether their entry into this field is consistent with the criteria described below, which include principles expected to be encompassed in final conditions of participation and which, for the interim period, are further delineated in the Appendix to Subpart B.

With respect to transplantation, these criteria and principles include the following: (1) the facility is participating in the Medicare program; (2) it can reasonably be expected to perform a sufficient number of transplants per year and otherwise demonstrates a capacity to perform with high quality; (3) it makes a needed contribution to access of care in an area; (4) it contributes to a coordinated system of care by its arrangements for cooperation with other facilities in the area offering the same or other modalities of care for end-stage renal disease patients so that patients should be placed in the appropriate site and receive the appropriate service; (5) its costs of performance are not expected to exceed the reasonable costs for like or comparable services in the community; and (6) its capital expenditures for this service have not been disapproved in accordance with section 1122 of title XI of the Social Security Act. During the period immediately after June 1, 1973, special consideration for participation will be given to a facility that has prior to June 1, 1973, made a substantial investment of time, study, and resources in preparation for provision of the services in question.

Subject to the above caveat, transplant hospitals which are currently participating in the Medicare program will continue to be reimbursed in the interim period for renal transplantation until requirements for the long term program are promulgated and applied.

With respect to chronic maintenance dialysis facilities, the criteria and principles include the following: (1) the facility is expected to meet an acceptable utilization rate and otherwise demonstrates a capacity to perform at high quality; (2) the facility makes a needed contribution to access of care; (3) the facility makes a positive contribution to the total system of care of ESRD by working in cooperation with other sites and modalities of care; (4) the facility has arrangements for a patient review mechanism to assure that all patients are screened for the appropriateness of their treatment modality including suitability for transplant and home dialysis; (5) the cost (or charge) does not exceed the reasonable costs (or charges) for like or comparable services in the community; and (6) its capital expenditures for this service have not been disapproved in accordance with section 1122 of title XI of the Social Security Act. During the period immediately after June 1, 1973, special consideration for participation will be given to a facility that, prior to June 1, 1973, had made a substantial investment of time, study, and resources in preparation for provision of the services in question.

Subject to the above caveat, dialysis facilities which have been in operation before June 1, 1973, will be reimbursed by the program during the interim period until requirements for the long term program are promulgated, if they meet the following minimal conditions; (1) if hospital-operated, the hospital is participating in the Medicare program; or (2) if free-standing, the facility (a) meets State or local licensure requirements, if any, (b) is a facility in which treatment is under the general supervision of a physician (who need not be a full-time supervisor), (c) has an affiliation, e.g., has arrangements for backup care, etc., with a participating hospital, and (d) agrees that no charge will be made for a covered dialysis service provided by the facility that is in excess of the charge determined to be the reasonable charge of that facility.

In view of the urgent need to provide a basis for making payment for services of qualified facilities, the criteria and guidelines set out in this notice of proposed rulemaking are being applied currently in the evaluation of facilities requesting program recognition, pursuant to the interim regulations published on June 29, 1973. If, after the public comment period, the interim regulations (including the criteria and guidelines in the Appendix to Subpart B) are substantially amended, a determination made under the interim regulations on a facility's request may be reexamined and, if appropriate, revised.

Subpart O of this part will be amended to provide for administrative review, including reconsideration, for a facility whose application for approval under the proposed regulations is disallowed or who is otherwise dissatisfied with the determination made on its application.

Prior to final adoption of the proposed interim regulations and guidelines, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before November 4, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed regulations are to be issued under the authority contained in sections 226(g), 1102, 1862, 1871, 86 Stat. 1464, 49 Stat. 647, as amended, 79 Stat. 325, 79 Stat. 331; 42 U.S.C. 426(g), 1302, 1395y, 1395hh.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: September 20, 1974.

J. B. CARDWELL,
*Commissioner of Social Security.*

Approved: September 26, 1974.

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

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) are further amended as set forth below.

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

1. Section 405.116 is amended by revising paragraph (g) to read as follows:

**§ 405.116 Inpatient hospital services; defined.**

* * * * *

(g) *Services in connection with kidney transplantation.* With respect to services rendered in connection with kidney transplantation, for an interim period beginning July 1, 1973, for services rendered on and after that date, and until regulations setting forth qualification requirements are promulgated and applied, coverage is limited to services rendered in participating hospitals which on June 1, 1973, have been providing the services and have not substantially increased such services, or which have, in the opinion of the Secretary, demonstrated the need for and appropriateness of their assumption of or increase in the provision of such services, in an effective and economical system of end-stage renal disease treatment. (For interim period exception criteria and guidelines, see the Appendix to Subpart B.)

2. Section 405.231 is amended by revising paragraphs (g) and (h) to read as follows:

**§ 405.231 Medical and other health services; included items and services.**

* * * * *

(g) Rental or, effective January 1, 1968, the purchase of durable medical equipment, including iron lungs, oxygen tents, hospital beds, renal dialysis systems, and wheelchairs used in the patient's home. For purposes of this paragraph, the term "home" does not include an institution which meets the requirements of section 1861(e)(1) or 1861(j)(1) of the Act; with respect to dialysis facilities which render home training and provide equipment, supplies, and back-up services to patients who dialyze in the home, coverage shall be limited to services of those dialysis facilities described in paragraph (h) of this section.

(h) Prosthetic devices (other than dental) which replace all or part of an internal body organ, including replacement of such devices (with respect to items furnished on or after October 30, 1972, such devices include colostomy bags and supplies directly related to colostomy care). With respect to renal dialysis facilities, during an interim period beginning July 1, 1973, for facility dialysis services rendered on and after that date and until regulations setting forth requirements for these facilities are promulgated and applied, coverage is limited to the services of those facilities which on June 1, 1973, have been providing the services and which have not substantially increased such services or which have, in the opinion of the Secretary, demonstrated the need for and appropriateness of their assumption of or increase in the provision of such services, in an effective and economical system of end-stage renal disease treatment, and which also meet one of the following requirements:

(1) The facility is part of a participating hospital; or

(2) It is a free-standing facility which meets the following conditions—

(i) Meets State or local licensure requirements, if any,

(ii) Is a facility in which treatment is under the general supervision of a physician, who need not be a full-time supervisor.

(iii) Has an affiliation, e.g., has an agreement for back-up care, etc., with a participating hospital, and

(iv) Agrees that no charge will be made for a covered dialysis service provided by the facility that is in excess of the charge determined under the health insurance program to be the reasonable charge of that facility and agrees to bill the program and not the patient for amounts reimbursable under the program. (For interim period exception criteria and guidelines, see the Appendix to this Subpart B.)

3. An Appendix to Subpart B is added to read as follows:

APPENDIX

I. Requests for exception to allow the provision of transplant services.
II. Requests for exception to allow the provision of chronic maintenance dialysis services.
III. Definitions.

APPENDIX

GUIDELINES AND DEFINITIONS FOR THE END-STAGE RENAL DISEASE (ESRD) * PROGRAM

(Terms defined in section III are indicated by asterisk)

I. Facilities wishing to provide renal transplant services must be in substantial compliance with the following criteria and guidelines. A. *The facility is participating in the Medicare program.* The facility is a hospital which meets all the requirements of section 1861(e) of the Social Security Act, and has entered into an agreement to participate in the Medicare program.

B. *The facility can reasonably be expected to perform a sufficient number of transplants per year and otherwise demonstrates a capacity to perform with high quality.* (Performance of 25 or more transplants per year has been shown to be positively correlated with adequate economies of scale and favorable patient and graft outcome. While such performance is not required during the interim period, similar performance may be a requirement of the long-range program.)

1. *The facility is expected to perform a sufficient number of transplants.* Compliance with this criterion requires the following:

a. The hospital has a sufficient number of beds to meet the intensive and acute care requirements of its End-Stage Renal Disease (ESRD) patients.

b. The hospital has an adequate number of qualified personnel to meet the requirements of its ESRD patients.

c. The hospital provides inpatient acute (back-up) dialysis* services to support the transplant program.

d. The hospital offers both living related donor (LRD)* and cadaver donor (CD) transplant* services.

e. The unsatisfied demand for services in the area and the availability of suitable donor organs is such that there is a likelihood that a reasonable scale of operations (at least 15 transplants) can be expected to be attained within one year.

2. *The facility demonstrates a capacity to perform with high quality.* Compliance with this criterion requires:

a. *Minimal personnel requirements.* (1) A licensed physician is responsible for directing, planning, organizing, and conducting transplant services, and devotes sufficient time to carry out these responsibilities. This physician is board certified in surgery (by any American Medical Association or American Osteopathic Association surgical specialty board), in internal medicine (by the American Board of Internal Medicine or the American Osteopathic Board of Internal Medicine) or, if the facility is a children's hospital, in pediatrics (by the American Board of Pediatrics or the American College of Osteopathic Pediatricians). In addition this physician has:

(a) A minimum of one year's formal training in a teaching institution in ESRD patient care and transplant immunology, or

(b) A minimum of two year's experience in delivering ESRD care.

(2) The surgeons performing the transplants are board certified (by any American Medical Association or American Osteopathic Association surgical specialty board), and have:

(a) A minimum of one year's formal training in a teaching institution in renal transplantation, or

(b) Two years' experience performing renal transplant.

(3) If pediatric transplant services (for children under age 14) are offered as part of a general program, children's care shall be under a pediatrician with qualifications as outlined in (1) above.

(4) There is at least one registered nurse responsible for ESRD nursing care on a full-time basis with:

(a) A minimum of six months' training in a teaching institution providing dialysis and transplant patient care, or

(b) A minimum of two years' experience in caring for dialysis and transplant patients.

(5) The nursing service also meets the requirement of § 405.1024 of the Health Insurance Regulations.

(6) A qualified dietician (preferably meets the A.D.A.'s standards for qualification) provides diet management and counseling to meet ESRD patient needs.

(7) The facility provides a social worker, directly* or under arrangement,* to meet the social service and counseling needs of ESRD patients.

(8) The medical staff of the hospital has the following specialties:

(a) Cardiology, endocrinology, hematology, neurology, infectious disease, orthopedics, pathology, psychiatry, and urology.

b. *Minimal service requirements.* (1) The hospital provides on the premises,* either directly* or under arrangement*:

(a) Inhalation therapy;

(b) Angiography;

(c) Nuclear medicine;

(d) Emergency (24 hours a day) laboratory services of C.B.C., platelet count, ABO blood cross matching, blood gases, blood pH, serum calcium, serum potassium, BUN, creatinine, serum glucose, prothrombin time, spinal fluid exam, urine sediment, and urine glucose.

(2) The hospital provides, either directly or under arrangement with another facility:

(a) Immunofluorescence and electron microscopy;

(b) Unusual pathogen cultures: fungal cultures, tissue cultures, and TB cultures;

(c) Outpatient services for the evaluation, care, and follow-up of transplant and ESRD patients.

(3) The following services are provided under arrangement with another facility or, if they are not reasonably available elsewhere, are added to the applicant facility's capability:

(a) Tissue typing and immunology testing.

(b) Cadaver kidney preservation using perfusion equipment.*

(4) If the hospital is not approved to provide Regular (Chronic) Maintenance Dialysis* under Medicare, it has an agreement* with a facility which has such approval, to provide:

(a) Regular (chronic) maintenance dialysis; and

(b) If a facility providing such services is reasonably available in the community:

(i) Self-dialysis training program* including a procedure for the evaluation of home conditions to assess and place the patient in home dialysis,

(ii) Self-dialysis* in an outpatient facility for patients who cannot perform self-dialysis at home, and

(iii) Limited care dialysis* in an outpatient facility for patients who cannot perform self-dialysis.

C. *The facility makes a needed contribution to access of care in an area.* Exception to facilities will only be granted when:

1. There is evidence to document that there are ESRD patients acceptable for transplantation,

2. These patients cannot reasonably be expected to receive appropriate therapy from another transplant facility, and

3. There are no other applicants better qualified to meet the needs of such patients.

D. *The facility contributes to a coordinated system of care by its arrangements for cooperation with other facilities in the area offering the same or other modalities of care for ESRD patients so that patients should be placed in the appropriate site and receive the appropriate service.* This criterion will require an analysis of other services available in the applicant's area. Determinants will include:

1. The hospital makes the ESRD services it is approved to provide available to the ESRD patients of other facilities in the area that do not provide those services.

2. If the services indicated in B.2.b.(2), and (3), and B.2.b.(4)(b), are reasonably available in other facilities in the area in a manner that can be reimbursed by the Medicare program, the hospital carries out arrangements and agreements, as indicated in those sections, for these services for its ESRD patients.

3. The hospital cooperates and participates in a recipient registry.*

4. The hospital cooperates and participates in an organ procurement* and preservation* program, if such exist, and the development of an organ procurement program, if none exists.

5. The hospital carries out agreements with cooperating institutions for timely transfer of medical data on the ESRD patients.

E. *The costs of performance are not expected to exceed the reasonable costs of like or comparable services in the community.*

F. *The capital expenditures for the facility's transplant services have not been disapproved in accordance with section 1122 of Title XI of the Social Security Act.*

II. Facilities wishing to provide chronic maintenance dialysis services must be in substantial compliance with the following criteria and guidelines. A. *Hospital-operated facilities.* 1. *If the facility is hospital-operated, the hospital is participating in the Medicare program.* The hospital meets *all* the requirements of section 1861(e) of the Social Security Act, and has entered into an agreement to participate in the Medicare program.

2. *The facility is expected to meet an acceptable utilization rate and otherwise demonstrate a capacity to perform at high quality.*

a. *Expected to meet an acceptable utilization rate* means the facility has a minimum of two maintenance dialysis stations, and operates each maintenance dialysis station a minimum of 5 dialysis sessions per week.

b. *Demonstrates a capacity to perform at high quality means:*

(1) *Minimal personnel requirements.* The hospital and its dialysis facility has an adequate number of personnel to meet the requirements of its ESRD patients; minimal requirements are:

(a) A licensed physician is responsible for planning, organizing, conducting, and directing ESRD services, and devotes sufficient time to carry out these responsibilities. This physician is board certified or board eligible in internal medicine (by the American Board of Internal Medicine or the American Osteopathic Board of Internal Medicine) and has:

(i) A minimum of one year's formal training in a teaching institution in ESRD patient care, or

(ii) A minimum of two years' experience delivering ESRD care.

(b) The surgeons performing the vascular access procedures (cannula/fistula placement and revisions) are board certified (by any American Medical Association or American Osteopathic Association surgical specialty board) and have:

(i) A minimum of one year's formal training at a teaching institution in vascular surgery, or

(ii) Two years' experience performing vascular access procedures.

(c) There is at least one R.N. responsible for ESRD nursing care on a full-time basis with a minimum of:

(i) Six months' training in a teaching institution providing dialysis and ESRD patient care, or

(ii) Two years' experience in caring for dialysis and ESRD patients.

(d) The nursing service also meets the requirements of § 405.1024(c).

(e) A qualified dietician (one who preferably meets the A.D.A.'s standards for qualifications) provides diet management and counseling to meet ESRD patient needs.

(f) The facility provides a social worker, directly* or under arrangement,* to meet the social service and counseling needs of ESRD patients.

(g) The facility is capable of providing timely specialty evaluation and consultation for its ESRD patients in cardiology, endocrinology, hematology, neurology, orthopedics, pathology, pediatrics (if children with ESRD are cared for), psychiatry, and in urology.

(2) *Minimal service requirements.* (a) The hospital provides on its premises,* either directly* or under arrangement*:

(i) Inpatient acute (back-up) dialysis to support the ESRD patient needs;

(ii) Inhalation therapy;

(iii) Emergency (24 hours a day) laboratory services of C.B.C., platelet count, ABO blood cross matching, blood gases, blood pH, serum calcium, serum potassium, BUN, serum glucose, prothrombin time, spinal fluid exam, urine sediment, and urine glucose.

(b) The hospital provides directly* limited-care dialysis in an outpatient facility for patients who cannot perform self-dialysis.

(c) The hospital provides, either directly,* or under arrangement* with another facility, for the following:

(i) Angiography;

(ii) Nuclear medicine;

(iii) Immunofluorescence and electron microscopy;

(iv) Unusual pathogen cultures, fungal cultures, tissue cultures, and TB cultures;

(v) Outpatient services for the evaluation, care, and follow-up of ESRD patients, including cannula and fistula care, and home-dialysis support services*.

(d) The hospital provides either directly* or by an agreement* with another facility:

(i) Self-dialysis training program including a procedure for the evaluation of home conditions to assess and place the patient at home;

(ii) Self-dialysis in an outpatient facility for patients who cannot perform self-dialysis at home;

(e) The hospital provides by an agreement* with a facility already certified to provide the service under Medicare:

(i) Evaluation of its patients for transplantation. (The transplantation facility is responsible for tissue typing and immunology testing, and prospective patient registration for transplantation.);

(ii) Transplantation.

3. *The facility makes a needed contribution to access of care.* This means that an exception to dialysis facilities will only be granted when:

a. There is evidence to document that there are ESRD patients acceptable for therapy,

b. These patients cannot reasonably be expected to receive appropriate therapy from another facility, and

c. There are no other applicants better qualified to meet the needs of these patients.

4. *The facility makes a positive contribution to the total system of care of ESRD by working in cooperation with other sites and modalities of care.* The use of this criterion will require an analysis of other services available in the applicant's area. Determinants will include:

a. The hospital makes the ESRD services, it is approved to provide available and accepts ESRD patients referred from other facilities in the area that do not provide those services.

b. If the services indicated in II.A.2.b.(2)(d) are reasonably available in other Medicare approved facilities in the area, the hospital carries out agreements with cooperating institutions for these services, and the services indicated in II.A.2.b.(2)(e) for its patients.

c. The hospital cooperates and participates in a recipient registry.

d. The hospital cooperates and participates in an organ procurement and preservation program, if such exist.

e. The hospital carries out agreements with cooperating institutions for timely transfer of medical data on the ESRD patients.

5. *The facility has arrangements for a patient review mechanism to assure that all patients are screened for the appropriateness of their treatment modality—including suitability for transplant and home dialysis.* Prior to the establishment of Medical Review Boards, the facility refers each of its patients to appropriate facilities for transplant and self-dialysis training evaluation. A formal recommendation shall be made to the referring facility as to the most appropriate mode of therapy. When the recommended mode of therapy differs from the current mode of therapy, and the patient desires the recommended therapy, the referring facility shall provide such, directly or by agreements. Patients will be re-evaluated on an annual basis, except when the patient specifically requests a change in mode of therapy, in which case such re-evaluation should be carried out within six months from the time of such request (if the six month limit comes before the annual re-evaluation date).

6. *The cost of the service offered by the facility is not expected to exceed the reasonable cost or charges for like or comparable services in the community.*

7. *Capital expenditures for this service have not been disapproved in accordance with section 1122 of Title XI of the Social Security Act.*

B. *Free-Standing Facilities.* 1. Free-standing facilities must:

a. *Meet State or local licensure requirements, if any,*

b. *Be a facility in which treatment is under the general supervision of a physician (who need not be a full-time supervisor).* The supervisory physician is a licensed physician responsible for planning, organizing, conducting, and directing the facility's ESRD services, and devotes sufficient time to carry out these responsibilities. This physician is board certified or board eligible in internal medicine (by the American Board of Internal Medicine or the American Osteopathic Board of Internal Medicine) and has a minimum of one year's formal training in ESRD patient care, or a minimum of two years' experience in delivering ESRD care.

c. *Have an affiliation, e.g., has arrangements for back-up care, etc., with a participating hospital.* The participating hospital with which the free-standing facility has its arrangements and agreements* is approved to deliver ESRD services under the Medicare program.

d. *Agree that no charge will be made for covered dialysis service provided by the facility that is in excess of the charge determined to be the reasonable charge of that facility.* The facility agrees to bill the program and not the patient for amounts reimbursable under the program.

2. *Free-standing facilities are expected to to meet an acceptable utilization rate and otherwise demonstrate a capacity to perform at high quality.*

a. *Free-standing facilities are expected to meet an acceptable utilization rate.* The facility has a minimum of two maintenance dialysis stations, and operates each maintenance dialysis station a minimum of 5 dialysis sessions per week.

b. *Free-standing facilities must demonstrate a capacity to perform at high quality.* (1) The facility has an adequate number of qualified personnel to meet the requirements of its ESRD patients; minimal requirements are:

(a) Treatment is under the general supervision of a physician as set out in II.B.1.b.

(b) There is at least one full-time registered nurse with:

(i) A minimum of six months' training in a teaching institution providing dialysis and ESRD patient care, or

(ii) A minimum of two years' experience in dialysis and ESRD patient care.

(c) The facility provides through its affiliation with a participating hospital, in a timely fashion, any necessary vascular access procedures by a qualified surgeon (as defined in II.A.2.b.(1)(b)); diet management and counseling by a qualified dietician (as in II.A.2.b.(1)(e)); social services and counseling by a social worker (as in II.A.2.b(1)(f)); and specialty evaluation and consultation for its ESRD patients in cardiology, endocrinology, hematology, neurology, orthopedics, pathology, pediatrics (if children with ESRD are cared for), psychiatry and in urology (as in II.A.2.b.(1)(g)).

(2) Service requirements the free-standing facility provides directly are limited care dialysis services.

(3) The facility provides, directly or by agreement through its affiliated hospital: (a) self-care dialysis, and (b) self-dialysis training.

(4) The facility provides, under arrangement, or by agreement with its affiliated hospital, all those services indicated in II.A.2.b.(2).

3. *The facility makes a needed contribution to access of care.* Exception for free-standing dialysis facilities will only be granted when:

a. There is evidence to document that there are ESRD patients acceptable for therapy,

b. These patients cannot reasonably be expected to receive appropriate therapy from another facility, and

c. There are no other applicants better qualified to meet the needs of these patients.

4. *The facility makes a positive contribution to the total system of care of ESRD by working in cooperation with other sites and modalities of care.* a. The facility makes available the dialysis services it is approved to provide, and accepts ESRD patient referred from other facilities in the area that do not provide such services.

b. The facility carries out the agreements with its affiliated hospital for those services for its patients which it does not provide.

c. It cooperates and participates in recipient registries.

d. It carries out agreements with cooperating institutions for timely transfer of medical data on the ESRD patients.

5. *The facility has arrangements for a patient review mechanism to assure that all patients are screened for the appropriateness of their treatment modality—including suitability for transplant and home dialysis.* Prior to the establishment of *Medical Review Boards*, the facility shall refer each of its

patients to appropriate facilities for transplant and self-dialysis training evaluation. A formal recommendation shall be made to the referring facility as to the most appropriate mode of therapy. When the recommended mode of therapy differs from the current mode of therapy, and the patient desires the recommended therapy, the referring facility shall provide such (directly or through its agreements) as outlined above. Patients will be re-evaluated on an annual basis, except when the patient specifically requests a change in mode of therapy, in which case such re-evaluation should be carried out within six months from the time of such request (if the six month limit comes before the annual re-evaluation date).

6. *The charge for the service is related to the cost of the service and does not exceed the reasonable costs or charges for like or comparable services in the community.*

7. *Capital expenditures for this service have not been disapproved in accordance with section 1122 of Title XI of the Social Security Act.*

NOTICE: Attention is invited, as applicable, to the requirements of Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352; 78 Stat. 252; 42 U.S.C. 2000d–2000d–4) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (sec. 42 U.S.C. 2000d), and to the implementing regulation issued by the Secretary of Health, Education, and Welfare with the approval of the President (Part 80 of 45 CFR Subtitle A).

III. *Definitions.* A. A number of terms used in the guidelines text have specific meanings which are different from their use in common language. Some definition is necessary to prevent confusion and permit maximum comprehension of the intent of these guidelines. Some of these terms have specific meaning in relation to the medical care of renal disease; other terms have a specific meaning in the terminology of the Social Security Administration.

B. The following definitions are intended as an aid in understanding the terms involved and do not replace regulations pertaining to the same terms.

1. *End stage renal disease (ESRD).* Although much of what has been written about Section 2991 of Pub. L. 92–603 refers to coverage of care for chronic renal disease, the law in effect provides coverage only for patients with end stage renal disease (ESRD). This scope of coverage is implicit because the law states that there is coverage for a patient who "is medically determined to have chronic renal disease and who requires hemodialysis or renal transplantation for such disease." End stage renal disease is that stage of renal impairment which cannot be favorably influenced by conservative management alone, and requires dialysis and/or kidney transplantation to maintain life or health. Therefore, the term end stage renal disease (ESRD) in reference to section 2991 of Pub. L. 92–603 is more appropriate than the term chronic renal disease (CRD).

2. *Dialysis.* A process by which waste products are removed from the body by diffusion from one fluid compartment to another across a semipermeable membrane. There are two types of dialysis in common clinical usage: hemodialysis— where blood is passed through an artificial kidney machine and the waste products diffuse across a man-made membrane into a bath solution known as dialysate after which the cleansed blood is returned to the patient's body; and, peritoneal dialysis— where the waste products pass from the patient's body, through the peritoneal membrane into the peritoneal (abdominal) cavity where the bath solution (dialysate) is introduced and removed periodically. While there are processes, such as hemoperfusion and diafiltration which may become a substitute for, or replace, dialysis in the future, their limited usage in this country today does not merit their separate definition or consideration in these guidelines.

3. *Regular (chronic) maintenance dialysis.* The usual periodic dialysis treatments which are given to a patient who has end stage renal disease in order to sustain life and ameliorate uremic symptoms. Currently, such treatments are usually given two or three times a week.

4. *Back-up hospital, back-up dialysis.* A back-up hospital is a hospital which is approved to deliver ESRD services under the Medicare program and has an arrangement or agreement to make these services available to referred home dialysis patients and/or patients from specific free-standing dialysis facilities for all the ordinary and specialized medical and surgical consultation services which are not available in the home or at the free-standing dialysis facility, and are required for the care of ESRD patients. The number of back-up dialysis stations must be appropriate for the number of patients for which the back-up hospital has accepted responsibility.

Back-up dialysis is dialysis given to a patient under special circumstances, in a situation other than the patient's usual dialysis environment. Although back-up dialysis required by home dialysis patients for non-the absence of helper) may be performed in a freestanding facility, back-up for significant medical problems is performed by a back-up hospital which must be capable of providing the necessary nephrological, medical and surgical expertise, and the appropriate equipment and personnel to care for the patient in the event of his hospitalization.

5. *Acute dialysis.* Dialysis given to patients on an intensive care, inpatient basis. Acute dialysis may be given to patients with ESRD during periods of acute illness (acute, back-up dialysis); it may be given to patients without ESRD who require dialysis for certain conditions, such as, acute renal failure and certain drug ingestions.

6. *Self-dialysis.* Regular maintenance dialysis performed by a trained patient at home or within an outpatient facility. In the case of home dialysis, the patient performs dialysis at home with the assistance of a trained partner. In the case of "self-care" dialysis in an outpatient facility, the patient performs dialysis in a facility removed from the home with the assistance of a trained partner or a health professional. In both cases, professional supervision and performance of the dialysis is limited.

7. *Limited care dialysis.* Regular maintenance dialysis on an outpatient basis in a facility where the actual dialysis procedure is performed by health professionals.

8. *Self-dialysis training.* The education or training of a patient to permit the patient to perform dialysis on himself (herself).

9. *Self-dialysis training program.* A program which assesses a patient's ability to learn to perform dialysis. Such a program includes an assessment of the patient's home and family conditions to determine if the patient can perform self-dialysis in the home. If a patient is judged educable in self-dialysis, such a program would also train the patient to perform self-dialysis.

10. *Organ procurement.* The identification of a prospective donor and the surgical removal of a donor kidney.

11. *Organ preservation.* The maintenance of a kidney after it has been removed from the donor and until it has been transplanted into a recipient. Organ preservation is an integral part of kidney transplantation and may be accomplished by special solutions and cooling of the kidney, or by perfusion of the kidney using special equipment.

12. *Tissue typing and immunology testing.* Laboratory procedures used to determine the degree of compatibility between a donor organ and a potential recipient of a kidney transplant. They include: (1) identification of tissue "types" (HLA); (2) performance of a cross match for cytotoxic antibodies; and (3) certain specialized tests of immunologic reactions such as mixed lymphocyte cultures and cell mediated lymphoiysis.

13. *Living related donor transplantation.* A transplant where the organ is donated and removed from a living, blood relative of the patient and transplanted into the patient. Nonrelated living donor transplanation is currently not practiced in this country.

14. *Cadaver donor transplanation.* Transplanation where the donated organ is taken from an individual who has been pronounced dead according to medical criteria. The organ is removed from the donor and transplanted into the recipient.

15. *Cannula.* A surgically prepared, exposed connection between an artery and a vein. The exposed connection between artery and vein is made with a special type of plastic tubing.

16. *Fistula.* A surgically prepared unexposed connection made directly between an artery and vein to permit repeated and ready access to the blood stream. Dialysis access to the blood stream is obtained with large hollow needles; creation of a fistula is an alternative to surgical insertion of a cannula.

17. *"Directly provides"* or *"provides directly".* This term means that the hospital (or facility) provides the service through its own staff and employees, or through individuals who are under contract with the facility to provide such services.

18. *"Under arrangement".* This term means that the hospital (or facility) arranges for another facility to provide the services but assumes responsibility for such services and bills the Medicare program for the services.

19. *"By an agreement"* or *"has an agreement".* This term means that the hospital (or facility) has an agreement whereby another facility undertakes to provide services to patients who become the patients of the other facility (for those services provided), and the other facility bills the Medicare program for their services furnished.

20. *"Provides on the premises".* This term means that the hospital provides the service on its own premises or on premises that are contiguous with or immediately in proximity to its own.

21. *Home dialysis support services.* The services of professional care, consultation, provision of supplies, back-up, and equipment repair that home dialysis patients require.

22. *Recipient registry.* A prospective listing of patients (including certain medical data on these patients) who are awaiting a cadaver donor transplant.

[FR Doc.74–23045 Filed 10–3–74;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[ 46 CFR Part 42 ]

[CGD 74-164]

### LOAD LINE REGULATIONS—PROTECTION OF THE CREW

#### Proposed Rail Height Adjustment

The Coast Guard, after evaluating a recommendation by the Towing Industry Advisory Committee, is considering amending the regulations for rail height requirements for tugboats that are load lined under either the International Voyage Load Line Act or the Coastwise Load Line Act. These amendments would establish a minimum rail height of 30 inches for vessels engaged in towing operations.

Existing regulations provide that the Commandant of the Coast Guard may approve a lesser rail height than 39½ inches where this height would interfere with the normal operation of the vessel. It has been determined that in some instances excessive rail heights may have an adverse effect on tugboat stability characteristics when towing. This is due to the fact that the higher the towline bitt, the greater the upsetting moment which can be exerted by the towline on the vessel. It is also necessary for tugboats to transfer men from the tugboat to other vessels and many tugboats are designed with rail heights from 24 inches to 30 inches for this purpose. The Coast Guard has received a number of letters from tugboat operators and shipyards stating that rail heights over 30 inches constitute an unsafe condition for crew transfer.

The Coast Guard proposes to establish minimum rail heights for tugboats so that both personnel safety and vessel safety can be obtained. This amendment only affects rails or bulwarks on the main deck of the tugboat. The 39½ inch rails will still be required on all superstructure decks.

The regulation change would become effective on the date of publication of the final rule.

Interested persons are invited to participate in this rulemaking by submitting written comments, data, views, or arguments to the Executive Secretary, Marine Safety Council (G-CMC/82), 400 Seventh Street SW., Washington, D.C. 20590 (Phone 202-426-1477). Written comments should include the docket number of this notice, the name and address of the person submitting the comments, the specific section of the proposal to which each comment is addressed, and the reasons for each suggested change.

All relevant communications received before November 15, 1974, will be fully considered in the drafting of the final rule. Copies of comments received will be available for examination in Room 8234, Coast Guard Headquarters. This proposal may be changed in the light of the comments received.

In consideration of the foregoing, it is proposed that Part 42 of Title 46 of the Code of Federal Regulations be amended as follows:

By amending § 42.15-75(b) to read as follows:

**§ 42.15-75 Protection of the crew.**

* * * * *

(b) Efficient guard rails or bulwarks shall be fitted on all exposed parts of the freeboard and superstructure decks as follows:

(1) The height of the bulwarks or guard rails shall be at least 39½ inches from the deck, provided that where this height would interfere with the normal operation of the vessel, a lesser height may be approved if the Commandant and the assigning authority are satisfied that adequate protection is provided.

(2) On a vessel which is exclusively engaged in towing operations, the minimum bulwark or guard rail height on the freeboard deck may be reduced to 30 inches provided the assigning authority is satisfied that adequate grabrails are provided around the periphery of the deckhouse.

* * * * *

(46 U.S.C. 86-86i, 46 U.S.C. 88, 49 U.S.C. 1655 (b), 49 CFR 1.4(a)(2))

Dated: September 27, 1974.

W. M. BENKERT,
*Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.*

[FR Doc.74-23143 Filed 10-3-74;8:45 am]

## ATOMIC ENERGY COMMISSION

[ 10 CFR Part 20 ]

### STANDARDS FOR PROTECTION AGAINST RADIATION

#### Exposure of Individuals to Concentrations of Radioactive Materials in Air in Restricted Areas; Extension of Comment Period

This notice extends the period for comments to the notice, published August 21, 1974 (39 FR 30164), proposing amendments to regulations to permit licensees in estimating exposure to make allowance for use of respiratory protective equipment.

A request for an extension of time to November 6, 1974, was submitted by the Westinghouse Electric Corporation on the ground that additional time is necessary to organize, prepare and transmit an effective and in depth evaluation of the proposal.

The request for an extension of time is granted, and the comment period is hereby extended to November 6, 1974.

Dated at Washington, D.C., this 26th day of September, 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
*Acting Secretary of the Commission.*

[FR Doc.74-23107 Filed 10-3-74;8:45 am]

## GENERAL ACCOUNTING OFFICE

[ 4 CFR Part 10 ]

### INFORMATION COLLECTION; CLEARANCE OF PROPOSALS BY REGULATORY AGENCIES

#### Surveys, Pretests, and Pilot Tests

Notice is hereby given that the General Accounting Office (GAO) has under consideration a proposal to amend several sections of 4 CFR Part 10 (39 FR 24345), which implements provisions of section 3512 of title 44, United States Code, added by Pub. L. 93-153, section 409, 87 Stat. 593, concerning clearance of proposals by independent Federal regulatory agencies to conduct or sponsor the collection of information.

Sections 10.3(b)(3) and 10.6(c)(7) of the present regulations exempt from clearance requirements surveys, pretests, and pilot tests to be used by agencies in the development of major information collection proposals. This exception is designed to encourage agencies to make maximum use of such techniques in order to provide a sound basis for ascertaining, evaluating, and resolving potential problems with major information collection proposals prior to their finalization at the agency level and submission to GAO for clearance. The present regulations permit agencies to undertake such surveys, pretests, and pilot tests without any prior notice to, or review by GAO.

GAO continues to believe that surveys, pretests, and pilot tests should be encouraged and given special and flexible processing. However, the proposed amendments would provide that exceptions from the normal clearance procedures be granted on a case-by-case basis upon consideration of each individual survey, pretest, and pilot test. The proposed amendments would also state more specifically the types of surveys, pretests, and pilot tests which may qualify for special processing and the limited uses of information obtained from them. The proposed amendments are as follows:

**§ 10.3 [Amended]**

1. Amend the second sentence of § 10.3 (b)(3) to read: "Surveys, pretests, and pilot tests undertaken for this purpose may be subject to special processing by GAO as provided in § 10.6(d) of this part."

**§ 10.6 [Amended]**

2. Delete § 10.6(c)(7).

3. Add a new paragraph (d) to § 10.6 as follows:

(d)(1) Surveys, pretests, and pilot tests involving collection of information from 10 or more persons which are designed, not as information gathering devices, but exclusively for use by an agency to develop a full-scale major information collection proposal, by ascertaining and evaluating such proposal in terms of costs, respondent burdens, effects, utility, and similar criteria, may at the option of the agency be processed in accordance with subparagraph (2) of this paragraph in lieu of Subpart C of this part.

(2) An agency desiring to use this option shall submit to the GAO Regulatory Reports Review Officer a description of the survey, pretest, or pilot test, including its objectives, methodology, and a copy of the proposed documents, if any, to be used therein. If, within 10 working days following receipt of such submission, the Regulatory Reports Review Officer advises the agency that the survey, pretest, or pilot test should be formally submitted for clearance under the provisionsof subpart C of this part, such provision shall apply. Otherwise, the agency may implement the survey, pretest, or pilot test without action by GAO.

(3) No information obtained through a survey, pretest, or pilot test implemented under subparagraph (2) of this paragraph shall be used except in connection with the evaluation and development of a full-scale information collection proposal. Respondents shall be informed that such survey, pretest, or pilot test has been excepted from formal clearance in accordance with subparagraph (2) of this paragraph, and shall be clearly advised of the limited use of the information to be obtained.

Comments on the proposed amendments by an interested party should carry the control number B–180224 and should be submitted to the Comptroller General of the United States, Attention: Director, Office of Energy and Special Projects, 441 G Street NW., Washington, D.C. 20548. All comments received on or before November 4, 1974. Comments and other written materials submitted will be available for public inspection in room 5014, Chester Arthur Building, 425 I Street, NW, Washington, D.C.

[SEAL] ELMER B. STAATS,
*Comptroller General of the United States.*

[FR Doc.74–23158 Filed 10–3–74;8:45 am]

# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF STATE

[Public Notice CM-169]

### GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

#### Notice of Meeting

The Government Advisory Committee on International Book and Library Programs will meet in open session in the Continental Room in the Watergate Hotel, 2650 Virginia Avenue, NW, Washington, D.C. from 9 a.m. to 5 p.m. on October 24, 1974.

The Committee will discuss book promotion abroad and the UNESCO seminar on reading.

Dated: September 27, 1974.

CAROL M. OWENS,
*Executive Secretary.*

[FR Doc.74-23124 Filed 10-3-74;8:45 am]

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[Public Notice CM-171]

### OVERSEAS SCHOOLS ADVISORY COUNCIL

#### Notice of Meeting

The Overseas Schools Advisory Council, Department of State, will hold its annual meeting on Tuesday, October 22, 1974, 9:30 a.m. in Conference Room 1105, Department of State building, Washington, D.C.

Agenda items scheduled for discussion are as follows:

I. Welcome and Introduction of Members.
II. Greetings from Department of State.
III. Report of Action of Executive Committee Meeting of March 27, 1974.
IV. Progress Report on Council's 1973/1974 Program.
V. Local Fund-Raising Efforts by the Overseas Schools, Assessment of Council's Activities and Inquiries from Schools Regarding Council's Program.
VI. Report of /I/D/E/A/'s Activities.
VII. Recommendation Concerning Phase Out of OSAC Fund-Raising Activities and Providing Special Assistance to Schools and Their Boards to Develop More Effective Local Solicitation.
A. Discussion of Letter to Be Sent to Schools Regarding Phasing Out of Activities.
B. Scope of Information and Assistance to Be Provided to U.S. Corporate and Foundation Community and to the Schools.
C. Cooperation with U.S. Embassies and Consular Posts and International Chambers of Commerce.
D. Meeting of School Board Members of European Council of International Schools in Denmark, November 11-13, 1974.
E. Meeting of School Board Members of Central American Schools in Honduras, November 1-3, 1974.
VIII. Discussion of Future Presentations and Recommendations for Future Council Program Activities.
A. Support for /I/D/E/A/s Administrative Expenses.
B. Election of Chairman and Vice-Chairman.

Since the meeting will be conducted in a secure building and space is limited, members of the public desiring to attend the meeting should call Ms. Judy Knott, Office of Overseas Schools, Department of State, Washington, D.C., Area Code 703-235-9601, to arrange attendance.

Dated: September 30, 1974.

ERNEST N. MANNINO,
*Executive Secretary, Overseas Schools Advisory Council.*

[FR Doc.74-23129 Filed 10-3-74;8:45 am]

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[Public Notice CM-170]

### STUDY GROUP 5 OF THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

#### Notice of Meeting

The Department of State announces that Study Group 5 of the U.S. CCITT National Committee will meet on October 30, 1974 at 10:30 a.m. in Room 283 of the Office of Telecommunications, U.S. Department of Commerce, 1325 G Street, NW, Washington, D.C. This Study Group deals with matters in telecommunications relating to the developement of the international digital data transmission services.

The agenda for the October 30 meeting will include consideration of the following:

1. Planned attendance for the meetings of Working Groups of CCITT Study Group VII (November 20-28, 1974) and for the meetings of Working Groups of CCITT Special Study Group A (December 4-11, 1974).
2. Final consideration in preparation for the above meetings.
3. Other business.

Members of the general public who desire to attend the meeting on October 30 will be admitted up to the limit of the capacity of the meeting room.

Dated: September 30, 1974.

RICHARD T. BLACK,
*Chairman,*
*U.S. National Committee.*

[FR Doc.74-23125 Filed 10-3-74;8:45 am]

## DEPARTMENT OF THE TREASURY

### Customs Service

[T.D. 74-258]

### FOREIGN CURRENCIES

#### Certification of Rates

SEPTEMBER 23, 1974.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-191 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

| | |
|---|---|
| Japan yen: | |
| Sept. 9, 1974 | $0.003306 |
| Sept. 10, 1974 | .003303 |
| Sept. 11, 1974 | .003310 |
| Sept. 12, 1974 | .003320 |
| South Africa rand: | |
| Sept. 9, 1974 | 1.4170 |
| Sept. 10, 1974 | 1.4175 |

[SEAL] R. N. MARRA,
*Director,*
*Duty Assessment Division.*

[FR Doc.74-23167 Filed 10-3-74;8:45 am]

## DEPARTMENT OF JUSTICE

### Law Enforcement Assistance Administration

### ALARMS COMMITTEE OF THE PRIVATE SECURITY ADVISORY COUNCIL

#### Notice of Meeting

OCTOBER 1, 1974.

Notice is hereby given that the Alarms Committee of the Private Security Advisory Council to the Law Enforcement Assistance Administration will meet on October 17, 1974 at 10 a.m. at LEAA offices, 633 Indiana Avenue NW., Washington, D.C.

The meeting will be open to the public. Any interested person may file a written statement with the Council for its considerations. The subject of the discussion will be Consideration of a Model Burglar and Holdup Alarm Business Licensing Statute.

Statements may be sent to or information requested from Irving Slott, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20530.

GERALD H. YAMADA,
*Advisory Committee Management Officer, Office of General Counsel.*

[FR Doc.74-23237 Filed 10-3-74;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### ENDANGERED SPECIES PERMIT

### Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

*Applicant:* Chincoteague National Wildlife Refuge, J. C. Appel, Refuge Manager, Post Office Box 62, Chincoteague, Virginia 23336.

Application for Permit to Handle Endangered Species

AUGUST 20, 1974.

(1) Applicant's name: Refuge Manager, Chincoteague NWR; Address: P.O. Box 62, Chincoteague, VA. 23336; Phone: 336–6122 or 336–5600, Area Code 804.

(2) Does not apply; application is an organization not an individual.

(3) Principal Officer: J. C. Appel, Refuge Manager, P.O. Box 62, Chincoteague, VA. 23336.

(4) Location where activity is to be conducted: Chincoteague National Wildlife Refuge, (Virginia end of Assateague Island) and Wallops Island.

(5) Supporting documents: 50 CFR 17, 23. Zoological, educational, scientific, or propagation permit.

Permission is requested to trap and band as many American peregrine Falcon; *Falco peregrinus anatum* as possible during their fall migration. These birds will be caught using the noosed pigeon technique and will be banded and released on the spot so that no injury will be sustained by them. These activities are currently being conducted under banding permit No. 631.

The present refuge staff has assisted and observed Dr. Prescott Ward and Mr. Robert Berry, two accomplished falcon banders, for the past four years. During this time they have banded over 60 individuals.

The information obtained from this banding program will give us much needed information on production, migration routes, and general status of the species.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Desired effective date, September 20, 1974.

J. C. APPEL.

AUGUST 20, 1974.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before November 4, 1974, will be considered.

Dated: September 30, 1974.

C. R. BAVIN,
*Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.*

[FR Doc.74–23166 Filed 10–3–74;8:45 am]

### ENDANGERED SPECIES PERMIT

### Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

*Applicant:* Dr. F. Prescott Ward, Chief, Ecological Research Group, Biomedical Laboratory, Department of the Army, Headquarters, Edgewood Arsenal, Aberdeen Proving Ground, Maryland 21010.

DEPARTMENT OF THE ARMY

HEADQUARTERS, EDGEWOOD ARSENAL

ABERDEEN PROVING GROUND, MARYLAND 21010

7 JUNE 1974.

Enclosed is a synopsis of my planned work with peregrine falcons (*Falco peregrinus tundrius*) to be published in the FEDERAL REGISTER as required by Public Law 93–205 (Endangered Species Act of 1973).

a. Telephone numbers—home, (301) 679–4361; office (301) 671–2586.
b. Date of Birth—22 August 1940.
c. Height—5'10".
d. Weight—165 pounds.
e. Sex—Male.
f. Color of hair—Brown.
g. Color of eyes—Brown.
h. Business affiliation—United States Army.

Sincerely yours,

DR. F. PRESCOTT WARD,
*Chief, Ecological Research Group, Biomedical Laboratory.*

*Title:* International Population Studies of Peregrine Falcons (*Falco peregrinus tundrius*).

*Personnel:* Dr. F. Prescott Ward and Mr. Robert B. Berry.

*Rationale:* Populations of peregrine falcons have experienced unprecedented declines during the last 25 years in many parts of the world. Bioconcentration of environmental toxins, human encroachment, and illegal shooting and capture have been incriminated. In this climate, it is imperative that peregrine population trends be monitored closely, and that a system be implemented to permit individual identification of falcons at a distance in order to accumulate critically needed demographic data.

*Objectives:* To gather migration statistics during spring and fall migrations of peregrine falcons at Assateague Island, MD/VA and Dry Tortugas, FL; to band then immediately release as many falcons as possible during migration (total is unlikely to exceed 100 peregrines per year); and to implement international working agreements with scientists from the United States, Canada, Soviet Union, and several European and Central American countries to exchange data and cooperate in a global system of color banding with plastic tarsal bands (these will augment, not replace, standard aluminum bands).

*Length of Study:* Five years, at which time progress will be evaluated and an additional prospectus will be submitted if necessary.

*Coordination:* Assateague Island and Dry Tortugas are two banding stations operating under Project B6 ("A Cooperative Marking Program for Raptors, with Emphasis on the Peregrine Falcon") of Problem Area V (Nature and Preserves) of the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Cooperation in the Field of Environmental Protection. Related studies in this hemisphere include: investigations on nesting peregrines in West Greenland, Canada, and Alaska; and migration surveys in Wisconsin, New Jersey, Texas, and Panama.

*Approach:* Nestlings and captured migrants (according to the international protocol) will be banded on one leg with a standard aluminum band, and on the opposite with a lightweight colored plastic band. The basic color of the latter band will be keyed to the geographic area where applied, and a three-digit number (previously inscribed into a contrasting background color on the band) will individually identify each bird. Ten basic colors will be used throughout North America.

"I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001."

Sincerely yours,

DR. F. PRESCOTT WARD,
*Chief, Ecological Research Group, Biomedical Laboratory.*

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before November 4, 1974, will be considered.

Dated: September 30, 1974.

C. R. BAVIN,
*Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.*

[FR Doc.74–23165 Filed 10–3–74;8:45 am]

### ENDANGERED SPECIES PERMIT

### Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

*Applicant:* Jacksonville Zoological Society and Park, 8605 Zoo Road, Jacksonville, Florida 32218, Douglas C. Dean, Curator of Mammals.

JACKSONVILLE ZOOLOGICAL SOCIETY & PARK,
*August 16, 1974.*

DIRECTOR (FWS/LE),
*U.S. Fish & Wildlife Service,*
*Department of the Interior,*
*Washington, D.C. 20240.*

DEAR DIRECTOR: As instructed in a memo from Mr. C. R. Bavin and in accordance with 50 CFR 13.12(a) and parts 10 and 17 of the federal regulations, the Jacksonville Zoological Society and Park is applying for an Endangered Species permit.

We would like to purchase one male Brazilian Tapir (*Tapirus terrestris*) from Southwick Birds and Animals Inc., P.O. Blackstone, Mass. This animal is and has for sometime been in holding at the Southwick farm. This is not an import, but was born in an American zoo. He is a young adult 4 or 5 years old.

This animal would be transported by the Southwick Birds and Animals, Inc. own truck in a transport crate suitable for transporting this species.

The enclosure this animal will be housed in at the Jacksonville Zoo is 40 feet wide by 80 feet long with a night house approximately 8 x 12. There is also a shallow muddy pool provided for comfort and for defecating purposes, as in their natural habitat. We feel this is suitable for propagation of this species.

The Jacksonville Zoological Park & Society is incorporated for non-profit and has successfully bred this species in the past. Therefore, we feel and sincerely believe that issuance of a permit is clearly justifiable.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, part 13, of the Code of Federal Regulations and the other applicable parts of sub-chapter B of Chapter 1 of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Respectfully submitted,

DOUGLAS C. DEAN,
*Curator of Mammals.*

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before November 4, 1974, will be considered.

Dated: September 30, 1974.

C. R. BAVIN,
*Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.*

[FR Doc.74-23164 Filed 10-3-74;8:45 am]

## ENDANGERED SPECIES PERMIT

### Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

*Applicant:* James L. Ruos, 7145 Deer Valley Road, Highland, Maryland 20777.

7145 DEER VALLEY ROAD,
HIGHLAND, MD. 20777,
*September 9, 1974.*

THE DIRECTOR,
*U.S. Fish & Wildlife Service,*
*Department of the Interior,*
*Washington, D.C. 20240.*

DEAR SIR: Pursuant to the regulations of the Endangered Species Act of 1973, I hereby make application to take, mark, release, and to hold as may be necessary peregrine falcons in accordance with the provisions of current and subsequent Federal Bird Marking and Salvage Permits and Federal Migratory Bird Permits.

The following information is provided as required under Title 50, Part 13 of the Code of Federal Regulations, § 13.12:

1. My name, *James L. Ruos;* residence, 7145 Deer Valley Road, Highland, Md. 20777; phone number, 301-286-2027.

2. My date of birth, 8 April 1934; height, 6.0 ft.; weight, 190 lbs.; color of hair, brown; color of eyes, blue; sex, male; employer, U.S. Fish and Wildlife Service.

3. Not applicable.

4. Project activity will be conducted in the United States in accordance with Federal Bird Marking and Salvage Permits and Migratory Bird Permits, primarily in Atlantic coastal States.

5. Permit requested under § 17.23; Zoological, Educational, Scientific or Propagation Permits.

6. Not applicable.

The following information is provided as required under Title 50, Part 17 of the Code of Federal Regulations, § 17.23:

1. Common and scientific names (a) American peregrine falcon (*Falso peregrinus anatum*) and (b) arctic peregrine falcon (*Falco peregrinus tundrius*). No limitation as to sex, age, or numbers except as imposed by other Federal permits.

2. Not applicable.

3. Justification of this project is to increase the scientific knowledge of the movements and population dynamics of marked falcons, and to monitor annual reproductive success and physical condition of these falcons in conjunction with an accelerated-international peregrine banding/marking program through December 31, 1978. Additionally, any sick or injured falcon shall be held for treatment, rehabilitation and release into the wild. Where this is not possible, any said falcon shall be transferred to an individual, institution or agency permitted to receive said falcon for propagation or scientific studies. This project will enhance the survival of this species by providing data for management purposes, and may permit the rehabilitation of sick or injured peregrines for release into the wild.

4. Sick or injured falcons will be held at 7145 Deer Valley Road, Highland, Md. 20777. Normal wild falcons will be marked and released in the vicinity of capture.

5. Not applicable.

6. Not applicable.

7. Not applicable.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely yours,

JAMES L. RUOS.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Services's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before November 4, 1974, will be considered.

Dated: September 30, 1974.

C. R. BAVIN,
*Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.*

[FR Doc.74-23162 Filed 10-3-74;8:45 am]

## ENDANGERED SPECIES PERMIT

### Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

*Applicant:* Okefenokee National Wildlife Refuge, Post Office Box 117, Waycross, Georgia 31501, John R. Eadie, Refuge Manager.

AUGUST 27, 1974.

To: DIRECTOR (FWS/LE), *U.S. Fish and Wildlife Service, U.S.D.I., Washington, D.C. 20240.*

From: Refuge Manager, Okefenokee Refuge.

Subject: Application for Scientific Research Permit (Endangered Species), Okefenokee National Wildlife Refuge.

Application to the Director, U.S. Fish and Wildlife Service, for a scientific research permit under Title 50, Chapter I, Subchapter B, Part 13 of the Code of Federal Regulations, effective January 4, 1974.

1. Applicant: Okefenokee National Wildlife Refuge, P.O. Box 117, Waycross, Georgia 31501. Phone: 912-283-2580.

2. Applicant is a field station of U.S. Fish and Wildlife Service.

3. Principal Supervisor:
John R. Eadie, Refuge Manager, Okefenokee National Wildlife Refuge, P.O. Box 117, Waycross, Georgia 31501.

4. Location of Activity: Okefenokee National Wildlife Refuge.

5. This permit is requested under Part 17, Section 23 of Subchapter B.

(a) Species: American Alligator, *Alligator mississipiensis.*

(b) Copy of contract, etc.—not relevant to this permit request.

(c) Justification—The life history of the American alligator has not been intensively studied over a wide geographic and ecological range. Data concerning facets of the alligator's life history obtained from one geographical area may not be applicable to all other populations. Additional information is needed concerning the productivity of the alligator in the Okefenokee Swamp in order to evaluate its status and to develop an effective management program. The Okefenokee National Wildlife Refuge, including about 90 percent of the Okefenokee Swamp, contains an estimated population of 8,000+ alligators. The scientific study for which this permit is being requested was initiated during 1973 under an approved Wildlife Management Study. Procedures of this study involve locating alligator nests, recording nest characteristics and eggs per nest, and the monitoring of nesting success. This study also involves the capture, marking-release and subsequently recapture of tagged individuals in order to evaluate the growth, survival, and dispersal of family pods. These facets of the alligator's life history are poorly understood throughout their range and highly pertinent to the development of an effective management program. No more

than 300 (approximately 75/year) young alligators will be tagged between 1974–78. Detailed information concerning project procedures and preliminary results of the study to date are attached.

(d) The addresses where the wildlife will be used and maintained are provided above under section 1. *Applicant.*

(e) The wildlife at time of capture will be in a wild state. The wildlife after tagging and/or measuring is immediately released at the site of capture back into a wild state.

(f) Not applicable since the subject animals are not to be imported.

(g) Not applicable since the subject animals are not to be imported.

6. Desired effective date and duration: October 1, 1974, or as soon as possible, thru September 1, 1978.

7. Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

8. Signature of applicant:

JOHN R. EADIE,
*Refuge Manager, Okefenokee National Wildlife Refuge.*

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before November 4, 1974, will be considered.

Dated: September 30, 1974.

C. R. BAVIN,
*Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.*

[FR Doc.74–23163 Filed 10–3–74;8:45 am]

## National Park Service

## NATIONAL CAPITAL PARKS

### Extension of Interpretive Visitor Transportation Services

Pursuant to Public Law 93–62 (Act of July 6, 1973, 87 Stat. 146), the Secretary of the Interior has been authorized to provide interpretive visitor transportation services to and between parks, memorials, monuments, and other Federal areas within the District of Columbia and its environs upon the determination that such services are desirable to facilitate visitation and to insure proper management and protection of these areas. Public Law 93–62 specifically authorizes the extension of such visitor services between the Mall and on the grounds of the John F. Kennedy Center for the Performing Arts.

Pursuant to this authority, it has been determined that extension of existing interpretive visitor transportation services between the Mall and on the grounds of the John F. Kennedy Center for the Performing Arts is desirable to facilitate visitation and to insure proper management and protection of such areas. Therefore, notice is hereby given that, pursuant to the direction of Public Law 93–62 and the authority of the Act of July 25, 1916, as amended and supplemented (16 U.S.C. 1, et seq.), interpretive visitor transportation services are to be extended between the Mall and on the grounds of the John F. Kennedy Center for the Performing Arts.

MANUS J. FISH, Jr.,
*Director, National Capital Parks.*

[FR Doc.74–23331 Filed 10–3–74;9:22 am]

# DEPARTMENT OF AGRICULTURE

## Farmers Home Administration

[Designation Number AO68]

## ILLINOIS

### Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in Illinois:

LAWRENCE

The Secretary has found that this need exists as a result of a natural disaster consisting of heavy rains and flooding beginning on or about May 8, 1974, and continuing through June 27, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Daniel Walker that such designation be made.

Applications for Emergency loans must be received by this Department no later than November 25, 1974, for physical losses and June 26, 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 area 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 30th day of September, 1974.

FRANK B. ELLIOTT,
*Administrator, Farmers Home Administration.*

[FR Doc.74–23138 Filed 10–3–74;8:45 am]

[Designation Number AO67]

## UTAH

### Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Utah:

Duchesne
Iron
Sanpete

The Secretary has found that this need exists as a result of a natural disaster consisting of prolonged drought from April 1 through August 2, 1974, in all three counties.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Calvin L. Rampton that such designation be made.

Applications for Emergency loans must be received by this Department no later than November 18, 1974, for physical losses and June 20, 1975, for production losses, except that qualified borrowers wo received 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 26th day of September, 1974.

FRANK B. ELLIOTT,
*Administrator, Farmers Home Administration.*

[FR Doc.74–23137 Filed 10–3–74;8:45 am]

## Office of the Secretary

## ESTABLISHMENT OF NATIONAL COTTON MARKETING STUDY COMMITTEE

### Notice of Determination

Notice is hereby given that the Secretary of Agriculture will appoint a National Cotton Marketing Study Committee for the purpose of advising the Secretary and other officials on the many phases of cotton marketing, which include market news information services; seed cotton storage; bale packaging; sampling; classification and standards procedures, warehousing and transporting; export marketing; and labor, health, safety and environmental problems. The Secretary has determined that the establishment of this Committee is in the public interest in connection with the need for improving the Nation's balance of payment program as well as to enhance farm income.

The chairman of the Committee will be Amos D. Jones, Program Leader, Fibers, Economic Research Service, Department of Agriculture, Washington, D.C. 20250.

This notice is given in compliance with Public Law 92–463. Views and comments of interested persons must be received by the Committee Chairman on or before October 18, 1974.

All written submissions made pursuant to this notice will be available for public inspection at the office of the

Administrator, Economic Research Service, Department of Agriculture, Washington, D.C., during regular business hours (7 CFR 1.27(b)).

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

OCTOBER 1, 1974.

[FR Doc.74-23112 Filed 10-3-74;8:45 am]

## MEAT IMPORT LIMITATIONS

### Fourth Quarterly Estimate

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following fourth quarterly estimates for 1974 are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1974 is 1,115.0 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year is 1,027.9 million pounds.

The estimated quantity of imports at this time does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act. Limitations for the calendar year 1974 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20) were imposed by Proclamation 4272 of February 26, 1974 and were suspended during the balance of the calendar year 1974 unless because of changed circumstances further action under the Act becomes necessary.

Done at Washington, D.C., this 30th day of September, 1974.

EARL L. BUTZ,
*Secretary.*

[FR Doc.74-23141 Filed 10-3-74;8:45 am]

# DEPARTMENT OF COMMERCE

## Domestic and International Business Administration

## COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

### Notice of Meeting

Pursuant to the provlisons of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. II, 1972)) and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974, notice was given (39 FR 34086) of a meeting of the Technology Transfer Subgroup of the Computer Systems Technical Advisory Committee to be held Tuesday, October 8, 1974, at 9:30 a.m. in Room 1851, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230. The Notice of Determination, approved by the Assistant Secretary of Commerce for Administration and the delegate of the General Counsel of the Department of Commerce on May 16, 1974 and May 17, 1974 respectively, to close a portion of such meeting to the public, was not included in the published notice of the meeting. In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in Aviation Consumer Action Project, et al. v. C. Langhorne Washburn, et al. of September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the complete notice of determination to close portions of the meetings of the Computer Systems Technical Advisory Committee and formal subgroups thereof is hereby published.

Dated: October 1, 1974.

RAUER H. MEYER,
*Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.*

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the computer industry, the Computer Systems Technical Advisory Committee was established by the Secretary of Commerce on January 3, 1973, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, to advise the Department of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee, which currently has fifteen members representing industry and ten members representing government agencies, will terminate no later than January 3, 1975, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of Section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in Section 552(b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy.

Notices of Determination authorizing the closing of those portions of the Computer Systems Technical Advisory Committee dealing with security classified matters were approved March 5, 1973; June 15, 1973; July 17, 1973, and December 20, 1973. The latter Determination covered the closure of a series of meetings of the Commitee and formal subgroups thereof for the period January 1, 1974, to April 30, 1974.

The Committee currently is engaged in preparing a report to the Office of Export Administration (OEA), based on work assignments issued by the Chairman. It is anticipated that this report will include information on the foreign availability and market potential of computer systems, and advice on new means for using performance characteristics to define technical parameters for export control purposes and on appropriate safeguard levels. Much of this material will carry the security classification of confidential. The OEA, in conjunction with other agencies, will use this report in establishing the U.S. submission for the international review of the COCOM control list scheduled to begin in Paris in September, 1974. Prior to the list review negotiations and for an indeterminate period after the negotiations get underway, the OEA intends to seek the advice of the Committee on questions concerning the initial U.S. negotiating position relative to the continued international control of computer systems and related technical data, on the submissions of other COCOM-participating countries for continued control of such equipment and data, and on technical problems arising during the negotiations. In order to obtain the best advice possible, the Committee will be presented with security classified material.

The portions of the series of meetings of the Committee and of formal subgroups thereof leading to the submission of its report and of the subsequent series of meetings dealing with COCOM negotiations on the continued international control of computer systems that will involve discussions of matters carrying the security classification of confidential in the interest of the national defense [1] of the United States must be closed to the public. The remaining portions of the series of meetings will be open to the public.

It is anticipated that the COCOM list review negotiations will continue into the first part of 1975. When matters relating to computer systems will be resolved is impossible to predict, but it is likely that the OEA will require the advice of the Computer Systems Technical Advisory Committee on these matters up to its current termination date of January 3, 1975.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of any formal subgroups thereof, dealing with the aforementioned classified material shall be exempt, for the period May 1, 1974, to January 3, 1975, from the provisions of Section 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subgroup discussions will be concerned with matters listed in Section 552(b)(1) of Title 5, United States

[1] Or foreign policy.

Code. The remaining portions of the meetings will be open to the public.

Dated: May 16, 1974.

H. B. TURNER,
*Assistant Secretary for Administration.*

Dated: May 17, 1974.

ALFRED MEISNER,
*General Counsel.*

[FR Doc.74-23185 Filed 10-3-74;8:45 am]

## SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

### Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. II, 1972)) and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974, notice was given (39 FR 32342) of a meeting of the Semiconductor Technical Advisory Committee to be held Tuesday, October 8, 1974, at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230. The Notice of Determination, approved by the Assistant Secretary of Commerce for Administration and the delegate of the General Counsel of the Department of Commerce on May 16, 1974 and May 17, 1974 respectively, to close a portion of such meeting to the public, was not included in the published notice of the meeting. In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in Aviation Consumer Action Project, et al. v. C. Langhorne Washburn, et al. of September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the complete Notice of Determination to close portions of the meetings of the Semiconductor Technical Advisory Committee and formal subgroups thereof is hereby published.

Dated: October 1, 1974.

RAUER H. MEYER,
*Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.*

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the semiconductor industry, the Semiconductor Technical Advisory Committee was established by the Secretary of Commerce on January 3, 1973, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, to advise the Department of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductors, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee, which currently has eight members representing industry and five members representing government agencies, will terminate no later than January 3, 1975, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of Section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in Section 552(b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy.

Notices of Determination authorizing the closing of those portions of meetings of the Semiconductor Technical Advisory Committee dealing with security classified matters were approved March 5, 1973; June 15, 1973; August 9, 1973; and December 20, 1973. The latter Determination covered the closure of a series of meetings of the Committee and formal subgroups thereof for the period January 1, 1974, to April 30, 1974.

The Committee currently is engaged in preparing a report to the Office of Export Administration (OEA), based on work assignments issued by the Chairman. It is anticipated that this report will include information on foreign availability of those semiconductors that are under multilateral (COCOM) control, military and military support uses of such devices, and the "state of the art" in the production and use of such devices, both in the Free World and in the USSR, Eastern Europe and the People's Republic of China. Much of this material carries the security classification of confidential. The OEA, in conjunction with other agencies, will use this report in establishing the U.S. Government position for the international review of the COCOM control list scheduled to begin in Paris in September, 1974. Prior to the list review negotiations and for an indeterminate period after the negotiations get underway, the OEA intends to seek the advice of the Committee on questions concerning the initial U.S. negotiating position relative to the continued international control of semiconductors and related technical data, on the submissions of other COCOM-participating countries for continued control of such devices, and on technical problems arising during the negotiations. In order to obtain the best advice possible, the Committee will be presented with security classified material.

The portions of the series of meetings of the Committee and of formal subgroups thereof leading to the submission of its report and of the subsequent series of meetings dealing with COCOM negotiations on the continued international control of semiconductors that will involve discussions of matters carrying the security classification of confidential in the interest of the national defense[1] of the United States must be closed to the public. The remaining portions of the series of meetings will be open to the public.

[1] Or foreign policy.

It is anticipated that the COCOM list review negotiations will continue into the first part of 1975. When matters relating to semiconductors will be resolved is impossible to predict, but there is a good possibility the OEA will require the advice of the Semiconductor Technical Advisory Committee on these matters up to its current termination date of January 3, 1975.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of formal subgroups thereof dealing with the aforementioned classified material shall be exempt, for the period May 1, 1974, to January 3, 1975, from the provisions of Section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subgroup discussions will be concerned with matters listed in Section 552(b)(1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

Dated: May 10, 1974.

H. B. TURNER,
*Assistant Secretary for Administration.*

Dated: May 17, 1974.

ALFRED MEISNER,
*General Counsel.*

[FR Doc.74-23184 Filed 10-3-74;8:45 am]

## Maritime Administration

[Docket No. S-424]

## MOORE-McCORMACK LINES, INC.

### Notice of Application

Notice is hereby given that Moore-McCormack Lines, Incorporated (Lines) has filed an application requesting written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, for any officer and/or director of Lines and/or Moore-McCormack Resources, Inc. (Resources) to be an officer and/or director of any subsidiary of Lines or Resources. The applicant was previously granted written permission under section 805(a) on August 2, 1974 for, among other things, Messrs. Barker and Tregurtha to continue to be directors and Messrs. Hoyt and McInnes to continue to be officers and directors of those subsidiaries of Lines and Resources which engage in the domestic trade between United States ports on the Great Lakes.

Interested parties may inspect this application in the Office of Subsidy Administration, Maritime Administration, Room 4085, Department of Commerce Building, Fourteenth & E Streets, NW, Washington, D.C. 20230.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on October 16, 1974, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

In the event petitions for leave to intervene are received and a hearing is scheduled the purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed arrangement (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: October 1, 1974.

JAMES S. DAWSON, Jr.,
*Secretary.*

[FR Doc.74-23182 Filed 10-3-74;8:45 am]

## CONSTRUCTION OF TANKERS

### Computation of Foreign Cost; Notice of Intent

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act 1936, as amended, to compute the estimated foreign cost of the construction of tankers of between 42,000 and 52,000 DWT.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on October 16, 1974, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th & E Streets, NW, Washington, D.C. 20230.

Dated: October 2, 1974.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
*Secretary.*

[FR Doc.74-23327 Filed 10-3-74;8:45 am]

## National Oceanic and Atmospheric Administration

## FLIPPER'S SEA SCHOOL

### Receipt of Application for a Marine Mammal Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Flipper's Sea School, Marathon Shores, Florida Keys 33052 to take eleven (11) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for the purpose of public display.

The dolphins will be captured from a small boat with a long dip net and then transferred to a larger vessel for transport to shore. The animals will be taken by truck in specially designed containers to holding quarters at Flipper's Sea School.

Two of the dolphins are to be retained as backup performers for the animals currently on exhibit. The performances are approximately sixty minutes in length and are conducted four times daily. The remaining nine dolphins are to be selected as candidates for a breeding stock.

The facilities for maintaining the dolphins consist of a series of tidally flushed pens, the largest of which is 215 feet by 100 feet with an average depth of 27 feet. This pool is to hold a maximum of 5 animals. The smallest pool is 43 feet by 19 feet with an average depth of 13 feet and is scheduled to house one animal.

Flipper's Sea School is a profit making subsidiary of Wometco Enterprises Inc. In 1973, 40,000 visitors were recorded. Approximately 2,500 school children have been admitted free in 1974.

The staff of Flipper's Sea School has a total of 11 years' experience in dolphin husbandry among its current 3 employees. Veterinary services are available through the Wometco Miami Seaquarium.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by licensed veterinarians who have certified that such arrangements and facilities are adequate to provide for the wellbeing of the marine mammals involved.

Documents submitted in connection with the above application are available for review at the following locations:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, telephone 202-343-9445.

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, telephone 813-893-3145.

Concurrent with the publication of this notice in the FEDERAL REGISTER, *the* Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before November 4, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: September 25, 1974.

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

[FR Doc.74-23150 Filed 10-3-74;8:45 am]

## JOHN D. HALL

### Issuance of Permit for Marine Mammals

On July 15, 1974, notice was published in the FEDERAL REGISTER (39 FR 25965) that an application had been filed with the National Marine Fisheries Service by John D. Hall, Division of Natural Sciences, Coastal Marine Laboratory, University of California, Santa Cruz, California 95064, for a permit to conduct scientific research regarding the trophic impact of Pacific white-sided dolphins (*Lagenorhynchus obliquidens*) and California sea lions (*Zalophus californianus*), involving the taking of 80 dolphins and 30 sea lions.

Notice is hereby given that, on September 26, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a scientific research permit for the above mentioned activities to John D. Hall, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: September 26, 1974.

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

[FR Doc.74-23149 Filed 10-3-74;8:45 am]

## MARINE ATTRACTIONS, INC.

### Notice of Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Marine Attractions, Inc., Aquatarium and Zoological Gardens, 6500 Beach Plaza Road, St. Petersburg Beach, Florida 33736, to take twenty (20) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for public display.

The dolphins will be taken from shallow coastal waters of western Florida by means of an encircling net. The animals will be taken by members of the Aquatarium staff, each of whom has from three to five years experience in the capture and care of marine mammals.

The dolphins will be maintained and displayed in two tanks, the Aqua-theater, containing 1,243,000 gallons of filtered sea water, measuring 100 feet in diameter and 25 feet deep, and the Golden Dome, containing 600,000 gallons of filtered sea water, and measuring 60 feet in diameter and 10½ feet deep. These two tanks are collectively sufficient to maintain up to 31 dolphins. There are also two 20,000 gallon training tanks, each 40 feet long, 15 feet wide and 5½ feet deep, one 100,000 gallon training tank, 60 feet long, 20 feet wide and 10 feet deep, and one 12,000 gallon quarantine tank, 15 feet in diameter and 10 feet deep.

The dolphins will be displayed in performing exhibits with the ten dolphins currently maintained by the Applicant. Up to eight of the requested dolphins will be incorporated into the Aqua-theater exhibit. Six dolphins will be displayed in the Golden Dome. The remaining six requested dolphins will also be used in the performing shows, as needed, to allow for substitutes and rotation of animals, and to provide for a greater variation in the shows.

The Applicant has available two consulting veterinarians for routine preventative medical care, who are, additionally, available on call at all times.

The Applicant is a commercial enterprise hosting an estimated 500,000 visitors annually.

The facilities and arrangements for maintaining the requested marine mammals as described above have been personally reviewed by a licensed veterinarian, who has certified that such facilities and arrangements are adequate to provide for the well-being of the animals.

Documents submitted in connection with the above application are available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (telephone 202–343–9445), and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702 (telephone 813–893–3145).

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before November 4, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: September 25, 1974.

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

[FR Doc.74–23152 Filed 10–3–74;8:45 am]

## MYSTIC MARINELIFE AQUARIUM

### Receipt of Application for a Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for the purpose of public display, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

Mystic Marinelife Aquarium, P.O. Box 190, Mystic, Connecticut 06355, to take two (2) pilot whales (*Globicephala melaena*) or (*Globicephale macrorhyncha*) or two (2) beluga (belukha) whales (*Delphinapterus leucas*) or one (1) killer whale (*Orcinus orca*) for the purpose of public display. The application is for the maximum of two (2) whales of the species noted or a maximum of one (1) killer whale.

The pilot whales will be captured by Mystic Marinelife Aquarium's collecting staff. They will be captured within 50 miles of the eastern coast of the United States from Machias, Maine, to Miami, Florida, by a break-away net snare.

The belukha whales will be captured by Mystic Marinelife Aquarium's collecting staff. The belukha will be taken from Western Hudson Bay. Nets will be stretched across bays or inlets which will prevent the animals selected from leaving on ebb tides. Capture will then take place by hand.

The killer whale will be captured in Canadian waters by a professional collector. The animal will be taken by an encircling net technique, utilizing two large, fully geared seine boats, four support boats, and a trained crew of twelve.

The two pilot whales or two belukha whales or one killer whale will be maintained in a 70 feet long, 40 feet wide and 20 feet deep pool. There are two adjacent pools 30 feet in diameter, and 12 feet deep used for isolating the animal from the large pool.

The prospective staff at the Mystic facility has had considerable experience in aquarium maintenance techniques and has contributed significantly to further development of such techniques.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the animals.

Documents submitted in connection with this application are available as follows:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (telephone 202–343–9445);

Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702 (telephone 813–893–3145);

Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930 (telephone 617–281–0640).

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before November 4, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: September 17, 1974.

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

[FR Doc.74–23155 Filed 10–3–74;8:45 am]

## NEYLAN A. VEDROS

### Issuance of Permit for Marine Mammals

On July 15, 1974, notice was published in the FEDERAL REGISTER (39 FR 25965), that an application had been filed with the National Marine Fisheries Service by Neylan A. Vedros, Naval Biomedical Research Laboratory, Naval Supply Center, Oakland, California 94625, for a permit to take up to two hundred and forty (240) dead California sea lions (*Zalophus californianus*) for scientific research.

Notice is hereby given that, on September 25, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above mentioned taking to Neylan A. Vedros, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, Terminal Island, California 90731.

Dated: September 25, 1974.

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

[FR Doc.74–23151 Filed 10–3–74;8:45 am]

## ROEDING PARK ZOO

### Receipt of Applications for Public Display Permits

Notice is hereby given that the following applicants have applied in due form for a permit to take marine mammals for the purpose of public display, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals.

1. Roeding Park Zoo, 890 W. Belmont Avenue, Fresno, California 93728, to take

one (1) male and one (1) female California sea lion (*Zalophus californianus*) for the purpose of public display.

The sea lions will be displayed in a pool of fresh water 45 feet long by 28 feet wide by 5 feet deep which is cleaned every other day. A 2 percent salt water pool is located adjacent to the main pool, and measures 9 feet long by 8 feet wide by 3 feet deep.

The California sea lions will be taken by a professional collector from the beaches of the California Channel Islands. All animals will be taken from the beaches using nets, during the period from November 1974 to April 1975.

The Roeding Park Zoo is a division of the Parks and Recreation Department of the City of Fresno, California, and is visited by some 500,000 people a year. A trained doeent staff guides some 20,000 children through the exhibits of the Zoo. No admission is charged by the Roeding Park Zoo.

Dr. Paul Chaffee, D.V.M., the Zoo Director, has published case reports of lungworm disease and has studied nutritional aspects of sea lion husbandry. The Zoo attendant in charge of the marine mammal exhibit has 21 years of experience.

2. St. Louis Zoological Park, Forest Park, Saint Louis, Missouri 63110, to take three (3) male California sea lions (*Zalophus californianus*) for the purpose of public display.

The California sea lions will be taken by a professional collector from the beaches of the California Channel Islands. All animals will be taken from the beaches using nets during the period from November 1974 to April 1975.

The animals will perform in the Zoo's Seal Arena 5 days a week from May through early September and on weekends at other times. In the event an animal would not adapt to training, it will be housed in an outdoor pool with a 200,000 gallon capacity. Two other pools, with salt water, are available and measure 6.5 feet by 8.5 feet by 3.5 feet with a 1,500 gallon capacity and 15.5 feet by 8.5 feet by 3 feet with a 3,000 gallon capacity respectively. These pools are adjacent to the Seal Arena and are indoors. Some 3 million people a year visit the St. Louis Zoo. Admission is free but a nominal charge is levied for the Seal Show which is viewed by some 200,000 people a year. The St. Louis Zoo is a separate political subdivision of the State of Missouri.

Mr. Alexander of the Zoo staff will train the animals and has done so for five years. A full time veterinarian is also on the staff.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above applications have been inspected by licensed veterinarians, who have certified that such arrangements and facilities are adequate to provide for the well-being of the animals.

Documents submitted in connection with these applications are available as follows:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (telephone 202–343–9445);

Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90431, telephone 213–548–2575 (Applications No. 1 and 2).

Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, telephone 813–893–3141 (Application No. 2).

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the applications to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on these applications on or before November 4, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of these applications are those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: September 27, 1974.

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

[FR Doc.74-23146 Filed 10-3-74;8:45 am]

## SAN DIEGO ZOOLOGICAL GARDEN

### Issuance of Permit for Marine Mammals

On July 15, 1974, notice was published in the FEDERAL REGISTER (39 FR 25966), that an application had been filed with the National Marine Fisheries Service by the San Diego Zoological Garden, P.O. Box 551, San Diego, California 92112, for a permit to take six male California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that, on September 27, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit to the San Diego Zoological Garden, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Inland, California 90731.

Dated: September 27, 1974.

JOSEPH W. SLAVIN,
*Acting Director,*
*National Marine Fisheries Service.*

[FR Doc.74-23147 Filed 10-3-74;8:45 am]

## SEA WORLD, INC.

### Issuance of Permit for Marine Mammals

On July 8, 1974, notice was published in the FEDERAL REGISTER (39 FR 24931), that an application had been filed with the National Marine Fisheries Service by Sea World, Incorporated, San Diego, California 92109, for a permit to take six bottlenosed dolphins, either *Tursiops truncatus* or *Tursiops gilli*, and four Pacific pilot whales for the purpose of public display.

Notice is hereby given that, on September 27, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above mentioned taking to Sea World, Incorporated, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Offices of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, and the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: September 27, 1974.

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

[FR Doc.74-23148 Filed 10-3-74;8:45 am]

## THOMAS P. DOHL

### Issuance of Permit for Marine Mammals

On July 15, 1974, notice was published in the FEDERAL REGISTER (39 FR 25965), that an application had been filed with the National Marine Fisheries Service by Thomas P. Dohl, Division of Natural Sciences, Coastal Marine Laboratory, University of California, Santa Cruz, California 95064, for a scientific research permit to take, retain in captivity for 90 days, and release two (2) Pacific white-sided dolphins (*Lagenor-hynchus obliquidens*).

Notice is hereby given that, on September 18, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above mentioned taking to Thomas P. Dohl, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, National

Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: September 18, 1974.

JOSEPH A. SLAVIN,
*Acting Director,*
*National Marine Fisheries Service.*

[FR Doc.74-23154 Filed 10-3-74;8:45 am]

## ZOOLOGICAL SOCIETY OF CINCINNATI

### Issuance of Permit for Marine Mammals

On July 15, 1974, notice was published in the FEDERAL REGISTER (39 FR 25966), that an application had been filed with the National Marine Fisheries Service by the Zoological Society of Cincinnati, 3400 Vine Street, Cincinnati, Ohio 45220 for a permit to take four male and four female California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that, on September 24, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the above mentioned taking to the Zoological Society of Cincinnati, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, Nattional Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Offices of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, and the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: September 24, 1974.

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

[FR Doc.74-23153 Filed 10-3-74;8:45 am]

## Office of the Secretary

## ECONOMIC ADVISORY BOARD

### Notice of Meeting

A meeting of the Department of Commerce Economic Advisory Board will be held on Tuesday, October 22, 1974 from 10:00 a.m. to 3 p.m. in room 5230, Commerce Building, 14th Street and Constitution Avenue, NW, Washington, D.C.

The purpose of the Board is to advise the Secretary of Commerce on economic policy matters. The intended agenda for this meeting is as follows:

Economic outlook through 1975.
Sources of strength.
Areas of weakness.
Policy recommendations.
Monetary and financial conditions.

A limited number of seats will be available to the public and the press. Public participation will be limited to requests for clarification of items under discussion; additional statements or inquiries may be submitted to the chairman before or after the meeting. Persons desiring to attend the meeting should advise Miss Ruby Gore, telephone 202-967-3727, by October 18, 1974.

For further information, inquiries may be directed to Mr. Basil R. Littin, Special Assistant to the Secretary for Public Affairs, room 5419, Department of Commerce, Washington, D.C. 20230, telephone 202-967-3263.

DAVID W. FERREL,
*Acting Assistant Secretary*
*for Economic Affairs.*

SEPTEMBER 27, 1974.

[FR Doc.74-23114 Filed 10-3-74;8:45 am]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## National Institutes of Health

## ADVISORY COMMITTEE TO THE DIRECTOR, NIH

### Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, October 31-November 1, 1974, National Institutes of Health, Building 31, A Wing, Conference Room 4.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on October 31, and from 9 a.m. to 1 p.m. on November 1 to discuss policy matters of concern to the Director, NIH. Attendance by the public will be limited to space available.

The Executive Secretary, Charles R. McCarthy, Ph.D., National Institutes of Health, Building 1, Room 224, 301-496-3471, will furnish summaries of the meeting, rosters of committee members and substantive program information.

Dated: September 27, 1974.

SUZANNE L. FREMEAU,
*Committee Management*
*Officer, NIH.*

[FR Doc.74-23119 Filed 10-3-74;8:45 am]

## PRESIDENT'S CANCER PANEL

### Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, October 31, 1974, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9:30 a.m. to adjournment for a report from the Director, National Cancer Institute, and a report from the Chairman, President's Cancer Panel. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5708) will furnish summaries of the open meeting and roster of committee members.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5854) will provide substantive program information.

Dated: September 27, 1974.

SUZANNE L. FREMEAU,
*Committee Management*
*Officer, NIH.*

[FR Doc.74-23118 Filed 10-3-74;8:45 am]

## NATIONAL ADVISORY EYE COUNCIL

### Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Vision Research Program Planning Subcommittee of the National Advisory Eye Council on October 24-25, 1974, in Building 31, room 6A21, National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public from 7 p.m. to 10 p.m. on October 24, and 8:30 a.m. to 4 p.m. on October 25, to review the role of program planning in vision research and draft recommendations on program plans for the National Eye Institute. Attendance by the public will be limited to space available.

Mr. Julian Morris, Program Planning Coordinator, National Eye Institute, Building 31, room 6A27, National Institutes of Health, Bethesda, Maryland 20014, telephone (301) 496-5248, will furnish summaries of the meeting, rosters of subcommittee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health)

Dated: September 27, 1974.

SUZANNE L. FREMEAU,
*Committee Management*
*Officer, NIH.*

[FR Doc.74-23120 Filed 10-3-74;8:45 am]

## Office of Education

## NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

### Notice of Public Meeting

Notice is hereby given, pursuant to Federal Advisory Committee Act Pub. L. 92-463, that the next meeting of the National Advisory Council on Extension and Continuing Education will be held October 24-25, 1974, in the California Room of the Statler Hilton Hotel at 16th and K Sts., NW, Washington, D.C. Both meetings will begin at 9:00 a.m.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President and to the Secretary of Health, Education, and Welfare on the administration and effectiveness of all federally

supported extension and continuing education programs, including community service programs.

The meeting of the Council will be open to the public. The agenda for the meeting will be devoted primarily to a discussion of the Council's evaluation of Title I of the Higher Education Act, and to an analysis of the Higher Education Act itself as it relates to the Council's mandate. All records of Council proceedings are available for public inspection at the Council's Staff Office, located in Suite 710, 1325 G St., NW, Washington, D.C.

RICHARD F. MCCARTHY,
*Associate Director.*

OCTOBER 1, 1974.

[FR Doc.74-23159 Filed 10-3-74;8:45 am]

## HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

### Notice of Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Health Insurance Benefits Advisory Council (HIBAC), established pursuant to section 1867 of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on Medicare and Medicaid matters will meet on Friday, November 8, 1974, at 9 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, SW, Washington, D.C. The Council will consider matters pertaining to the Medicare and Medicaid programs.

The Mental Health Subcommittee of HIBAC, which is considering expansion of coverage of mental health benefits under Medicare will meet on Thursday, November 7, 1974 at 1 p.m. in Room 5169 of Health, Education, and Welfare's North Building.

These meetings are open to the public.

Further information on the Council and the Committees may be obtained from Mr. Sherman Lazrus, Executive Secretary, Health Insurance Benefits Advisory Council, Room 4075, Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, SW, Washington, D.C. 20201, telephone 202-245-6931.

Dated: October 1, 1974.

SHERMAN LAZRUS,
*Executive Secretary, Health Insurance Benefits Advisory Council.*

[FR Doc.74-23145 Filed 10-3-74;8:45 am]

## OFFICE OF FACILITIES ENGINEERING AND PROPERTY MANAGEMENT

### Statement of Organization, Functions, and Delegations of Authority

Part 1 of the statement of organization, functions, and delegations of authority for the Department of Health, Education, and Welfare is amended to modify section 1T80, Office of Facilities Engineering and Property Management, OFEPM (38 FR 16406), June 22, 1973. A new Management Services Staff has been established in the Office of the Director, and the statement for the Office of Federally Assisted Construction has been revised, including the transfer of management information responsibilities and personnel to the new staff. The functional statement of OFEPM is modified as follows:

Add to Sec. 1T80.10 under Office of the Director a new Management Services Staff. Under Office of Federally Assisted Construction delete Division of Management Information and Division of Operations.

Add to Sec. 1T80.20A. a new item 5. as follows: 5. Management Services Staff. a. Performing upon request of program and OFEPM offices, analysis of management information to measure effectiveness and efficiency of OFEPM program support activities.

b. Performing special studies and analysis for use in recommending changed methodologies or OFEPM activity priorities.

c. Accepting statements of systems requirements from user elements in OFEPM, and providing services required (if funded by the user) through most appropriate and cost-effective in-house or outside service source.

d. Providing basic data in areas for which OFEPM is responsible to elements outside OFEPM, for management purposes by those elements, and when funded by the requesting non-OFEPM elements.

e. Performing the service of data collection within OFEPM from both headquarters and field locations.

Revise 1T80.20C. as follows: C. Office of Federally Assisted Construction. The Office of Federally Assisted Construction in coordination with the DHEW principal operating components shall be responsible for:

1. Resolving problems related to (a) the federally assisted project design/construct process, (b) the need for A/E manpower to support federally assisted program activities, and (c) defining budget impact on OFEPM and ROFEC operations.

2. Defining the need for new or revised field operating procedures for use by Regional A/E staffs in providing technical support for federally assisted construction activities, and developing and implementing such procedures through the ROFECs.

3. Defining needs for specific technical guides and standards and coordinating with the Office of Architectural and Engineering Services in developing and publishing such guides and standards.

4. Consulting with National Professional Societies and Office of Secretary staff offices on the development and application of innovative methods and of design and construction for federally assisted projects.

5. Evaluating management data reports and informing the Director, OFEPM, of magnitude, trends and projections of Federally assisted construction activities nationally.

6. Preparing publications of representative costs of Federally assisted health and education facilities for distribution to national organizations, universities and hospitals and other interested public and private groups and individuals.

7. Carrying out a continual program for evaluating Regional A/E staff performance in supporting the Federally assisted activity and recommending to the Director, OFEPM, Regional staff changes required to assure adequate activity support.

8. Representing the Director, OFEPM, in coordinating with the Department Office for Civil Rights on equal employment activities relating to both direct Federal and federally assisted construction.

9. Representing the Director, OFEPM, on inter- and intra-Department committees as well as at National and regional meetings relating to federally assisted construction.

10. Acting as the Department member on the Federal Procurement Task Force with the mission of fostering opportunities for minority business within the direct Federal procurement section with special emphasis on direct Federal construction efforts.

Dated: September 30, 1974.

JOHN OTTINA,
*Assistant Secretary for Administration and Management.*

[FR Doc.74-23144 Filed 10-3-74;8:45 am]

## Social Security Administration

## TRUST TERRITORY OF THE PACIFIC ISLANDS

### Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority vested in the Commissioner of Social Security by the Secretary of Health, Education, and Welfare, and redelegated to him, the Director of the Bureau of Retirement and Survivors Insurance has approved a finding that the Trust Territory of the Pacific Islands has a social insurance system of general application in effect which pays periodic benefits on account of old age, retirement, or death, but that under its social insurance system the work of citizens of the United States, not citizens of the Trust Territory of the Pacific Islands, is excluded from coverage.

Accordingly, it is hereby determined and found that the Trust Territory of the Pacific Islands has in effect a social insurance system which is of general application in that country and which meets the requirements of section 202(t)(2)(A) of the Social Security Act (42 U.S.C. 402(t)(2)(A)), and would meet the requirements of section 202(t)(2)(B) of the Act (42 U.S.C. 402(t)(2)(B)) with the first month that a restriction is removed from Micronesian law which now excludes United States citizens who work in Micronesia from coverage under that system in situations where the same work is not also covered under the United States social insurance system or other Federal retirement system of the United States.

Subparagraphs (A) and (B) of section 202(t)(4) of the Social Security Act (42 U.S.C. 402(t)(4) (A) and (B)) provide that section 202(t)(1) shall not be applicable to benefits payable on the earnings record of an individual who has 40 quarters of coverage under social security or who has resided in the United States for a period or periods aggregating 10 years or more. However, effective July 1, 1968, the provisions of subparagraphs (A) and (B) of section 202(t)(4) shall not apply to an individual who is a citizen of a foreign country that has in effect a social insurance or pension system which is of general application in such country and which satisfies the provisions of subparagraph (A) of section 202(t)(2) but not the provisions of subparagraph (B) of section 202(t)(2).

By virtue of the finding herein, the provisions of subparagraphs (A) and (B) of section 202(t)(4) apply to citizens of the Trust Territory of the Pacific Islands with the first month that the aforesaid restriction is removed from Micronesian law.

Dated: September 30, 1974.

HUGH F. MCKENNA,
*Director, Bureau of Retirement and Survivors Insurance.*

[FR Doc.74-23156 Filed 10-3-74;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### INDIANA

### Proposed Action Plan

The Indiana State Highway Commission has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Indiana State Highway Commission, Room 1101, State Office Building 100 North Senate Avenue, Indianapolis, Indiana 46204.
2. Crawfordsville District, Box 667, Crawfordsville, Indiana 47933.
3. Fort Wayne District, 5333 Hatfield Road, Fort Wayne, Indiana 46808.
4. Greenfield District, Box 667, Greenfield, Indiana 46140.
5. LaPorte District, Box 429, LaPorte, Indiana 46350.
6. Seymour District, Box 550, Seymour, Indiana 47274.
7. Vincennes District, Box 376, Vincennes, Indiana 47591.
8. Indiana Division Office—FHWA, Room 707, I.S.T.A. Center, 150 W. Market Street, Indianapolis, Indiana 46204.
9. FHWA Regional Office—Region 5, 18209 Dixie Highway, Homewood, Illinois 60430.
10. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building—Room 3246, 400 7th Street SW., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before November 4, 1974.

Issued on: October 1, 1974.

J. R. COUPAL, Jr.,
*Acting Federal Highway Administrator.*

[FR Doc.74-23130 Filed 10-3-74;8:45 am]

### Office of the Secretary

### ADVISORY COMMITTEE ON TRANSPORTATION-RELATED SIGNS AND SYMBOLS

### Notice of Public Meeting

October 15, 1974, the Advisory Committee on Transportation-Related Signs and Symbols will hold a public meeting beginning at 2 p.m. in Room 10330, Department of Transportation Building, 400 Seventh Street SW., Washington, D.C. The purpose of the meeting is to review the draft report of the American Institute of Graphic Arts, under DOT's contract to develop an initial group of transportation-related, passenger/pedestrian-oriented symbols for over 30 basic message areas.

The Committee is a broadly technical advisory committee with representatives principally from Federal agencies, transportation-oriented industries and associations, and qualified sources outside Government. The Committee's functions are solely advisory and its advice and recommendations are the result of its independent judgment. Its membership is comprised of approximately 50 percent from Government agencies and 50 percent from industry sources.

For further information contact the Committee's Executive Director, William R. Myers, Office of Facilitation, TES-50, Department of Transportation, Room 10308, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-4584.

This notice is issued pursuant to Section 10, Federal Advisory Committee Act (Pub. L. 92-463) and Executive Order 11686 (37 FR 21421).

Issued in Washington, D.C. on October 1, 1974.

BENJAMIN O. DAVIS, Jr.,
*Assistant Secretary for Environment, Safety, and Consumer Affairs.*

[FR Doc.74-23215 Filed 10-3-74;8:45 am]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-471]

### BOSTON EDISON CO.

### Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations, 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed Pilgrim Nuclear Generating Station, Unit 2, to be constructed by the Boston Edison Company on the western shore of Cape Cod Bay and south of Plymouth Bay in the Town of Plymouth, Plymouth County, Massachusetts, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C., and in the Plymouth Public Library, North Street, Plymouth, Massachusetts 02360. The Final Environmental Statement is also being made available at the Office of State Planning and Management, Leverett Saltonstall Building, 100 Cambridge Street, Room 909, Boston, Massachusetts 02202 and the Southeastern Massachusetts Regional Planning and Economic Development District, 68 Winthrop Street, Taunton, Massachusetts 02780.

The notice of availability of the Draft Environmental Statement for the Pilgrim Nuclear Generating Station, Units 2 and 3, with request for comments from interested persons, was published in the FEDERAL REGISTER on June 19, 1974 (39 FR 21177). The comments received from Federal, State and local officials and interested members of the public have been included as an appendix to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission,

Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 30th day of September, 1974.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
*Chief, Environmental Projects Branch 3, Directorate of Licensing.*

[FR Doc.74-23109 Filed 10-3-74;8:45 am]

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[Docket No. 50-321]

## GEORGIA POWER CO.

### Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-57 issued to the Georgia Power Company which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment permits the replacement of two safety valves on the main steam lines within the dry well with relief/safety valves, as described in Amendment 47 to the Final Safety Analysis Report (FSAR). Because installation of the main steam relief/safety valves has been completed, this amendment removes Temporary Restriction No. 3 from the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated August 16, 1974, (2) Amendment 47 to the FSAR, (3) Amendment No. 1 to License No. DPR-57, with any attachments, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (3) and (4) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 27th day of September, 1974.

For the Atomic Energy Commission.

DENNIS M. CRUTCHFIELD,
*Acting Chief, Light Water Reactor Projects Branch 2-1, Directorate of Licensing.*

[FR Doc.74-23111 Filed 10-3-74;8:45 am]

## REPORTING OF OPERATING INFORMATION

### Issuance and Availability of Regulatory Guides

The Atomic Energy Commission has issued a guide in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.16 (Revision 2), "Reporting of Operating Information—Appendix A Technical Specifications" provides a program for reporting of operating information which meet the reporting requirements of Appendix A technical specifications.

Comments and suggestions in connection with improvements in all guides are encouraged at any time. Comments on Regulatory Guide 1.16 (Revision 2) will, however, be particularly useful in evaluating the need for an early revision if received within two months of the date of the guide. Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. Requests for single copies of the issued guide or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted, and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Tornado Design Classification.
Availability of Electric Power Sources.
Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors.
Isolation of Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
Fire Protection Criteria for Nuclear Power Plants.
Protective Coatings for Light Water Nuclear Reactor Containment Facilities.
Inservice Surveillance of Grouted Prestressing Tendons.
Seismic Input Motion to Uncoupled Structural Model.
Primary Reactor Containment (Concrete) Design and Analysis.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel.
Fracture Toughness Requirements for Vessels Under Overstress Conditions.
Material Limitations for Competent Supports.
Protection Against Postulated Events and Accidents Outside of Containment.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Assumptions Used for Evaluating the Potention Radiological Consequences of a Gas Holdup Tank Failure in a Boiling Water Reactor.
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification of Class I Electrical Equipment.
Type Tests for Class IE Cables, Connections, and Field Splices for Nucler Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Main Steam Line Sealing System Design Guidelines for Boiling Water Reactors.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Fuel Oil Supplies for Standby Diesel-Generators.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Surveillance and Examination and Testing of Irradiated Fuel Rods.
Elevated Temperature Inservice Surveillance Tests for HTGR Plants.
Design Load Combinations for Component Supports.
Requirements for Containment Isolation.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
Requirements for Concrete Reactor Vessels and Containments (ASME Section III Division 2).
Instrument Span and Trip Setting.
Failed Fuel Detection System for Nuclear Power Plants.
Code Case Acceptability—ASME Section III Nonmetallic Materials.
Design, Qualification Test and Installation Requirements for Class 2 and 3 Safety-Related Pumps.
Seismic Response Combination of Modes and Spatial Components.
Analysis of Seismic Recorded Data.
Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release.
Functional Specification for Self-Operated and Power-Operated Safety-Related Valves.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland, this 26th day of September, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
*Director of Regulatory Standards.*

[FR Doc.74-23110 Filed 10-3-74;8:45 am]

[Docket Nos. 50-280, 50-281]

## VIRGINIA ELECTRIC & POWER CO.

### Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendments No. 1 to Facility Operating License Nos. DPR-32 and DPR-37 issued to Virginia Electric & Power Co. which revised Technical Specifications for operation of the Surry Power Station, Units 1 and 2, located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments prescribe remedial action to be taken in the event of a loss of bottled air in main Control Room ventilation system and modify the surveillance requirements for the main steam trip valves.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

For further details with respect to this action, see (1) the application for amendments dated July 26, 1974, (2) Amendments No. 1 to License Nos. DPR-32 and DPR-37, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Swem Library, College of William & Mary, Williamsburg, Virginia 23185.

A copy of items (2) and (3) may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 23rd day of September, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
*Chief, Operating Reactors Branch No. 1, Directorate of Licensing.*

[FR Doc.74-22610 Filed 10-3-74;8:45 am]

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[Docket Nos. STN 50-508, STN 50-509]

## WASHINGTON PUBLIC POWER SUPPLY SYSTEM, ET AL.

### Availability of Applicant's Environmental Report; Opportunity for Hearing

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, Washington Public Power Supply System has filed an Environmental Report, dated August 30, 1974, on behalf of itself and four investor-owned electric utilities, Pacific Power and Light Company, Portland General Electric Company, Puget Sound Power and Light Company and the Washington Water Power Company in support of their application to construct and operate the WPPSS Nuclear Project No. 3, and on behalf of itself in support of its application to construct and operate the WPPSS Nuclear Project No. 5; both to be located in Grays Harbor County, Washington, about 26 miles west of Olympia. Notice of receipt of application was published in the FEDERAL REGISTER on August 23, 1974 (39 FR 30535).

The report, which discusses environmental considerations related to the construction and operation of the proposed facilities is being made available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545, the W.H. Abel Memorial Library, 125 Main Street, South, Montesano, Washington 98563, and at the Office of the Governor, State Planning and Community Affairs Agency, Olympia, Washington 98504.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

On August 23, 1974, a Notice of Hearing for Construction Permits was also published in the FEDERAL REGISTER (39 FR 30535) in the above proceeding. That Notice designated an Atomic Safety and Licensing Board to conduct a hearing, specified the issues to be determined by the Board, provided an opportunity to intervene with respect to the issues specified in such Notice to persons whose interests may be affected by the proceeding, and provided an opportunity to make limited appearances to other persons who wished to make a statement in the proceeding but who did not wish to intervene.

Notice is hereby given that, pursuant to 10 CFR Part 2, "Rules of Practice," any person whose interest may be affected by the proceeding, and who wishes to participate as a party in the proceeding with respect to whether, in accordance with the requirements of 10 CFR Part 51, the construction permit should be issued as proposed, must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding subject to any limitations in the order granting leave to intervene, and have all rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by November 7, 1974. A petition for leave to intervene which is not timely will not granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)-(4) and 2.714(d).

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1-5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, and others in the manner specified below.

This notice does not affect the status of any person previously admitted as a party to this proceeding with respect to, or provide an additional opportunity to any person to intervene on the basis of, or to raise matters encompassed within, the issues pertaining to radiological health and safety and the common defense and security specified for hearing in the above-referenced Notice of Hearing published August 23, 1974.

Papers required to be filed in this proceeding shall be filed by mail or telegram

addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Services Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of any petition for intervention or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Richard Q. Quigley, Esq., Washington Public Power Supply System, P.O. Box 968, Richland, Washington 99352 and Joseph B. Knotts, Jr., Esq. Conner, Hadlock & Knotts, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006, attorneys for the applicant.

For further details, see the application for construction permits dated July 30, 1974, and the applicant's environmental report dated August 30, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of these documents are also available at the W. H. Abel Memorial Library, 125 Main Street, South, Montesano, Washington 93563 for inspection by members of the public between the hours of 10 a.m. and 9 p.m. Monday through Thursday and 10 a.m. to 5 p.m. on Saturday.

Dated at Bethesda, Maryland this 27th day of September 1974.

For the Atomic Energy Commission.

WM. H. REGAN, Jr.,
*Chief, Environmental Projects Branch 4, Directorate of Licensing.*

[FR Doc.74-23108 Filed 10-3-74;8:45 am]

## REGULATORY GUIDES

### Issuance and Availability

The Atomic Energy Commission has issued a draft Regulatory Guide in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations.

The draft Regulatory Guide is in Division 4, "Environmental and Siting Guides," of the Regulatory Guide series. Regulatory Guide 4.7, "General Site Suitability Criteria for Nuclear Power Stations," discusses the major site characteristics related to safety, public health, and environmental issues which the Regulatory staff considers in determining the suitability of sites for nuclear power stations. The guidelines are for use in a screening process to identify suitable candidate sites for nuclear power stations. This draft guide incorporates the comments received on a report, "General Environmental Siting Guides for Nuclear Power Plants—Topics and Bases," which was issued for public comment in December 1973.

The safety issues include geologic/seismic, hydrologic, and atmospheric characteristics of proposed sites, potential effects on the plant from accidents at nearby industrial, transportation, and military facilities and population distribution and densities in the site environs as they relate to protecting the general public from potential radiation hazards of postulated serious accidents. The environmental issues concern potential impacts from the construction and operation of nuclear stations on biota, ecological systems, land use, the atmosphere, aesthetics, and socioeconomics. This draft guides does not discuss details of the engineering designs required to assure the compatibility of the nuclear station and the site or the detailed information required for the preparation of the safety analysis and environmental reports. This draft guide does not address power reactor site suitability as it may be affected by the Commission's materials safeguards and plant protection requirements.

Comments and suggestions in connection with (1) terms for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on draft Regulatory Guide 4.7 will, however, be particularly useful in evaluating the need for revision if received within two months of the date of this draft guide. Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 4 Regulatory Guides currently being developed include the following:

Cooling Water Systems—Protection of Aquatic Organisms (Entrapment).

Cooling Water Systems—Protection of Aquatic Organisms (Entrainment).

Cooling Water Systems—Protection of Aquatic Organisms (Cold Shock).

Environmental Technical Specifications for Nuclear Power Plants.

Revision of Regulatory Guide 4.2—Preparation of Environmental Reports for Nuclear Power Stations.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 30th day of September 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
*Director of Regulatory Standards.*

[FR Doc.74-23161 Filed 10-3-74;8:45 am]

[Docket No. 50-407]

## UNIVERSITY OF UTAH

### Order Extending Construction Completion Date

The University of Utah is the holder of Construction Permit No. CPRR-119, issued by the Commission on April 24, 1973, for construction of a TRIGA Mark I nuclear reactor for research purposes on the University's campus at Salt Lake City, Utah.

On August 22, 1974, the University of Utah filed a request for an extension of the completion date due to delays they have encountered in acquisition and installation of certain pieces of auxiliary equipment required for completion of the facility. This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in the staff evaluation dated

*It is hereby ordered* That the latest completion date for Construction Permit No. CPRR-119 is extended from October 1, 1974, to June 1, 1975.

Date of Issuance: September 24, 1974.

For the Atomic Energy Commission.

KARL R. GOLLER,
*Assistant Director for Operating Reactors, Directorate of Licensing.*

[FR Doc.74-23160 Filed 10-3-74;8:45 am]

[Docket Nos. STN 50-516 and STN 50-517]

## LONG ISLAND LIGHTING CO.

### Jamesport Nuclear Power Station, Units 1 and 2; Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

The Long Island Lighting Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed September 6, 1974, for authorization to construct and operate two generating units utilizing two pressurized water reactors. The application was tendered on June 14, 1974. Following a preliminary review of completeness, the application was accepted on August 13, 1974 for docketing. Docket Nos. STN 50-516 and STN 50-517 have been assigned to the application and they should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicant as the Jamesport Nuclear Power Station, Units 1 and 2 are to be located in Suffolk County, New

York, 6 miles northeast of the town of Riverhead. Each unit is designed for initial operation at approximately 3425 megawatts (thermal), with a net electrical output of approximately 1150 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before November 12, 1974. The request should be filed in connection with Docket Nos. STN 50-516-A and STN 50-517-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Riverhead Free Library, 330 Court Street, Riverhead, New York 11901.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an Environmental Report dated August 28, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations and at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207; and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 6th day of September, 1974.

For the Atomic Energy Commission.

FRANCIS J. WILLIAMS,
*Acting Chief, Light Water Reactors Projects Branch 2-1, Directorate of Licensing.*

[FR Doc.74-21143 Filed 9-12-74;8:45 am]

## CIVIL AERONAUTICS BOARD

### AIRBORNE FREIGHT CORP.

### Notice of Application for Tariff Filing Authority

SEPTEMBER 30, 1974.

In accordance with Part 222 (14 CFR Part 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 27063, from Airborne Freight Corporation, Coleman Building, Seattle, Washington 98104, for authority to provide extended area pickup and delivery service in the territory of Puerto Rico as served by San Juan, Puerto Rico.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the Federal Register. An executed original and nineteen copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.74-23178 Filed 10-3-74;8:45 am]

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[Docket 25513, Agreement C.A.B. 24663 R-1 through R-3; Order 74-9-81]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Increased Fuel Costs; Correction

Issued under delegated authority September 23, 1974.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to increased fuel costs.

I. Change footnote page one (39 FR 34702, Sept. 27, 1974) to read:

Dated: September 27, 1974.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.74-23180 Filed 10-3-74;8:45 am]

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[1] The agreement also proposes to amend the travel together provisions on U.S./Canada-Mexico GIT fares to permit individual travel by tour group members from destination to point of origin during the period October 15, 1974 to January 9, 1975 and ties effectiveness of this amendment and the proposed fare increase with government approval of both.

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE FEDERATIVE REPUBLIC OF BRAZIL

### Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 26, 1974.

On October 23, 1970, the United States Government concluded a comprehensive bilateral cotton textile agreement with the Government of the Federative Republic of Brazil concerning exports of cotton textiles and cotton textile products from the Federative Republic of Brazil to the United States over a five-year period beginning on October 1, 1970 and extending through September 30, 1975. The bilateral agreement was subsequently amended and extended through September 30, 1977. Among the provisions of the agreement, as amended, are those establishing an aggregate limit for the 64 categories, group limits, and within the group limits, specific limits on Categories 1-4, 9, 18/19 and part of 26 (printcloth), 22/23, part of 26/27 (duck), part of 26/27 (other than printcloth and duck), part of 30/31, 50, 51, 55, and part of 64 for the agreement year beginning on October 1, 1974.

Accordingly, there is published below a letter of September 26, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1-4, 9, 18/19 and part of 26 (printcloth), 22/23, part of 26/27 (duck), part of 26/27 (other than printcloth and duck), part of 30/31, 50, 51, 55, and part of 64, produced or manufactured in the Federative Republic of Brazil, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning on October 1, 1974 and extending through September 30, 1975, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.*

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
*Department of the Treasury,*
*Washington, D.C. 20229.*

SEPTEMBER 26, 1974.

DEAR MR. COMMISSIONER: Pursuant to the Bilateral Cotton Textile Agreement of October 23, 1970, as amended, between the Governments of the United States and the Federative Republic of Brazil, and in accordance

with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective October 1, 1974, and for the twelve-month period extending through September 30, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1–4, 9, 18/19 and part of 26 (printcloth), 22/23, part of 26/27 (duck), part of 26/27 (other than printcloth and duck), part of 30/31, 50, 51, 55, and part of 64, produced or manufactured in the Federative Republic of Brazil, in excess of the following levels of restraint:

| Category | | 12-month levels of restraint |
|---|---|---|
| 1–4 | pounds | 7,927,215 |
| 9 | square yards | 14,586,075 |
| 18/19 and part of 26 (printcloth)[1] | do | 12,762,815 |
| 22/23 | do | 5,469,778 |
| Part of 26/27 (duck)[2] | do | 3,038,765 |
| Part of 26/27 (other than printcloth and duck)[1 2] | do | 7,900,790 |
| Part of 30/31[3] | pieces | 6,985,667 |
| 50 | dozen | 47,809 |
| 51 | do | 40,979 |
| 55 | do | 16,683 |
| Part of 64 (only T.S.U.S.A. No. 366.6500) | pounds | 264,240 |

[1] In Category 26, the T.S.U.S.A. numbers for printcloth are:

320.—34 322.—34 327.—34
321.—34 326.—34 328.—34

[2] The T.S.U.S.A. Nos. for duck area:

320.—01 through 04, 06, 08 through 04, 06, 08
321.—01 through 04, 06, 08 through 04, 06, 08
322.—01 through 04, 06, 08 through 04, 06, 08
326.—01 through 04, 06, 08
327.—01 through 04, 06, 08
328.—01 through 04, 06, 08

[3] All of Categories 30 and 31 except T.S.U.S.A. No. 366.2740.

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Federative Republic of Brazil which have been exported to the United States from the Federative Republic of Brazil prior to October 1, 1974, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1973 through September 30, 1974. In the event that the above levels of restraint for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of October 23, 1970, as amended, between the Governments of the United States and the Federative Republic of Brazil which provide, in part, that within the aggregate limit and group limits, the limitations on specific categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by further letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3430).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and cotton textile products from the Federative Republic of Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.*

[FR Doc.74-22777 Filed 10-3-74;8:45 am]

## CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

### Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 26, 1974.

On December 30, 1971, the United States Government concluded a comprehensive Bilateral Wool and Man-Made Fiber Textile Agreement with the Government of the Republic of China concerning exports of wool and man-made fiber textiles from the Republic of China to the United States over a five-year period beginning on October 1, 1971 and extending through September 30, 1976. The agreement was amended by exchange of notes on November 16, 1972 to adjust the aggregate and group limits established for wool textile products. Among the provisions of the agreement, as amended, are those establishing specific export limitations on Categories 116, 117, 211, 213, 216, 219, 221, 222, 228, 232, 234, and 235 for the fourth agreement year beginning on October 1, 1974.

Paragraph 2(b) of the agreement provides that:

* * * During the third year, the two governments shall consult to determine the growth rates appropriate for man-made fiber textiles to distribute between the fourth and fifth years the balance remaining of the five-year aggregate limit * * * after deduction of the aggregate limits provided for the first three years. The growth rates determined in such consultations shall also be applied to the group and specific limits * * *.

Inasmuch as the growth rates have not yet been established for the fourth agreement year which begins on October 1, 1974, the levels set forth below are the same as those which applied in the previous year. These levels are subject to adjustment following completion of consultations between the Governments of the United States and the Republic of China.

The agreement also contains provisions for establishing consultation levels for those categories not having specific export limitations for the agreement year beginning on October 1, 1974. These consultation levels, which also remain to be established by the two governments, are initially to be controlled by the Government of the Republic of China, except for those levels established for Categories 101–110 and 126–132, as a group; Categories 111–125, as a group; and individual Category 224 which are already controlled by the United States Government. At a later date these other consultation levels could be controlled by the United States Government in the same manner as those categories having specific export limitations.

Accordingly, there is published below a letter of September 26, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of wool and man-made fiber textile products in the above categories produced or manufactured in the Republic of China which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning October 1, 1974 and extending through September 30, 1975 be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.*

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
*Department of the Treasury,*
*Washington, D.C. 20229.*

SEPTEMBER 26, 1974.

DEAR MR. COMMISSIONER: Under the provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective October 1, 1974 and for the twelve-month period extending through September 30, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Categories 111–125, as a group; Categories 101–110 and 126–132, as a group; and Categories 116 and 117; and man-made fiber textile products in Categories 211, 213, 216, 219, 221, 222, 224, 228, 232, 234, and 235, produced or manufactured in the Republic of

China, in excess of the following twelve-month levels of restraint:

| Category | 12-month level of restraint |
|---|---|
| 111–125 | 4,030,400 square yards equivalent. |
| 116 | 837,005 pounds. |
| 117 | 523,128 pounds. |
| 101–110 and 126–132. | 812,100 square yards equivalent. |
| 211 | 765,096 pounds. |
| 213 | 7,650,962 pounds. |
| 216 | 658,692 dozen. |
| 219 | 5,070,637 dozen. |
| 221 | 3,567,677 dozen. |
| 222 | 3,352,669 dozen. |
| 224[1] | 8,589,744 pounds (of which not more than 200,000 pounds shall be in TSUSA Nos. 380.0420 and 380.8143 and not more than 600,000 pounds shall be in TSUSA Nos. 380.0402 and 380.8103). |
| 228 | 410,719 dozen. |
| 232 | 574,264 dozen. |
| 234 | 1,075,755 dozen. |
| 235 | 1,561,472 dozen. |

[1] The level for this consultation category was established in accordance with the provisions of paragraph 3 of the Bilateral Wool and Man-Made Fiber Textile Agreement with the Republic of China for the twelve-month period which began on October 1, 1973.

In carrying out this directive, entries of wool and man-made fiber textile products in the above categories, produced or manufactured in the Republic of China, which have been exported to the United States prior to October 1, 1974, shall, to the extent of any unfilled balances be charged against the levels of restraint established for such goods during the period October 1, 1973 through September 30, 1974. In the event that the levels of restraint for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; for limited inter-fiber flexibility between cotton textiles and man-made fiber textile products of the comparable category; and for administrative arrangements.

A detailed description of the wool and man-made fiber textile categories in terms of T.S.U.S.A. numbers and conversion factors for converting units into equivalent square yards was published in the Federal Register on January 25, 1974 (39 FR 3430).

In carrying out this directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of wool and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.*

[FR Doc.74–22888 Filed 10–2–74;8:45 am]

## CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

### Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 26, 1974.

On November 3, 1971, the United States Government concluded a comprehensive Bilateral Cotton textile Agreement with the Government of Haiti concerning exports of cotton textiles and cotton textile products from Haiti to the United States over a five-year period beginning on October 1, 1971 and extending through September 30, 1976. The agreement was amended by an exchange of notes dated November 13 and 23, 1973. Among the provisions of the agreement, as amended, are those establishing an aggregate limit for the 64 categories, and within the aggregate limit, specific limits on Categories 39, 51, 53 and 63 for the agreement year beginning on October 1, 1974.

Pursuant to an exchange of notes, dated September 12 and 13, 1974, between the Governments of the United States and Haiti, the levels of restraint applicable to certain of the aforementioned categories will be adjusted to account for shipments which were permitted entry in excess of the ceiling established for cotton textiles and cotton textile products in Categories 1 through 64 during the twelve-month period which began on October 1, 1973.

There is published below a letter of September 26, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in the above categories, produced or manufactured in Haiti, which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period beginning October 1, 1974 and extending through September 30, 1975, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.*

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

SEPTEMBER 26, 1974.

COMMISSIONER OF CUSTOMS,
*Department of the Treasury,*
*Washington, D.C. 20229.*

DEAR MR. COMMISSIONER: Pursuant to the Bilateral Cotton Textile Agreement of November 3, 1971, as amended, between the Governments of the United States and Haiti, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective October 1, 1974 and for the twelve-month period extending through September 30, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64 and in individual Categories 39, 51, 53 and 63, produced or manufactured in Haiti, in excess of the following levels of restraint:

| Category | 12-Month Level of Restraint |
|---|---|
| 1 through 64. | 5,209,313 square yards equivalent. |
| 39 | 231,525 dozen pairs. |
| 51 | 58,998 dozen. |
| 53 | 21,721 dozen. |
| 63 | 410,869 pounds. |

The levels of restraint set forth above are subject are subject to adjustment pursuant to the provisions of the bilateral agreement of November 3, 1971, as amended, between the Governments of the United States and Haiti, which provide, in part, that within the aggregate limit, the limits of certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above will be made to you by further letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3430).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti with respect to imports of cotton textiles and cotton textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.*

[FR Doc.74–22773 Filed 10–3–74;8:45 am]

## Certain Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Republic of Korea

### ENTRY OR WITHDRAWAL FROM WAREHOUSE CONSUMPTION

SEPTEMBER 26, 1974.

On January 4, 1972, the United States Government concluded a comprehensive Bilateral Wool and Man-Made Fiber Textile Agreement with the Government of the Republic of Korea concerning exports of wool and man-made fiber textiles from the Republic of Korea to the United States over a five-year period beginning on October 1, 1971 and extending through September 30, 1976. Subsequently, the agreement was amended 1) to remove men's and boys' trousers from Category 222 and include them in Category 224, providing subceilings for men's and boys' knit suits and separate coats, including suit-type coats and jackets, in Category 224; and 2) to provide a subceiling for tie fabrics within the limit established for Category 208. Among the provisions of the agreement, as amended, are those establishing export limitations for the fourth agreement year beginning October 1, 1974 on wool textile products in Categories 104 and 120; and man-made fiber textile products in 200–205 and 241–243, as a group, as well as on the nine individual categories within the group; man-made fiber textile products in Categories 206–213, as a group, as well as the eight individual categories within the group; and man-made fiber textile products in Categories 214–240, as a group, as well as the twenty-seven individual categories within that group.

Paragraph 2(b) of the agreement provides that:

> * * * During the third year, the two governments shall consult to determine the growth rates appropriate for man-made fiber textiles to distribute between the fourth and fifth years the balance remaining of the five-year aggregate limit * * * after deduction of the aggregate limits provided for the first three years. The growth rates determined in such consultations shall also be applied to the group and specific limits * * *.

Inasmuch as the growth rates have not yet been established for the fourth agreement year which begins on October 1, 1974, the levels set forth below are the same as those which applied in the previous year. These levels are subject to adjustment following completion of consultations between the Governments of the United States and the Republic of Korea.

The agreement also contains provisions for establishing consultation levels for those categories not having specific export limitations for the agreement year beginning on October 1, 1974. These consultation levels, which also remain to be established, will be adjusted when consultations between the two governments are completed.

Accordingly, there is published below a letter of September 26, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that the amounts of wool and man-made fiber textile products in the above categories produced or manufactured in the Republic of Korea which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning October 1, 1974, and extending through September 30, 1975, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.*

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
*Department of the Treasury,*
*Washington, D.C. 20229*

SEPTEMBER 26, 1974.

DEAR MR. COMMISSIONER: Under the provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective October 1, 1974 and for the twelve-month period extending through September 30, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Categories 104 and 120; man-made fiber textile products in Categories 200–205 and 241–243, as a group, and the nine constituent categories comprising that group; Categories 206–213, as a group, and the eight constituent categories comprising that group; and Categories 214–240, as a group, and the 27 constituent categories comprising that group, in excess of the following twelve-month levels of restraint:

| *Category* | *12-month level of restraint* |
|---|---|
| 104 | 1,536,169 square yards. |
| 120 | 320,447 numbers. |
| 200–205 and 241–243 | 37,450,400 square yards equivalent. |
| 200[1] | 1,709,402 pounds. |
| 201[1] | 96,339 pounds. |
| 202[1] | 1,724,138 pounds. |
| 203[1] | 147,059 pounds. |
| 204[1] | 121,359 pounds. |
| 205[1] | 142,450 pounds. |
| 241[1] | 4,545,455 square feet. |
| 242[1] | 64,103 pounds. |
| 243[1] | 256,410 pounds. |
| 206–213 | 18,887,700 square yards equivalent. |
| 206[1] | 500,000 square yards. |
| 207[1] | 500,000 square yards. |
| 208[1] | 10,000,000 square yards (of which not more than 8,000,000 square yards may be in T.S.U.S.A. Nos. 338.3035, 338.3036, 338.3053 and 338.3054). |
| 209[1] | 500,000 square yards. |
| 210[1] | 900,000 square yards. |
| 211 | 2,004,636 pounds. |
| 212[1] | 500,000 square yards. |
| 213[1] | 134,615 pounds. |
| 214–240 | 348,971,900 square yards equivalent. |
| 214[1] | 198,300 dozen pairs. |
| 215[1] | 163,043 dozen pairs. |
| 216 | 136,438 dozen. |
| 217[1] | 6,736 dozen. |
| 218[1] | 414,365 dozen. |
| 219 | 3,386,991 dozen. |
| 220[1] | 28,090 dozen. |
| 221 | 2,565,103 dozen. |
| Part 222 (excluding T.S.U.S.A. Nos. 380.0428 and 380.8165) | 732,794 dozen. |
| 223[1] | 437,500 dozen. |
| 224/part 222 (only T.S.U.S.A. Nos. 380.0428 and 380.8165)[1] | 5,580,692 pounds (of which not more than 1,282,051 pounds may be in T.S.U.S.A. No. 380.8143 and not more than 769,231 pounds may be in T.S.U.S.A. Nos. 380.8103 and 380.8107). |
| 225[1] | 42,105 dozen. |
| 226[1] | 210,843 dozen. |
| 227[1] | 25,641 pounds. |
| 228 | 702,002 dozen. |
| 229 | 704,876 dozen. |
| 230[1] | 11,038 dozen. |
| 231[1] | 3,922 dozen. |
| 232[1] | 3,849 dozen. |
| 233[1] | 9,390 dozen. |
| 234 | 3,521,435 dozen. |
| 235 | 1,302,967 dozen. |
| 236[1] | 19,663 dozen. |
| 237[1] | 126,667 numbers. |
| 238 | 174,741 dozen. |
| 239[1] | 12,500 dozen. |
| 240[1] | 1,043,210 pounds. |

[1] Consultation categories—levels established in accordance with provisions of paragraph 3 of the Wool and Man-Made Fiber Textile Agreement with the Republic of Korea for the twelve-month period beginning on October 1, 1973.

In carrying out this directive, entries of wool and man-made fiber textile products in the above categories, produced or manufactured in the Republic of Korea, which have been exported to the United States prior to October 1, 1974, shall, to the extent of any unfilled balances be charged against the levels of restraint established for such goods during the period October 1, 1973 through September 30, 1974. In the event that the levels of restraint for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea which provide in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; for limited inter-fiber flexibility between cotton textiles and man-made fiber textile products of the comparable category, and for administrative arrangements.

A detailed description of the wool and man-made fiber textile categories in terms of T.S.U.S.A. numbers and conversion factors for converting units into equivalent square yards was published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3430).

In carrying out this directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.*

[FR Doc.74-22887 Filed 10-2-74;8:45 am]

## MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

### Notice of Meeting

OCTOBER 3, 1974.

The Management-Labor Textile Advisory Committee will meet at 2 p.m. on November 4, 1974, in Room 6802, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 37 members having special expertise in the textile and apparel industry, advises the Committee for the Implementation of Textile Agreements on conditions in the textile industry and on trade in textiles and apparel.

The agenda for the meeting is as follows:

1. Review of Import Trends.
2. Implementation of Textile Agreements and Negotiations to bring existing agreements into conformity with GATT Multifiber Textile Arrangement.
3. Report on Conditions in the Domestic Market.
4. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the committee before or after the meeting. To the extent time is available at the end of the meeting the presentation of oral statements will be allowed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

SETH M. BODNER,
*Chairman, Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.*

[FR Doc.74-23338 Filed 10-3-74;10:32 am]

## COUNCIL ON ENVIRONMENTAL QUALITY

### ENVIRONMENTAL IMPACT STATEMENTS

#### Availability

Environmental impact statements received by the Council on Environmental Quality from September 23 through September 27, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (November 18, 1974). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250 (202) 447-3965.

FOREST SERVICE

*Draft*

Blanchard Springs Caverns Project, Stone County, Arkansas, September 25: The statement refers to the construction and development of Tours B and C of the Blanchard Springs Caverns project located in the Ozark National Forest. The Tours will consist of rest stops, a man-made exit, and indirect lighting. Supporting facilities will include road construction, hiking trails, campground construction, and sewage system expansion. Implementation of the project would probably eliminate the Caverns as a significant habitat for bats. (ELR order No. 41479.)

Oregon Dunes National Recreation Area, Oregon, September 27: The statement refers to a proposed management plan for the Oregon Dunes National Recreation Area, Siuslaw National Forest. Under the plan, the area will be managed primarily for dispersed recreation activities, with proposed development to be confined to the perimeter of the area. Among the implications of the plan are increased regulations and controls on recreational use. The adverse impact of the action will fall disproportionately on existing landowners whose developable property will within the Recreation Area will be subject to controlled use. (ELR order No. 41487.)

*Final*

East Fork Yaak Planning Unit, Kootenai N.F. (2) Lincoln County, Montana, September 23: This statement is a revision of the Final statement which was filed with CEQ on October 31, 1973. The revision makes no change in the Management Plan but updates the text to conform to a recent revision of Forest Service Manual 8200. Comments made by: (ELR order No. 41471.)

ATOMIC ENERGY COMMISSION

*Draft*

Waste Management, Hanford Reservation, Benton County, Washington, September 27: The statement refers to AEC's continuing waste management operations at the Hanford Reservation. Current operations consist of the treatment and storage or disposal of radioactive and non-radioactive solid, liquid, and gaseous effluents from production and research and development efforts at Hanford. The current program calls for the conversion of waste from a liquid to a salt cake form.

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230 (202) 967-4335.

The following statement was received by the Council on September 20, and should have appeared in the FEDERAL REGISTER of September 27, 1974. The commenting period for this statement began on September 27.

*Draft*

U.S.S. Monitor Research Marine Sanctuary, South Carolina, September 20: The statement refers to the proposal to preserve the wreckage of the U.S.S. Monitor for historic and cultural research. The wreck lies in 220 feet of water on a hard and shell bottom 16.10 miles south-southeast of Cape Hatteras. Because of the preservation, fishing activities would be limited to non-trawling types. (None.) (ELR Order No. 41468.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314 (202 693-7168.

*Draft*

Charleston Harbor Deepening Project, September 23: The recommended plan of improvement consists of the deepening of the entrance channel to Charleston Harbor, in addition the deepening of existing harbor channels; deepening of Shipyard River channel; enlargement of the upstream and downstream turning basins in Shipyard River; enlargement of an anchorage basin; dredging of a new turning basin adjacent to the Columbus St. Docks, widening of the No. Charleston and Filbin Creek reaches; shifting of channels near terminal and enlargement of the turning basin at the head of the commercial channel at Goose Creek. There will be localized adverse effects on water quality and aquatic life, and slight air and noise pollution increases. (209 pages.) (ELR Order No. 41467.)

Petaluma River, Maintenance Dredging, Sonoma and Marin Counties, California, September 23: The project provides for maintenance dredging of 620,000 cu. yds. of sediment from the Petaluma River Navigation Channel. Approximately 170,000 cu. yds. of material are to be hydraulically dredged from the upper river channel and deposited at an authorized water disposal site. Adverse impacts are disturbance of bottom sediments, temporary displacement of fish, and change of present land use of land disposal site. (San Francisco District.) (32 pages.) (ELR Order No. 41469.)

*Final*

Oil and Gas Development, Cook Inlet, Alaska, September 25: Proposed is the issuance of permits (under Section 10 of the River and Harbor Act of 1899) for the construction of structures in navigable waters of Cook Inlet, in order to explore for and develop oil and gas resources. The statement discusses impacts upon marine biota, water and air quality, resource use competition, economics, energy crisis, navigation, and human ecology. (Alaska District.) (448 pages.)

Comments made by: DOC; FPC, DOI, USCG, EPA, state, and local agencies and concerned citizens. (ELR Order No. 41476.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405, (202) 343-4161.

*Draft*

Federal Office Building and Court House, Helena Montana, September 23: The statement refers to the proposed construction of a Federal Office Building and Court House in Helena, Montana. Three hundred and twenty-five off-street parking spaces will be provided to accommodate employee, visitor and official vehicles. The structure will house approximately 450 employees and have a net usable area of 90,000 sq. ft. There will be short-termed adverse impacts normally associated with construction (30 pages). (ELR Order No. 41473.)

*Final*

Federal Office Building, Columbus, Ohio, September 26: Proposed is the construction of a Federal office building to accommodate 965 employees, and a separate parking facility for 500 vehicles. The building will contain a total of 388,000 sq. ft. Adverse impact will result from construction disruption (98 pages). Comments made by: DOT, AHP, HUD, DOI, EPA, USDA, COE, HEW, State and local agencies. (ELR Order No. 41481.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

BUREAU OF RECLAMATION

*Final*

Auburn Folsom South Unit, Amendment, several counties, California, September 23: The draft amendment was prepared in response to a ruling on April 15, 1974 by Chief Judge Thomas A. MacBride of the U.S. District Court for the Eastern District of California that the final statement and supplement for the project did not comply with NEPA. The amendment discusses flood control and water supply alternatives to Auburn Reservoir. Comments made by: DOI, USDA, COE, DOT, state, and local agencies and concerned citizens. (ELR Order No. 41466.)

PENNSYLVANIA AVENUE DEVELOPMENT CORP.

*Final*

Pennsylvania Avenue Plan, 1974, District of Columbia, September 25: Proposed is the adoption of a comprehensive development plan for the Pennsylvania Avenue Development Area, for transmittal to Congress, and upon Congressional approval, implementation by the Corporation. The plan would encompass a 21 block area along the north side of the Avenue, from Third Street to the White House. The main objectives of the plan are to reinforce the proper development and uses of the Ave. and its adjacent area in a manner suitable to its ceremonial physical, and historic character; and to eliminate urban blight. Comments made by: DOC, TREA, DOT, NCPC, and local agencies and concerned citizens. (ELR Order No. 41477.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590 (202) 426-4357.

FEDERAL AVIATION ADMINISTRATION

*Final*

Radar Surveillance Facility, West Cummington, Hampshire County, Massachusetts, September 26: The statement refers to the construction and operation of an Air Route Surveillance Radar (ARSR) facility to be located on Bryant Mountain, West Cummington. Adverse impacts of the facility include fossil fuel emissions, negative effect on water quality, and radiation (124 pages). Comments made by: DOI, USDA, HEW, EPA, State and local agencies. (ELR Order No. 41482.)

Mahlon Sweet Field, Lane County, Oregon, September 26: The statement refers to the proposed improvement of existing air carrier runways and construction of a new general aviation runway. The action is consistent with the Mahlon Sweet Field Master Plan. Noise and air pollution will increase. There will be a loss of approximately 35 acres of natural cover for wildlife and the potential alteration of the feeding habitats of some waterfowl (282 pages). Comments made by: USDA, HUD, DOT, EPA, DOI, local agencies and concerned citizens. (ELR Order No. 41483.)

FEDERAL HIGHWAY ADMINISTRATION

*Draft*

I-55, Logan and McLean Counties, Illinois, September 23: The project consists of the construction of 12.5 miles of Interstate 55, a four-lane freeway, from 2.5 miles southwest of Lawndale to McLean. Adverse impacts are the use of 365 acres of land (95% of which is productive farmland), and increased noise, air and water pollution. The relocation of families and businesses has already been completed. (63 pages.) (ELR Order No. 41470.)

I-474, Peoria and Tazewell Counties, Illinois, September 27: The project involves the construction of I-474, a four lane highway facility in Peoria and Tazewell Counties. I-474 will be the complimentary interstate beltline route for I-74 in the greater Peoria area. Adverse impacts are the displacement of families, increased air and noise pollution, and the use of land for right-of-way purposes. (231 pages.) (ELR Order No. 41486.)

Iowa 2, Donnelson to U.S. 61, Lee County, Iowa, September 23: The proposed project involves the reconstruction of Iowa 2 in Lee County, Iowa. The 9.1 mile project will cross both Big Sugar Creek and Devils Creek. Adverse impacts are the acquisition of 79 acres for right-of-way, and the displacement of 2 homes and 3 farms buildings. (54 pages.) (ELR Order No. 41472.)

SR 95, Blount and Loudon Counties, Tennessee, September 25: The proposed action is the construction of approximately 8 miles of SR 95 in Blount and Loudon Counties, Tennessee. The highway will be a four-lane facility on new location. Adverse impacts are the use of 250 acres for right-of-way, displacement of 1 family, increased noise and dust during construction, and possible attraction of unsightly strip development. (123 pages.) (ELR Order No. 41478.)

*Final*

Hornell North-South Arterial, Steuben County, New York, September 27: The proposed project is the construction of the Hornell North-South Arterial through the City of Hornell. The length of the project and the amount of land acquistion are not specified. Relocations will include 75 families, 6 businesses, and one church; land will also be acquired from a school. A 4(f) statement will be filed for the acquisition of land from two public parks. The facility will cross Canacadea, Big, and Carrington Creeks, the Canisteo River, and Arkport Muck Ditch. Adverse impacts will include disruption and loss of fish habitat, increased noise, air, and water pollution levels, and the severance of residential areas (2 Volumes). Comments made by: DOT, USDA, DOC, HEW, DOI, FPC, EPA, AHP, USCG, COE, State and local agencies. (ELR Order No. 41484.)

U.S. 311—High Point to Winston-Salem, Guilford and Forsyth Counties, North Carolina, September 25: The statement refers to the proposed relocation of U.S. 311 between High Point and Winston-Salem, a distance of 14.2 miles. The project will consist of a four-lane divided highway with full access control. Approximately 800-900 acres of land will be committed to right-of-way; 92 families and 6 businesses will require relocation (74 pages). Comments made by: USDA, COE, DOC, EPA, GSA, HEW, DOI, AHP, State and local agencies. (ELR Order No. 41480.)

U.S. 17—South Carolina, Georgetown and Charleston counties, South Carolina, September 27: The statement refers to the proposed multi-lane widening of a 41.8 mile section of U.S. Route 17, of which 8.4 miles is in Georgetown County and 33.4 miles is in Charleston County. The project would extend from Road S-23 to near S.C. Rt. 41. Existing 2-lane bridges over both the North and South Santee Rivers will be widened or replaced to provide four-lane traffic movement. Seven businesses, 57 residences, four unidentified structures, and a firetower will be displaced. One acre of Section 4(f) land from the Buck Hall Recreation Area will be encroached upon. Comments made by: HUD, COE, DOI, HEW, USDA, State agencies. (ELR Order No. 41488.)

SR 153 and Spur 94, Hamilton Co., Tennessee, September 27: The statement discusses the proposed widening of the Chickamanga Dam Bridge and the connecting sections of S.R. 153 between Hixson Pike and the Dam Bridge and the construction of a new S.R. 94 Spur bridge and connector route approximately 1.5 miles downstream connecting Amnicola Highway and Hixson Pike. The length of Spur 94 is 1.4 miles. Adverse impacts are use of open space land, and increased air and noise pollution. Comments made by: DOI, DOT, TVA, EPA, HEW, COE, HUD, State and local agencies. (ELR order No. 41485.)

*Final*

Loop 363, Bell County, Texas, September 23: The statement refers to the construction of Loop 363 from I-35 in Temple to S.H. 36 for a distance of 2.3 miles in the City of Temple, Bell County. The facility will be a 4-lane divided non-controlled access highway. Adverse impacts are temporary air pollution during construction, and minor disturbances to wildlife. (36 pages.) Comments made by: HEW and State agencies. (ELR order No. 41474.)

U.S. COAST GUARD

*Draft*

Vessel Traffic System, Houston-Galveston Area, Texas, September 24: The statement refers to the establishing of a Vessel Traffic System for the Houston-Galveston area consisting of a combination of VHF-FM Communications, radar surveillance, and a Vessel Movement System in part, or total. There will be a slight noise increase during construction. (13 pages.) (ELR order No. 41475.)

GARY L. WIDMAN,
*General Counsel.*

[FR Doc.74-23169 Filed 10-3-74;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/120; FRL 271-1]

### 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-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before December 3, 1974, 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, D.C. 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 December 3, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 662-LU. Wyandotte Corp., Chemical Specialties Div., 1609 Biddle Ave., Wyandotte MI 48192. WYANDOTTE ANTIBAC C. Active Ingredients: Sodium dichloro-(s)-triazinetrione dihydrate 28.6 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34782-U. Big Three Industries, 3602 W. 11th, PO BOX 3047, Houston TX 77001. ETHYLENE OXIDE AND CARBON DIOXIDE STERILIZING GAS MIXTURE. Active Ingredients: Ethylene Oxide 20 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34782-E. Big Three Industries. ETHYLENE OXIDE AND CARBON DIOXIDE STERILIZING GAS MIXTURE. Active Ingredients: Ethylene Oxide 10 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34782-G. Big Three Industries. ETHYLENE OXIDE AND DICHLORODIFLUOROMETHANE MIXTURE. Active Ingredients: Ethylene Oxide 12 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 239-873. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO CRABGRASS KILLER. Active Ingredients: Octyl ammonium methanearsonate 8 percent; Dodecyl ammonium methanearsonate 8 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA Reg. No. 635-245. E-Z-Flo Chemical Co., P.O. Box 808, Lansing MI 48903. E-Z FLO CAPTAN-STREPTOMYCIN 7.5-.01 POTATO SEED PIECE PROTECTANT. Active Ingredients: Captan 7.50 percent; Streptomycin 0.01 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7364-EI. Great Lakes Biochemical Co., Inc., 6120 West Douglas Ave., Milwaukee WI 53218. ALGIMYCIN "T" 50 ALGICIDE TABLETS. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 71.5 percent; Simazine: 2-chloro-4,6-bis (ethylamino)-s-triazine 12.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7364-ET. Great Lakes Biochemical Co., Inc., 6120 West Douglas Ave., Milwaukee WI 53218. ALGIMYCIN "G". GRANULAR ALGICIDE. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 71.5 percent; Simazine: 2-chloro-4,6-bis(ethylamino)-s-triazine 12.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13069-R. Harper Industrial Brushes & Cleaning Supplies, P.O. Box 14109, Memphis TN 38114. PRO CHEM PINE ODOR DISINFECTANT COEF. 6. Active Ingredients: Isopropanol 4.75 percent; Pine oil 3.95 percent; Alkyl (C14 58 percent, C16 28 percent, C12 14 percent) dimethyl benzyl ammonium chloride 1.97 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13069-E. Harper Industrial Brushes & Cleaning Supplies. PRO CHEM MINT ODOR DISINFECTANT COEF. 7. Active Ingredients: Alkyl (C14 58 percent, C16 28 percent, C12 14 percent) dimethyl benzyl ammonium chloride 2.0 percent; Isopropanol 2.0 percent; Methyl salicylate 0.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13069-G. Harper Industrial Brushes & Cleaning Supplies. PRO CHEM PINE ODOR DISINFECTANT COEF. 13. Active Ingredients: Isopropanol 9.50 percent; Pine oil 7.90 percent; Alkyl (C14 58 percent, C16 28 percent, C12 14 percent) dimethyl benzyl ammonium chloride 3.95 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13069-U. Harper Industrial Brushes & Cleaning Supplies. PRO CHEM MINT ODOR DISINFECTANT COEF. 15. Active Ingredients. Alkyl (C14 58 percent, C16 28 percent, C12 14 percent) dimethyl benzyl ammonium chloride 4.00 percent; Isopropanol 4.00 percent; Methyl salicylate 1.00 percent. Method of Support Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1471-94. Elanco Products Co., A Div. of Eli Lilly and Co., PO Box 1750, Indianapolis IN 46206. ELANCO A-REST SOLUTION A GROWTH REGULATOR. Active Ingredients: ancymidol [a-cyclopropyl-a-(p-methoxyphenyl)-5-pyrimidinemethanol] 0.0264 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9215-U. Pool Water Products, 11601 Anabel Ave., Garden Grove CA 92643. CLEAR-ALL 100A POOL CHLORINE. Active Ingredients: Trichloro-s-Triazinetrione 100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9215-G. Pool Water Products, 11601 Anabel Ave., Garden Grove CA 92643. ALL CLEAR ALGAE KILL. Active Ingredients: Trichloro-s-Triazinetrione 100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10663-RO. Sentry Chemical Co., 1481 Rock Mountain Blvd., Stone Mountain GA 30083. DONNA WEED-KILLER. Active Ingredients: Diquat dibromide (6,7-dihydrodipyrido (1,2-a:2', 1'-c) pyrazinedilium dibromide) 0.09 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6735-ERT. Tide Products, Inc., 800 N. Closner, PO Box 1020, Edinburg TX 78539. TIDE SIMAZINE 80W WETTABLE POWDER HERBICIDE. Active Ingredients: Simazine (2-Chloro-4,6-Bis(ethylamino)-S-Triazine) 80 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6735-ERG. Tide Products, Inc., PO Box 1020, Edinburg TX 78539. TIDE PROPAZINE 80 W HERBICIDE. Active Ingredients: 2-chloro-4,6-bis (isopropylamino)s-triazine 80 percent. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEMS

The following items represent a correction and/or change in the list of Applications received previously published in the FEDERAL REGISTER of September 17, 1974 (39 FR 33393).

EPA File symbol 10878-E. Barzen of Minneapolis, Inc., PO Box 1128, Minneapolis MN 55440. VAPAM. Originally published as Brazen of Minneapolis, Inc.

EPA File Symbol 478-II. Realex Corp., PO Box 78, Kansas City, MO 64141. REAL-KILL EXTRA STRENGTH FORMULA ROACH & ANT KILLER. Active Ingredients: Pyrethrins 0.045 percent; N-octylsulfoxide of isosafrole 0.132 percent. Originally published as Active Ingredients: Purethrins 0.045 percent; N-octyle sulfoxide of isosafrole 0.132 percent.

Dated: September 23, 1974.

JOHN B. RITCH, Jr.,
*Director, Registration Division.*

[FR Doc.74-22545 Filed 10-3-74;8:45 am]

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### IMPLEMENTATION OF EQUAL OPPORTUNITY AMENDMENTS

### Memorandum of Understanding with the Office of Federal Contract Compliance

CROSS REFERENCE: For a document relating to a memorandum of understanding between the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance, see FR Doc. 74-23168, infra.

## FEDERAL MARITIME COMMISSION

### LYKES BROS. STEAMSHIP CO., INC., AND STATES STEAMSHIP CO.

#### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York; N.Y., New Orleans, Louisiana, San Francisco, California, and 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 October 24, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

R. J. Finnan, Analyst, Traffic
Lykes Bros. Steamship Co., Inc.
300 Poydras Street
New Orleans, Louisiana 70130

Agreement No. 10142 is an arrangement between the above named carriers whereby Lykes appoints States as its traffic soliciting booking and husbanding agent at U.S. Pacific Coast ports for traffic moving in Lykes' worldwide services.

By order of the Federal Maritime Commission.

Dated: October 1, 1974.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.74-23175 Filed 10-3-74;8:45 am]

### NEW YORK SHIPPING ASSOCIATION, INC. AND INTERNATIONAL LONGSHOREMEN'S ASSOCIATION

#### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and 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 October 15, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. James J. Dickman
Mr. Thomas W. Gleason
NYSA-ILA Contract Board
80 Broad Street
New York, New York 10004

Agreement No. T-3007, between the members of the New York Shipping Association, Inc. (NYSA) and the members of the International Longshoremen's Association, AFL-CIO, (ILA) is the NYSA-ILA tonnage assessment agreement for the three-year period commencing October 1, 1974 and ending September 30, 1977. Agreement No. T-3007 is an integral part of the NYSA-ILA collective bargaining agreement, and is intended to meet NYSA obligations for pension, welfare and clinics, guaranteed annual income, vacations, holidays, and the minimum guarantees for pensions, welfare and clinics, supplemental cash benefits incurred under the parties collective bargaining agreement, as well as administrative support of the NYSA. Under T-3007, each vessel carrier will be responsible for an assessment amount per ton on each ton of non-excepted cargo loaded or discharged in the Port of New York during the term of the agreement. Excepted cargo includes all domestic cargo (but not cargo moving to or from Puerto Rico, Hawaii, Alaska, or any other point outside the continental limits of the United States), all lumber at lumber terminals and bulk cargo. Payments on excepted cargo will be made on the basis of a man-hour assessment. On passenger vessels, the total hourly excepted cargo rate for each man-hour paid will be $2.50 per hour, or such other rate as may be established by the NYSA-ILA Contract Board. Tons of unboxed automobiles, trucks and buses will be calculated at 20 percent of the vehicles' cubic measurement. Any carrier, direct employer, shipper or other interested party has the right to request the Contract Board to modify the tonnage definition (2,240 lbs. or 40 square feet, whichever is greater) with respect to any specific cargo which it is believed is unduly burdened by such definition.

By order of the Federal Maritime Commission.

Dated: October 1, 1974.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.74-23174 Filed 10-3-74;8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. CI66-1047, etc.]

### W. K. BYROM ET AL.

#### Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 19, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 16, 1974, file with the Federal Power Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the 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.

Take further notice that, pursuant to 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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

| Docket No. and date filed | Applicant | Purchaser and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| C166-1047..... E 9-9-74 | W. K. Byron (successor to Aztec Oil & Gas Co.), P.O. Box 147, Hobbs, N. Mex. 88240. | El Paso Natural Gas Co., Eumont Gas Pool, Lea County, N. Mex. | 12.5 | 14.65 |
| C174-471..... (G-2594) F 9-4-74 [1] | Devon Corp. (successor to Southwest Gas Producing Co., Inc.), 3300 Liberty Tower, Oklahoma City, Okla. 73102. | Texas Eastern Transmission Corp., Hico-Knowles Field, Claiborne, Lincoln, and Union Parishes, La. | 25.875 | 15.025 |
| C175-70..... C 9-9-74 | Champlin Petroleum Co., P.O. Box 9365, Fort Worth, Tex. 76107. | El Paso Natural Gas Co., East Carlsbad Area, Eddy County, N. Mex. | [2] 43.0 | 14.73 |
| C175-135..... A 8-30-74 | Richard A. Campbell, P.O. Box 51733, Lafayette, La. 70501. | Texas Gas Transmission Corp., Church Point Field, Acadia Parish, La. | [2] 43.0 | 14.73 |
| C175-144..... A 9-5-74 | Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221. | Trunkline Gas Co., South Marsh Island Block 261, offshore Louisiana. | [2] 44.88 | 15.025 |
| C175-146..... A 9-5-74 | LVO Corp., P.O. Box 2848, Tulsa, Okla. 74101. | Texas Eastern Transmission Corp., South Thornwell Field, Cameron Parish, La. | [2] [3] 50.0 | 15.025 |
| C175-148..... (C174-639) B 9-9-74 | Monsanto Co., 5051 Westheimer, 1300 Post Oak Tower, Houston, Tex. 77027. | Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg County, Okla. | Depleted | ..... |
| C175-149..... A 9-9-74 | Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221. | United Gas Pipe Line Co., North Bayou Fer Blanc Field, Lafourche Parish, La. | [3] [4] 60.0 | 15.025 |
| C175-150..... (C164-1275) B 9-11-74 | Monsanto Co., 5051 Westheimer, 1300 Post Oak Tower, Houston, Tex. 77027. | Panhandle Eastern Pipe Line Co., acreage in Cimarron County, Okla. | ([5]) | ..... |
| C175-151..... A 9-11-74 | MAPCO, Inc., 1437 South Boulder Ave., Tulsa, Okla. 74119. | Northern Natural Gas Co., Granite Wash Field, Hemphill County, Tex. | [3] [6] 52.0 | 14.65 |
| C175-152..... A 9-12-74 | Exxon Corp., P.O. Box 2180, Houston, Tex. 77001. | Columbia Gas Transmission Corp., Lake Raccourci Field, Lafourche Parish, La. | [3] [7] 53.7 | 15.025 |

[1] Amendment to certificate issued on May 15, 1974, in this docket to correct original filing to show 25.875 cents per Mcf as the price in lieu of 21.475 cents per Mcf.
[2] Subject to upward and downward Btu adjustment.
[3] Applicant is willing to accept a certificate in accordance with Opinion No. 699.
[4] Subject to upward Btu adjustment; estimated initial adjustment is 4.80 cents per Mcf.
[5] The Dougherty No. 1 Unit, the only productive property, is depleted.
[6] Subject to upward and downward Btu adjustment; estimated initial adjustment is 13.0 cents per Mcf.
[7] Subject to downward Btu adjustment.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.74-23035 Filed 10-3-74;8:45 am]

[Docket No. RP74-52]

## TRANSWESTERN PIPELINE CO.

### Order Accepting for Filing and Suspending Proposed PGA Rate Change

SEPTEMBER 27, 1974.

On August 16, 1974, Transwestern Pipeline Company (Transwestern) tendered for filing a revised tariff sheet [1] pursuant to its PGA Clause which would reflect a reduction in its current cost of gas purchased from its pipeline and producer suppliers and a revised surcharge to recover the balance in its Unrecovered Purchased Gas Cost Account. The proposed PGA reduction reflects a 2.87¢ per Mcf reduction in the average cost of gas and a surcharge of 5.51¢ per Mcf to recover the $7,725,857 balance in the Unrecovered Purchased Gas Cost Account as of May 31, 1974.[2] The proposed effective date is October 1, 1974.

This filing was noticed on September 3, 1974, with protests and petitions to intervene due on or before September 16, 1974.

Our review of the August 16, 1974, filing indicates that it is based in part upon small independent producer purchases at a rate in excess of the rate levels established by Opinion No. 699.[3] Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept Transwestern's August 16, 1974, filing and suspend it for one day to become effective October 2, 1974. With regard to the question of the small producer purchases, we note that the Supreme Court has recently remanded the small independent rulemaking in order for the Commission to enunciate the standards in determining the justness or reasonableness of the prices for small producer purchases.[4] We believe therefore, that it would be premature to establish a hearing schedule in this docket at this time.

Further review of Transwestern's August 16, 1974, filing indicates that the claimed costs other than those costs pertaining to small producer purchases are fully justified and comply with the standards set forth in Docket No. R-406. Accordingly, Transwestern may file a substitute tariff sheet reflecting costs other than those costs reflecting small producer purchases referred to in this order to take effect October 1, 1974.

The Commission finds: It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that:

(1) The proposed filing submitted by Transwestern on August 16, 1974, be accepted for filing, suspended and permitted to become effective October 2, 1974, pending further Commission order in this docket.

(2) The claimed increase costs other than those costs relating to small independent producer purchases listed previously in this order have been reviewed and found fully justified and in compliance with the standards set forth in Docket No. R-406.

The Commission orders: (A) Transwestern's filing of August 16, 1974, is hereby accepted for filing, suspended and permitted to become effective October 2, 1974, pending further Commission order in this docket.

(B) Transwestern may file, to be effective October 1, 1974, substitute tariff sheets reflecting that portion of Transwestern's rate as filed on August 16, 1974, which reflects costs other than those costs associated with small independent producer purchases discussed previously in this order.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

APPENDIX A.—*Transwestern Pipeline Company*

| Rate schedules | | Present rates (Mcf) | Proposed rates (Mcf) | Increase or decrease |
|---|---|---|---|---|
| | | *Cents* | *Cents* | *Cents* |
| CDQ-1 | Demand | 11.42 | 11.42 | ----- |
| | Commodity | 53.43 | 52.92 | (0.51) |
| CDQ-2 | Demand | 4.91 | 4.91 | ----- |
| | Commodity | 43.48 | 42.97 | (.51) |
| CDQ-3 | Demand | 4.91 | 4.91 | ----- |
| | Commodity | 43.48 | 42.97 | (.51) |
| LX | Commodity | 53.43 | 52.92 | (.51) |
| SG-1 | Commodity | 46.01 | 47.28 | 1.27 |
| RW-1 | Commodity | 36.19 | 37.46 | 1.27 |

[FR Doc.74-23102 Filed 10-3-74;8:45 am]

[1] First Revised Sheet Nos. 3-A and 3-B to FPC Gas Tariff, First Revised Volume No. 1.
[2] See Appendix A for the rates resulting from the proposed filing.
[3] Issued June 21, 1974, in Docket No. R-389.
[4] *Federal Power Commission* v. *Texaco, Inc., et al.*, Docket No. 72-1490 and 72-1491, Opinion issued June 10, 1974.

[Docket No. RP73-98]

## ALGONQUIN GAS TRANSMISSION CO.

### Substitute Settlement Rate Filing

SEPTEMBER 30, 1974.

Take notice that on September 16, 1974 Algonquin Gas Transmission Company ("Algonquin") filed a substitute Settlement rate for sales of gas under Rate Schedule SNG-1 to its FPC Gas Tariff, Original Volume No. 1, in compliance with the Commission's "Order Approving Settlement Agreement Subject to Condition" ("Order"), issued March 14, 1974. Algonquin Gas states that the substitute Settlement rate of $4.00 per Mcf is reflected on Substitute Second Revised Sheet No. 11-C tendered as part of Algonquin Gas' filing, and is proposed to be effective for sales under Rate Schedule SNG-1 during the period October 16, 1974 through November 30, 1974 as provided in Ordering Paragraph (E) of the Order.[1] Algonquin Gas states that its substitute Settlement rate, as contemplated by the Order, is a computed "* * * straight line rate of $2.99 per Mcf plus an increment calculated to allow recovery of naphtha costs above the $1.51 per Mcf shown in Appendix A (of the Settlement) * * *" Algonquin Gas asserts that the level of naphtha costs as of October 16, 1974 is $2.52 per Mcf.

Any person desiring to be heard or to make any protest with reference to said filing should on or before October 10, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to bcome 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 substitute Settlement rate filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23082 Filed 10-3-74;8:45 am]

[Docket No. CP75-14]

## ALGONQUIN LNG, INC., AND ALGONQUIN GAS TRANSMISSION CO.

### Order Scheduling Limited Formal Hearing and Establishing Procedures

SEPTEMBER 27, 1974.

By order issued September 12, 1974, the Commission granted the above-named Applicants a temporary certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, for the utilization of Algonquin LNG, Inc.'s liquefied natural gas (LNG) storage facility at Providence, Rhode Island. Applicants on July 15, 1974, had filed an application requesting limited-term authorization for the operation of the facility for winter storage operations. Our order of September 12, 1974, granted Algonquin LNG temporary certification to receive, store and redeliver up to 426,000 barrels of LNG through the operation of its Providence facility. Algonquin Gas Transmission Company was permitted to redeliver volumes of gas in vaporous form. Both certifications cover the 1974-1975 heating season only, expiring on May 1, 1975.

Ordering Paragraph (C) of our September 12, 1974, order conditioned the certification granted therein upon further Commission review and possible refunds of the $4.50 per barrel rate proposed by Algonquin LNG from the storage service. Such review, we stated, was to be based on the findings of a limited rate hearing to be scheduled by separate order, which hearing we shall now schedule. We further stated in our September 12 order that our conclusions regarding the emergency nature of the storage service and the public interest requirement of it were not to be construed as a prejudgment of the rate issue.

As we stated in our previous order, there must be a satisfactory showing that the proposed service rate of $4.50 per barrel, which approximates $1.30 per Mcf, is in the public interest. We shall, therefore, schedule a limited formal hearing so as to determine what rate should be authorized as required by the public convenience and necessity in issuing a permanent certificate for the temporarily certificated service. The interim rate of $4.50 per barrel which Algonquin LNG proposes to charge pursuant to the temporary certification of September 12 shall, as we stated in our previous order, be subject to refunds based on our findings in the limited hearing scheduled herein. As part of its direct case to be filed in this proceeding, Algonquin LNG shall be required to file its proposed rate schedule and tariff, form of service agreement, list of customers scheduled to receive the service, and the volumes of LNG involved.

The Commission further orders. (A) The direct case of the Applicants and all interveners in support thereof relating to the issue of the propriety of the rate to be charged for the storage service certificated by our order of September 12, 1974, shall be served on all parties and filed on or before October 8, 1974. The Presiding Administrative Law Judge assigned to the case shall, upon the completion of cross-examination of the direct case, fix dates for the filing of answering testimony.

(B) A formal hearing, as described above, shall be held in a hearing room of the Federal Power Commission at 10:00 a.m. on October 29, 1974. The Chief Administrative Law Judge shall designate an appropriate officer of the Commission to preside at the formal hearing of this matter, pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23083 Filed 10-3-74;8:45 am]

[Docket No. E-7476]

## BALTIMORE GAS AND ELECTRIC CO.

### Supplemental Application

SEPTEMBER 27, 1974.

Take notice that on September 23, 1974, Baltimore Gas and Electric Company (Applicant), filed a Supplemental Application with the Federal Power Commission seeking authority to increase to $150 million the amount of short-term unsecured promissory notes, including commercial paper notes, which it may have outstanding at any one time and to extend to December 31, 1976 the latest maturity date of notes to be issued pursuant thereto.

The Commission authorized the issuance of short-term unsecured promissory notes by the Applicant in its order dated June 13, 1969 and supplemental orders dated September 24, 1970, December 22, 1972 and December 21, 1973. In the supplemental order dated December 21, 1973, the Commission authorized the Applicant to issue short-term unsecured promissory notes in face amounts of up to a maximum of $110 million with maturities not later than December 31, 1975.

Applicant is incorporated under the laws of the State of Maryland with its principal business office at Baltimore, Maryland, and is engaged in the electric, gas and steam utility businesses within the State of Maryland. The Applicant has qualified to do business also in the Commonwealth of Pennsylvania where it is participating in the ownership and operation of two mine-mouth electric generating plants.

Short-term unsecured promissory notes are to be issued from time to time to banking institutions and/or sold to or through dealers in commercial paper of which the aggregate amount to be outstanding at any one time is commercial paper is not to exceed 25 percent of the Applicant's gross revenues during the preceding twelve months. Short-term unsecured promissory notes in the form of commercial paper will mature in no more than 270 days and all other such notes will have maturities of up to one year from the date of issuance.

The proceeds from the issuance of short-term unsecured promissory notes will be used to provide funds for current corporate transactions, including interim financing of the Applicant's construction expenditures expected to total approximately $250 million in 1974 and between $150 million and $200 million in each of the years 1975 and 1976.

Any person desiring to be heard or to make any protest with reference to

[1] Algonquin Gas notes that after November 30, 1974 the SNG-1 rate will become that filed in Docket No. RP74-92 and suspended until December 1, 1974.

said application should on or before October 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23084 Filed 10-3-74;8:45 am]

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[Docket Nos. E-8949, E-8445]

## CAMBRIDGE ELECTRIC LIGHT CO.

### Order Denying Petition for Reconsideration of Prior Order

SEPTEMBER 27, 1974.

On August 1, 1974, Cambridge Electric Light Company (Cambridge) filed in this docket a superseding service agreement and a proposed revised rate schedule RS-1 which would increase rates charged for service to the Town of Belmont, Massachusetts by approximately $472,223 (20.43 percent) based on estimated sales for the 12-month period succeeding the proposed effective date of September 1, 1974.

By order issued August 30, 1974, the Commission accepted for filing and suspended Cambridge's proposed rate increase, established hearing procedures and consolidated Docket No. E-8949 with an earlier filed docket, E-8445 and designated the 1973 test year used in Docket No. E-8949 as the test year for the consolidated proceeding.

On September 3, 1974, the Municipal Light Department of Belmont, Massachusetts (Belmont) filed a "Petition For Reconsideration" of our August 30, 1974, order, alleging that consolidation of the two dockets is "most inexplicable" in light of our order issued June 10, 1974, denying a motion to consolidate made by the company in the Southern California Edison case, FPC Docket Nos. E-8176 and E-8570. Cambridge filed on September 17, 1974, an "Answer in Opposition to Belmont's 'Petition For Reconsideration'."

Our review of Belmont's petition indicates that it is unpersuasive. Consolidation of the above-cited *Southern California Edison* case would have required elimination of two test periods upon which the parties had been preparing their cases for each proceeding.[1] The instant situation is significantly different from the Southern California Edison case. Cambridge used unadjusted cost data for calendar year 1973 in its E-8949 filing. In its motion to consolidate that docket with the previously filed E-8445, Cambridge proposed using the same 1973 cost data as the test year in the consolidated dockets. Cambridge's motion to consolidate is therefore more appropriate than Southern California Edison's in that: (1) Cambridge, unlike Southern California Edison, has not proposed the use of an entirely different test year for the consolidated dockets than was used in the two pending dockets, and (2) Cambridge, unlike Southern California Edison, has already presented the 1973 test year data to both the intervenors and the Staff at the time the motion to consolidate was filed. It is our conclusion then, that the Commission acted well within its discretion when it ordered consolidation of the above two dockets based on common issues of law and fact. Accordingly, we shall deny Belmont's Petition for Reconsideration.

The Commission finds. Good cause exists to deny Belmont's Petition for Reconsideration of our August 30, 1974 order.

The Commission orders. (A) We hereby deny Belmont's Petition for Reconsideration of our August 30, 1974 order.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23085 Filed 10-3-74;8:45 am]

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[Docket Nos. RP74-82, RP74-81]

## COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

### Extension of Procedural Dates

SEPTEMBER 27, 1974.

On September 11, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 31, 1974. in the above-designated matter. The motion states that all parties were notified and no objections were received.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Staff Service Date, January 17, 1975.
Intervenors Service Date, January 31, 1975.
Columbia and Columbia Gulf Service Date, February 14, 1975.
Heading, March 4, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23086 Filed 10-3-74;8:45 am]

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[Docket No. RP75-8]

## COMMERCIAL PIPELINE CO., INC.

### Extension of Time

SEPTEMBER 27, 1974.

On September 16, 1974, Commercial Pipeline Company, Inc., filed a motion to extend the time for filing Statement P as required by § 154.67(f) of the regulations under the Natural Gas Act and the order issued September 13, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the date for submitting said Statement P is extended to and including October 14, 1974.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23087 Filed 10-3-74;8:45 am]

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[Docket No. E-8952]

## CONNECTICUT LIGHT AND POWER CO.

### Order Amending and Clarifying Prior Order and Denying Emergency Stay and Rehearing

SEPTEMBER 27, 1974.

The Commission, by order issued August 30, 1974, in the above-docketed proceeding, accepted certain proposed rate increase filings of Connecticut Light & Power Company (CL&P) and suspended that proposed rate increase for one day.

On September 6, 1974, The Connecticut Municipal Group (Cities) submitted a Petition For Emergency Stay Pending Rehearing and Petition For Rehearing of our order of August 30, 1974. In support of these petitions the Cities state that the Commission's grant of only one day suspension was based on an erroneous finding as to the rate of return which CL&P would earn under the R-2 rate. In the order of August 30, 1974, we stated that the realized rate of return was 5.61 percent. The Cities correctly pointed out that CL&P alleges that the apparent realized rate of return should properly be 9.16 percent. We were aware of this fact prior to our decision to suspend the filing by CL&P. The reference to CL&P's rate of return of 5.61 percent in our order of August 30, 1974 was a typographical error which did not enter into our decision and which we shall correct in this order.

[1] The Company had originally filed, in 1973, a rate increase based upon actual 1972 cost data. In 1974, the Company filed another rate increase based upon actual 1972 costs (for Period I) and estimated 1973 costs (for Period II). The Company's subsequent motion for consolidation requested that entirely new test years be used, specifically actual 1973 costs for the first increase and actual 1973 costs (for Period I) and estimated 1974 costs (for Period II) for the second increase. Neither actual 1973 data nor estimated 1974 data was available at the time the Company filed its motion to consolidate.

Cities states in their petitions that the suspension of the fuel clause in the R–2 rate schedule permits the old R–1 fuel clause to operate until CL&P files a fuel clause in conformance with Opinion No. 633 and which is approved by the Commission.

This Cities allege the old R–1 fuel clause used in conjunction with the proposed R–2 rate will produce illegally excessive revenues for CL&P. This is a misinterpretation of the above stated order. In the Order of August 30, 1974, we stated that:

> the *proposed changes* have not been shown to be just and reasonable and may be unjust, unreasonable * * *. Accordingly, we shall suspend the *proposed changes* for one day * * *" (emphasis added).

Since the R–2 fuel clause is one of the "proposed changes" referred to in the order, therefore, as ordered it was "suspended for one day the use thereof deferred until September 2, 1974, subject to refund."

Cities further states that the proposed rates effectively prevent the Cities from competing with CL&P for industrial sales. Upon review of Cities' petitions, we believe that the participation of Cities in this proceeding should be limited to matters other than the "price squeeze" allegation raised. The allegation of "price squeeze" would require that this Commission relate CL&P's wholesale rates to its rates for direct industrial service. However, as we stated in our order of September 21, 1973, in Southern California Edison Company (SCEC), Docket No. E–8176, SCEC's retail rate level and the accounting and rate making principles underlying that rate level are under the sole jurisdiction of the appropriate state regulatory agency, and to base wholesale rates upon direct industrial rates would be limiting our jurisdiction on the basis of events and regulatory affairs over which we have no control. The Federal Power Act does not grant us the authority to fashion relief on the basis of retail rates. The interest of Cities in just and reasonable rates is fully protected by the participation we are granting them as previously and hereinafter ordered.

In consideration of the disposition we have taken on the issues raised by the Cities in their petitions and for the reasons stated above, the petition for rehearing is denied. Therefore the petition for emergency stay pending rehearing is rendered moot.

The Commission finds. (1) Good cause exits to modify our order of August 30, 1974, as hereinafter ordered.

(2) We find that the relief sought by the Cities in regard to the "price squeeze" issue to be beyond the scope of this Commission's jurisdiction, contrary to the purposes of the Federal Power Act, and inappropriate in this proceeding, the purpose of which is to review the justness and reasonableness of CL&P's wholesale rates.

(3) Cities' petitions for emergency stay pending rehearing and for rehearing raises no new issues of fact or law which would justify our granting rehearing of our order of August 30, 1974.

The Commission orders. (A) Our order of August 30, 1974, is hereby modified to change the apparent realized rate of return claimed by CL&P from 5.61 percent to 9.16 percent.

(B) The Commission's order of August 30, 1974, in this docket is hereby modified to limit the participation of Cities to matters affecting rights and interests specifically set forth in their petition to intervene other than the alleged price squeeze issue.

(C) Cities' applications for rehearing of our order of August 30, 1974, is hereby denied.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74–23088 Filed 10–3–74;8:45 am]

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[Docket Nos. RP72–155, RP74–57]

## EL PASO NATURAL GAS CO.

### Order Rejecting Proposed PGA Filing

SEPTEMBER 27, 1974.

On August 16, 1974, El Paso Natural Gas Company (El Paso) filed separate PGA increases covering (1) sales under Volumes 1 and 2 and a portion of Volume No. 2A of its tariff and (2) sales under Volume No. 2A subject to the clean high pressure gas provisions. The filing was noticed with September 11, 1974, being established as the dealine for filing comments. The proposed effective date is October 1, 1974.

The increases amount to (1) 1.86¢ per Mfc ($22.5 million annually) to reflect increased gas costs and a 3.93¢ per Mcf surcharge to recover the balance in the deferred account and (2) 0.7099¢ per Mcf ($10,675 annually) to reflect increased gas costs and a 0.0817¢ per Mcf negative surcharge to recover the balance in the deferred account. The increase is based upon a rolled-in system-wide average cost of gas which includes small producer, emergency, and intrastate purchases. El Paso submitted a schedule of its total cost of gas which shows significant purchases of gas from 83 small producers as well as intrastate gas purchases.

Our review of El Paso's PGA rate filing indicates that the inclusion of intrastate purchases therein is improper. Accordingly, we shall reject El Paso's PGA rate change filing without prejudice to El Paso's right to file a revised PGA rate increase consistent with its applicable PGA clauses on file with this Commission.

The Commission finds. Good cause exists to reject El Paso's proposed PGA filing without prejudice to El Paso's right to refile a revised PGA rate increase consistent with its applicable PGA clauses on file with this Commission.

The Commission orders. (A) El Paso's PGA filing is hereby rejected without prejudice to El Paso's right to refile a revised PGA rate increase consistent with its applicable PGA clauses on file with this Commission.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74–23089 Filed 10–3–74;8:45 am]

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[Docket No. RP72–140]

## GREAT LAKES GAS TRANSMISSION CO.

### Proposed Changes in FPC Gas Tariff Under Purchased Gas Adjustment Clause Provisions

SEPTEMBER 25, 1974.

The attached notice is being reissued because the original notice issued September 25, 1974 did not have the correct second page attached.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on September 16, 1974, tendered for filing Thirteenth Revised Sheet No. 57 (Twelfth Revised PGA–1) to its FPC Gas Tariff, First Revised Volume No. 1, proposed to be effective November 1, 1974.

Great Lakes states that its sole supplier of natural gas, TransCanada Pipe Lines Limited (TransCanada), has applied to the National Energy Board of Canada (NEB) for increased rates to be effective November 1, 1974. Great Lakes filed the Thirteenth Revised Sheet No. 57 in anticipation that the NEB will grant the increase applied for by TransCanada under its Manitoba Zone CD–75 Rate Schedule and that the FPC will authorize Great Lakes to apply the resulting increase in the border price.

Great Lakes is also including in the revised tariff sheet a purchased gas cost surcharge adjustment. The surcharge adjustment results from maintaining an unrecovered purchased gas cost account for the period commencing March 1, 1974 and ending August 31, 1974.

Great Lakes also states that copies of this filing have been served upon its customers and the Public Service Commissions of Michigan and Wisconsin.

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 October 9, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing

[1] Commissioner Smith's dissenting statement filed as part of the original document.

are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23080 Filed 10-3-74;8:45 am]

[Docket No. CI75-173]

## GULF OIL CORP.

### Notice of Application

SEPTEMBER 30, 1974.

Take notice that on September 20, 1974, Gulf Oil Corporation (Applicant), P.O. Box 1589, Tulsa, Oklahoma 74102, filed in Docket No. CI75-173 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to National Fuel Gas Supply Corporation (NFG), successor in interest to Iroquois Gas Corporation (Iroquois), at the tailgate of the Sheridan Gas Processing Plant, operated by Shell Oil Company, in the Sheridan Field, Colorado County, Texas, all as more fully set forth in the application in this proceeding.

Applicant states that the term of its contract with NFG shall expire November 1, 1974, and that, upon approval of the proposed abandonment, Applicant will terminate deliveries to NFG and commence deliveries of this supply of gas to Texas Eastern Transmission Corporation (Texas Eastern) under Applicant's FPC Gas Rate Schedule No. 278. Further, Applicant indicates that it is presently delivering other gas from the Sheridan Plant to Texas Eastern under Rate Schedule No. 278.

In Docket No. CI64-26, Applicant was issued a certificate of public convenience and necessity which required Applicant to deliver certain volumes of gas to Texas Eastern. Applicant submits that it filed an application to amend said certificate but that the application was denied by Commission Opinion No. 692 and order issued April 19, 1974, in Docket No. CI64-26 (51 FPC —). Prior to the issuance of Opinion No. 692, Applicant filed in Docket No. CI73-596 an application for a limited-term certificate authorizing a sale of gas in the Sheridan Field to Texas Eastern within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). By order issued May 20, 1974, in Docket No. CI73-596 (51 FPC —), the application was denied and the Commission required Applicant to sell its Sheridan Field gas pursuant to the warranty sale contract to assist in the fulfillment of the warranty sale authorized in Docket No. CI64-26.

Applicant indicates that subsequent to the May 20, 1974 order, it entered into a letter agreement with Texas Eastern, dated June 26, 1974, establishing the Sheridan Plant as an additional delivery point under Rate Schedule No. 278 and advised the Commission that such deliveries at the Sheridan Plant represented the residue gas available for resale by Applicant in excess of the deliveries to NFG. Applicant submits that the contract with NFG was for a fixed term expiring November 1, 1974; that Applicant has a contractual obligation to deliver residue available to it at the Sheridan Plant to Texas Eastern pursuant to the agreement of June 26, 1974; and that in addition to its contract commitment, Applicant is acting pursuant to the Commission's order of May 20, 1974, in Docket No. CI73-596.

Accordingly, Applicant submits that the abandonment authorization herein requested is in accordance with its contract rights and the various Commission orders hereinabove described. Applicant states that the subject gas will remain in interstate commerce and will be ultimately delivered into substantially the same consuming area.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action 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 Commision 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 permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23091 Filed 10-3-74;8:45 am]

[Docket No. E-8997]

## IOWA-ILLINOIS GAS AND ELECTRIC CO.

### Order Accepting for Filing and Suspending Proposed Rate Increase and Establishing Procedures

SEPTEMBER 27, 1974.

On August 30, 1974, Iowa-Illinois Gas and Electric Company (Iowa-Illinois) submitted for filing proposed changes[1] in its Electric Rate Schedule FPC No. 20 under which Iowa-Illinois serves Sherrard Power System of Orion, Illinois. The changes, proposed to be effective September 30, 1974, are based on a 12-month test period ended May 31, 1974 and would result in increased annual revenues from jurisdictional sales and service by $195,730.

Iowa-Illinois contends that the proposed increase in revenues is necessary to restore its operating income to a level which provides an adequate rate of return. It further contends that the increase is essential to insure the company of sufficient revenue and operating income to adequately meet the expenses required to provide good electric service and to attract the additional capital required.

Notice of Iowa-Illinois' filing was issued September 11, 1974, with comments, protests, or petitions to intervene due on or before September 20, 1974.

Our review of the instant filing and the issue raised therein shows the proposed changes in rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed rate change for one day and established hearing procedures to determine the justness and reasonableness of Iowa-Illinois' proposed rate increase.

The Commission finds: (1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed rates and charges contained in Iowa-Illinois' revised Electric Rate Schedule and that such proposed revisions be suspended as hereinafter ordered.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

The Commission orders. (A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held on February 25, 1975 at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, concerning the lawfulness of the rate revisions proposed herein.

(B) On or before January 14, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor testimony shall be served on or before January 28, 1975. Any rebuttal evidence by Iowa-Illinois shall be served on or before February 11, 1975.

(C) Pending hearing and a final decision thereon, the rate schedule filed by Iowa-Illinois is hereby suspended for one day and the use thereof deferred until October 1, 1974.

[1] Supplement No. 4 to Rate Schedule FPC No. 20.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.8 of the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[2]

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23092 Filed 10-3-74;8:45 am]

[Docket No. CP 75-89]

## KANSAS-NEBRASKA NATURAL GAS CO., INC.

### Notice of Application

SEPTEMBER 30, 1974.

Take notice that on September 19, 1974, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), 300 North St. Joseph Avenue, Hastings, Nebraska 68901, filed in Docket No. CP 75-89 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of compressor facilities in conjunction with Applicant's existing gas-gathering system in the Guymon-Hugoton and Camrick Fields located in Texas and Beaver Counties, Oklahoma, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to install a multistage compressor station, consisting of gas engine driven, reciprocating compressors having a total of 7,500 horsepower, and appurtenant facilities in Texas County, Oklahoma, for the purpose of providing increased capacity required for the immediate future to gather gas at decreased wellhead pressures of those wells connected to the Guyman-Hugoton and Camrick gathering systems. Applicant estimates the cost of said facilities at $4,315,000, which will be financed out of current working capital and interim bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 21, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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.74-23093 Filed 10-3-74;8:45 am]

[Docket No. RP72-148]

## LAWRENCEBURG GAS TRANSMISSION CORP.

### Payment of Refunds

SEPTEMBER 27, 1974.

Take notice that on August 30, 1974, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing a report of the payment of refunds on August 26, 1974, to its two jurisdictional wholesale customers, Lawrenceburg Gas Company and The Cincinnati Gas & Electric Company. Lawrenceburg states that this refund is the result of a refund received by Lawrenceburg from its sole supplier Texas Gas Transmission Corporation. According to Lawrenceburg, this refund is made in compliance with the Commission's order of July 31, 1972, issued in the above referenced docket.

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 October 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23094 Filed 10-3-74;8:45 am]

[Docket No. RP75-12-2]

## NORTHERN NATURAL GAS CO. AND VETERANS ADMINISTRATION HOSPITAL, DES MOINES, IOWA

### Petition for Extraordinary Relief

SEPTEMBER 27, 1974.

Public notice is hereby given that on September 12, 1974, Veterans Administration Hospital (Veterans), of Des Moines, Iowa filed a petition for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Veterans purchases natural gas from Iowa Power and Light Company (Iowa). Iowa purchases part of its supply of natural gas from Northern Natural Gas Company (Northern). Veterans, presently in end-use priority 6, requests conversion of its status from interruptible to firm natural gas service, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Veterans states that its natural gas service is interrupted by Iowa an average of 19 days each year. It states that conversion to firm service would require Iowa to deliver approximately 9,870 Mcf more of natural gas per year than is now being furnished.

In support of its petition, Veterans states that the natural gas requested is only to be used for heating purposes and that the availability of No. 2 fuel oil, the alternate fuel, is uncertain. Veterans states that it has two 20,000 gallon underground storage tanks and that present inventory consists of approximately 38,000 gallons of fuel.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should on or before October 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23095 Filed 10-3-74;8:45 am]

[2] Commissioner Smith, dissenting, would suspend the effectiveness of the rate increase for five months and thus dissents to this order.

[Docket Nos. E-8999, E-9000]

## ORANGE AND ROCKLAND UTILITIES, INC.

### Order Accepting for Filing and Suspending Proposed Rate Increases, Establishing Procedures, and Consolidating Proceedings

SEPTEMBER 27, 1974.

On August 30, 1974, Orange and Rockland Utilities, Inc. (Orange & Rockland) submitted for filing new power supply contracts for service to its two wholly-owned subsidiaries, Pike County Light and Power Company (Pike) and Rockland Electric Company (REC).[1] Orange & Rockland also submitted a certificate of concurrence on behalf of REC.[2] The new contracts would provide increased revenues of $13,240 from Pike, and $535,963 from REC, for the year ending October 31, 1974. Orange and Rockland requests a proposed effective date of November 1, 1974, for both filings.

Orange and Rockland contends that the changes effected by the proposed new contracts are a new method of determining rate of return and some modifications to working capital.

Notices of these two filings were issued on September 11, 1974, with comments, protests or petitions to intervene due on or before September 19, 1974. No comments or petitions to intervene were filed.

Our review of the filings of Orange and Rockland in Docket Nos. E-8999 and E-9000 indicates that certain issues are raised which may require development in evidentiary proceedings. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed rate filings for one day and establish hearing procedures to determine the justness and reasonableness of said filings. Moreover, because certain issues of law and fact raised in Docket No. E-8999 are similar to those raised in Docket No. E-9000, we believe that consolidation of said dockets would be both expeditious and in the public interest.

Accordingly, we shall order consolidation of these dockets for purposes of hearing and decision.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that: The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in the FPC Rate Schedules of Orange and Rockland, as proposed by the filings in Docket Nos. E-8999 and E-9000; Docket Nos. E-8999 and E-9000 be consolidated for purposes of hearing and decision; the tendered power supply contracts be accepted for filing and suspended as hereinafter ordered.

The Commission orders. (A) Docket Nos. E-8999 and E-9000 are consolidated for purposes of hearing and decision.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held on March 25, 1975, at 10:00 e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, concerning the lawfulness of the power supply contracts proposed herein.

(C) Pending a hearing and a decision thereon, Orange and Rockland's submittals tendered on August 30, 1974, are accepted for filing and suspended for one day, the use thereof deferred until November 2, 1974, subject to refund.

(D) On or before February 11, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before February 25, 1975. Any rebuttal evidence by the Company shall be served on or before March 11, 1975.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[1 R Doc.74-23096 Filed 10-3-74;8:45 am]

[1] The proposed contracts with Pike (E-8999) and REC (E-9000) are designated "Supplement No. 1 to Supplement No. 4 to Rate Schedule FPC No. 24" and "Supplement No. 1 to Supplement No. 5 to Rate Schedule FPC No. 21", respectively.

[2] Rockland Electric Company, Supplement No. 6 to Rate Schedule FPC No. 7.

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[Project No. 2155]

## PACIFIC GAS AND ELECTRIC CO.

### California; Notice of Additional Land Withdrawal

SEPTEMBER 27, 1974.

Conformable to Article 26 of its major license for the Chili Bar Project, designated as Project No. 2155, Pacific Gas and Electric Company filed on September 19, 1973, map Exhibit K-1, -2 and -3 (FPC Nos. 2155-19, -20 and -21, respectively) to show the final project boundary.

Therefore, in accordance with the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the land hereinafter described insofar as title thereto remains in the United States is, from the date of said filing, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress.

MOUNT DIABLO MERIDIAN, CALIFORNIA

That portion of the following described subdivision lying within the project boundary as delimited upon revised map Exhibit K-1 (FPC No. 2155-19) filed September 19, 1973.

T. 11 N., R. 10 E.,
Sec. 25, Unpatented portion of N½N½ of lot 18.

The total area of United States land reserved by this notice is approximately .68 of an acre, which has previously been withdrawn for power purposes in connection with Power Site Reserve No. 201.

Copies of the aforementioned project map exhibits have been transmitted to the Geological Survey, Bureau of Land Management, Forest Service and the Fish and Wildlife Service.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23097 Filed 10-3-74;8:45 am]

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[Docket No. E-8993]

## PUGET SOUND POWER & LIGHT CO.

### Notice of Application

SEPTEMBER 26, 1974.

Take notice that on August 26, 1974, Puget Sound Power & Light Company (Applicant) tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, a June 25, 1974 Wholesale Power Contract with the Port of Bremerton, Washington for resale to Bremerton's marina customers. Applicant proposes to commence service September 1, 1974, assessing therefor a demand charge of $1.45 per kw of billing demand, energy charges of 0.6¢ per kwh for the first 300 kwh per kw of billing demand and 0.3¢ per kwh thereover, and a reactive demand charge of $0.15 per kvar of average reactive demand.

By changing the billing demand ratchet provision to recognize the sharp winter peaking characteristics of Applicant's system load, the proposed rate will recoup approximately 11 percent greater revenues than under existing wholesale customer rates. Even with such greater recovered revenues, Applicant expects to earn substantially less than its claimed rate of return.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to be-

come parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23098 Filed 10-3-74;8:45 am]

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[Docket No. CP74-304]

## SECRETARY OF THE ARMY AND CITIES SERVICE GAS CO.

### Extension of Time

SEPTEMBER 27, 1974.

On September 18, 1974, counsel for the Secretary of the Army filed a motion for continuance of the procedural dates fixed by order issued September 4, 1974, in the above-designated matter. The motion states that Staff Counsel and Cities Service Gas Company support the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Testimony and Exhibits of applicant and respondent, November 4, 1974.
Hearing, November 18, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23081 Filed 10-3-74;8:45 am]

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[Docket Nos. CP73-20, CP73-21, CI73-168]

## TRANSCO ENERGY CO., ET AL.

### Order Vacating Earlier Commission Orders in Compliance With Court Order

SEPTEMBER 26, 1974.

On January 4, 1973, we issued an order dismissing the application of Transco Energy Company (Energy) in Docket No. CP73-20 for a certificate of public convenience and necessity authorizing the construction and operation of a plant to manufacture synthetic gas from naphtha and the sale for resale of the plant output. We further dismissed that portion of Transcontinental Gas Pipeline Corporation's (Transco) filing in Docket No. CP73-21 which sought a certificate authorizing construction and operation of pipeline and related facilities for the transportation of synthetic gas prior to its mixture with natural gas. A hearing was to be held on the jurisdictional portions of Transco's filing. Our decision was based upon our conclusion that the synthetic gas Energy proposed to produce was "artificial gas," which, by virtue of section 2(5) of the Natural Gas Act, 15 U.S.C. 717a(5), is excluded from the Commission's jurisdiction prior to its mixture with "natural gas." We also granted Gulf Oil Corporation's petition for a declaratory order stating that the sale of naphtha by Gulf to Energy for reformation into synthetic gas would not be subject to the Commission's jurisdiction.

Rehearing of the January 4 order was sought by the Public Service Commission of the State of New York and was denied by our order of March 6, 1973. Thereafter, New York appealed both orders in a case styled *Public Service Commission of the State of New York* v. *F.P.C.*, No. 73-1428, in the United States Court of Appeals for the District of Columbia Circuit.

On June 27, 1974, Transco filed a notice of withdrawal of its application for a certificate of public convenience and necessity for the jurisdictional portion of the project. In the notice Transco stated that the feedstock necessary to operate the plant could not be obtained and that the project would therefore not be constructed. Under §§ 1.11 and 1.13 of our rules of practice and procedure, 18 CFR 1.11 and 1.13, the withdrawal of Transco's application became effective on July 29, 1974, by virtue of our inaction.

In view of Transco's withdrawal of its application, Tecon Gasification Co. and Texas Eastern Transmission Corp., intervenors in the Court of Appeals, filed a joint motion to dismiss the case as moot. In our response we stated that we had no objection to the grant of the motion. On August 14, 1974, the Court of Appeals ordered dismissal of the petition for review on the grounds of mootness. The Court, citing *United States* v. *Munsingwear*, 340 U.S. 36 (1950); and *A. C. Mechling Barge Lines, Inc.* v. *United States*, 368 U.S. 324 (1961), also remanded the case to us and ordered that we vacate our orders of January 4, 1973, and March 6, 1973.

While we still believe that our orders were correct,[1] we nevertheless recognize that it is appropriate that they now be vacated pursuant to the order issued by the Court of Appeals.

The Commission Finds. It is necessary and appropriate that our earlier orders of January 4, 1973, and March 6, 1973, in Docket Nos. CP73-20, CP73-21, and CI73-168 be vacated because the underlying case has become moot.

The Commission Orders. The orders of January 4, 1973, and March 6, 1973, in Docket Nos. CP73-20, CP73-21, and CI73-168 are hereby, vacated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23101 Filed 10-3-74;8:45 am]

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[Docket Nos. RP74-48, RP75-3]

## TRANSCONTINENTAL GAS PIPE LINE CORP.

### Order Permitting Interventions

SEPTEMBER 26, 1974.

By order of August 30, 1974, the Commission accepted for filing proposed revisions to Transcontinental Gas Pipe Line Corporation's (Transco's) FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 1, suspended these proposed revisions, consolidated Docket No. RP74-48 with Docket No. RP75-3, permitted various petitioners to intervene, and established hearing procedures. Subsequent to the issuance of that order, untimely petitions to intervene were filed by: Northeast Georgia Gas Section of the Georgia Municipal Association, United Cities Gas Company, Georgia Public Service Commission, Delmarva Power and Light Company, Virginia Pipe Line Company, Columbia Gas Transmission Corporation, and Rochester Gas and Electric Corporation.

Although the above petitions were untimely filed, the participation of these petitioners in this proceeding may be in the public interest and will not unduly interfere with any proceedings established in these consolidated dockets. Accordingly, we shall permit the intervention of the above-named petitioners.

The Commission finds. Participation in this proceeding by the above-named petitioners may be in the public interest, and therefore, good cause exists to permit such interventions.

The Commission orders. (A) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petition to intervene or notice of intervention; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious determination of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23099 Filed 10-3-74;8:45 am]

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[Docket Nos. RP74-48, RP75-3]

## TRANSCONTINENTAL GAS PIPE LINE CORP.

### Filing of Petition and Motion

SEPTEMBER 26, 1974.

Take notice that on September 13, 1974, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing a petition for reconsideration of the August 30, 1974 suspension order issued in these proceedings and a motion to place certain interim tariff sheets into effect. Transco states that due to a decline in volumes of gas purchased from

[1] *See, eg.*, Opinion No. 637, *Algonquin SNG, Inc.*, 48 FPC 1216 (1972), *reh denied*, 49 FPC 345 (1973); Order Granting Motion For Dismissal And Petitions For Declaratory Order in *Tecon Gasification Co., et al.*, 49 FPC 1278 (1973), *reh denied*, 50 FPC 112 (1973); and Opinion No. 669, issued October 26, 1973, in *Columbia LNG Corp.*, 50 FPC — *reh denied* December 21, 1973, 50 FPC —; wherein we have declared SNG feedstocks, production facilities, transportation and sale to be nonjurisdictional.

its suppliers, its projection of sales and revenues on which it based its rates proposed in Docket No. RP74–48 have proved to be inaccurate, and thus, Transco is failing to recover all of the fixed costs which it has assigned to the commodity component of those rates. Therefore, Transco has petitioned the Commission to reconsider its August 30, 1974 order which suspended the rates proposed in Docket No. RP75–3 until February 1, 1975, and Transco has filed a motion seeking the Commission's acceptance of certain interim tariff sheets which are proposed to be effective for the period October 1, 1974, through February 1, 1975. Transco states that the rates contained in these interim sheets are designed to recover only those fixed costs assigned to the commodity component of Transco's RP74–48 proposed rates which Transco is now failing to recover. Transco submitted these proposed interim tariff sheets with its petition and motion.

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 October 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74–23100 Filed 10–3–74;8:45 am]

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[Docket No. RP73–3]

## TRANSCONTINENTAL GAS PIPE LINE CORP.

### Order Accepting for Filing and Suspending Proposed Purchased Gas Adjustment Increase for One Day

SEPTEMBER 27, 1974.

On August 16, 1974, Transcontinental Gas Pipe Line Corporation (Transco) filed a PGA rate increase [1] to reflect: (1) an increase in the cost of purchased gas and (2) a surcharge to clear the negative balance in the deferred purchase gas cost account. The proposed effective date is October 1, 1974. Comments, protests and petitions to intervene were due on or before September 4, 1974. To date, no such comments, protests or petitions to intervene have been received by this Commission.

Transco's filed net PGA increase of 0.8¢ per Mcf is the result of a 2.3¢ per Mcf current gas cost increase and a deferred adjustment decrease of 1.5¢ per Mcf (from 1.3¢ to a negative adjustment of 0.2¢). The deferred adjustment of (0.2¢) will clear the negative $660,766 balance in the unrecovered purchased gas cost account as of June 30, 1974.

We note that in the calculation of the surcharge, a portion of the costs reflect the effect of emergency purchases which are in excess of the area rate established by Opinion 699.[2] Therefore, the PGA rate CADC, Docket No. 73–2009, petition filed September 21, 1973.
increase has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept Transco's PGA rate increase for filing and suspend it for one day to become effective October 2, 1974, subject to refund, subject to the modifications hereinafter ordered. With regard to the emergency purchases discussed above, we note that the standards the Commission must use in determining the justness and reasonableness of the prices for emergency purchases is presently the subject of court action.[3] We believe, therefore, that it would be premature to establish a hearing schedule in this docket at this time.

We also note that the PGA rate increase is based in part on anticipated increases in producer rates which are expected to become effective prior to October 1, 1974, pursuant to Opinion 699, but which have not yet been filed. Accordingly, we shall require Transco to file substitute tariff sheets, to become effective October 2, 1974, subject to refund, which reflect the elimination of the costs related to anticipated increases in producer rates which are expected to become effective prior to October 1, 1974, pursuant to Opinion 699, but which have not been filed. Moreover, further review of Transco's filing indicates that the claimed increased costs, other than those costs pertaining to emergency purchases and the anticipated increases in producer rates noted above, are fully justified and comply with the standards set forth in Docket No. R–406. Accordingly, we shall permit Transco to file a substitute tariff sheet reflecting costs other than those costs reflecting emergency purchases and anticipated increases in producer rates, and permit these costs to take effect through Transco's wholesale rates on October 1, 1974.

The Commission finds. (1) The proposed rate increase submitted by Transco on August 16, 1974, other than that portion of the increase which is based on anticipated increases in producer rates should be suspended and permitted to become effective October 2, 1974, pending further Commission order in this docket.

(2) The claimed increase costs, other than those costs relating to emergency purchases and anticipated increases in producer rates, have been reviewed and found fully justified and in compliance with the standards set forth in Docket No. R–406.

The Commission orders. (A) Transco's filing of August 16, 1974, other than that portion of the proposed increase which is based on anticipated increases in producer rates which are expected to become effective prior to October 1, 1974, pursuant to Opinion 699, but which have not yet been filed, is hereby accepted for filing, suspended and permitted to become effective October 2, 1974, subject to refund pending further Commission order in this docket; *Provided, however,* That Transco shall file within 15 days of the issuance of this order substitute tariff sheets, to become effective October 2, 1974, subject to refund, which reflect the elimination of the costs related to anticipated increases in producer rates.

(B) Transco may file, to be effective October 1, 1974, substitute tariff sheets reflecting that portion of Transco's rate as filed on August 16, 1974, which reflects costs other than those costs associated with emergency purchases and anticipated increases in producer rates.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74–23103 Filed 10–3–74;8:45 am]

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[Docket Nos. RP74–20, RP74–83]

## UNITED GAS PIPE LINE CO.

### Extension of Procedural Dates

SEPTEMBER 27, 1974.

On September 13, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by Order issued May 16, 1974, in the above-designated matter. The motion states that all parties were notified and have not stated opposition.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Staff Service, October 7, 1974.
Intervenor Service, October 28, 1974.
Company Rebuttal, November 11, 1974.
Hearing, November 21, 1974.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74–23105 Filed 10–3–74;8:45 am]

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[Docket No. CP75–90]

## UNITED GAS PIPE LINE CO.

### Notice of Application

SEPTEMBER 30, 1974.

Take notice that on September 19, 1974, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP75–90 an application pursuant to section 7(b) of the Natural Gas Act, as

[1] Second Substitute Tenth Revised Sheet No. 5 and Second Substitute Seventh Revised Sheet No. 6 to First Revised Volume No. 1.

[2] Issued June 21, 1974, in Docket No. R–389B.

[3] *Consumer Federation of America* v. *F.P.C.*,

implemented by § 157.7(e) of the regulations thereunder (18 CFR 157.7(e)), for permission and approval to abandon service to unspecified direct sale customers and to abandon by removal the measuring, regulating and related minor facilities for such direct sales, during the twelve-month period commencing October 1, 1974, 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 abandoning service and removing direct sales measuring, regulating, and related facilities. Applicant states that it will abandon service and facilities only where maximum deliveries of natural gas will have not exceeded 100,000 Mcf during the last year of service.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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 permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-23104 Filed 10-3-74;8:45 am]

## GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temp. Reg. F-304]

### SECRETARY OF DEFENSE

#### Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a water rate increase proceeding.

2. *Effective date.* This regulation is effective September 11, 1974.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Fairfax County Water Authority, Fairfax, Virginia, in a proceeding involving an increase in water rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
*Administrator of General Services.*

SEPTEMBER 25, 1974.

[FR Doc.74-23115 Filed 10-3-74;8:45 am]

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[Federal Property Management Regulations Temporary Regulation E-34]

### AUTOMATIC DATA PROCESSING EQUIPMENT (ADPE) AND DATA COMMUNICATIONS SYSTEMS

#### Privacy and Budgetary Certification

1. *Purpose.* This regulation requires that certification of "budgetary approval" and "privacy safeguards" must be provided to GSA by any agency that determines that its procurement meets certain criteria. These certifications are in addition to the information required by FPMR 101-32.404 and 101-35.203 and are required for an interim period pending either the passage of legislation and/or guidelines that will be established by the executive branch.

2. *Effective date.* This regulation is effective October 4, 1974. The certification procedure outlined in paragraph 6 will become effective October 18, 1974.

3. *Expiration date.* This regulation expires March 31, 1975, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to all Federal agencies.

5. *Background.* The Congress has expressed serious concern regarding the issue of privacy and security and the acquisition of major ADPE including teleprocessing and data communications systems. This concern relates to potential threats to the privacy of individuals. The Administrator of General Services has indicated to the Congress that until legislation or guidelines are promulgated, GSA will consult with the Congress on each procurement involving such systems. To provide for expeditious processing of these procurement actions, and because it is necessary to know whether the budgetary requirements of the particular procurements have been considered, it is essential that all agencies provide the additional information required by this temporary regulation.

6. *Procedures.*—a. *Criteria necessitating additional information.* If a proposed Agency Procurement Request (APR) or a request for a data communications system or service involves a procurement action meeting either or both of the criteria in (1) and (2), below, the certifications indicated in paragraph b, below, must be provided to GSA with the APR and/or the data communications request before GSA can act on the request. If neither criteria is met, then the APR and/or the data communications request should so indicate.

(1) An ADP system, a teleprocessing system, a data communications system, or any augmentation thereto, which will be used for the storage, retrieval, processing, or transfer of personal information other than routine employment-related information on agency employees; e.g., payroll or accounting.

(2) An ADP, teleprocessing, or data communications system which contemplates the procurement of any system in excess of $25 million in "system's life cost."

NOTE: The term "personal information" means any system of records pertaining to identifiable individuals which are indexed or from which information can be retrieved by the name assigned to each individual or some identifying number or symbol. The term "system's life cost" in this instance means the total dollar value of the hardware, vendor supplied software, and maintenance over the life of the system.

b. *Certifications.* Each APR or request for data communications system or service as described in (1) and (2), above, shall include a certification by the head

of the agency or his authorized designee that:

(1) The procurement has been included in the agency's budget program plan submitted to the Office of Management and Budget (OMB) and was not disallowed either by OMB or the Congress for the fiscal year in which award is anticipated and/or was included in the budget to be submitted to the Congress. (A statement should be included indicating whether the object of the procurement was explicitly or implicitly described in the documentation provided to OMB and/or the Congress with sufficient detail to the relevant portion of the document including, if applicable, a cross-reference to submissions made pursuant to OMB Circular A–11 and Federal Management Circular 74–2. If the budgetary amendment or budget request was outside the normal budget cycle, an indication of this fact and the date of its submission to OMB shall be provided.); and

(2) Adequate measures to safeguard "personal information" have been incorporated into the system's design.

7. *Documentation, retention, and review.* Each agency shall maintain a central file of all documentation supporting the information provided with the APR and/or data communications request. Agencies should be aware that in certain cases review of these files may be required.

8. *Effect on other issuances.* This regulation supplements requirements expressed in FPMR 101–32.404 and in FPMR 101–35.203.

9. *Agency comments.* Agency comments shall be submitted to the General Services Administration (CP), Washington, DC 20405, no later than November 30, 1974.

ARTHUR F. SAMPSON,
*Administrator of General Services.*

OCTOBER 1, 1974.

[FR Doc.74–23253 Filed 10–3–74;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 1, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Fruit Tree Survey—Indiana, Form ----, Single Time, Caywood (395–3443), Fruit Growers.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research: Seven Instruments for Catalog of Local Neighborhood Preservation Programs, Form 7, Single Time, CVA (395–3532)/Sunderhauf (395–4911), City Officials and Program Directors.

REVISIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research: Addendum to Landlord Baseline Survey, Form ----, Single Time, CVA (395–3532)/Sunderhauf (395–4911), Landlords.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental: Report to the DHEW on Specific Use of Federal Financial Assistance, Form OS–40–74, Occasional, Caywood (395–3443), Recipients of Federal financial Assistance.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production & Mortgage Credit: Request for Extension of Title I Claim Period, Form FHA 299, Occasional, CVA (395–3532), Banks, Savings & Loan Associations and Credit Unions.

PHILLIP D. LARSEN,
*Management and Budget Officer.*

[FR Doc.74–23303 Filed 10–3–74;8:45 am]

## DEPARTMENT OF LABOR

### Office of Federal Contract Compliance

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION AND THE OFFICE OF FEDERAL CONTRACT COMPLIANCE

#### Memorandum of Understanding

This Memorandum of Understanding between the Office of Federal Contract Compliance and the Equal Employment Opportunity Commission is being implemented to further the objectives of Congress under section 715 of Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Amendments of 1972. These objectives are to develop and implement agreements, policies and practices designed to maximize effort, promote efficiency, and eliminate conflict, competition, duplication and inconsistency among the operations, functions and jurisdictions of the parties to this Memorandum.

The parties to this Memorandum agree as follows:

1. The OFCC shall direct the compliance agencies to make available for inspection and copying to the appropriate requesting official of the EEOC or his or her designee any documents pertaining to any respondent against whom a charge has been filed under Title VII of the Civil Rights Act of 1964, including but not limited to affirmative action programs, investigative files, conciliation agreements, compliance review reports, debarment lists, and all supporting data thereto, within ten days of such request, provided such information is available in the files of either the OFCC or the Compliance Agencies.

The EEOC shall make available for inspection and copying to the appropriate requesting official of the OFCC or his or her designee any document pertaining to the enforcement of Executive Order 11246, including but not limited to copies of charges, investigative files, Commission Decisions, conciliation agreements, Voluntary Programs data, all pleadings and briefs filed in civil actions brought by the Commission and all supporting data thereto within ten days of such request, provided such information is available in the files of EEOC.

3. "Appropriate Requesting Officials" shall for purpose of the Agreement, be defined as follows:

a. For the Commission:

1. The Chairman.
2. The Executive Director.
3. The General Counsel.
4. Any Regional Attorney.
5. Any Regional Director.
6. Any District Director.

b. For the OFCC/Compliance Agencies:

1. The Secretary or Under Secretary of Labor.
2. The Solicitor of Labor.
3. The Director or Deputy Director, OFCC.
4. Any Associate Assistant Regional Director, OFCC.
5. Any Compliance Agency Contract Compliance Officer.
6. Any Compliance Agency Regional Director.

4. Responses to all requests for information shall be made to the official making such request, or his/her designee.

5. All requests by third parties for disclosure of information shall be referred to the agency which initially compiled or collected the information.

6. The Secretary and the Chairman shall designate appropriate officials who will promptly advise each other of the respondents/contractors subject to the provisions of Executive Order 11246, as amended, who have been selected by each agency for industrywide or regional compliance and litigation efforts. In the event that the agencies select identical respondents/contractors these officials shall reach agreement on the division or responsibilities in pursuit of their mutual endeavor(s).

7. (a) The OFCC shall notify and direct the appropriate compliance agency to notify the appropriate EEOC District Director(s) before any matter is noticed for a debarment hearing. The EEOC District Director will then notify OFCC and the appropriate compliance agency of any matters involving systemic discrimination pending before the Commission concerning the contractor in question.

To the extent that such issues are consistent with the facts disclosed by the compliance review, these issues shall be included by the compliance agency in the "14 Day Notice of Intent to Debar" and will be diligently prosecuted by the Compliance Agency.

(b) EEOC shall notify the Director of OFCC and the appropriate agency Contract Compliance Officer of cases being considered for litigation against Federal contractors with a summary of the issues and EEOC findings. The agency Contract Compliance Officer will then notify EEOC of any matters involving systemic discrimination pending before the agency concerning the contractor in question. To the extent that such issues are consistent with the facts disclosed by the EEOC investigation, such issues shall be included by EEOC in the complaint filed in Federal District Court and will be diligently prosecuted by EEOC.

8. The parties shall exchange information as follows:

(a) OFCC will provide EEOC regional offices with:

1. Copies of reports from Compliance Agencies outlining contractor compliance reviews proposed for each quarter.

2. A listing of compliance reviews actually completed each quarter indicating the results of such reviews.

(b) EEOC will provide OFCC with:

1. A printout of active/inactive charges within District Offices. The printout shall contain the following data items:

(a) Charge number.
(b) Name of Charging Party.
(c) Name of Respondent.
(d) Location of Respondent.
(e) Bases.
(f) Issues.
(g) Type Respondent #1.
(h) Current Status date and code.
(i) Current Status definitions.

2. A quarterly list of subsequent new charges received in Headquarters from each District Office.

3. A copy of each conciliation agreement and court settlement involving systemic discrimination by Federal contractors.

9. Prior to the investigation or review of any facility, the appropriate investigative or compliance officials of EEOC, OFCC, or the Compliance Agencies shall notify each other of their pending activity, and shall determine:

(a) whether the contacted agency has outstanding complaints of discrimination at the facility to be investigated/reviewed. If so, the subject matter of such complaints shall be considered in the review or investigation. Insofar as the complaints involve systemic discrimination, their subject matter will be included in any conciliation agreement reached between the employer and the reviewing agency. EEOC complainants will not waive any rights they may have under Title VII as the result of an OFCC or Compliance Agency resolution.

(b) whether the contacted agency also plans to investigate or review the identical facility. If so, the appropriate officials from each agency shall confer as to the scheduling and coordination of their compliance efforts.

10. Complaints filed with OFCC shall be deemed charges filed with EEOC and OFCC shall promptly transmit such charges to the appropriate EEOC District Office.

11. It is agreed by both agencies that consistent procedures and policies and full interchangeability of compliance determinations are basic to full coordination of their activities. Therefore, it is the intention of the agencies to develop mutually compatible investigative procedures and compliance policies, including minimum standards of remedy. The parties will designate members of a task force to develop such standards, which will commence meetings as soon as possible after the signing of this Memorandum.

12. EEOC and OFCC shall conduct periodic reviews of the implementation of this agreement, and shall, on an ongoing basis, continue their efforts to develop consistent systems, procedures, and standards in furtherance of the purposes of this agreement.

This Memorandum of Understanding supersedes the agreement signed on May 20, 1970.

Signed at Washington, D.C., this 11th day of September 1974.

PETER J. BRENNAN,
*Secretary,*
*U.S. Department of Labor.*

JOHN H. POWELL, Jr.,
*Chairman, Equal Employment Opportunity Commission.*

PHILIP J. DAVIS,
*Director, Office of Federal Contract Compliance.*

[FR Doc.74-23168 Filed 10-3-74;8:45 am]

## INTERSTATE COMMERCE COMMISSION

### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

### Elimination of Gateways

*Correction*

SEPTEMBER 24, 1974.

In FR Doc. 74-22525, appearing at page 35215, in the issue of Monday, September 30, 1974, in the second paragraph, line 5, the date reading "September 30," should read "October 30,".

[Notice 603]

### ASSIGNMENT OF HEARINGS

OCTOBER 1, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after October 4, 1974.

MC 120736 Sub 4, Strothman Express, Inc., now assigned November 4, 1974, at Columbus, Ohio, will be held in Room 1, Public Utilities Commission of Ohio, 111 North High Street.

MC 63390 Sub 17, Carl R. Bieber, Inc., now assigned October 23, 1974, at Reading, Pa., is cancelled and the application is dismissed.

MC 138948, John L. Cannada, Dba Cannada Bus Service, now being assigned further hearing December 3, 1974 (2 days), at Hartford, Conn., in a hearing room to be later designated.

W-1275, Hovertransport, Inc., now being assigned hearing December 5, 1974 (2 days), at New Haven, Conn., in a hearing room to be later designated.

MC 139614, Erin Tours, Inc., now being assigned hearing December 9, 1974 (1 week), at New York, N.Y., in a hearing room to be later designated.

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

[FR Doc.74-23170 Filed 10-3-74;8:45 am]