federal register

February 7, 1975—Pages 5739–6196

FRIDAY, FEBRUARY 7, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 27

Pages 5739–6196

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federal register

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PROCLAMATION 4349

1974 Census of Agriculture

By the President of the United States of America

A Proclamation

A periodic census of all the American people is required by the Constitution as the basis for apportioning representation in Congress. In addition, Congress has since 1840 provided for a special census of agriculture to periodically meet the Nation's requirements for reliable and timely statistics on this indispensable segment of our economy.

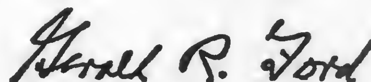
The 1974 Census of Agriculture has just begun. Statistics for more than 2.5 million farms will be collected to provide measures of the farm industry and agricultural economy for the Nation, each State, and every county. These data will be aggregated for use by virtually every segment of American society—farmers and their representative groups, the Congress, Federal agencies, State and local governments, educational institutions, private businesses, and consumer organizations.

Under the statute authorizing this Census, receipients of census questionnaires are required to answer the questions in those questionnaires that apply to them, their families, and their farms to insure the accurate compilation of these statistics. The sole purpose of the Census is to secure general statistical information regarding agriculture and related resources of the country. No person can be harmed in any way by furnishing the information required. The Census has nothing to do with taxation or the enforcement of any National, State, or local law or ordinance. The Census Act expressly provides that there will be no public or private disclosure regarding any person or his affairs. To assure the due protection of the rights and interests of the persons furnishing information, every employee of the Census Bureau is prohibited, under heavy penalty, from disclosing any information that may thus come to his knowledge.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby declare and make known that under the law it is the duty of every person from whom information is sought in connection with the 1974 Census of Agriculture to reply to the questions in the questionnaire.

Prompt, complete, and accurate responses to all official inquiries made by Census officials are of great importance to our country. Therefore, I ask affected Americans for their full cooperation in the 1974 Census of Agriculture.

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



[FR Doc.75-3782 Filed 2-6-75;12:30 pm]

Save Your Vision Week, 1975

PROCLAMATION 4350

By the President of the United States of America

A Proclamation

One of every twenty people in the United States suffers some degree of visual disability. Yet, many eye injuries and disorders could be prevented if Americans took greater care to preserve their vision. Simple measures, such as wearing protective goggles when engaged in hazardous activity, will help avoid eye injuries and save sight. Many disorders that impair vision or cause blindness can be arrested before the eyes become seriously damaged, if they are detected and treated early in their development. Even blindness can sometimes be cured. For example, 95 percent of the 5,000 Americans blinded or visually disabled by cataract, for whom surgery is recommended, could have their vision restored.

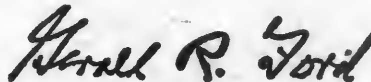
Researchers in the visual science are continually striving to reduce the toll of visual disability. Advances made in vision research, many of which have been supported by the Federal Government through the National Eye Institute, and by several philanthropic organizations, can benefit many Americans if only we avail ourselves of them. The simplest way is by making eye examinations a routine part of health care through the professional guidance of ophthalmologists, optometrists, and opticians. All of us should know where to go in our communities for assistance in visual problems. We must be aware of preventive measures that can be taken at home, school, work, and play to protect our vision. We must learn the warning signals of serious eye problems so we know when to seek professional attention.

To encourage all of us to protect our vision and to care properly for our eyes, Congress, by joint resolution, approved December 30, 1963 (77 Stat. 629; 36 U.S.C. 169a), has requested the President to proclaim the first week in March of each year as Save Your Vision Week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week of March 2 through March 8, 1975, as Save Your Vision Week. I urge all Americans to join in this observance by taking steps to assure eye safety and by making themselves aware of the vision care facilities available in their communities. I invite the appropriate officials of State and local governments to issue similar Proclamations.

I also invite the communications media, the health care professions, and all other agencies and individuals concerned with the improvement and preservation of vision, to join in public activities supporting programs to improve and protect the vision of Americans.

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



[FR Doc.75-3783 Filed 2-6-75;12:30 pm]

Amending Executive Order No. 11491, As Amended by Executive Orders 11616 and 11636, Relating to Labor-Management Relations in the Federal Service

EXECUTIVE ORDER 11838

By virtue of the authority vested in me by the Constitution and statutes of the United States, including sections 3301 and 7301 of title 5 of the United States Code, and as President of the United States, Executive Order No. 11491 [1] of October 29, 1969, as amended by Executive Orders 11616 [2] and 11636,[3] relating to labor-management relations in the Federal service, is further amended as follows:

1. Section 2(c) is amended by deleting the words "or to evaluate their performance,".

2. Section 2(d) is revoked.

3. Paragraph (1) of section 4(c) is amended to read as follows:

"(1) appeals from decisions of the Assistant Secretary issued pursuant to section 6 of this order, except where, in carrying out his authority under section 11(d), he makes a negotiability determination, in which instance the party adversely affected shall have a right of appeal;".

4. Paragraphs (4) and (5) of section 6(a) are amended to read as follows:

"(4) decide unfair labor practice complaints (including those where an alleged unilateral act by one of the parties requires an initial negotiability determination) and alleged violations of the standards of conduct for labor organizations; and

"(5) decide questions as to whether a grievance is subject to a negotiated grievance procedure or subject to arbitration under an agreement as provided in section 13(d) of this order."

5. Section 7(d) is amended to read as follows:

"(d) Recognition of a labor organization does not—

(1) preclude an employee, regardless of whether he is in a unit of exclusive recognition, from exercising grievance or appellate rights established by law or regulation, or from choosing his own representative in a grievance or appellate action, except when the grievance is covered under a negotiated procedure as provided in section 13;

(2) preclude or restrict consultations and dealings between an agency and a veterans organization with respect to matters of particular interest to employees with veterans preference; or

(3) preclude an agency from consulting or dealing with a religious, social, fraternal, professional or other lawful association, not qualified as a labor organization, with respect to matters or policies which involve individual members of the association or are of particular applicability to it or its members. Consultations and dealings under subparagraph (3)

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[1] 3 CFR 1969 Comp., p. 191; 34 FR 17605.
[2] 3 CFR 1971 Comp., p. 191; 36 FR 17319.
[3] 3 CFR 1971 Comp., p. 232; 36 FR 24901.

of this paragraph shall be so limited that they do not assume the character of formal consultation on matters of general employee-management policy covering employees in that unit or extend to areas where recognition of the interests of one employee group may result in discrimination against or injury to the interests of other employees."

6. Section 7(c) is revoked.

7. Section 9(b) is amended by substituting the word "consult" for the word "confer" in the third sentence thereof.

8. Section 10(a) is amended to read as follows:

"(a) An agency shall accord exclusive recognition to a labor organization when the organization has been selected, in a secret ballot election, by a majority of the employees in an appropriate unit as their representative; provided that this section shall not preclude an agency from according exclusive recognition to a labor organization, without an election, where the appropriate unit is established through the consolidation of existing exclusively recognized units represented by that organization."

9. Paragraph (2) of section 10(b) is amended by adding at the end thereof the word "or".

10. Paragraph (3) of section 10(b) is revoked.

11. Section 10(c) is revoked.

12. Section 10(d) is amended to read as follows:

"(d) All elections shall be conducted under the supervision of the Assistant Secretary, or persons designated by him, and shall be by secret ballot. Each employee eligible to vote shall be provided the opportunity to choose the labor organization he wishes to represent him, from among those on the ballot, or 'no union', except as provided in subparagraph (4) of this paragraph. Elections may be held to determine whether—

(1) a labor organization should be recognized as the exclusive representative of employees in a unit;

(2) a labor organization should replace another labor organization as the exclusive representative;

(3) a labor organization should cease to be the exclusive representative; or

(4) a labor organization should be recognized as the exclusive representative of employees in a unit composed of employees in units currently represented by that labor organization or continue to be recognized in the existing separate units."

13. Section 11 is amended to read as follows:

"Sec. 11. *Negotiation of agreements.* (a) An agency and a labor organization that has been accorded exclusive recognition, through appropriate representatives, shall meet at reasonable times and confer in good faith with respect to personnel policies and practices and matters affecting working conditions, so far as may be appropriate under applicable laws and regulations, including policies set forth in the Federal Personnel Manual; published agency policies and regulations for which a compelling need exists under criteria established by the Federal Labor Relations Council and which are issued at the agency headquarters level or at the level of a primary national subdivision; a national or other controlling agreement at a higher level in the agency; and this order. They

may negotiate an agreement, or any question arising thereunder; determine appropriate techniques, consistent with section 17 of this order, to assist in such negotiation; and execute a written agreement or memorandum of understanding.

"(b) In prescribing regulations relating to personnel policies and practices and working conditions, an agency shall have due regard for the obligation imposed by paragraph (a) of this section. However, the obligation to meet and confer does not include matters with respect to the mission of an agency; its budget; its organization; the number of employees; and the numbers, types, and grades of positions or employees assigned to an organizational unit, work project or tour of duty; the technology of performing its work; or its internal security practices. This does not preclude the parties from negotiating agreements providing appropriate arrangements for employees adversely affected by the impact of realignment of work forces or technological change.

"(c) If, in connection with negotiations, an issue develops as to whether a proposal is contrary to law, regulation, controlling agreement, or this order and therefore not negotiable, it shall be resolved as follows:

(1) An issue which involves interpretation of a controlling agreement at a higher agency level is resolved under the procedures of the controlling agreement, or, if none, under agency regulations;

(2) An issue other than as described in subparagraph (1) of this paragraph which arises at a local level may be referred by either party to the head of the agency for determination;

(3) An agency head's determination as to the interpretation of the agency's regulations with respect to a proposal is final;

(4) A labor organization may appeal to the Council for a decision when—

(i) it disagrees with an agency head's determination that a proposal would violate applicable law, regulation of appropriate authority outside the agency, or this order, or

(ii) it believes that an agency's regulations, as interpreted by the agency head, violate applicable law, regulation of appropriate authority outside the agency, or this order, or are not otherwise applicable to bar negotiations under paragraph (a) of this section.

"(d) If, as the result of an alleged unilateral change in, or addition to, personnel policies and practices or matters affecting working conditions, the acting party is charged with a refusal to consult, confer or negotiate as required under this order, the Assistant Secretary may, in the exercise of his authority under section 6(a)(4) of the order, make those determinations of negotiability as may be necessary to resolve the merits of the alleged unfair labor practice. In such cases the party subject to an adverse ruling may appeal the Assistant Secretary's negotiability determination to the Council."

14. Section 13 is amended to read as follows:

"SEC. 13. *Grievance and arbitration procedures.* (a) An agreement between an agency and a labor organization shall provide a procedure, applicable only to the unit, for the consideration of grievances. The coverage and scope of the procedure shall be negotiated by the parties to the agreement with the exception that it may not cover matters for which a statutory appeal procedure exists and so long as it does not otherwise conflict with statute or this order. It shall be the exclusive procedure

available to the parties and the employees in the unit for resolving grievances which fall within its coverage. However, any employee or group of employees in the unit may present such grievances to the agency and have them adjusted, without the intervention of the exclusive representative, as long as the adjustment is not inconsistent with the terms of the agreement and the exclusive representative has been given opportunity to be present at the adjustment.

"(b) A negotiated procedure may provide for arbitration of grievances. Arbitration may be invoked only by the agency or the exclusive representative. Either party may file exceptions to an arbitrator's award with the Council, under regulations prescribed by the Council.

(c) [Revoked.]

"(d) Questions that cannot be resolved by the parties as to whether or not a grievance is on a matter for which a statutory appeal decision exists, shall be referred to the Assistant Secretary for decision. Other questions as to whether or not a grievance is on a matter subject to the grievance procedure in an existing agreement, or is subject to arbitration under that agreement, may by agreement of the parties be submitted to arbitration or may be referred to the Assistant Secretary for decision."

(e) [Revoked.]

15. Section 15 is amended to read as follows:

"Sec. 15. *Approval of agreements*. An agreement with a labor organization as the exclusive representative of employees in a unit is subject to the approval of the head of the agency or an official designated by him. An agreement shall be approved within forty-five days from the date of its execution if it conforms to applicable laws, the order, existing published agency policies and regulations (unless the agency has granted an exception to a policy or regulation) and regulations of other appropriate authorities. An agreement which has not been approved or disapproved within forty-five days from the date of its execution shall go into effect without the required approval of the agency head and shall be binding on the parties subject to the provisions of law, the order and the regulations of appropriate authorities outside the agency. A local agreement subject to a national or other controlling agreement at a higher level shall be approved under the procedures of the controlling agreement, or, if none, under agency regulations."

16. Section 21(a) is revoked.

17. Section 23 is amended by deleting at the end thereof the following:

"other than those for the implementation of section 7(e) of this order".

The amendments made by this order shall become effective ninety days from this date except that the amendments to sections 11(a) and 11(c) shall not become effective until ninety days after issuance by the Federal Labor Relations Council of the criteria for determining compelling need. Each agency shall issue appropriate policies and regulations consistent with this order for its implementation.

Gerald R. Ford

The White House,
February 6, 1975.

[FR Doc.75-3781 Filed 2-6-75;12:30 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to reflect the following title change from: one Secretary to the Assistant Secretary for Administration to one Staff Assistant to the Assistant Secretary for Administration.

Effective February 7, 1975, § 213.3305 (a)(39) is amended as set out below.

§ 213.3305 Treasury Department.

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

(39) One Staff Assistant to the Assistant Secretary for Administration.

* * * * *

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

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

[FR Doc.75-3476 Filed 2-6-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Confidential Assistant to the President of the Uniformed Services University of the Health Sciences is excepted under Schedule C.

Effective February 7, 1975, § 213.3306 (a) (17) is added as set out below.

§ 213.3306 Department of Defense.

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

(17) One Confidential Assistant to the President of the Uniformed Services University of the Health Sciencs.

* * * * *

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

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

[FR Doc.75-3473 Filed 2-6-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Special Assistant for Foreign Affairs Legislation to the Assistant Secretary of Defense (Legislative Affairs), is excepted under Schedule C.

Effective February 7, 1975, § 213.3306 (a) (18) is added as set out below.

§ 213.3306 Department of Defense.

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

(18) One Special Assistant for Foreign Affairs Legislation to the Assistant Secretary of Defense (Legislative Affairs).

* * * * *

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

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

[FR Doc.75-3474 Filed 2-6-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Special Assistant to the Secretary is reestablished under Schedule C.

Effective February 7, 1975, § 213.3312 (a)(2) is amended as set out below.

§ 213.3312 Department of the Interior.

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

(2) Five Special Assistants to the Secretary.

* * * * *

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

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

[FR Doc.75-3475 Filed 2-6-75;8:45 am]

PART 870—REGULAR LIFE INSURANCE

Increase in Employee Withholding for Insurance

The life insurance regulations are hereby amended to provide for an increase in the amount withheld for regular life insurance from the pay of an employee during any period in which the employee is in a pay status.

Effective on the first day of the first pay period beginning after February 28, 1975 § 870.401(a) and (b) are amended as set out below:

§ 870.401 Withholdings and contributions.

(a) During any period in any part of which an insured employee is in a pay status there shall be withheld from the biweekly pay of such employee the sum of 35.5 cents for each $1,000 of his regular insurance. The amount withheld from the pay of an employee who is paid on other than a biweekly basis is determined at a proportionate rate, adjusted to the nearest cent.

(b) The amount withheld from the pay of an insured employee whose annual pay is paid during a period shorter than 52 workweeks is the sum obtained by converting the biweekly rate of 35.5 cents for each $1,000 of his regular insurance to an annual rate and prorating the annual rate over the number of installments of pay regularly paid during the year.

* * * * *

(5 U.S.C. 8707, 8716)

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

[FR Doc.75-3592 Filed 2-6-75;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[FSP No. 1975-2.2, Amdt. 48]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program; Alaska

Notice of proposed rulemaking was published in the FEDERAL REGISTER on December 6, 1974 (39 FR 42700) setting forth a proposal to amend the regulations governing the Food Stamp Program (7 CFR Part 271) to provide that, effective March 1, 1975, the amount each household will pay for its coupon allotment will be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made, except that one- and two-person households with net monthly income of less than $20 and all other households with net monthly income of less than $30 shall continue to receive their coupon allotments without paying anything.

Notice FSP No. 1975–2.1 currently provides that the percentage of income represented by the purchase requirements reflect historical differentials which show a wide variation of the percentage of income by household size and income. Additionally there are further distortions due to the use of income intervals which result in varying percentages of income within these intervals. Under the proposed amendment, these differentials and distortions would be removed, as every household with the same income will pay the same purchase requirement.

Interested persons were given 21 days in which to submit comments, suggestions, or objections to the proposed amendment. Comments on the proposed

rulemaking were received from over 4,000 interested persons and organizations.

After consideration of all comments as presented by interested persons, the amendment so proposed to remove the current differentials and distortions is hereby adopted, subject to the following changes:

1. Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total monthly coupon allotment, and

2. The maximum amount that a household shall be required to pay shall be $1.00 less than its total monthly coupon allotment.

Thus, Notice FSP No. 1975–2.1 for Alaska issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is amended and superseded by this Notice FSP No. 1975–2.2 to read as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: ALASKA

Households in which all members are included in the federally-aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance or supplemental security income benefit, in Alaska shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in Alaska prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards:

Household size:	
1	[1]$229
2	380
3	546
4	693
5	826
6	946
7	1,066
8	1,186
Each additional member	+100

[1] Poverty Guideline

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. A similar procedure was used for the July 1, 1974 adjustment and for the January 1, 1975 adjustment in the value of the coupon allotment which is based on the cost of the economy food plan in August 1974.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

Pursuant to section 7(a) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91–671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program in Alaska is as follows:

MONTHLY COUPON ALLOTMENTS

Household size:	Alaska
1	$62
2	114
3	164
4	208
5	248
6	284
7	320
8	356
Each additional person	+30

PURCHASE REQUIREMENTS

Pursuant to section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91–671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made; except that:

1. One- and two-person households with adjusted net income of less than $20 per month shall continue to receive their coupon allotments without paying anything; and

2. Households of three or more persons with adjusted net income of less than $30 per month shall continue to receive their coupon allotments without paying anything.

Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total coupon allotment. The maximum amount that a household shall be required to pay shall be $1.00 less than the total coupon allotment for each household size.

Effective date. This amendment shall become effective March 1, 1975.

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026) (Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: February 4, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-3531 Filed 2-6-75;8:45 am]

[FSP No. 1975-3.2, Amdt. 49]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program, Hawaii

Notice of proposed rulemaking was published in the FEDERAL REGISTER on December 6, 1974 (39 FR 42700) setting forth a proposal to amend the regulations governing the Food Stamp Program (7 CFR Part 271) to provide that, effective March 1, 1975, the amount each household will pay for its coupon allotment will be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made, except that one- and two-person households with net monthly income of less than $20 and all other households with net monthly income of less than $30 shall continue to receive their coupon allotments without paying anything.

Notice FSP No. 1975–3.1 currently provides that the percentage of income represented by the purchase requirements reflect historical differentials which show a wide variation of the percentage of income by household size and income. Additionally there are further distortions due to the use of income intervals which result in varying percentages of income within these intervals. Under the proposed amendment, these differentials and distortions would be removed, as every household with the same income will pay the same purchase requirement.

Interested persons were given 21 days in which to submit comments, suggestions, or objections to the proposed amendment. Comments on the proposed rulemaking were received from over 4,000 interested persons and organizations.

After consideration of all comments as presented by interested persons, the amendment so proposed to remove the current differentials and distortions is hereby adopted, subject to the following changes:

1. Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total monthly coupon allotment, and

2. The maximum amount that a household shall be required to pay shall be $1.00 less than its total monthly coupon allotment.

Thus, Notice FSP No. 1975–3.1 for Hawaii issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is amended and superseded by this Notice FSP No. 1975–3.2 to read as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: HAWAII

Households in which all members are included in the federally-aided public

assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance or supplemental security income benefit, in Hawaii shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in Hawaii prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards:

Household size:	
1	[1]$218
2	360
3	520
4	660
5	786
6	900
7	1,013
8	1,120
Each additional member	+93

[1] Poverty guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. A similar procedure was used for the July 1, 1974 adjustment and for the January 1, 1975 adjustment in the value of the coupon allotment which is based on the cost of the economy food plan in August 1974.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

Pursuant to section 7(a) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program in Hawaii is as follows:

MONTHLY COUPON ALLOTMENTS

Household size:	*Hawaii*
1	$60
2	108
3	156
4	198
5	236
6	270
7	304
8	336
Each additional person	+28

PURCHASE REQUIREMENTS

Pursuant to section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91-671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made; except that:

1. One- and two-person households with adjusted net income of less than $20 per month shall continue to receive their coupon allotments without paying anything; and

2. Households of three or more persons with adjusted net income of less than $30 per month shall continue to receive their coupon allotments without paying anything.

Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total coupon allotment. The maximum amount that a household shall be required to pay shall be $1.00 less than the total coupon allotment for each household size.

Effective date. This amendment shall become effective March 1, 1975.

(78 Stat. 703, as amended; (7 U.S.C. 2011-2026))

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: February 4, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-3528 Filed 2-6-75;8:45 am]

[FSP No. 1975-4.2; Amdt. 50]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program; Puerto Rico

Notice of proposed rulemaking was published in the FEDERAL REGISTER on December 6, 1974 (39 FR 42700) setting forth a proposal to amend the regulations governing the Food Stamp Program (7 CFR Part 271) to provide that, effective March 1, 1975, the amount each household will pay for its coupon allotment will be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made, except that one- and two-person households with net monthly income of less than $20 and all other households with net monthly income of less than $30 shall continue to receive their coupon allotments without paying anything.

Notice FSP No. 1975-4.1 currently provides that the percentage of income represented by the purchase requirements reflect historical differentials which show a wide variation of the percentage of income by household size and income. Additionally there are further distortions due to the use of income intervals which result in varying percentages of income within these intervals. Under the proposed amendment, these differentials and distortions would be removed, as every household with the same income will pay the same purchase requirement.

Interested persons were given 21 days in which to submit comments, suggestions, or objections to the proposed amendment. Comments on the proposed rulemaking were received from over 4,000 interested persons and organizations.

After consideration of all comments as presented by interested persons, the amendment so proposed to remove the current differentials and distortions is hereby adopted, subject to the following changes:

1. Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total monthly coupon allotment, and

2. The maximum amount that a household shall be required to pay shall be $1.00 less than its total monthly coupon allotment.

Thus, Notice FSP No. 1975-4.1 for Puerto Rico, issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is amended and superseded, by this Notice FSP No. 1975-4.2 to read as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: PUERTO RICO

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico. Additionally, section 5(b) specifies that these special standards of eligibility or coupon allotments shall not exceed those in effect for the fifty States.

As provided in § 271.3(b), households in which all members are included in the federally-aided public assistance grant or general assistance grant, shall be determined to be eligible to participate in the Program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including

those in which some members are recipients of federally-aided public assistance or general assistance, in Puerto Rico shall be as follows:

Household size:	
1	[1] $194
2	273
3	393
4	500
5	593
6	680
7	767
8	853
Each additional member	+73

[1] Poverty guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. A similar procedure was used for the July 1, 1974 adjustment and for the January 1, 1975 adjustment in the value of the coupon allotment which is based on the cost of the economy food plan in August 1974.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

Pursuant to section 7(a) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91–671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in Puerto Rico is as follows:

MONTHLY COUPON ALLOTMENTS

Household size:	*Puerto Rico*
1	$46
2	82
3	118
4	150
5	178
6	204
7	230
8	256
Each additional person	+22

PURCHASE REQUIREMENTS

Pursuant to section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91–671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made; except that:

1. One- and two-person households with adjusted net income of less than $20 per month shall continue to receive their coupon allotments without paying anything; and

2. Households of three or more persons with adjusted net income of less than $30 per month shall continue to receive their coupon allotments without paying anything.

Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total coupon allotme: .t. The maximum amount that a household shall be required to pay shall be $1.00 less than the total coupon allotment for each household size.

Effective date. This amendment shall become effective March 1, 1975.

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: February 4, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75–3527 Filed 2–6–75;8:45 am]

[FSP No. 1975–52, Amdt. 51]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program; Virgin Islands

Notice of proposed rulemaking was published in the FEDERAL REGISTER on December 6, 1974 (39 FR 42700) setting forth a proposal to amend the regulations governing the Food Stamp Program (7 CFR Part 271) to provide that, effective March 1, 1975, the amount each household will pay for its coupon allotment will be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made, except that one- and two-person households with net monthly income of less than $20 and all other households with net monthly income of less than $30 shall continue to receive their coupon allotments without paying anything.

Notice FSP No. 1975–5.1 currently provides that the percentage of income represented by the purchase requirements reflect historical differentials which show a wide variation of the percentage of income by household size and income. Additionally there are further distortions due to the use of income intervals which result in varying percentages of income within these intervals. Under the proposed amendment, these differentials and distortions would be removed, as every household with the same income will pay the same purchase requirement.

Interested persons were given 21 days in which to submit comments, suggestions, or objections to the proposed amendment. Comments on the proposed rulemaking were received from over 2,000 interested persons and organizations.

After consideration of all comments as presented by interested persons, the amendment so proposed to remove the current differentials and distortions is hereby adopted, subject to the following changes:

1. Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total monthly coupon allotment, and

2. The maximum amount that a household shall be required to pay shall be $1.00 less than its total monthly coupon allotment.

Thus, Notice FSP No. 1975–5.1 for the Virgin Islands, issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is amended and superseded, by this Notice FSP No. 1975–5.2 to read as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: VIRGIN ISLANDS

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in the Virgin Islands. Additionally, section 5(b) specifies that these special standards of eligibility or coupon allotments shall not exceed those in effect for the fifty States.

As provided in § 271.3(b), households in which all members are included in the federally-aided public assistance grant or general assistance grant, shall be determined to be eligible to participate in the Program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance or general assistance, in the Virgin Islands shall be as follows:

Household size:	
1	[1] $194
2	353
3	507
4	640
5	760
6	873
7	987
8	1,100
Each additional member	+93

[1] Poverty guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. The first coupon allotment schedules, effective July 1, 1974, were based on the economy food plan in February 1974. A similar procedure was used for the January 1, 1975 adjustment in the value of the coupon

allotment which is based on the cost of the economy food plan in August 1974.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

Pursuant to section 7(a) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program in the Virgin Islands is as follows:

MONTHLY COUPON ALLOTMENTS

Household size:	*Virgin Islands*
1	$58
2	106
3	152
4	192
5	228
6	262
7	296
8	330
Each additional person	+28

PURCHASE REQUIREMENTS

Pursuant to Section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91-671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made; except that:

1. One- and two-person households with adjusted net income of less than $20 per month shall continue to receive their coupon allotments without paying anything; and
2. Households of three or more persons with adjusted net income of less than $30 per month shall continue to receive their coupon allotments without paying anything.

Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total coupon allotment. The maximum amount that a household shall be required to pay shall be $1.00 less than the total coupon allotment for each household size.

Effective date: This amendment shall become effective March 1, 1975.

(78 Stat. 703, as amended; 7 U.S.C. 2011-2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: February 4, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-3529 Filed 2-6-75;8:45 am]

[FSP No. 1975-6.2, Amdt. 52]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program; Guam

Notice of proposed rulemaking was published in the FEDERAL REGISTER on December 6, 1974 (39 FR 42700) setting forth a proposal to amend the regulations governing the Food Stamp Program (7 CFR Part 271) to provide that, effective March 1, 1975, the amount each household will pay for its coupon allotment will be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made, except that one- and two-person households with net monthly income of less than $20 and all other households with net monthly income of less than $30 shall continue to receive their coupon allotments without paying anything.

Notice FSP No. 1975-6.1 currently provides that the percentage of income represented by the purchase requirements reflects historical differentials which show a wide variation of the percentage of income by household size and income. Additionally there are further distortions due to the use of income intervals which result in varying percentages of income within these intervals. Under the proposed amendment, these differentials and distortions would be removed, as every household with the same income will pay the same purchase requirement.

Interested persons were given 21 days in which to submit comments, suggestions, or objections to the proposed amendment. Comments on the proposed rulemaking were received from over 4,000 interested persons and organizations.

After consideration of all comments as presented by interested persons, the amendment so proposed to remove the current differentials and distortions is hereby adopted, subject to the following changes:

1. Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total monthly coupon allotment, and
2. The maximum amount that a household shall be required to pay shall be $1.00 less than its total monthly coupon allotment.

Thus, Notice FSP No. 1975-6.1 for Guam, issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chaper II, Code of Federal Regulations, is amended and superseded, by this Notice FSP No. 1975-6.2 to read as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: GUAM

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Guam. Additionally, section 5(b) specifies that these special standards of eligibility or coupon allotments shall not exceed those in effect for the fifty States.

As provided in § 271.3(b), households in which all members are included in the federally-aided public assistance grant or general assistance grant, shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance or general assistance, in Guam shall be as follows:

Household size:	
1	[1] $218
2	380
3	546
4	693
5	826
6	946
7	1,066
8	1,186
Each additional member	+100

[1] Poverty guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semiannually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

The cost of a nutritionally adequate diet—the economy food plan—is estimated by the Agricultural Research Service based on food prices published by the Bureau of Labor Statistics. Based on prices provided for Guam, the Agricultural Research Service estimated that the cost of the economy food plan would be higher than in the fifty States. Thus, the coupon allotments set forth for Guam are the same as those which became effective in Alaska on January 1, 1975.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

Pursuant to section 7(a) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to

participate in the Program in Guam is as follows:

MONTHLY COUPON ALLOTMENTS

Household size:	Guam
1	$62
2	114
3	164
4	208
5	284
6	284
7	320
8	356
Each additional person	+30

PURCHASE REQUIREMENTS

Pursuant to section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91-671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made; except that:

1. One- and two-person households with adjusted net income of less than $20 per month shall continue to receive their coupon allotments without paying anything; and

2. Households of three or more persons with adjusted net income of less than $30 per month shall continue to receive their coupon allotments without paying anything.

Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total coupon allotment. The maximum amount that a household shall be required to pay shall be $1.00 less than the total coupon allotment for each household size.

Effective date. This amendment shall become effective March 1, 1975.

(78 Stat. 703, as amended; 7 U.S.C. 2011-2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: February 4, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-3530 Filed 2-6-75;8:45 am]

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

[Lemon Reg. 678]

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 February 9-15, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.978 Lemon Regulation 678.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues about unchanged from last week. Average f.o.b. price was $4.77 per carton the week ended February 1, 1975, compared to $4.90 per carton the previous week. Track and rolling supplies at 129 cars were down 1 car from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 4, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 9, 1975, through February 15, 1975, is hereby fixed at 210,000 cartons.

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

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

Dated: February 5, 1975.

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

[FR Doc.75-3689 Filed 2-6-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[AL-797 (400)]

PART 1890b—EQUAL OPPORTUNITY IN EMPLOYMENT IN CONSTRUCTION

Deletion of Part

Part 1890b, "Equal Opportunity in Employment in Construction," (35 FR 13975), is deleted from Chapter XVIII, Title 7 of the Code of Federal Regulations. Regulations concerning nondiscrimination in construction financed with a Farmers Home Administration's loan or grant is covered in Part 1890p of this chapter.

(7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; 42 U.S.C. 2942; 5 U.S.C. 301; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; delegations of authority by Director, OEO, 29 FR 14764, 33 FF 9850)

Effective date. This deletion shall become effective on February 7, 1975.

Dated: January 31, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-3523 Filed 2-6-75;8:45 am]

[AL-889 (443)]

PART 1890d—FARM OWNERSHIP LOANS ON LEASEHOLD INTEREST IN HAWAII

Deletion of Part

Part 1890d, "Farm Ownership Loans on Leasehold Interest in Hawaii" (35 FR 13979), is deleted from Chapter XVIII of Title 7 of the Code of Federal Regulations. The statute authorizing Farm Ownership loans on leasehold interests in Hawaii has expired. Servicing loans on leasehold interests is covered in Subpart A of Part 1872 of this Chapter.

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Effective date. This deletion shall become effective on February 7, 1975.

Dated: January 31, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-3524 Filed 2-6-75;8:45 am]

[AL-965 (465)]

PART 1890e—REAL ESTATE SECURITY—EO LOANS

Deletion of Part

Part 1890s, "Real Estate Security—EO Loans," (35 FR 13980), is deleted from Chapter XVIII, Title 7 of the Code of Federal Regulations. The policies servicing real estate purchased, refinanced or improved with EO Loans is covered in Subpart A of Part 1872 of this Chapter.

(42 U.S.C. 2942; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; Order of Director of OEO, 29 FR 14764, 33 FR 9850)

Effective date. This deletion shall become effective on February 7, 1975.

Dated: January 31, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-3525 Filed 2-6-75;8:45 am]

[AL-740 (441)]

PART 1890l—OPERATING LOANS FOR FAMILY FARMING OPERATIONS IN HAWAII

Deletion of Part

Part 1890l, "Operating Loans for Family Farming Operations in Hawaii" (36 FR 1131), is deleted from Chapter XVIII, Title 7, of the Code of Federal Regulations. This Part has served its purpose and no longer has any applicability.

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date. This deletion shall become effective on February 7, 1975.

Dated: January 31, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-3526 Filed 2-6-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5464]

VIRGIN ISLANDS

Reserved Lands

1. Pursuant to the authority vested in me by section 3 of the Act of October 5, 1974, 88 Stat. 1210, the following described lands are hereby reserved to the United States:

a. The property known as the United States Coast Guard Light Attendant Station and Moorings, located in the city and harbor of Charlotte Amalie, St. Thomas, United States Virgin Islands which is currently used and occupied by the United States Coast Guard.

b. The property known as Nos. 47 and 48aa Norre Gade in the City of Charlotte Amalie, St. Thomas, United States Virgin Islands, currently used and occupied by the United States Post Office.

c. The property known as No. 48b, Norre Gade or Talbod Gade in the City of Charlotte Amalie, St. Thomas, United States Virgin Islands, currently used and occupied by the United States District Court, the United States Attorney's Office and the United States Immigration and Naturalization Service. This reservation is effective until such time as the Secretary of the Interior determines that the property is no longer needed by the United States Government.

2. The lands described in Paragraph 1 are for the use of the agencies involved or other United States Government agencies which may require them.

ROGERS C. B. MORTON,
Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3571 Filed 2-6-75;8:45 am]

[Public Land Order No. 5466]

[Montana 27716]

MONTANA

Withdrawal from Mineral Entry

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subect to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, for the protection of a scenic and historic area that has been nominated for inclusion in the National Register of Historic Places:

CUSTER NATIONAL FOREST

MONTANA PRINCIPAL MERIDIAN

T. 3 S., R. 62 E.,
Sec. 16, SW¼SW¼NW¼, W½SW¼;
Sec. 17, SE¼SE¼NE¼, E½E½SE¼;
Sec. 20, E½NE¼NE¼;
Sec. 21, N½NW¼.

The area described contains 240 acres in Carter County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3569 Filed 2-6-75;8:45 am]

[Public Land Order No. 5467]

[Idaho 5053]

IDAHO

Withdrawal for National Forest Research Natural Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

ST. JOE NATIONAL FOREST

BOISE MERIDIAN

Upper Fishhook Research Natural Area

T. 44 N., R. 5 E.,
Sec. 32, N½.

The area described aggregates 320 acres in Shoshone County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest land under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3568 Filed 2-6-75;8:45 am]

[Public Land Order 5468]

[Montana 23901]

SOUTH DAKOTA

Partial Revocation of National Forest, Administrative Site Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Public Land Order No. 1744 dated October 6, 1958, withdrawing national forest lands is hereby revoked so far as it affects the following described lands:

BLACK HILLS NATIONAL FOREST

BLACK HILLS MERIDIAN

Hill City Shop Administrative Site

T. 1 S., R. 4 E.,
Sec. 36, A tract of land described as follows:
Beginning at Corner No. 1, a point on the southeasterly boundary of right-of-way for U.S. Hgihway No. 85A within the Bonham Placer Mining Survey No. 626 located in sec. 36, T. 1 S., R. 4 E., B.H.M.; thence, S. 35°08' W., 660 feet along said right-of-way to Corner No. 2; S. 6°39' E., 84 feet to Corner No. 3, which is identical with Corner No. 4 of Bonham Placer, M.S. 626; N. 63°37' E., 866.4 feet to Corner No. 4, which is identical with Corner No. 5 of said M.S. 626; N. 68°42' W., 336 feet to Corner No. 5; N. 38°35' W., to Corner No. 1, the place of beginning.

The area described contains 4.05 acres in Pennington County.

2. The land was acquired by the Forest Service and has been used as an administrative site, and will continue to be used as such.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3570 Filed 2-6-75;8:45 am]

[Public Land Order 5469]

[Colorado 15838]

COLORADO

Revocation of Recreation Withdrawal No. 48

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. The departmental order of September 15, 1931, withdrawing lands for Recreational Withdrawal No. 48 is hereby revoked as to the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 38 N., R. 6 E.,
Sec. 26, SE¼SW¼, SW¼SE¼.

The area described contains 80 acres in Rio Grande County.

2. At 10 a.m. on March 8, 1975, the lands shall be open to operation of the public land laws generally, including the United States mining laws, 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 March 8, 1975, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and continue to be open to the filing of applications and offers under the mineral leasing laws.

Inquiry concerning the lands should be addressed to the Chief, Technical Services Division, Colorado State Office, Bureau of Land Management, Colorado Bank Building, Denver, Colorado 80202.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3566 Filed 2-6-75;8:45 am]

[PUBLIC LAND ORDER 5470]

[CA-817]

CALIFORNIA

Amendment of Executive Order of July 22, 1915; Revocation in Part of Executive Order of May 26, 1931, and Executive Order No. 5843 of April 28, 1932

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is hereby ordered as follows:

1. The Executive Order of July 22, 1915, reserving NE¼ section 11, T. 2 S., R. 31 E., Mount Diablo Meridian, for the use of a small band of Paiute Indians as a cemetery and camping ground, is hereby amended to reserve said land for a cemetery and other purposes.

2. The Executive Order of May 26, 1931, withdrawing lands for municipal water supply purposes, and Executive Order No. 5843 of April 28, 1932, withdrawing lands for classification and in aid of legislation, are hereby amended to delete the following described land:

MOUNT DIABLO MERIDIAN

T. 2 S., R. 31 E.,
Sec. 11, NE¼.

The area described contains 160 acres in Mono County.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3565 Filed 2-6-75;8:45 am]

[Public Land Order 5471]

[Colorado 16211]

COLORADO

Withdrawal for National Forest Recreation Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws in aid of programs of the Department of Agriculture:

WHITE RIVER NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

Eagle Park Campground

T. 7 S., R. 80 W.,
Sec. 22, lots 5, 6, 7, E½E½SE¼SW¼.

Yeoman Park Campground

T. 6 S., R. 83 W.,
Sec. 26, W½NE¼SW¼, N½SW¼SW¼;
Sec. 27, SW¼NE¼, N½NW¼SE¼.

Deep Creek Overlook

T. 4 S., R. 87 W.,
Sec. 19, S½NE¼SE¼SE¼, N½SE¼SE¼SE¼;
Sec. 20, S½NW¼SW¼SW¼, N½SW¼SW¼SW¼.

Trappers Lake Recreation Area

T. 1 S., R. 88 W. (Protraction Diagram No. 3, dated 10-10-61),
Secs. 2, 3, 10, 11, beginning at a point from which the outlet of Trappers Lake bears S. 44° W., 8 chains; thence N. 22 chains to a point on the north line of sec. 2 (protracted); thence W. 20 chains, thence S. 22 chains, thence W. 50 chains, thence S. 60 chains, thence W. 10 chains, thence S. 40 chains, thence E. 60 chains, thence S. 20 chains, thence E. 40 chains, thence N. 120 chains, thence W. 20 chains to the point of beginning.

Heart Lake Recreation Area Addition

T. 3 S., R. 88 W.,
Sec. 30, NE¼SW¼.
T. 3 S., R. 89 W.,
Sec. 25, N½SW¼.

Marvine Creek Campground

T. 1 N., R. 89 W. (Protraction Diagram #3, dated 10-10-61),
Sec. 31, beginning at the E¼ Corner of sec. 36, T. 1 N., R. 90 W., thence N. 15 chains, thence E. 10 chains, thence S. 30 chains, thence W. 10 chains, thence N. 15 chains to the point of beginning.
T. 1 N., R. 90 W.,
Sec. 36, SE¼SE¼NE¼, E½NE¼SE¼.

The areas described aggregate approximately 1,474.66 acres in Eagle, Garfield and Rio Blanco Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3567 Filed 2-6-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-NW-22-AD, Amdt. 39-2086]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747-100 and -200 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the modification of the pitot-static tubes to include a vertical rise on the Boeing Model 747-100/200 series airplanes was published in FR Doc. 74-27567.

Interested persons have been afforded an apportunity to participate in the making of the amendment. Comments were received that the proposed AD is not justified because experience indicates that water in the Boeing 747 pitot-static system is not a significant problem. It was also suggested that only the installation of transparent drains be required if the FAA felt mandatory action was necessary. In addition, this commentator stated that a time period substantially greater than 3,500 hours will be required to prevent removal of aircraft from service for modification if mandatory action should be required. This is due to delivery time for modification kits and the time required after kit delivery to modify the airplanes.

Another commentator stated that its records show that the water ingestion problem has diminished during the last

1½ year period and it is believed that increased and proper maintenance has contributed to this improvement. Pitot-static systems were originally drained at every fifth "C" check and later the systems were drained at 4,000-hour intervals.

The FAA has reviewed 747 pitot-static drain service history, and the records show that five reports of pitot-static instrument error readings caused by water in the pitot-static lines were logged in the year 1971. Subsequently, in 1974, there were two reports of erratic air data indications. These were traced to ruptured pitot-static tubes due to water freezing in the lines. Investigation has not revealed the specific source of ingested water. Although the recorded incidents of water ingestion in the pitot-static lines are few and sporadic, the FAA cannot consider the problem and related instrument errors insignificant.

Water in the pitot-static system can be caused by condensation or improper protection of the pitot-static ports during airplane cleaning. The FAA will issue a companion maintenance alert bulletin recommending draining every "B" check, and in addition, the bulletin will emphasize the need for proper pitot-static port covers during cleaning.

A third source of ingested water in the pitot-static lines is direct impingement on pitot-static openings during extremely heavy driving rains. Experience has shown airplanes, like the Boeing 747 which do not have a sufficient rise in pitot-static lines adjacent to the pitot-static openings are susceptible to this type of water ingestion. The preventive measure is to install a riser in the pitot-static lines similar to that required on Model 737 airplanes by Airworthiness Directive 74-NW-4-AD.

As stated above, one commentator objected to the proposed 3,500 hours time for accomplishment of the AD as not adequate due to a delay in kit delivery. The FAA has determined that the delivery time for kit delivery can be shortened considerably. It is, therefore, not in the public interest to increase the compliance time from 3,500 hours.

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

BOEING. Applies to all Model 747 airplanes, certificated in all categories, listed in Boeing Service Bulletin 747-34-2058 dated January 31, 1974, or later FAA approved revisions. To prevent erroneous information from being displayed on flight instruments.

Within the next 3,500 hours time in service after the effective date of this AD, modify the pitot-static tubing to include a vertical rise just inboard of each pitot-static probe in accordance with Work Package 1, 2, and 3 of Boeing Service Bulletin 747-34-2058, dated January 31, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may be examined at FAA Northwest Region, 9010 East Marginal Way, Seattle, Washington 98108.

This amendment becomes effective March 10, 1975.

(Sec. 313(a), 601, 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 Seattle, Wash., on January 31, 1975.

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

NOTE: The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75-3479 Filed 2-6-75;8:45 am]

[Airworthiness Docket No. 75-WE-5-AD, Amdt. 39-2085]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas Model DC-10-10, -30, and -40 Series Airplanes

The Agency has received reports of failure to achieve 100 percent passenger oxygen mask deployment during periodic maintenance program drop tests. As many as 50% of the masks have failed to drop during these tests, and, during a recent decompression incident, approximately 25% of the masks failed to deploy. An airworthiness directive is being issued to require modifications to the passenger oxygen system to improve oxygen mask deployment reliability.

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

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

MCDONNELL DOUGLAS. Applies to Douglas Model DC-10-10, -30, and -40 series airplanes, certificated in all categories.

Compliance required as follows unless already accomplished.

To improve cabin oxygen mask deployment reliability, accomplish the following:

A. Within the next 300 hours' additional time in service after the effective date of this AD, unless already accomplished within the last 300 hours' time in service:

1. Conduct an oxygen mask functional (drop) test, by cabin or by each section, in accordance with Paragraph IX of Douglas All Operators Letter No. 10-742, dated December 13, 1974, or 10-742A, dated January 24, 1975, or later FAA-approved revisions.

2. Oxygen compartments that fail to open must be inspected and modified in accordance with all of the applicable provisions of Douglas All Operators Letter No. 10-742, dated December 13, 1974, or 10-742A, dated January 24, 1975, or later FAA-approved revisions.

3. Repeat the oxygen mask functional test until 100% mask drops are achieved by cabin or by each section.

B. Within the next 1500 hours' additional time in service after the effective date of this AD:

1. Modify partition oxygen compartment doors to insure 180° opening in accordance with Douglas Service Bulletin No. 25-163, dated June 11, 1974, or later FAA-approved revisions.

2. Install pictorial warning placards on oxygen generator heat shields in accordance with Douglas Service Bulletin No. 35-12, dated April 26, 1974, or later FAA-approved revisions.

3. Modify oxygen compartments in passenger seat backs and partitions in accordance with Douglas Service Bulletin No. 35-16, dated August 19, 1974, or later FAA-approved revisions.

4. (a) Inspect and modify the cabin oxygen system, as applicable, in accordance with Douglas All Operators Letter No. 10-742, dated December 13, 1974, or 10-742A, dated January 24, 1975, or later FAA-approved revisions.

(b) Repeat the oxygen mask functional test until 100% mask drops are achieved by cabin or by each section.

C. Results of the functional tests required in paragraphs A. and B. must be forwarded within 30 days in a written report to the Chief, Aircraft Engineering Division, FAA Western Region. Recording approved by the Bureau of the Budget under Order BOB No. 04-RO174.

D. The Chief, Aircraft Engineering Division, FAA Western Region, may approve equivalent inspections and modifications upon submittal of substantiating data.

E. Aircraft may be flown to a base for accomplishment of the maintenance required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective February 14, 1975.

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

Issued in Los Angeles, Calif., on January 29, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-3478 Filed 2-6-75;8:45 am]

[Docket No. 74-NE-46; Amdt. 39-2084]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney JT3D Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive reducing the disk cyclic life on Pratt & Whitney JT3D engines containing tenth stage compressor disks, P/N 701810, was published in the FEDERAL REGISTER (39 FR 39733) on November 11, 1974.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PRATT & WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Aircraft JT3D-3, JT3D-3D, and JT3D-7 turbofan engines containing tenth stage compressor disk, P/N 701810.

Compliance required as indicated.

To ensure adequate life limit margin for tenth stage compressor disk, P/N 701810, the

cyclic life limits on these disks have been reduced below the figures currently approved. Unless already accomplished, remove from service the tenth stage compressor disk prior to exceeding the revised life limit listed below or within the next 25 cycles in service after the effective date of this AD, whichever comes later.

	Previous life limit (cycles)	Revised life limit (cycles)
Engine model:		
JT3D-3	30,000	25,000
JT3D-3B	30,000	25,000
JT3D-7	25,000	23,000

If a disk has been used in more than one engine model, the disk is limited to the lowest cyclic life permitted for the engine models in which it has been exposed.

This amendment becomes effective February 19, 1975.

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

Issued in Burlington, Mass., on January 29, 1975.

WILLIAM E. CROSBY,
Acting Director, New England Region.

[FR Doc.75-3481 Filed 2-6-75;8:45 am]

[Airworthiness Docket No. 75-WE-9-AD, Amdt. 39-2067]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell International NA-265 Series Airplanes

There have been reports of fuel seepage from the engine fuel pressure switch due to internal failure of the switch, Hydra-Electric Co. P/N 12251, installed on Rockwell International NA-265 series airplanes. If this failure occurs fuel can be released into an undrained, nonventilated compartment of the airplane forward of the rear spar underneath the fuselage floor. When this condition continues undetected, a potential fire hazard can exist in an area not designated by Part 25 of the Federal Aviation Regulations (or CAR 4b) as a fire zone. While no fires have been reported to the agency as a result of this condition to date, the agency has determined that an airworthiness directive is required to ensure an adequate level of public safety.

Since this condition can exist or develop in other airplanes of the same type, an airworthiness directive is being issued to require replacement of the fuel pressure switch, Hydra-Electric Co. P/N 12251, with an improved Hydra-Electric Co. design or an alternate approved design which will preclude such fuel seepage.

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

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

ROCKWELL INTERNATIONAL. Applies to all NA-265 Series Airplanes certificated in all categories.

Compliance as indicated, unless already accomplished.

To provide protection in the event of an unknown incipient failure condition in the engine fuel pressure switch, Hydra-Electric Co. P/N 12251, accomplish the following:

(a) Within 10 hours' time in service after the effective date of this AD, inspect the engine fuel pressure switches for fuel seepage or leakage.

(1) If seepage or leakage is found, replace the failed switch before further flight, in accordance with Sabreliner Service Bulletin 74-34, dated January 15, 1975, revised January 24, 1975, or later FAA-approved revisions.

(2) If seepage or leakage is not found, repeat the inspection at intervals not to exceed 10 hours' time in service until the inspection and installation described in (b) are accomplished.

(b) Within 90 days after the effective date of this AD, conduct an inspection to determine the part number of the engine fuel pressure switch installed in accordance with steps 1 through 3 of Sabreliner Service Bulletin 74-34, dated January 15, 1975, revised January 24, 1975, or later FAA-approved revisions.

(1) If Hydra-Electric Co. P/N 12251 is found installed, either

(i) Accomplish the installation described in steps 4 through 10 of Sabreliner Service Bulletin 74-34, dated January 15, 1975, revised January 24, 1975, or later FAA-approved revisions, prior to further flight; or

(ii) Repeat (a), above, until the installation described in (b)(1)(i) is accomplished. The installation required by (b)(1)(i) is to be performed within 90 days after the effective date of this AD.

(c) If P/N 1B2522-25 (Aero Instruments Co., or Century Electronics and Instrument Inc., or Hathaway Industries, or Electro Controls Inc., or P/N 685-1, Value Engineering Products, is installed, proceed with steps 8 through 10 of Sabreliner Service Bulletin 74-34, dated January 15, 1975, revised January 24, 1975, or later FAA-approved revisions.

(d) Airplanes may be flown to a base for the performance of the inspections and installations required by this AD, per FAR's 21.197 and 21.199, except when seepage or leakage is known to exist.

(e) Return P/N 12251 switches removed from service to Rockwell International, Aviation Service Division, Lambert Field, St. Louis, Mo. 63145.

(f) Equivalent inspections and installations may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiating data.

This amendment becomes effective February 18, 1975.

(Secs. 313(a), 601, 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 Los Angeles, Calif., on January 31, 1975.

LYNN L. HINK,
Acting Director, FAA Western Region.

[FR Doc.75-3480 Filed 2-6-75;8:45 am]

[Airspace Docket No. 74-EA-70]

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

Extension of Effective Date

The Federal Aviation Administration has promulgated a rule designating a Clearfield, Pa., transition area (39 FR 42342) to be effective January 30, 1975.

Due to delays in the effectivity of an accompanying runway procedure, the effective date of this docket must be extended.

Since this is a change which is less restrictive, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective February 7, 1975, as follows:

1. Amend the effective date so as to delete January 30, 1975, and insert in lieu thereof March 20, 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 Jamaica, N.Y., on January 27, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

[FR Doc.75-3482 Filed 2-6-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-898, Amdt. 37]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Average Commercial and Military Fuel Prices

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 31, 1975.

On January 17, 1975, by ER-896, the Board adopted revised minimum rates applicable to various air transportation services performed by air carriers for the Department of Defense and set forth in Part 288 of the Board's Economic Regulations (14 CFR Part 288). The minimum rates adopted were subject to a surcharge based upon a comparison of average commercial and military fuel prices as of December 1, 1974, with the average fuel costs reflected in the rate base. In addition, the Board provided for monthly review of fuel prices and prospective adjustments of the surcharge rates to reflect fuel price changes reported as of the first of each month.[1]

Appendices A and B set forth the results of our computations of reported fuel price changes as of January 1, 1975, for both commercial and military fuel, based upon application of the "active stations" methodology to fuel consumption reported for the quarter ended September 30, 1974, and the rate impact of the change in average fuel prices from that reflected in the base rates. Based on these computations, we will revise the fuel surcharge rates established in ER-896 effective February 1, 1975, as follows: (a) Increase the long-range Category B and Category A rate from 1.30 to 1.53 percent; (b) increase the Pacific interisland short-range Category B rate

[1] ER-896 at 9-10.

from 1.66 to 1.72 percent; and, (c) increase the "all other" short-range Category B rate from 1.59 to 1.93 percent.

In view of the findings in ER-896 concerning the continuing need for a fuel surcharge to the minimum rates set forth in Part 288,[2] we find good cause exists to make the within amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective February 1, 1975, as follows:

1. Section 288.7 is amended as follows:

a. The third proviso following the table in paragraph (a) is amended; and

b. In paragraph (d) the proviso to subparagraphs (1) and (2) is amended to read as follows:

[2] ER-896 at 7-10.

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *

(1) * * *

Provided, however, That effective February 1, 1975, the total minimum compensation pursuant to the rates set forth above for (i) services performed with regular jet, wide-bodied jet, and DC-8F-61/63 aircraft, (ii) Pacific interisland services performed with B-727 aircraft, and (iii) all other services performed with B-727 aircraft shall be increased by surcharges of 1.53 percent, 1.72 percent, and 1.93 percent, respectively.[3]

* * * * *

[3] The surcharge provisions for services performed with B-727 aircraft will be applied to all other common-rated aircraft types.

(d) For Category A transportation * * *

(1) * * *

(2) * * *

Provided, That effective February 1, 1975, the total minimum compensation pursuant to the rates specified in subparagraphs (1) and (2) of this paragraph shall be increased by a surcharge of 1.53 percent.

* * * * *

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 and 771, as amended; (49 U.S.C. 1324, 1373, 1386))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

APPENDIX A

MAC INTERNATIONAL OPERATIONS

Impact of current fuel prices on final rates based on prices effective as at January 1, 1975

Carriers	Gallons purchased QE Sept. 30, 1974 (in thousands)			Price per gallon Jan. 1, 1975 (cents)			Current average price (cents)	Base rate price per gallon [2] (cents)	Percent price increase (decrease) current/base)	Percent of price impact on total economic cost [3]	Weighted impact on final rates [4] (percent)
	JP-4	JP-5	Commercial	JP-4	JP-5	Commercial [1]					
LONG-RANGE											
Airlift	1,848		715	[5] 37.30	[5] 35.50	44.42	39.29	40.66	(3.37)	(1.36)	(0.03)
Capitol	778	14	578			41.68	39.13	38.79	.88	.31	.01
Flying Tiger	2,767	20	882			25.09	34.66	34.66	(0.87)	(.27)	(.04)
Northwest	3,099		1,361			32.11	35.72	34.51	3.51	1.10	.13
Overseas	556		922			45.10	42.17	40.75	3.48	1.42	.08
Pan American	4,061		3,067			39.69	38.33	36.89	3.90	1.13	.24
Saturn	1,815	62	2,874			50.21	45.09	42.43	6.27	2.58	.05
Seaboard	1,131		1,653			37.33	37.32	33.86	10.22	3.85	.34
Trans International	1,992	20	1,461			34.03	35.92	34.28	4.78	1.55	.16
Trans World	1,057	107	1,007			43.27	39.98	36.18	10.50	3.81	.41
World	2,086		1,179			36.47	37.00	34.78	6.38	1.97	.18
Total	21,189	223	15,698			39.96	38.41	36.88	4.15	1.51	1.53
SHORT-RANGE											
Pacific interisland World	2,111		77			48.85	37.71	35.72	5.57	1.72	1.72
All other Eastern	869		210			50.03	39.77	37.66	5.60	1.93	1.93

[1] App. B.
[2] See ER-896, App. Q.
[3] Product of increase or (decrease) for current price, from base price, multiplied by the ratio of fuel costs to total economic costs. See ER-896, app. R, especially footnote 2 for Trans World.
[4] To reflect the weighting applied to individual carrier unit costs in computing ER-896 final base rates (individual carrier's percentage of group's fiscal year 75 fixed-buy revenues).
[5] These prices are for all carriers.

NOTE.—Totals may not add due to rounding.

APPENDIX B

MAC INTERNATIONAL OPERATIONS

Average fuel price computation for commercial fuel price changes [1] based on reported fuel data—quarter ended September 30, 1974

Carriers	Currently active stations: Reported for QE Sept. 30, 1974			Currently active stations: Jan. 1, 1975 [2]		All stations in MAC services quarter ended Sept. 30, 1974			
	Gallons	Cost	Average price (cents)	Average price (cents)	Percent increase or (decrease)	Reported cost	Adjusted cost [3]	Reported gallons	Adjusted average price (cents)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
LONG-RANGE									
Airlift	715,196	$291,270	40.73	44.42	9.07	$291,270	$317,688	715,196	44.42
Capitol	550,800	228,717	41.52	42.46	2.25	235,531	240,830	577,774	41.68
Flying Tiger	882,085	285,133	32.32	25.09	(22.37)	285,133	221,340	882,085	25.09
Northwest	1,350,128	446,456	33.07	32.13	(2.85)	449,744	436,926	1,360,638	32.11
Overseas	875,885	361,623	41.29	46.04	11.50	372,888	415,770	921,824	45.10
Pan American	3,043,738	1,169,958	38.44	39.64	3.12	1,180,363	1,217,190	3,066,991	39.69
Saturn	2,874,492	1,355,633	47.16	50.21	6.47	1,355,633	1,443,375	2,874,492	50.21
Seaboard	1,649,696	626,654	37.99	37.34	(1.70)	627,587	616,918	1,652,518	37.33
Trans International	1,356,576	464,390	34.23	33.31	(2.70)	510,985	497,188	1,460,841	34.03
Trans World	1,006,611	376,316	37.38	43.27	15.74	376,316	435,535	1,006,611	43.27
World	1,094,735	395,796	36.15	36.50	0.95	425,791	429,836	1,178,564	36.47
Total	15,399,942	6,001,946	38.97	40.02	2.68	6,111,241	6,272,596	15,697,534	39.96
SHORT-RANGE									
Pacific interisland World	77,383	37,272	48.16	48.85	1.41	37,272	37,798	77,383	48.85
All other Eastern	173,355	83,222	48.01	49.81	3.76	101,132	104,935	209,759	50.03

[1] As of Jan. 1, 1975.
[2] Reflecting latest prices reported as at Jan. 1, 1975.
[3] Column (6) plus 100 percent times column (7).

[FR Doc.75-3466 Filed 2-6-75;8:45 am]

[Reg. ER-899; Special Economic Reg.]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Revision of Categories A and B Fuel Surcharges for Period January 1–January 16, 1975

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 31, 1975.

On January 17, 1975, by ER-896, the Board adopted revised minimum rates applicable to various air transportation services performed by air carriers for the Department of Defense and set forth in Part 288 of the Board's Economic Regulations (14 CFR Part 288). The revised rates were effective prospectively from the date adopted. The interim rates in effect prior to adoption of ER-896 were subject to a surcharge based upon commercial fuel prices which was reviewed monthly and retroactively adjusted to reflect price changes reported as of the first of each month compared to the base fuel prices reflected in the minimum rates. The purpose of this Special Regulation is to retroactively adjust the fuel surcharge rates applicable to the Categories A and B minimum rates in effect for the period January 1 through January 16, 1975, to reflect fuel price changes reported as of January 1, 1975.

In accordance with the procedures adopted by ER-860 and ER-862, May 24, 1974 and June 11, 1974, respectively, the Board has reviewed commercial fuel prices for foreign and overseas Military Airlift Command air transportation services as of January 1, 1975, and compared these fuel prices to the base fuel prices reflected in the rates established by ER-879, October 22, 1974. Based on the computations set forth in Appendices A and B, we will adjust the fuel surcharges effective for the period January 1 through January 16, 1975, as follows: increase the long-range Category B and Category A rate from 6.09 to 6.11 percent; retain the short-range Category B rate at 1.75 percent; and decrease the "all other" short-range rate from 3.45 to 3.28 percent.

Since the interim rates in effect for the period during which these surcharges apply are no longer set forth in Part 288, we have determined to reflect our determinations herein by a Special Economic Regulation.

Accordingly, we find good cause exists to make the within final rates effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby adopts the following Special Economic Regulation, effective for the period January 1 through January 16, 1975, as follows:

SECTION 1. Notwithstanding the provision of § 288.7(a), the minimum rates for long-range Category B services, short-range Pacific interisland Category B services, and "all other" short-range Category B services, other than specified in paragraph (c) of that section, for the period January 1, 1975, through January 16, 1975, are the minimum rates for those services set forth in ER-879, adopted October 22, 1974, increased by surcharges of 6.11 percent for services performed with regular jet, wide-bodied jet, and DC-8F-61-63 aircraft; 1.75 percent for Pacific interisland services performed with B-727 aircraft; and 3.28 percent for all other services performed with B-727 aircraft.[1]

SEC. 2. Notwithstanding the provisions of § 288.7(d) the minimum rates for Category A transportation services performed during the period January 1, 1975 through January 16, 1975, are the minimum rates for those services set forth in ER-879, adopted October 22, 1974, increased by a surcharge of 6.11 percent.

(Secs. 204(a), 403, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 and 771, as amended; 49 U.S.C. 1324, 1373, and 1386.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[1] The surcharge provisions for services performed with B-727 aircraft will be applied to all other common-rated aircraft types.

APPENDIX A

LONG-RANGE MAC INTERNATIONAL CARRIERS

Rate impact for current level of commercial fuel costs[1] based on reported results—year ended June 30, 1974—(in thousands)

	Year ended June 30, 1974[2]			Jan. 1, 1975, adjusted price per gallon (cents)[3]	Cost year ended June 30, 1974 based on price at Jan. 1, 1975	Cost impact at Jan. 1, 1975 prices	Computed revenues year ended June 30, 1974[4]	MAC rate impact (percent)[5]
	Gallons	Cost	Average price per gallon (cents)					
LONG-RANGE ROUTE CARRIERS								
Combination service:								
Northwest	7,689	$1,684	21.90	32.05	$2,464	$780	$16,585	4.71
Pan American	12,950	3,142	24.27	40.32	5,222	2,080	28,700	7.23
Trans World	4,200	881	20.97	41.62	1,748	867	7,259	11.95
Total Combination	24,839	5,707	22.98	37.98	9,434	3,728	52,614	7.09
All-Cargo Service:								
Airlift	2,323	554	23.87	44.12	1,025	471	6,149	7.66
Flying Tiger	4,571	806	17.63	24.72	1,130	324	16,361	1.98
Seaboard	3,456	568	16.44	37.27	1,288	720	6,385	11.28
Total All-Cargo	10,350	1,928	18.63	33.27	3,443	1,515	28,895	5.24
LONG-RANGE SUPPLEMENTALS								
Capitol	4,952	1,329	26.83	41.96	2,078	749	8,456	8.86
Overseas	3,521	876	24.88	44.76	1,576	700	7,183	9.75
Saturn	2,821	1,089	38.62	49.45	1,395	306	5,241	5.84
Trans International	3,470	881	25.40	31.90	1,107	226	10,876	2.07
World	4,535	949	20.93	32.99	1,496	547	13,996	3.91
Total Supplementals	19,299	5,124	26.55	39.65	7,652	2,528	45,752	5.53
Total Long-Range Carriers	54,488	12,759	23.42	37.68	20,530	7,771	127,261	6.11

[1] Per Carrier Reports as at Jan. 1, 1975.
[2] Reflects revised data submitted by carriers.
[3] See page 2.
[4] Revenue aircraft miles as reported on Form 242; adjusted to reflect circuity absorption, times the appropriate rate established in ER-879.
[5] Ratio of net commercial fuel cost impact to revenues produced under current interim final rates.

NOTE.—Totals may not add due to rounding.

LONG-RANGE INTERNATIONAL CARRIERS

Fuel cost impact—commercial fuel price changes [1] for currently active stations based on reported results—year ended June 30, 1974 (in thousands)

Carriers	Currently active stations: Reported for year ended June 30, 1974			Currently active stations: Jan. 1, 1975 [2]		All stations in MAC services year ended June 30, 1974			
	Gallons	Cost	Average price (cents)	Average price (cents)	Percent increase	Reported cost	Adjusted cost [3]	Reported gallons	Adjusted average price (cents)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Northwest	7,204	$1,544	21.44	31.37	46.34	$1,684	$2,464	7,689	32.05
Pan American	8,061	1,861	23.09	38.38	66.19	3,142	5,222	12,950	40.32
Trans World	3,404	738	21.69	43.06	98.48	881	1,748	4,200	41.62
Airlift	1,162	276	23.77	43.98	85.00	554	1,025	2,323	44.12
Flying Tiger	4,242	761	17.93	25.14	40.21	806	1,130	4,571	24.72
Seaboard	3,224	522	16.19	36.71	126.81	568	1,288	3,456	37.27
Capitol	3,697	1,116	30.19	47.22	56.40	1,329	2,078	4,952	41.96
Overseas	3,245	811	24.99	44.97	79.95	876	1,576	3,521	44.75
Saturn	2,711	1,069	39.44	50.52	28.10	1,089	1,395	2,821	49.40
Trans International	3,353	833	24.85	31.21	25.60	881	1,107	3,470	31.96
World	3,616	746	20.62	32.50	57.61	949	1,496	4,535	32.99

[1] As of Jan. 1, 1975.
[2] Included latest reported prices through Jan. 1, 1975.
[3] Column (6) plus 100 percent times column (7).

APPENDIX B

SHORT-RANGE MAC INTERNATIONAL CARRIERS

Rate impact for current level of commercial fuel costs [1] based on reported results—year ended June 30, 1974

	Year Ended June 30, 1974: Gallons (in thousands)	Year Ended June 30, 1974: Cost (thousands of dollars)	Year Ended June 30, 1974: Average price per Gallon cents [2]	Jan. 1, 1975, adjusted price per gallon (cents) [3]	Cost year ended June 30, 1974 Based on Price Jan. 1, 1975 (thousands of dollars)	Cost Impact At Jan. 1, 1975 prices (thousands of dollars)	Computed Revenues year ended June 30, 1974 (thousands of dollars) [4]	MAC rate impact (percent) [5]
SHORT-RANGE CARRIERS								
Pacific interisland:								
World	578	128	22.09	44.46	$257	$129	$7,388	1.75
All other:								
Eastern	886	272	30.64	43.91	389	117	3,550	3.28

[1] Per carrier reports as at Jan. 1, 1975.
[2] Reflects revised data submitted by carriers.
[3] See page 2.
[4] Revenue aircraft miles as reported on Form 243 times the appropriate rate established in ER-879.
[5] Ratio of net commercial fuel impact to revenues produced under current interim final rates.

SHORT-RANGE MAC INTERNATIONAL CARRIERS

Fuel cost impact—commercial fuel price changes [1] for currently active stations based on reported results—year ended June 30, 1974 (in thousands)

	Currently active stations: Reported for year ended June 30, 1974			Currently active stations: Jan. 1, 1975 [2]		All stations in MAC services year ended June 30, 1974			
	Gallons	Cost	Average price (cents)	Average price (cents)	Percent increase	Reported cost	Adjusted cost	Reported gallons	Adjusted average price (cents)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
CARRIERS									
Pacific interisland:									
World	410	$98	23.98	48.25	101.26	$128	$257	578	44.46
All other:									
Eastern	849	206	31.36	44.88	43.04	272	389	886	43.91

[1] As of Jan. 1, 1975.
[2] Includes latest reported prices through Jan. 1, 1975.
[3] Column (6) plus 100% times Column (7).

[FR Doc.75-3467 Filed 2-6-75;8:45 am]

Title 20—Employees' Benefits

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

[Reg. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965–........)[1]

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

DETERMINING REASONABLE COSTS FOR THERAPY SERVICES

On May 28, 1974, there was published in the FEDERAL REGISTER (39 FR 18467) a notice of proposed rulemaking with proposed amendments to Subpart D of Regulation No. 5 (20 CFR Part 405), regarding implementation of section 251 (c) of the Social Security Amendments of 1972, Pub. L. 92–603, as amended by section 17(a) of Pub. L. 93–233. On July 9, 1974, an extension of the comment period was granted (39 FR 25235) giving interested parties until July 27, 1974, to submit written comments or suggestions, thereon. Comments and suggestions received with regard to this Notice of Proposed Rule Making, responses thereto, and changes in the proposed regulations are summarized below.

Publication of guidelines in FEDERAL REGISTER. It has been recommended that the guidelines be published in the FEDERAL REGISTER prior to the effective date of the guidelines. Ordinarily, implementing instructions are sent directly to providers and intermediaries. However, in this case, it is appropriate to provide for more widespread notification via the FEDERAL REGISTER and we have adopted the recommendation. The guidelines will be published as a notice in the FEDERAL REGISTER prior to the beginning of the period to which they are applicable.

Allowance of exceptions to the guidelines. Many comments have been received to the effect that the guidelines do not reflect current market conditions for all providers. In order to provide for the most equitable evaluation of therapy services possible, a section has been added to provide that in certain circumstances, exceptions may be granted by the intermediary if the provider demonstrates to the satisfaction of the Social Security Administration that the guidelines are inappropriate to that provider.

Use of actual travel time for home health agencies. The recommendation was received and adopted that the proposed regulations be revised to permit a cost evaluation on the basis of actual travel time when services are performed for home health agencies. It is recognized that when services are performed for home health agencies, travel may be one of the major determinants of productivity, especially in sparsely populated areas. For this reason, the regulations have been revised so that the costs of therapy services provided under arrangements with home health agencies may be evaluated, at the option of the provider, by using necessary actual travel time in lieu of the standard travel allowance, if the provider maintains time records of visits. The travel time, of course, must be recorded by the therapist, and approved and maintained by the provider.

Effective date. Many comments were received recommending that the effective date of the regulations be delayed to allow for contract changes. Because the effective date of section 251(c) of Pub. L. 92–603, as amended by section 17(a) of Pub. L. 93–233, has been fixed by statute, the recommendation could not be adopted. However, an allowance has been made in the form of an exception where a provider has a binding contract with a therapist.

Suggestions and comments received but not adopted.

Unit of time vs. unit of services. A great number of those commenting disagreed with the methodology to evaluate the cost of therapy services by using cost per unit of time rather than cost per unit of service. The specific statutory language contained in section 251(c) of Pub. L. 92–603 provides that when therapy services are furnished under arrangements, reimbursement to the provider under the Medicare program "shall not exceed an amount equal to the salary which would reasonably have been paid for such services * * * if they had been performed in an employment relationship with such provider * * *." Moreover, both the statute (section 1861(v)(5)(B)) and the Senate Finance Committee report accompanying this legislation refer to a unit of service in lieu of a unit of time for limited part-time or intermittent service, which is an exception to the salary equivalence rule. To evaluate all therapy costs by using cost per unit of service would be inconsistent with the statute and the intent of Congress, which was to prevent program abuse through provision of many separately counted services by therapists contracting with providers who had little or no financial incentive to control therapy costs because these costs would be passed on in large part to Medicare and other payers. Moreover, these services are often furnished by persons who are salaried employees of a contractor who charges the provider for this service on a fee-for-service basis.

Definition of limited or intermittent part-time services. Some therapists have indicated that the establishment of 15 hours per week for "regular part-time" services is an arbitrary figure not founded on a reasonable basis. The statute refers to two categories of services: (a) Full-time and regular part-time services, and (b) limited or intermittent part-time services. Only when services are performed on a limited or intermittent part-time basis may the cost of these services be evaluated by units of service. It would seem reasonable to assume that if a provider required the services of a therapist on an average of at least two full days a week, the services were required on a regular part-time basis; thus, the limit for limited or intermittent part-time services was established at an average of less than 15 hours per week.

Fringe benefit and expense factor. Some comments indicated a misunderstanding about the extent to which overhead and fringe benefits are taken into account. The fringe benefit and expense factor includes an allowance for the fringe benefits an individual working as an employee receives in an employment relationship in addition to an allowance for the expenses an individual rendering services under arrangements for a provider would incur in rendering those services. It was never intended that overhead costs be substituted for fringe benefits but that this factor include both fringe benefits and overhead expenses.

Scope of regulations. Many who commented believed that the regulations applied only to physical therapists and were thus discriminatory. The regulations, in fact, apply to all therapy services and to the services of all health care specialists furnished under arrangements, not just the services of physical therapists. The initial guidelines, though, are being issued to evaluate the costs of physical therapy services furnished under arrangements inasmuch as physical therapy is the most common therapy service obtained under arrangements. Guidelines will be developed, as may be necessary, for the other services at a later date after consultation with the appropriate organizations. Until such guidelines are issued for a specific therapy, the costs of these therapy services will continue to be evaluated so that such costs do not exceed what a prudent and cost-conscious buyer would pay for the given services.

Use of Bureau of Labor Statistics (BLS) salary data. Many of those commenting argued against the use of BLS salary data for the following reasons:

The commenters believed the BLS data to be too limited because they reflect a sampling of only hospital departments. Congress recommended the use of BLS data to the Social Security Administration because the techniques employed by BLS are statistically valid, the BLS is an impartial source of information, and the data are readily available and are updated on a periodic basis. Guidelines derived from other statistically valid survey data may be used in lieu of the Social Security Administration guidelines, provided that the study designs, questionnaires, and instructions, as well as the resultant survey data are submitted to and approved in advance by the Social Security Administration and that the 75th percentile of the range of salaries paid to full-time employee therapists can be determined from the data. None of the major organizations has offered any data which establishes that BLS information is not reflective of the market.

The BLS salary data do not include salaries paid to supervisors, department heads or unit directors. However, the BLS data are appropriate for this purpose because in its report accompanying Pub. L. 92–603, the Senate Finance Committee instructed the Medicare program to set the salary equivalents at the 75th

percentile of the range of salaries paid in the area to therapists working full time in an employment relationship, with an additional allowance for therapists whose duties are administrative or supervisory in nature. This allowance for supervisory or administrative duties, then, may be added to the salary equivalents only when the therapist actually performs supervisory or administrative duties for the provider in addition to performing therapy services.

Many who commented also claimed that the guidelines based on BLS data were inappropriate for nonurban areas. No evidence has been submitted to indicate that BLS statistics are not appropriate for nonurban areas. Survey data obtained indicate that salaries in the health care field are generally lower in the nonurban areas and no salary data to the contrary have been offered and, therefore, applying the higher urban salary rates to the nonurban areas as well does not disadvantage nonurban providers.

Filing of appeal when guidelines issued. Comments have been received that a provider should be allowed to file an appeal as soon as the guideline amounts are issued rather than waiting until the intermediary has made an initial determination on the cost report submitted after the close of the cost reporting period. An appeal cannot be filed by the provider until the initial determination has been made on the provider's cost report because the total costs for therapy services cannot be determined until that time.

Request for exception to guidelines when providers furnish services to other providers. Recommendations were received, but not adopted, that an exception to the guidelines be permitted when a hospital or other provider furnishes services under arrangements to another provider because of the overhead costs involved. In this type of situation, it does not appear appropriate to allow an exception when alternative methods of delivering these services are available at rates that would not exceed the guidelines.

Charges imposed on beneficiaries. A comment was received that if the amount paid under the guidelines is less than the actual amount charged to the provider by the contracting therapist, the provider will be forced to charge the patient for the excess. In order to receive payment by the Medicare program, a provider in its agreement with the Secretary agrees under section 1866(a)(1)(A) of the Social Security Act not to charge the patient for covered items and services. Therefore, no modification is being made as a result of this comment.

A number of editorial changes have also been made in the interest of clarity.

(Secs. 1102, 1814(b), 1833(a), 1861(v)(5), 1871 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 294, as amended, 79 Stat. 302, as amended, 79 Stat. 313, as amended, 79 Stat. 331; (42 U.S.C. 1302, 1395f(b), 1395l(a), 1395x(v)(5), 1395hh), sec. 17(a), Pub. L. 93-233, 87 Stat. 967).

Effective date. These regulations will be effective March 10, 1975, and will be effective for cost-reporting periods beginning after the month in which final regulations become effective.

(Catalog of Federal Domestic Assistance Program Nos. 13.800, Health Insurance for the Aged—Hospital Insurance; and 13.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Dated: December 13, 1974.

J. B. Cardwell,
Commissioner of Social Security.

Approved: January 27, 1975.

Caspar W. Weinberger,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is further amended by adding § 405.432 to read as set forth below:

§ 405.432 Reasonable cost of physical and other therapy services furnished under arrangements.

(a) *Principle.* The reasonable cost of the services of physical, occupational, speech, and other therapists, and services of other health specialists (other than physicians), furnished under arrangements (as defined in section 1861(w) of the Social Security Act) with a provider of services, a clinic, a rehabilitation agency or a public health agency, shall not exceed an amount equivalent to the prevailing salary and additional costs that would reasonably have been incurred by the provider or other organization had such services been performed by such person in an employment relationship, plus the cost of other reasonable expenses incurred by such person in furnishing services under such an arrangement. However, if the services of a therapist are required on a limited part-time basis, or to perform intermittent services, payment may be made on the basis of a reasonable rate per unit of service, even though this rate may be greater per unit of time than salary-related amounts, where the greater payment is, in the aggregate, less than the amount that would have been paid had a therapist been employed on a full-time or regular part-time salaried basis. Pursuant to section 17(a) of Pub. L. 93-233 (87 Stat. 967), the provisions of this section shall be effective for cost reporting periods beginning after March, 1975.

(b) *Definitions*—(1) *Prevailing salary.* The prevailing salary is the hourly salary rate based on the 75th percentile of salary ranges paid by providers in the geographical area, by type of therapy, to therapists working full time in an employment relationship.

(2) *Fringe benefit and expense factor.* The standard fringe benefit and expense factor is an amount that takes account of fringe benefits, such as vacation pay, insurance premiums, pension payments, allowances for job-related training, meals, etc., generally received by an employee therapist, as well as expenses, such as maintaining an office, appropriate insurance, etc., an individual not working as an employee might incur in furnishing services under arrangements.

(3) *Adjusted hourly salary equivalency amount.* The adjusted hourly salary equivalency amount is the prevailing hourly salary rate plus the standard fringe benefit and expense factor. This amount is determined on a periodic basis for appropriate geographical areas.

(4) *Travel allowance.* A standard travel allowance is an amount that will be recognized, in addition to the adjusted hourly salary equivalency amount.

(5) *Limited part-time or intermittent services.* Therapy services will be held to be on a limited part-time or intermittent basis if the provider or other organization furnishing the services under arrangements requires the services of a therapist or therapists on an average of less than 15 hours per week. This determination shall be made by dividing the total hours of service furnished during the cost reporting period by the number of weeks in which the services were furnished in the cost reporting period regardless of the number of days in each week in which services were performed.

(6) *Guidelines.* Guidelines are the amounts published by the Social Security Administration reflecting the application of paragraph (b)(1), (2), (3) and (4) of this section to an individual therapy service and a geographical area. Other statistically valid data may be used to establish guidelines for a geographical area, provided that the study designs, questionnaires and instructions, as well as the resultant survey data for determining the guidelines are submitted to and approved in advance by the Social Security Administration. Such data must be arrayed so as to permit the determination of the 75th percentile of the range of salaries paid to full-time employee therapists.

(7) *Administrative responsibility.* Administrative responsibility is the performance of those duties which normally fall within the purview of a department head or other supervisor. This term does not apply to directing aides or other assistants in rendering direct patient care.

(c) *Application.* (1) Under this provision, the Social Security Administration will establish criteria for use in determining the reasonable cost of physical, occupational, speech, and other therapy services and the services of other health specialists (other than physicians) furnished by individuals under arrangements with a provider of services, a clinic, a rehabilitation agency, or a public health agency. It is recognized that providers have a wide variety of arrangements with such individuals. These individuals may be independent practitioners or employees of organizations furnishing various health care specialists. This provision does not require change in the substance of these arrangements.

(2) Where therapy services are performed under arrangements at a provider site on a full-time or regular part-time basis, the reasonable cost of such services may not exceed the amount determined by taking into account the total

number of hours of service rendered by the therapist, the adjusted hourly salary equivalency amount appropriate for the particular therapy in the geographical area in which the services are rendered, and a standard travel allowance.

(3) Where therapy services are performed under arrangements on a limited part-time or intermittent basis at the provider site, the reasonable cost of such services will be evaluated on a reasonable rate per unit of service basis, except that payment for these services, in the aggregate, during the cost reporting period, may not exceed the amount which would be determined to be reasonable under paragraph (c)(2) of this section, had a therapist furnished the provider or other organization furnishing the services under arrangements 15 hours of service per week on a regular part-time basis for the weeks in which services were rendered by the non-employee therapist.

(4) Where a home health agency furnishes services under arrangements at the patient's residence or in other situations where therapy services are not performed at the provider's site, the reasonable cost of such services will be evaluated as follows:

(i) *Time records available.* Where time records of home health visits are maintained by the provider, the reasonable cost of such services will be evaluated on a unit of time basis, by taking into account the total number of hours of service rendered by the therapist, the adjusted hourly salary equivalency amount appropriate for the particular therapy in the geographical area in which the services are rendered, and a standard travel allowance for each visit. However, where the travel time of the therapist is accurately recorded by the therapist and approved and maintained by the provider, the reasonable cost of such services may be evaluated, at the option of the provider, by taking into account the total number of hours of service rendered by the therapist, including travel time, and the adjusted hourly salary equivalency amount appropriate for the particular therapy in the geographical area in which the services are rendered. This option does not apply to services furnished by home health agencies under arrangements with providers other than home health agencies.

(ii) *No time records available.* Where time records are unavailable or found to be inaccurate, each home health agency visit is considered the equivalent of 1 hour of service. In such cases, the reasonable cost of such services will be determined by taking into account the number of visits made by the therapist under arrangements with such agency, the adjusted hourly salary equivalency amount appropriate for the particular therapy in the geographical area in which the services are rendered, and a standard travel allowance.

(iii) *Limited part-time or intermittent services.* Where, under paragraphs (c)(4)(i) or (ii) of this section, the provider required therapy services on an average of less than 15 hours per week, the services will be considered limited part-time or intermittent services, and the reasonable cost of such services will be evaluated on a reasonable rate per unit of service basis as described in paragraph (c)(3) of this section.

(5) These provisions are applicable to individual therapy services or disciplines by means of separate guidelines by geographical area and will apply to costs incurred after issuance of the guidelines but no earlier than the beginning of the provider's cost reporting period described in paragraph (a) of this section. Until a guideline is issued for a specific therapy or discipline, costs will be evaluated so that such costs do not exceed what a prudent and cost-conscious buyer would pay for the given service.

(d) *Notice of guidelines to be imposed.* Prior to the beginning of a period to which a guideline will be applied, a notice will be published in the FEDERAL REGISTER establishing the guideline amounts to be applied to each geographical area by type of therapy.

(e) *Additional allowances.* (1) Where a therapist supervises other therapists or has administrative responsibility for operating a provider's therapy department, a reasonable allowance may be added to the adjusted hourly salary equivalency amount by the intermediary based on its knowledge of the differential between therapy supervisors' and therapists' salaries in similar provider settings in the area.

(2) Where a therapist performing services under arrangements furnishes equipment and supplies used in rendering therapy services, the guideline amount may be supplemented by the cost of the equipment and supplies, provided the cost does not exceed the amount the provider, as a prudent and cost-conscious buyer, would have been able to include as allowable cost.

(f) *Exceptions.* The following exceptions may be granted but only upon the provider's demonstration that the conditions indicated are present:

(1) *Exception because of binding contract.* A provider will be excepted from the provisions of this section if it has a binding contract in writing with a therapist or contracting organization entered into prior to the date guidelines are published. Before the exception may be granted, however, the provider must submit the contract to its intermediary for a determination under this paragraph, subject to review and approval by the Social Security Administration regional office. Such an exception may be granted for the contract period, but not longer than 1 year from the date initial guidelines for the particular therapy are published.

(2) *Exception because of unique circumstances or special labor market conditions.* An exception may be granted under this section by the intermediary when a provider demonstrates that the costs for therapy services established by the guideline amounts are inappropriate to a particular provider because of some unique circumstances or special labor market conditions in the area.

(g) *Appeals.* A request by a provider for a hearing on the determination of an intermediary concerning the therapy costs determined to be allowable based on the provisions of this section, including a determination with respect to an exception under paragraph (f) of this section, shall be made to the intermediary only after submission of its cost report and receipt of the notice of amount of program reimbursement reflecting such determination, in accordance with the provisions of Subpart R of this Part 405 (20 CFR 405.1801 et seq.).

[FR Doc.75-3290 Filed 2-6-75;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Order Amending Canned Fruit Standards of Identity

The Commissioner of Food and Drugs published a proposal in the FEDERAL REGISTER of January 21, 1974 (39 FR 2368), based on a petition submitted by the California Canners and Growers, 3100 Ferry Building, San Francisco, CA 94106, to amend ten canned fruit identity standards so as to conform to the pattern of the canned plums standard as adopted by the Codex Alimentarius Commission. These are the United States identity standards for canned peaches (21 CFR 27.2), canned apricots (21 CFR 27.10), canned prunes (21 CFR 27.15), canned pears (21 CFR 27.20), canned seedless grapes (21 CFR 27.25), canned cherries (21 CFR 27.30), canned berries (21 CFR 27.35), canned fruit cocktail (21 CFR 27.40), canned pineapple (21 CFR 27.50) and canned figs (21 CFR 27.70).

Following a review of the comments received to the proposal and for the reasons set forth below the Commissioner is taking action essentially as proposed. However, as explained below, no action is being taken regarding the canned pineapple identity standard at this time. The principal features of this order as it relates to the other canned fruits is that it promotes consistency with the anticipated world-wide standards for these products and with the amendments proposed in the definition section for the canned fruits and fruit juices (21 CFR 27.1), and the canned plums identity standard (21 CFR 27.45) published elsewhere in this issue of the FEDERAL REGISTER. Adversely affected persons are invited to submit objections on or before March 10, 1975. In the absence of proper objections compliance with this order may begin on March 11, 1975, and all products shipped in interstate commerce after December 31, 1975, shall comply with this regulation except as to those portions which are stayed.

Seventeen letters were received in response to the proposal. Two letters supported the proposal as published. The comments in the remaining fifteen letters

and the Commissioner's conclusions with respect to them were as follows:

1. The National Red Cherry Institute (NRCI) requested that the canned cherry standard permit the optional use of safe and suitable artificial red coloring. The NRCI stated that it represents the growers of red tart cherries in Michigan, New York, Pennsylvania, and Wisconsin producing on the average 95 percent of the tart cherries harvested in the United States and that such growers have been adversely affected by decreased consumer acceptance of products packed in water or uncolored light to heavy syrup. NRCI further stated that such cherries turn a dull gray to tepid brown in color when heated during the canning process and that, if the products contain safe and suitable artificial red coloring, the cherries will have a color characteristic of the fresh fruit. NRCI submitted documentation that the use of safe and suitable red coloring will not conceal the blemishes that may be on the fruit due to hailmarks, windwhips, limbrubs, scald or bruising. It further stated that studies have shown that the use of approved red colors increased the intensity of the blemishes and such intensity increased during the storage life of the processed product.

The Commissioner is aware that, while the recommended international standard for canned cherries has not reached the final step of development, the current draft provides for the optional use of artificial red coloring. The Commissioner, however, concludes that before providing for such use in 21 CFR 27.30 a petition to amend the standard should be submitted for publication in the FEDERAL REGISTER so as to allow interested persons the opportunity to comment on the use of safe and suitable artificial coloring in canned cherries. Data demonstrating the problem of the decreased consumer acceptance of canned cherries packed in water or sirup should be included in support of the petition. The procedure for the filing of petitions requesting such amendments is set forth under 21 CFR 2.65.

2. The National Red Cherry Institute requested that the canned cherry standard provide for the term "red sour" as an optional alternative designation for "red tart".

The Commissioner concludes that since "red tart" is synonymous with "red sour", the term should be permitted as an alternative designation for the varietal type commonly referred to as "red sour".

3. The Del Monte Corporation suggested that the canned peach standard provide for an additional optional style of pack designated as "slices and pieces" in which the slices will be more than 50 percent by weight of the product. The product would be vacuum packed in a small amount of heavy sirup which is absorbed into the fruit. The Food and Drug Administration issued Del Monte a temporary marketing permit published in the FEDERAL REGISTER of October 18, 1973 (38 FR 28962), to test-market the product. Del Monte reported that the product has met with excellent consumer acceptance. Del Monte further stated that while it recognizes that the intent of the published proposal is to bring the United States identity standards for canned fruits into conformity with the Codex standards, and that the addition of a new style of peach ingredient would constitute a deviation from Codex, "this new style should be recognized because it is necessitated by the development of a wholly new canned peach product not in contemplation when the Codex standard was developed."

The Commissioner concludes that before a provision for "slices and pieces" as an optional style of pack for canned peaches is permitted, an amendment to the standard should first be proposed in the FEDERAL REGISTER to allow interested persons the opportunity to comment on the addition of "slices and pieces" as an optional style of pack. In addition, an appropriate amendment of the quality standard for canned peaches should also be proposed at the same time.

4. One comment suggested that the format for the canned plums standard be used as the format for all canned fruit standards. The California Canners and Growers commented that it was their intention in the petition to have the format for each identity standard as nearly the same as that for canned plums as circumstances peculiar to the fruit involved would permit.

It is the Commissioner's intention that the format of this order amending the canned fruit standards shall be the same as that of the canned plums standard.

5. Two comments requested that "clarified juice(s)" continue to be an optional packing medium for canned pears as provided in the present standard.

The Commissioner concurs with these comments and the regulations so provide. In addition § 27.20(c)(2) has been revised to include the recital covering the designation of clarified juice that has been concentrated which was inadvertently omitted from the proposal. This is consistent with the requirements already set out in the standard being revised.

6. The Pineapple Growers Association of Hawaii (PGAH), an association representing all processors of canned pineapple produced in the United States, objected to the amendment of the canned pineapple identity standard on the ground that it was proposed without recourse to the views and expert knowledge of the United States pineapple industry. The PGAH also filed a petition to amend the United States standards of identity, quality and fill of container for canned pineapple in consideration of the "Recommended International Standard for Canned Pineapple."

The Commissioner concludes that it is inappropriate at this time to issue an order ruling on the proposed amendment to the canned pineapple standard. He will hold the order ruling on the amendment in abeyance and consider it at a later date in conjunction with the petition of the PGAH.

7. The International Flavors and Fragrances, Inc. (IFF) took exception to the proposed amendment to the standard for canned berries in that there is no provision for the optional use of natural and artificial flavors. Added natural or artificial flavorings, the IFF stated, could compensate for some of the flavor lost in the canning process. Since artificial flavors often are less expensive than their natural counterparts, IFF added, flavor fortification could be effected without a significant cost increase to the consumer. Further, IFF stated that prohibiting the use of any flavors in canned berries imposes an unnecessary restraint on the quality and variety of available canned fruits.

The Commissioner concludes that safe and suitable natural and artificial flavors shall be optional ingredients of canned berries inasmuch as they are listed as optional ingredients of the other canned fruit standards being amended by this order. Canned pineapple will be dealt with at a later date.

8. Tri-Valley Growers recommended that the standards provide for fruit nectars as optional packing media. The proportion of pulp used in the nectar would be dependent upon the character of the pulp and the necessary quantity of water and sugar to achieve a good mouth feel. The sweetness level of the nectar would be at 14° to 16° Brix. Tri-Valley was issued a temporary permit, published in the FEDERAL REGISTER of October 26, 1973 (38 FR 29630), to market-test canned peaches, canned pears, and canned fruit cocktail packed in fruit nectars. The tests, though not completed, indicate, Tri-Valley stated, that consumers consider these products desirable items.

A proposed standard for canned fruit nectars was published in the FEDERAL REGISTER of October 1, 1964 (29 FR 13535). In response to the final order on that proposal, published in the FEDERAL REGISTER of May 7, 1968 (33 FR 6862), objections were filed and a public hearing was requested by adversely affected persons. The order was stayed, published in the FEDERAL REGISTER of July 27, 1968 (33 FR 10713). Among the issues to be resolved is the minimum percentage of fruit solids to be required in the nectars. An industry petition has been submitted to the office of the Hearing Clerk, Food and Drug Administration to amend the stayed standards in consideration of the "Recommended International Standard for Apricot, Peach, and Pear Nectars Preserved Exclusively by Physical Means."

The Commissioner is hopeful that the issues surrounding the stayed standard will be resolved and the United States will be able to adopt the recommended world-wide standard with relatively few deviations. The Commissioner concludes that it would be improper and inconsistent to provide for fruit nectars in canned fruits until the issues raised by the objections to the 1968 order have been resolved.

9. One comment suggested that the phrase which appears in each of the subject standards "* * * which imparts a characteristic to the finished food in addition to sweetness * * *" relating to

label declaration requirements of packing media should be revised in the interest of clarity so as to read "* * * which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness * * *".

The Commissioner concurs in this suggested change and the regulations have been changed accordingly.

10. It was suggested that the word "carbohydrate" be deleted from the term "nutritive carbohydrate sweeteners" to identify the class of sweetening ingredients which may be used in preparing packing media. The stated basis for this deletion is that the term will then conform to the title of 21 CFR Part 26 and nomenclature promulgated by the Codex Alimentarious Commission.

The Commissioner does not agree with this suggestion. The Commissioner is not aware of any sweetener, presently regarded as suitable for use in preparing packing media for canned fruits, which would be excluded from such use by restricting the class of sweeteners to "safe and suitable nutritive carbohydrate sweeteners." On the other hand, the Commissioner is aware of certain "nutritive sweeteners," which are not "nutritive carbohydrate sweeteners", that are not permitted by either the Codex standard or the existing U.S. standards for canned fruits. No data are available indicating that such "nutritive sweeteners" are suitable for use in the canned fruits covered by these standards. Any interested person may submit a petition, supported by reasonable grounds to provide for the use of such "nutritive sweeteners". The Codex standard specifically lists and limits the sweetener ingredients to five nutritive carbohydrate sweeteners. The U.S. standard in permitting the class designation "safe and suitable nutritive carbohydrate sweeteners" is less restrictive and will permit greater flexibility in the choice of suitable sweeteners that can be used. The Commissioner concludes that the term "carbohydrate" should be retained for the purpose of identifying those nutritive sweeteners in Part 26 that can properly be used in the Part 27 standards.

11. The question has recently been raised as to whether or not the substances mannitol and sorbitol are included in the Commissioner's use of the term "carbohydrate."

The Commissioner is aware that different chemical text books and scientific dictionaries may differ in their definition of the term "carbohydrate." The Food and Drug Administration is of the opinion that mannitol and sorbitol are sugar alcohols and are not "carbohydrates." Thus, they are not included within the term "nutritive carbohydrate sweetener" whenever it is used in Food and Drug Administration regulations.

12. One comment pointed out that the present definitions in 21 CFR 27.1 for corn sirup, dextrose, dried glucose sirup and glucose sirup should be changed to reference the recently published standards of identity for these foods in 21 CFR Part 26 or the definitions in Part 26 should be repeated in 21 CFR 27.1.

The Commissioner agrees with this comment, and applicable paragraphs of each of the subject standards have been revised to provide that if a nutritive carbohydrate sweetener has been defined in both § 27.1 and in Part 26 it shall comply with the standard in Part 26 in lieu of any definition that may appear in § 27.1.

13. One comment pointed out that the standard for canned peaches provides for the preparation of the liquid packing media from any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) whereas the other standards provide for the use of any safe and suitable nutritive carbohydrate sweetener. The petitioner stated in commenting on the proposal that it was their intention to propose the use of any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) in each of the standards.

The Commissioner concurs that the standards should provide for the use of any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) and this is reflected in the order set out below.

14. Hoffman-LaRoche, Inc., requested that the standards permit the optional fortification of canned fruits with vitamin C to enable industry to develop food products that would be of greater nutritive value to the consumer.

The Commissioner concludes that such a request is beyond the scope of the proposal and should be filed as a petition to amend the standards.

Elsewhere in this same issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs is publishing the order amending the definitions for canned fruits and fruit juices (21 CFR 27.1), and the standard of identity for canned plums (21 CFR 27.45) and establishing standards of quality (21 CFR 27.46) and fill of container (21 CFR 27.47) for canned plums based upon the canned plums standard adopted by the Codex Alimentarius Commission.

In consideration of the comments received and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend the identity standards for canned fruits and fruit juices as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120); *It is ordered*, That Part 27 be amended as follows:

1. Section 27.2 is revised to read as follows:

§ 27.2 Canned peaches; identity; label statement of optional ingredients.

(a) *Ingredients*. Canned peaches is the food prepared from one of the fresh, frozen, or previously canned optional peach ingredients *Prunus persica* L., of commercial canning varieties, but excluding nectarine varieties, specified in paragraph (b) of this section, which may be packed as a solid pack or in one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

(1) Natural and artificial flavors.

(2) Spice.

(3) Vinegar, lemon juice, or organic acids.

(4) Peach pits, except in the cases of peeled whole peaches, in a quantity not more than 1 peach pit to each 227 grams (8 ounces) of finished canned peaches.

(5) Peach kernels, except in the cases of peeled whole peaches and except when the optional ingredient in paragraph (a) (4) of this section is used.

(6) Ascorbic acid in an amount no greater than necessary to preserve color. Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) *Varietal types and styles*. The optional peach ingredients referred to in paragraph (a) of this section are prepared from mature peaches of the following optional varietal and color types and styles of peach ingredients; namely:

(1) *The optional varietal types*. (i) Freestone is the distinct varietal type where the pit separates readily from the flesh.

(ii) Clingstone is the distinct varietal type where the pit adheres to the flesh.

(2) *The optional color types*.—(i) *Yellow*—the varietal types in which the predominant color ranges from pale yellow to rich red orange.

(ii) *White*—the varietal types in which the predominant color ranges from white to yellow-white.

(iii) *Red*—The varietal types in which the predominant color ranges from pale yellow to orange red and with variegated red coloring other than that associated with the pit cavity.

(iv) *Green*—varietal types in which the flesh has a green tint even when mature.

(3) *The optional styles of the peach ingredients*.—(i) *Whole*—Consisting of whole peeled unpitted peaches.

(ii) *Halves*—consisting of peeled pitted peaches cut into two approximately equal parts.

(iii) *Halves and pieces*—consisting of a mixture in which the halves will be more than 50 percent by weight.

(iv) *Quartered*—consisting of peeled pitted peaches cut into four approximately equal parts.

(v) *Sliced*—consisting of peeled pitted peaches cut into wedge-shaped sectors.

(vi) *Diced*—consisting of peeled pitted peaches cut into cube-like parts.

(vii) *Pieces or irregular pieces*—consisting of peeled pitted peaches of irregular shapes and sizes.

(c) *Packing media*. (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.

(ii) Fruit juice(s) and water.

(iii) Fruit juice(s).

Such packing media may be used as such for any one or any combination of two or

more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium, expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 27.1(m), shall be designated by the appropriate name for the respective density ranges, namely:

(i) When the density of the solution is 10 percent or more but less than 14 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(ii) When the density of the solution is 14 percent or more but less than 18 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(iii) When the density of the solution is 18 percent or more but less than 22 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(iv) When the density of the solution is 22 percent or more but not more than 35 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(d) *Labeling requirements*. (1) The name of the food is "peaches". The optional varietal type as set forth in paragraph (b)(1) of this section shall be a part of the name. The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added", or in lieu of the word "Spice", the common name of the spice, "Seasoned with Vinegar" or "Seasoned with Peach Kernels". When two or more of the optional ingredients specified in paragraph (a)(2) through (5) of this section are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil and Peach Kernels".

(2) The color type and style of the peach ingredient as provided in paragraph (b)(2) and (3) of this section and the name of the packing medium specified in paragraph (c)(1) and (2) of this section, preceded by "In" or "Packed In" or the words "solid pack", where applicable, shall be included as part of the name or in close proximity to the name of the food. The terms "Cling" and "Free" may be used as optional designations for "Clingstone" and "Freestone" respectively. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor, or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "________ sirup if brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (c)(1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (d)(3) of this section; and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d)(3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d)(2)(ii) of this section, such names and the words "from concentrate", as specified in paragraph (d)(2)(iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

2. Section 27.10 is revised to read as follows:

§ 27.10 Canned apricots; identity; label statement of optional ingredients.

(a) *Ingredients*. Canned apricots is the food prepared from mature apricots of one of the optional styles specified in paragraph (b) of this section, which may be packed as solid pack or in one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one, or any combination of two or more of the following safe and suitable optional ingredients:

(1) Natural and artificial flavors.

(2) Spice.

(3) Vinegar, lemon juice, or organic acids.

(4) Apricot pits, except in the cases of unpeeled whole apricots and peeled whole apricots, in a quantity not more than 1 apricot pit to each 227 grams (8 ounces) of finished canned apricots.

(5) Apricot kernels, except in the cases of unpeeled whole apricots and peeled whole apricots, and except when optional ingredient under paragraph (a)(4) of this section is used.

(6) Ascorbic acid in an amount no greater than necessary to preserve color.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) *Optional styles of the apricot ingredient*. The optional styles of the apricot ingredient referred to in paragraph (a) of this section are peeled or unpeeled:

(1) Whole.
(2) Halves.
(3) Quarters.
(4) Slices.
(5) Pieces or irregular pieces.

Each such ingredient, except in the cases of unpeeled whole apricots and peeled whole apricots, is pitted.

(c) *Packing media*. (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.
(ii) Fruit juice(s) and water.
(iii) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 27.1(m) shall be designated by the appropriate name for the respective density ranges, namely:

(i) When the density of the solution is 10 percent or more but less than 16 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(ii) When the density of the solution is 16 percent or more but less than 21 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(iii) When the density of the solution is 21 percent or more but less than 25 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(iv) When the density of the solution is 25 percent or more but not more than 40 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(d) *Labeling requirements*. (1) The name of the food is "apricots". The name

of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added", or in lieu of the word "Spice", the common name of the spice, "Seasoned with Vinegar" or "Seasoned with Apricot Kernels". When two or more of the optional ingredients specified in paragraph (a)(2) through (5), inclusive, of this section are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil and Apricot Kernels".

(2) The style of the apricot ingredient as provided in paragraph (b) of this section and the name of the packing medium as used in paragraph (c)(1) and (2) of this section, are preceded by "In" or "Packed In" or the words "solid pack", where applicable, shall be included as part of the name or in close proximity to the name of the food. The style of the apricot ingredient shall be preceded or followed by "Unpeeled" or "Peeled", as the case may be. "Halves" may be alternatively designated "halved", "quarters" as "quartered" and "slices" as "sliced". When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "___________ sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (c)(1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit".

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (d)(3) of this section, and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d)(3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d)(2)(ii) of this section, such names and the words "from concentrate," as specified in paragraph (d)(2)(iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

3. Section 27.15 is revised to read as follows:

§ 27.15 Canned prunes; identity; label statement of optional ingredients.

(a) *Ingredients.* Canned prunes is the food prepared from dried prunes, which may be packed as a solid pack or in one of the optional packing media specified in paragraph (b) of this section. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

(1) Natural and artificial flavors.

(2) Spice.

(3) Vinegar, lemon juice, or organic acids.

(4) Unpeeled pieces of citrus fruits.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.

(ii) Fruit juice(s) and water.

(iii) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in §27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 27.1(m) shall be designated by the appropriate name for the respective density ranges, namely:

(i) When the density of the solution is less than 20 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(ii) When the density of the solution is 20 percent or more but less than 24 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(iii) When the density of the solution is 24 percent or more but less than 30 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(iv) When the density of the solution is 30 percent or more but not more than 45 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(c) *Labeling requirements.* (1) The name of the food is "prunes—prepared from dried prunes". The words "prepared from dried prunes" shall be in close proximity to the word "prunes" and shall be of the same style and not less than ½ of the point size of the type used for the word "prunes". The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added", or in lieu of the word "Spice", the common name of the spice, "Seasoned with Vinegar" or "Seasoned with Unpeeled Pieces of Citrus Fruit". When two or more of the optional ingredients specified in paragraph (a)(2) through (4) of this section are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil and Unpeeled Pieces of Citrus Fruit."

(2) When the food is prepared with a packaging medium, the name of the packing medium specified in paragraph (b)(1) and (2) of this section, preceded by "In" or "Packed In" and the words "cooked", "stewed", or "prepared", shall be included as part of the name or in close proximity to the name of the food. When no packing medium is used, the words "solid pack" or "moist pack" or the word "moistened" followed by the words "without sirup" shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "________ sirup of brown sugar and honey", the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (b)(1) and (2) of this ________ section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit",

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (c)(3) of this section, and

(iii) In the case of the single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (c)(3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (c)(2)(ii) of this section, such names and the words "from concentrate", as specified in paragraph (c)(2)(iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

4. Section 27.20 is revised to read as follows:

§ 27.20 Canned pears; identity; label statement of optional ingredients.

(a) *Ingredients*. Canned pears is the food prepared from one of the fresh or previously canned optional pear ingredients *Pyrus communis* or *Pyrus sinensis* specified in paragraph (b) of this section which may be packed in one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients.

(1) Natural and artificial flavors.
(2) Spice.
(3) Vinegar, lemon juice, or organic acids.
(4) Artificial colors.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) *Styles and forms of units*. The optional pear styles and forms of units referred to in paragraph (a) of this section are:

(1) Peeled or unpeeled whole.
(2) Peeled or unpeeled halves.
(3) Peeled quarters.
(4) Peeled slices.
(5) Peeled dice.
(6) Diced or cubed.
(7) Peeled pieces or irregular pieces.

Each such ingredient, except in the cases of peeled whole pears and unpeeled whole pears, is cored.

(c) *Packing media*. (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.
(ii) Fruit juice(s) and water.
(iii) Fruit juice(s).
(iv) Clarified juice.

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) If the concentration of clarified juice is such that the packing medium forms to the density range for one of the sirups under paragraph (c)(2)(i), (ii), (iii), or (iv) of this section, the concentrated clarified juice is considered to be light sirup, heavy sirup, or extra heavy sirup, as the case may be. When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure in § 27.1(m) shall be designated by the appropriate name for the respective density ranges, namely:

(i) When the density of the solution is less than 14 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(ii) When the density of the solution is 14 percent or more but less than 18 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(iii) When the density of the solution is 18 percent or more but less than 22 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(iv) When the density of the solution is 22 percent or more but not more than 35 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(d) *Labeling requirements*. (1) The name of the food is "pears". The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added", or in lieu of the word "Spice", the common name of the spice, "Seasoned with Vinegar". When two or more of the optional ingredients specified in paragraph (a)(2) and (3) of this section are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil".

(2) The style and forms of units of the pear ingredient as provided in paragraph (b) of this section and the name of the packing medium specified in paragraph (c)(1) and (2) of this section, preceded by "In" or "Packed In" or the words "solid pack", where applicable, shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "________ sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy", as the case may be. When the liquid portion of the packing media provided for in paragraph (c)(1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (d)(3) of this section; and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d)(3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d)(2)(ii) of this section, such names and the words "from concentrate", as specified in paragraph (d)(2)(iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

5. Section 27.25 is revised to read as follows:

§ 27.25 Canned seedless grapes; identity; label statement of optional ingredients.

(a) *Ingredients*. Canned seedless grapes is the food prepared from one of the fresh or previously canned optional grape ingredients specified in paragraph (b) of this section, which may be packed in one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

(1) Natural and artificial flavors.
(2) Spice.
(3) Vinegar, lemon juice, or organic acids.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) *Varietal types and styles*. The optional grape ingredients referred to in paragraph (a) of this section are prepared from stemmed grapes of the light or dark seedless varieties or from unstemmed clusters of such grapes. For the purposes of paragraph (d) of this section, the names of such optional grape ingredients are "light seedless grapes" or "dark seedless grapes", as the case may be, preceded by the words "unstemmed clusters" where applicable.

(c) *Packing media*. (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.
(ii) Fruit juice(s) and water.
(iii) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 27.1(m) shall be designated by the appropriate name for the respective density ranges, namely:

(i) When the density of the solution is less than 14 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(ii) When the density of the solution is 14 percent or more but less than 18 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(iii) When the density of the solution is 18 percent or more but less than 22 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(iv) When the density of the solution is 22 percent or more but not more than 35 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(d) *Labeling requirements*. (1) The name of the food is "seedless grapes." The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added," or in lieu of the word "Spice," the common name of the spice, or "Seasoned with Lemon Juice." When two or more of the optional ingredients specified in paragraph (a)(2) and (3) of this section are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil."

(2) The color type and style of the grape ingredient as provided in paragraph (b) of this section and the name of the packing medium specified in paragraph (c)(1) and (2) of this section, preceded by "In" or "Packed In" or the words "solid pack," where applicable, shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "______________ sirup of brown sugar and honey" the blank to be filled in with the word "light," "heavy," or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (c)(1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (d)(3) of this section; and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d)(3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d)(2)(ii) of this section, such names and the words "from concentrate", as specified in paragraph (d)(2)(iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

6. Section 27.30 is revised to read as follows:

§ 27.30 Canned cherries; identity; label statement of optional ingredients.

(a) *Ingredients*. Canned cherries is the food prepared from one of the optional fresh or previously canned cherry ingredients specified in paragraph (b) of this section, which may be packed in one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

(1) Natural and artificial flavors.

(2) Spice.

(3) Vinegar, lemon juice, or organic acids.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) *Varietal types and styles*. The optional cherry ingredients referred to in paragraph (a) of this section are prepared from mature pitted or unpitted cherries of the red tart or alternatively, red sour, light sweet or dark sweet varietal group.

(c) *Packing media*. (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.

(ii) Fruit juice(s) and water.

(iii) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 27.1(m) shall be designated by the appropriate name for the respective density ranges, namely:

(i) In the case of sweet cherries:

(*a*) When the density of the solution is less than 16 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)," as the case may be.

(*b*) When the density of the solution is 16 percent or more but less than 20 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)," as the case may be.

(*c*) When the density of the solution is 20 percent or more but less than 25 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)," as the case may be.

(*d*) When the density of the solution is 25 percent or more but not more than 35 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(ii) In the case of red tart cherries:

(*a*) When the density of the solution is less than 18 percent, the medium shall be designated as "slightly sweetened water"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(*b*) When the density of the solution is 18 percent or more but less than 22 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(*c*) When the density of the solution is 22 percent or more but less than 28 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(*d*) When the density of the solution is 28 percent or more but not more than

45 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(d) *Labeling requirements.* (1) The name of the food is "cherries". The optional varietal type as set forth in paragraph (b) of this section, preceded or followed by the word "pitted" when this is the fact, shall be a part of the name. The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added", or in lieu of the word "Spice", the common name of the spice, or "Seasoned with Lemon Juice". When two or more of the optional ingredients specified in paragraph (a) (2) and (3) of this section are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil".

(2) The color type and style of the cherry ingredient as provided in paragraph (b) of this section and the name of the packing medium specified in paragraph (c) (1) and (2) of this section, preceded by "In" or "Packed In" or the words "solid pack", where applicable, shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "______________ sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (c) (1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (d) (3) of this section; and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d) (3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d) (2) (ii) of this section, such names and the words "from concentrate", as specified in paragraph (d) (2) (iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

7. Section 27.35 is revised to read as follows:

§ 27.35 Canned berries; identity; label statement of optional ingredients.

(a) *Ingredients.* Canned berries is the food prepared from any suitable variety of one of the optional berry ingredients specified in paragraph (b) of this section, which may be packed in one of the optional packing media specified in paragraph (c) of this section. It may contain safe and suitable natural and artificial flavors. It is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) *Varietal types.* The optional berry ingredients referred to in paragraph (a) of this section are prepared from stemmed fruit of the following optional varietal types of berry ingredient; namely:

(i) Raspberry varieties conforming to the characteristics of *Rubus idaeus* L. or *Rubus occidentalis* L.
(ii) Blackberries.
(iii) Blueberries.
(iv) Boysenberries.
(v) Dewberries.
(vi) Gooseberries.
(vii) Huckleberries.
(viii) Loganberries.
(ix) Strawberries.
(x) Youngberries.

(c) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.
(ii) Fruit juice(s) and water.
(iii) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the four density ranges of the resulting packing media hereinafter specified for each berry ingredient, expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure described in § 27.1(m), shall be designated by the appropriate name for each of the respective density ranges for each berry ingredient as:

(i) "Slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(ii) "Light sirup", when the liquid used is water; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(iii) "Heavy sirup", when the liquid used is water; or "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(iv) "Extra heavy sirup", when the liquid used is water; or "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

The density ranges referred to herein are:

Optional berry ingredient	Density ranges							
	(i)		(ii)		(iii)		(iv)	
	Minimum	Maximum less than	Minimum	Maximum less than	Minimum	Maximum less than	Minimum	Maximum not more than
Raspberries	11	15	15	20	20	27	27	35
Blackberries		14	14	19	19	24	24	35
Blueberries		15	15	20	20	25	25	35
Boysenberries		14	14	19	19	24	24	35
Dewberries		14	14	19	19	24	24	35
Gooseberries		14	14	20	20	26	26	35
Huckleberries		15	15	20	20	25	25	35
Loganberries		14	14	19	19	24	24	35
Strawberries		14	14	19	19	27	27	35
Youngberries		14	14	19	19	24	24	35

(d) *Labeling requirements.* (1) The name of the food is the appropriate name of the berry ingredient specified in paragraph (b) of this section.

(2) The name of the packing medium, as used in paragraph (c) (1) of this section preceded by "In" or "Packed In" as provided in paragraph (c) of this section and, in the case of raspberries other than red raspberries provided for in paragraph (b) of this section, the name of such packing medium and the color of such raspberry shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "________ sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (c) (1) and (2) of this sec-

tion consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (c) of this section; and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d)(3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d)(2)(ii) of this section, such names and the words "from concentrate", as specified in paragraph (d)(2)(iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

8. Section 27.40 is revised to read as follows:

§ 27.40 Canned fruit cocktail; identity; label statement of optional ingredients.

(a) *Ingredients*. Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail, is the food prepared from the mixture of fresh, frozen, or previously canned fruit ingredients of mature fruits in the forms and proportions as provided in paragraph (b) of this section, and one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

(1) Natural and artificial flavors.

(2) Spice.

(3) Vinegar, lemon juice, or organic acids.

(4) Ascorbic acid in an amount no greater than necessary to preserve color.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) *Varietal types and styles*. The fruit ingredients referred to in paragraph (a) of this section, the forms of each, and the percent by weight of each in the mixture of drained fruit from the finished canned fruit cocktail are as follows:

(1) *Peaches*. Any firm yellow variety of the species *Prunus persica* L., excluding nectarine varieties, which are pitted, peeled, and diced, not less than 30 percent and not more than 50 percent.

(2) *Pears*. Any variety, of the species *Pyrus communis* L. or *Pyrus sinensis* L., which are peeled, cored, and diced, not less than 25 percent and not more than 45 percent.

(3) *Pineapples*. Any variety, of the species *Ananas comosus* L., which are peeled, cored, and cut into sectors or into dice, not less than 6 percent and not more than 16 percent.

(4) *Grapes*. Any seedless variety, of the species *Vitis vinifera* L. or *Vitis labrusca* L., not less than 6 percent and not more than 20 percent.

(5) *Cherries*. Approximate halves or whole pitted cherries of the species *Prunus cerasus* L., not less than 2 percent and not more than 6 percent, of the following types:

(i) Cherries of any light, sweet variety;

(ii) Cherries artificially colored red; or

(iii) Cherries artificially colored red and flavored, natural or artificial.

Provided, That each 127.5 grams (4½ ounces avoirdupois) of the finished canned fruit cocktail and each fraction thereof greater than 56.7 grams (2 ounces avoirdupois) contain not less than 2 sectors or 3 dice of pineapple and not less than 1 approximate half of the optional cherry ingredient.

(c) *Packing media*. (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.

(ii) Fruit juice(s) and water.

(iii) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 27.1(m) shall be designated by the appropriate name for the respective density ranges, namely:

(i) When the density of the solution is 10 percent or more, but less than 14 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(ii) When the density of the solution is 14 percent or more but less than 18 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(iii) When the density of the solution is 18 percent or more but less than 22 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(iv) When the density of the solution is 22 percent or more but not more than 35 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(d) *Labeling requirements*. (1) The name of the food is "fruit cocktail". The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added", or in lieu of the word "Spice", the common name of the spice, "Seasoned with Vinegar" or "Seasoned with Lemon Juice". When two or more of the optional ingredients specified in paragraph (a)(2) and (3) of this section are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil and Lemon Juice".

(2) The name of the packing medium as used in paragraph (c)(1) and (2) of this section, preceded by "In" or "Packed In" shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example, in the case of a mixture of brown sugar and honey, an appropriate statement would be "________ sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (c)(1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (d)(3) of this section; and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d)(3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d)(2)(ii) of this section, such names and the words "from concentrate", as specified in paragraph (d)(2)(iii) of this section, shall appear in

an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

9. Section 27.70 is revised to read as follows:

§ 27.70 Canned figs; identity; label statement of optional ingredients.

(a) Canned figs is the food prepared from one of the optional fig ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section, to which lemon juice, concentrated lemon juice or organic acid(s) is added, when necessary to reduce the pH of the finished product to pH 4.9 or below. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

(1) Natural and artificial flavoring.

(2) Spice.

(3) Vinegar.

(4) Unpeeled segments of citrus fruits.

(5) Salt.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) The optional fig ingredients referred to in paragraph (a) of this section are prepared from mature figs of the light or dark varieties. Figs (or whole figs), split figs (or broken figs), or any combination thereof are optional fig ingredients. A "whole fig" is one which is whole, but may be slightly cracked, provided it retains its natural conformation without exposing the interior. A "split" or "broken" fig is one which is open to an extent that the seed cavity is exposed whether broken entirely into separate pieces.

(c) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.

(ii) Fruit juice(s) and water.

(iii) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 27.1(m) shall be designated by the appropriate name for the respective density ranges, namely:

(i) When the density of the solution is 11 percent or more but less than 16 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(ii) When the density of the solution is 16 percent or more but less than 21 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(iii) When the density of the solution is 21 percent or more but less than 26 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(iv) When the density of the solution is 26 percent or more but not more than 35 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(d) *Labeling requirements.* (1) The name of the food is "figs". The words "broken" or "split" shall be a part of the name when the optional fig ingredient is a broken or split fig. The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added", or in lieu of the word "Spice", the common name of the spice, "Seasoned with Vinegar" or "Seasoned with Unpeeled Segments of Citrus Fruits". When two or more of the optional ingredients specified in paragraph (a)(2) through (5), inclusive, of this section are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil and Unpeeled Segments of Citrus Fruits."

(2) The name of the packing medium as used in paragraph (c)(1) of this section, preceded by "In" or "Packed In", as provided in paragraph (c) of this section, shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food other than sweetness, as for example, a mixture of brown sugar and honey, the statement "________ sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy", as the case may be, shall be included as part of the name or in close proximity to the name of the food. When the liquid portion of the packing media provided for in paragraph (c)(1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (d)(3) of this section; and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d)(3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d)(2)(ii) of this section, such names and the words "from contrate", as specified in paragraph (d)(2)(iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time on or before March 10, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. Compliance with this order, which shall include any labeling changes required, may begin on March 11, 1975, and all products shipped in interstate commerce after December 31, 1975, shall comply with this regulation except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055-1056 as amended by 70 Stat. 919, 72 Stat. 948; (21 U.S.C. 341, 371))

Dated: February 3, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-3518 Filed 2-6-75;8:45 am]

PART 27—CANNED FRUITS AND FRUIT JUICES

Definitions for Canned Fruits and Fruit Juices and Identity Standard for Canned Plums and Establishing Quality and Fill of Container Standards for Canned Plums

In the FEDERAL REGISTER of January 21, 1974 (39 FR 2377) the Commissioner of Food and Drugs, on his own initiative, proposed amendment of the definitions for canned fruits and fruit juices (21 CFR 27.1), amendment of the standard of identity for canned plums (21 CFR 27.45), and the establishment of standards of quality (21 CFR 27.46) and fill of container (21 CFR 27.47) for canned plums based upon the canned plums standard adopted by the Codex Alimentarius Commission.

Following a review of the comments received to the proposal and for the reasons set out below the Commissioner is taking action essentially as proposed and consistent with the Codex standard being considered.

The principal features of this order are: The elimination of the specific listing of sweeteners and proportionality requirements for such sweeteners; substituting a provision for the use of "safe and suitable nutritive carbohydrate sweeteners"; and establishing a standard of quality and fill of container for canned plums. Persons adversely affected are invited to submit objections on or before March 10, 1975. In the absence of proper objections compliance with this order may begin on March 11, 1975, and all products shipped in interstate commerce after December 31, 1975, shall comply with this regulation except as to any portions which are stayed.

Four letters containing a number of comments were received in response to the proposed amendment to the definitions section for canned fruits and fruit juices, and the identity standard for canned plums as well as the proposed establishment of standards of quality and fill of container for canned plums. Two of the comments supported the proposal. The remaining comments and the Commissioner's response to the comments are as follows:

1. One comment recommended that the identity standard provide for the optional use of sodium hexametaphosphate (SHMP) at a level equal to one-half of one percent in the finished food. The comment stated that a review of the substances "Generally Recognized as Safe" (GRAS), 21 CFR 121.101, indicates that SHMP may be used as a sequestrant and could also function as a preservative. Accompanying material submitted with the comment stated that there is evidence in the literature that SHMP can tenderize the skins of canned Italian plums and that the tenderizing effect was confirmed in limited tests on canned Stanley plums. It further stated that there also appears to be less color loss (the sirup is more red) in plums treated with SHMP.

Although SHMP is listed in 21 CFR 121.101(d)(6) as a sequestrant, the Commissioner is unaware of any history of its commercial use as a tenderizer or color enhancer in any food, pursuant to the proposal on general recognition of safety and prior sanctions for food ingredients, published in the FEDERAL REGISTER of September 23, 1974, (39 FR 34194). He therefore concludes that, in view of the inadequate support submitted to demonstrate that providing for the use of SHMP in canned plums for the requested use would promote honesty and fair dealing in the interest of consumers, the request is denied.

2. It was suggested that the word "carbohydrate" be deleted from the term "nutritive carbohydrate sweeteners" to identify the class of sweetening ingredients which may be used in preparing packing media. The stated basis for this deletion is that the term will then conform to the title of 21 CFR Part 26 and nomenclature promulgated by the Codex Alimentarius Commission.

The Commissioner does not agree with this suggestion. The Commissioner is not aware of any sweetener, presently regarded as suitable for use in preparing packing media for canned fruits, which would be excluded from such use by restricting the class of sweeteners to "safe and suitable nutritive carbohydrate sweeteners." On the other hand, the Commissioner is aware of certain "nutritive sweeteners," which are not "nutritive carbohydrate sweeteners," that are not permitted by either the Codex standard or the existing U.S. standards for canned fruits. No data are available indicating that such "nutritive sweeteners" are suitable for use in the canned fruits covered by these standards. Any interested person may submit a petition, supported by reasonable grounds to provide for the use of such "nutritive sweeteners." The Codex standard specifically lists and limits the sweetener ingredients to five nutritive carbohydrate sweeteners. The U.S. standard in permitting the class designation "safe and suitable nutritive carbohydrate sweeteners" is less restrictive and will permit greater flexibility in the choice of suitable sweeteners that can be used. The Commissioner concludes that the term "carbohydrate" should be retained for the purpose of identifying those nutritive sweeteners in Part 26 that can properly be used in the Part 27 standards.

3. The question has recently been raised as to whether or not the substances mannitol and sorbitol are included in the Commissioner's use of the term "carbohydrate."

The Commissioner is aware that different chemical text books and scientific dictionaries may differ in their definition of the term "carbohydrate." The Food and Drug Administration is of the opinion that mannitol and sorbitol are sugar alcohols and are not "carbohydrates." Thus, they are not included within the term "nutritive carbohydrate sweetener" whenever it is used in Food and Drug Administration regulations.

4. One comment pointed out that the present definitions in 21 CFR 27.1 for corn sirup, dextrose, dried glucose sirup and glucose sirup should be changed to reference the recently published standards of identity for these foods in 21 CFR Part 26 or the definitions in Part 26 should be repeated in 21 CFR 27.1.

The Commissioner agrees with this comment, and § 27.45(c) has been revised to provide that if a nutritive carbohydrate sweetener has been defined in both § 27.1 and in Part 26 it shall comply with the standard in Part 26 in lieu of any definition that may appear in § 27.1.

5. One comment suggested that the phrase in § 27.2(d)(2) "* * * which imparts a characteristic to the finished food in addition to sweetness * * *" relating to label declaration requirements of packing media should be revised in the interest of clarity to read "* * * which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness * * *".

The Commissioner concurs in this suggested change and the regulation has been changed accordingly.

6. One comment suggested that the definitions for canned fruits and fruit juices contain the following definition for clarified juice: "The term clarified juice means the liquid expressed wholly or in part from peelings, shells, cores, or from the flesh or parts thereof, which is clarified and may be further refined or concentrated."

The Commissioner concludes that the definition for clarified juice suggested encompasses the definitions of clarified juice which appear in §§ 27.20 and 27.50 and that with minor modifications it should be incorporated into the definitions section for canned fruits and fruit juices.

7. The Commissioner concludes that the procedure for the determination of the drained weight of canned fruit, which is applicable to many of the canned fruit standards, should be included in the definitions for canned fruits and fruit juices under 21 CFR 27.1 rather than repeated in each of the standards where the procedure is required. The drained weight procedure has therefore been deleted from the fill of container standard for canned plums and a cross-reference in 21 CFR 27.47(a) is created to the procedure now set forth in 21 CFR 27.1(n). In addition § 27.1(n) has been revised to clarify the procedure and make it consistent with the Official Methods of Analysis of the Association of Official Analytical Chemists.

8. The Commissioner concludes that the definition of "blemishes" in the standard of quality under 21 CFR 27.46 (a)(1) should be revised to be more specific with respect to the types of blemishes common to plums. He concludes that canned plums are considered as containing blemishes when damaged by insects or when the appearance or eating quality is materially affected by friction, disease, external stone gum or discoloration.

The Commissioner also published a proposal in the FEDERAL REGISTER of January 21, 1974 (39 FR 2368), based on a

petition submitted by the California Canners and Growers, 3100 Ferry Bldg., San Francisco, CA 94106, to amend other U.S. canned fruit identity standards so as to conform to the pattern of the proposed canned plums identity standard. These are the U.S. identity standards for canned peaches (21 CFR 27.2), canned apricots (21 CFR 27.10), canned prunes (21 CFR 27.15), canned pears (21 CFR 27.20), canned seedless grapes (21 CFR 27.25), canned cherries (21 CFR 27.30), canned berries (21 CFR 27.35), canned fruit cocktail (21 CFR 27.40), canned pineapple (21 CFR 27.50) and canned figs (21 CFR 27.70). The order ruling on this proposal is published elsewhere in this issue of the FEDERAL REGISTER.

In consideration of the comments received and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend the definitions for canned fruits and fruit juices and the standard of identity for canned plums and to establish standards of quality and fill of container for canned plums as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 27 be amended as follows:

1. In § 27.1 by adding new paragraphs (h), (i), (j), (k), (l), (m), (n), (o), and (p) to read as follows:

§ 27.1 Definitions.

* * * * *

(h) The term "water" means, in addition to water, any mixture of water and fruit juice in which the fruit juice(s) is less than 50 percent of such mixture, including any water contributed by the use of liquid nutritive carbohydrate sweeteners.

(i) The term "fruit juice(s) and water" means any mixture of fruit juice as herein defined and water, including any water contributed by the use of liquid nutritive carbohydrate sweeteners, in which the fruit juice(s) is 50 percent, or more, of such mixture except that water used in preparing equivalent single strength juice(s) from concentrate(s) shall not be considered to be a mixture of fruit juice and water.

(j) The term "fruit juice(s)" means single strength expressed juice(s) of sound, mature fruit(s). It may be fresh, frozen, canned, or made from concentrate(s). However, if it is made from concentrate(s), the juice(s) shall be reconstituted with water to not less than the soluble solids that such fruit juice had before concentration. Fruit juice(s) may be used singly or in combination. If a fruit juice(s) is used which is regulated by a standard of identity of this chapter, it shall conform to the compositional requirements prescribed by such standard prior to the addition of any sweetener which may be used.

(k) The term "clarified juice" means the liquid expressed wholly or in part from fruit peelings, fruit shells, fruit cores, or from the fruit flesh or parts thereof, which is clarified and may be further refined or concentrated.

(l) The term "solid pack" means the product contains practically all fruit with only the very little free flowing liquid that is expressed from the fruit and to which no packing media have been added.

(m) The procedure for determining the densities of the packing media means the following: The density of the packing medium, when measured 15 days or more after packing, or the density of the blended homogenized slurry of the comminuted entire contents of the container, when measured less than 15 days after canning, is determined according to "Official Method of Analysis of the Association of Official Analytical Chemists", 11th Ed., 1970, p. 526, section 31.011 (Solids) "By Means of the Refractometer—Official, Final Action" (and 47.012 and 47.015)[1] with result expressed as percent by weight of sucrose (degrees Brix) with correction for temperature to the equivalent at 20° C., but without correction for invert sugar or other substances.

(n) The procedure for determining drained weight is as follows: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve is 20.3 centimeters (8 inches) if the quantity of contents of the container is less than 1.4 kilograms (3 pounds) and 30.5 centimeters (12 inches) if such quantity is 1.4 kilograms (3 pounds) or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for the No. 8 sieve set forth in the "Definitions of Terms and Explanatory Notes," p. xviii, of the "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970.[1] Carefully invert by hand all fruits having cups or cavities if they fall on the sieve with cups or cavities up. Cups or cavities in soft products may be drained by tilting sieve. Without further shifting the material on the sieve, incline the sieve at an angle of 17° to 20° to facilitate drainage. Two minutes after the drainage begins, weigh the sieve and drained fruit. The weight so found, less the weight of the sieve, shall be considered to be the weight of the drained fruit.

(o) Compliance means the following: Unless otherwise provided in a standard, a lot of canned fruits shall be deemed in compliance for the following factors, to be determined by the sampling and acceptance procedure as provided in paragraph (p) of this section, namely:

(1) *Packing medium density*. A lot shall be deemed to be in compliance for packing medium density based on the average sucrose value for all samples analyzed according to the sampling plans, but no container may have a sucrose value lower than that of the next lower category or 2 percent by weight sucrose (degrees Brix) lower if no lower category exists.

(2) *Quality*. The quality of a lot shall be considered acceptable when the number of defectives does not exceed the acceptance number in the sampling plans.

(3) *Fill of container*. A lot shall be deemed to be in compliance for fill of container (packing medium and fruit ingredient) when the number of defectives does not exceed the acceptance number (c) in the sampling plans.

(4) *Drained weight*. A lot shall be deemed to be in compliance for drained weight based on the average value of all samples analyzed according to the sampling plans.

(p) The sampling and acceptance procedure means the following:

(1) *Definitions*—(i) *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.

(ii) *Lot size*. The number of primary containers or units in the lot.

(iii) *Sample size*. The total number of sample units drawn for examination from a lot.

(iv) *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.

(v) *Defective*. Any sample unit shall be regarded as defective when the sample unit does not meet the criteria set forth in the standards.

(vi) *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.

(vii) *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.

(2) *Sampling plans:*

[1] Copies may be obtained from: The Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, DC 20004.

[1] Copies may be obtained from: The Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, DC 20004.

Lot size (primary containers)	Size of container	
	Net weight equal to or less than 1 kilogram (2.2 pounds)	
	n	c
4,800 or less	13	2
4,801 to 24,000	21	3
24,001 to 48,000	29	4
48,001 to 84,000	48	6
84,001 to 144,000	84	9
144,001 to 240,000	126	13
Over 240,000	200	19
	Net weight greater than 1 kilogram (2.2 pounds) but not more than 4.5 kilograms (10 pounds)	
	n	c
2,400 or less	13	2
2,401 to 15,000	21	3
15,001 to 24,000	29	4
24,001 to 42,000	48	6
42, 001 to 72,000	84	9
72,001 to 120,000	126	13
Over 120,000	200	19
	Net weight greater than 4.5 kilograms (10 pounds)	
	n	c
600 or less	13	2
601 to 2,000	21	3
2,001 to 7,200	29	4
7, 201 to 15,000	48	6
15,001 to 24,000	84	9
24,001 to 42,000	126	13
Over 42,000	200	19

n=number of primary containers in sample.
c=acceptance number.

2. By revising § 27.45 to read as follows:

§ 27.45 Canned plums; identity; label statement of optional ingredients.

(a) *Ingredients.* Canned plums is the food prepared from clean, sound, and mature fruit of plum varieties conforming to the characteristics of *Prunus domestica* L., greengage varieties conforming to the characteristics of *Prunus italica* L., mirabelle or damson varieties conforming to the characteristics of *Prunus insititia* L., or cherry varieties conforming to the characteristics of *Prunus cerasifera* Ehrh. The food consists of one of the optional styles of the plum ingredient, specified in paragraph (b) of this section, and one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one, or any combination of two or more of the following safe and suitable optional ingredients:

(1) Natural and artificial flavors.

(2) Spice.

(3) Vinegar, lemon juice, or organic acids.

(4) Artificial coloring.

Such food is sealed in a container and before or after sealing is so processed by heat so as to prevent spoilage.

(b) *Optional styles of the plum ingredient.* The optional plum ingredients specified in paragraph (a) of this section are:

(1) Whole peeled with or without pits;

(2) Whole unpeeled with or without pits;

(3) Halves peeled, without pits; and

(4) Halves unpeeled, without pits.

(c) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.

(ii) Fruit juice(s) and water.

(iii) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 27.1(m) shall be designated by the appropriate name for the respective density ranges, namely:

(i) When the density of the solution is 11 percent or more but less than 15 percent, the medium shall be designated as "slightly sweetened water", or "extra light sirup", "slightly sweetened fruit juice(s) and water", or "lightly sweetened fruit juice(s)", as the case may be.

(ii) When the density of the solution is 15 percent or more, but less than 19 percent, the medium shall be designated as "light sirup", "lightly sweetened fruit juice(s) and water", or "lightly sweetened fruit juice(s)", as the case may be.

(iii) When the density of the solution is 19 percent or more, but less than 25 percent, the medium shall be designated as "heavy sirup", "heavily sweetened fruit juice(s) and water", or "heavily sweetened fruit juice(s)", as the case may be.

(iv) When the density of the solution is 25 percent or more, but less than 35 percent, the medium shall be designated as "extra heavy sirup", "extra heavily sweetened fruit juice(s) and water", or "extra heavily sweetened fruit juice(s)", as the case may be.

(d) *Labeling requirements.* (1) The name of the food is "plums" accompanied by the color designation "yellow" or "golden" or "red" or "purple", as appropriate, or the specific name of the variety or "Greengage plums", "Damson plums", "Cherry plums", "Mirabelle plums". The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added", or in lieu of the word "Spice", the common name of the spice; "Seasoned with Vinegar". When two or more of the optional ingredients specified in paragraph (a) (2) and (3) of this section are used, such words may be combined as for example, "Seasoned with cider vinegar, cloves, and cinnamon oil".

(2) The style of the plum ingredient as provided in paragraph (b) of this section and the name of the packing medium specified in paragraph (c) (1) and (2) of this section, preceded by "In" or "Packed in" shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example, in the case of a mixture of brown sugar and honey, an appropriate statement would be "-------- sirup of brown sugar and honey", the blank to be filled in with the word "light", "heavy", or "extra heavy", as the case may be. When the liquid portion of the packing media provided for in paragraph (c) (1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit",

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (d) (3) of this section, and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d) (3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d) (2) (ii) of this section, such names and the words "from concentrate", as specified in paragraph (d) (2) (iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

3. By adding the following new sections:

§ 27.46 Canned plums; quality; label statement of substandard quality.

(a) The standard of quality for canned plums is as follows:

(1) *Blemishes (damaged).* After draining in accordance with the procedure set out in § 27.1(n) not more than 30 percent by weight of the drained plums consists of plums which have been blemished or damaged by any of the following factors either singly or in combination: Damaged by insects; appearance or eating quality materially affected by friction, disease, external stone gum or discoloration.

(2) *Crushed or broken units in whole and halves styles.* In the case of the whole styles, not more than 25 percent by weight of the drained plums are deformed or broken to an extent that the normal shape of the fruit is seriously affected. In the case of the halves style, not more than 25 percent by weight of

the drained plums are damaged or torn to such an extent that they are smaller than 50 percent of a plum half.

(3) *Blemishes and crushed or broken units.* Not more than 35 percent by weight of the drained plums consist of both blemishes as specified in subparagraph (1) of this paragraph and crushed or broken units in the case of the whole and halves styles as specified in subparagraph (2) of this paragraph.

(4) *Extraneous plant material.* Not more than one piece of stalk or stem from the plum tree or other harmless extraneous plant material per 200 grams (7 ounces) of drained plums.

(5) *Loose pits in whole style.* Not more than three loose pits per 500 grams (17.6 ounces) of drained plums.

(6) *Pits or pieces of pits in whole pitted and halves styles.* Not more than two pits or pieces of pits per 500 grams (17.6 ounces) of drained plums.

(b) Determine compliance as specified in § 27.1(o) of this chapter except that a lot shall be deemed to be in compliance for extraneous plant material, loose pits in whole style, and pits or pieces of pits in whole pitted and halves styles based on the average of all samples analyzed according to the sampling plans set out in § 27.1(p) of this chapter.

(c) If the quality of canned plums 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(a) of this chapter, in the manner and form therein specified; however, if the quality of the canned plums falls below standard with respect to only one of the factors of quality specified in paragraph (a) (1) through (6) of this section, there may be substituted for the second line of such general statement of substandard quality ("Good Food—Not High Grade") a new line, as specified after the corresponding designation of paragraph (a) of this section which the canned plums fail to meet, as follows:

(1) "Blemished";

(2) "Partly Crushed or Broken";

(3) "Blemished and Partly Crushed or Broken";

(4) "Contains Extraneous Plant Material";

(5) "Contains Loose Pits"; or

(6) "Contains Pits" or "Contains Pieces of Pits".

§ 27.47 Canned plums; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned plums is:

(1) The fill of the plums and packing medium, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter, is not less than 90 percent of the total capacity of the container.

(2) The drained weight of the plum ingredient as determined by the method prescribed in § 27.1(n) is not less than 50 percent for whole styles and 55 percent for halves styles based on the water capacity of containers as determined in § 10.6(a) of this chapter.

(b) Determine compliance for fill of container as specified in § 27.1(o) of this chapter.

(c) If canned plums fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form therein specified. If canned plums fall below the standard of fill of container in respect to drained weight, the words "Low drained weight" shall follow the general statement of substandard fill on the label.

Any person who will be adversely affected by the foregoing order may at any time on or before March 10, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. Compliance with this order, which shall include any labeling changes required, may begin on March 11, 1975, and all products shipped in interstate commerce after December 31, 1975, shall comply with this regulation except as to any provisions that may be stayed.

(Secs. 401, 701, 52 Stat. 1046, 1055-1056 as amended by 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371.)

Dated: February 3, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

NOTE.—Incorporation by reference provisions approved by the Director of the Office of the Federal Register March 26, 1973.

[FR Doc.75-3519 Filed 2-6-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-75-272]

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart C—Eligibility Requirements-Supplemental Loans To Finance Purchase and Installation of Fire Safety Equipment

Correction

In FR Doc.75-2998, appearing on page 4980 in the issue for Monday, February 3, 1975 make the following changes:

1. The first and second lines in the second column should be transferred under the first line in the third column.

2. In the third line of the second column the last word now reading, "programs" should read, "program".

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

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

Special Wage Certificates

On September 4, 1974, notice of proposed rule making regarding a new Part 529, Title 29, Code of Federal Regulations was published in the FEDERAL REGISTER (39 FR 32037-32040). 29 CFR Part 529 governs the employment at subminimum wages under the Fair Labor Standards Act of patients, whose earning or productive capacity is impaired, in hospitals and institutions primarily engaged in the residential care of the sick, the aged, or the mentally ill or defective. Interested parties were given opportunity to submit comments until October 4, 1974.

Comments received have been carefully and consequently I adopt the proposed revision, effective immediately, subject only to the changes outlined below.

These regulations are necessary to implement the order of the United States District Court of the District of Columbia in "Souder v. Brennan," dated December 7, 1973, and to enable employers to secure the appropriate special wage certificates that the court's order contemplated. Accordingly, in order to implement this procedure and to avoid any hardship, these regulations are made effective immediately.

1. Table of contents is revised to show changes in various sections affected.

2. Paragraph (c) of § 529.1, is revised to add a statement that patient workers whose earning or productive capacity is not impaired shall be paid at least the statutory minimum wage.

3. Paragraph (b) of § 529.2, the definition of "patient worker" is broadened to include resident workers and nonresidents who are receiving treatment or care by the hospital or institution in which they are employed.

4. Paragraph (c) of § 529.2, intermediate care facilities is added as a further example of residential hospitals and institutions which come within the definition of "hospitals and institutions."

5. Paragraph (d) of § 529.2, the definition of "employment relationship" is revised to make it more definitive. Included in the definition are examples of activities which may be beneficial to the patients and are considered of no significant benefit to the institution, which do not result in an employment relationship.

6. Paragraph (h) of § 529.2, the definition of "work activities center" is revised to change the term "recorded plan of therapy" to read "recorded plan of therapy or care," and to eliminate the reference to the Administrator, the voluntary monitoring agency and the Advisory Committee on Sheltered Workshops.

7. Paragraph (i) of § 529.2 is revised by adding the term "maintaining approved labor standards" following the word "industry" to make it consistent with paragraph (f) of § 529.8.

8. Paragraph (j) of § 529.2 is revised to eliminate the voluntary monitoring agency.

9. Section 529.2 is revised to change the lettering of paragraphs (k) and (l) to (j) and (k), respectively.

10. Paragraph (a) of § 529.4 is revised to emphasize the first sentence.

11. Paragraph (c) of § 529.4 is revised to eliminate the reference to a voluntary monitoring agency.

12. Paragraph (f) of § 529.4 is revised to eliminate the reference to a voluntary monitoring agency.

13. Paragraph (h) of § 529.4 is revised to require that each patient workers' work performance be reviewed at 3 months intervals during the first 6 months of the employment relationship and semiannually thereafter, and that the reviews be made by staff members who observe the patient workers being rated on a continuing basis and who are familiar with appropriate nonhandicapped production standards. A subsection on deductions for services is added as paragraph (i).

14. Section 529.5 is deleted, and the numbering of all subsequent sections and references appropriately revised.

15. Paragraph (c) of §529.6 which was incorrectly designated (a) is properly designated "c."

16. Paragraph (e) of § 529.6 is revised to eliminate the reference to a voluntary monitoring agency.

17. In paragraph (i) of §529.8, the text is revised to provide for oral as well as written notification. The notification requirement is expanded to include both written and oral notification and the type of notification is changed to the patient worker's rights under the Act. Previously, only written notification was required and the notification consisted of the applicable minimum wage and the terms of the certificate.

18. Section 529.10, on records to be kept, is revised to add a new paragraph (d) to require records be maintained of production standards for an average nonhandicapped worker for the jobs being performed by patient workers in the hospital or institution, and to change the lettering of paragraph (d) through (i) to (e) through (j).

19. Section 529.14 is revised to make it more definitive.

20. Section 529.15, issuance of certificates for experimental purposes, is revised to limit the issuance of certificates under this section to not more than 1 year.

21. A new section is added, "§ 529.17 Review of regulations.," requiring the Wage and Hour Division, in cooperation with the Advisory Committee on Sheltered Workshops, to undertake a review of the administration and enforcement of these regulations approximately six months after they become effective.

22. In the previous text all references to gender were masculine. The new text is revised to make reference to both the masculine and feminine gender where required.

23. In addition, certain typographical errors have been corrected.

Accordingly, with these changes and additions, the proposed amendments are adopted as set forth below. Since there will not be time for hospitals or institutions to file applications and for these applications to be acted upon by the Wage and Hour Division before the effective date of this part, an application received in the appropriate Regional Office of the Wage and Hour Division by March 9, 1975 will be considered timely filed permitting, on the effective date of this Part, the employment of patient workers at the subminimum wages proposed in the application by the hospital or institution without certificate. This allowance is conditional upon: (a) Compliance with the provisions of Part 529; and (b) provision for the payment of back wages to patient workers if a certificate is denied or the minimum wage set in the certificate is higher than that paid by the hospital or institution.

Signed at Washington, D.C., this 3d day of February 1975.

BERNARD E. DELURY,
Assistant Secretary,
Employment Standards Administration.

Sec.
529.1 Statutory language and scope of regulations.
529.2 Definitions.
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529.7 Issuance of certificates.
529.8 Terms and conditions of certificates.
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529.10 Records to be kept.
529.11 Cancellation of a certificate.
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529.13 Submission of information, investigations, and hearings.
529.14 Relation to other laws.
529.15 Issuance of certificates for experimental purposes.
529.16 Amendment of this part.
529.17 Review of regulations.

AUTHORITY: Sec. 14, 52 Stat. 1068, as amended (29 U.S.C. 214, unless otherwise noted).

§ 529.1 Statutory language and scope of regulations.

(a) The Fair Labor Standards Act as amended, among other things, makes provision for the employment of handicapped persons at subminimum wages under certificate. This provision is now designated as section 14(c) of the Act. It reads as follows:

(c)(1) Except as otherwise provided in paragraphs (2) and (3) of this subsection, the Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment under special certificates of individuals (including individuals employed in agriculture) whose earning or productive capacity is impaired by age or physical or mental deficiency or injury at wages which are lower than the minimum wage applicable under section 6 of this Act but not less than 50 per centum of such wage and which are commensurate with those paid nonhandicapped workers in industry in the vicinity for essentially the same type, quality, and quantity of work.

(2) The Secretary, pursuant to such regulations as he shall prescribe and upon certification of the State agency administering or supervising the administration of vocational rehabilitation services, may issue special certificates for the employment of—

(A) handicapped workers engaged in work which is incidental to training or evaluation programs, and

(B) multihandicapped individuals and other individuals whose earning capacity is so severely impaired that they are unable to engage in competitive employment, at wages which are less than those required by this subsection and which are related to the worker's productivity.

(3)(A) The Secretary may by regulation or order provide for the employment of handicapped clients in work activities centers under special certificates at wages which are less than the minimum applicable under section 6 of this Act or prescribed by paragraph (1) of this subsection and which constitute equitable compensation for such clients in work activities centers.

(B) For purposes of this section, the term "work activities centers" shall mean centers planned and designed exclusively to provide therapeutic activities for handicapped clients whose physical or mental impairment

is so severe as to make their productive capacity inconsequential.

(b) Authority to promulgate the regulations and issue the certificates referred to in section 14(c) has been delegated by the Secretary to the Administrator of the Wage and Hour Division (Secretary's Orders 13-71 and 15-71 (36 FR 8755 and 8756)).

(c) Patient workers whose earning or productive capacity is not impaired shall be paid at least the statutory minimum wage. For patient workers whose earning or productive capacity is impaired to the extent that they are not able to earn the statutory minimum wage, the regulations in this Part 529 govern certificates authorizing special minimum wages for patient workers in hospitals and institutions for the sick, the aged, and the mentally ill or defective with the following exceptions which are governed by Parts 524 and 525 of this chapter, as appropriate:

(1) Patients of hospitals or institutions working for employers other than the hospital or institution.

(2) Patients working in sheltered workshops, including work activities centers, as defined in Part 525, operated by the hospital or institution.

§ 529.2 Definitions.

(a) "Administrator" means the Administrator of the Wage and Hour Division, U.S. Department of Labor, or the Administrator's authorized representative.

(b) "Patient worker" or "resident worker," hereafter referred to as "patient worker," means a sick, aged or mentally ill or defective individual who receives treatment or care by a hospital or institution, whether he or she is a resident or not, and has an employment relationship with such establishment, other than in a sheltered workshop program.

(c) "Hospital or institution," hereinafter referred to as "institution," is a public or private, nonprofit or profit facility primarily engaged in (i.e., more than 50 percent of the income is attributable to) providing residential care for the sick, the aged, or the mentally ill or defective, including but not limited to nursing homes, intermediate care facilities, rest homes, convalescent homes, homes for the elderly and infirm, halfway houses, residential centers for drug addicts or alcoholics, and the like, whether licensed or not licensed.

(d) "Employment relationship" generally arises whenever a patient is suffered or permitted to work. The total facts surrounding a given situation, other than those factors specifically excluded in this subsection, determine whether the test is satisfied. A major factor in determining whether or not an employment relationship exists under this Part is whether the work performed is of any consequential economic benefit to the institution. Generally, work shall be considered to be of consequential economic benefit if it is of the type that nonhandicapped workers normally perform, in whole or in part, in the institution or elsewhere. A patient does not, however, become an employee merely if he or she performs personal housekeeping chores, such as maintaining his or her own quarters, or receives a token remuneration for his or her services. Nor does the patient become an employee if engaged in such activities as making craft products, where the patient voluntarily engages in such activity and the products become the property of the patient making them, or the funds resulting from the sale of the products are divided among the patients participating in that program or are used for purposes of purchasing materials consumed in making the craft products. On the other hand, determination of an employment relationship does not depend on the level of performance of the patient or whether the work is of therapeutic value to the patient.

(e) "Evaluation and training" means a program, authorized pursuant to section 14(c)(2)(A) of the Act, which provides competent instruction and supervision and is designed to determine a working patient's potential and to teach adjustment to a work environment or the skills related to one or more types of work. The duration of the evaluation and training depends on the total facts of the situation, but in no case shall exceed 12 months. Time spent in an employment relationship in the institution prior to the effective date of these regulations shall be counted in determining the duration a patient worker is in evaluation and training. (Any workweek during which there was regular and recurrent engagement in work, even though small in amount, which gave rise to an employment relationship, shall be considered as a week spent in evaluation and training.)

(f) "Group minimum wage" means the minimum wage authorized pursuant to section 14(c)(1) of the Act which shall apply to all patient workers who have completed the evaluation and training program, if one has been authorized for the institution under this part (where no such program has been authorized, the group minimum wage applies immediately upon a patient's entering into an employment relationship with the institution), except for patient workers who are: Entitled to a commensurate wage higher than the group minimum wage; subject to an individual exception; or subject to a work activities center certificate, as defined in this part.

(g) "Individual exception" means authorization, pursuant to section 14(c)(2)(B) of the Act, to pay a particular patient worker whose earning or productive capacity is severely impaired less than the group minimum wage.

(h) "Work activities center" is an administrative classification given to a facility which has an approved program (other than a work activities center program as defined in Part 525), authorized pursuant to section 14(c)(3) of the Act, which is planned and designed exclusively to provide work activities for patients whose physical or mental impairment is so severe as to render their productive capacity inconsequential. The work activities shall be part of a recorded plan of therapy or care for such patients. Such activities need not, however, be restricted to a particular physical or program area of the institution, nor to a particular type of work. No program shall qualify for a work activities center certificate under this part unless the productive capacity of each individual in the program is so severely impaired as to make that person incapable of earning as commensurate pay at least 25 percent of the minimum wage under section 6 of the Act, and the patient workers are participating in the program as a part of planned therapy.

(i) "Commensurate pay" (the term used in these regulations) is intended to have the same meaning as "equitable compensation" and "wages related to the worker's productivity," which terms are used in the statute, and means wages which are commensurate with those paid nonhandicapped workers in the institution or in industry maintaining acceptable labor standards in the vicinity for essentially the same type, quality, and quantity of work. So for example, the commensurate pay of a patient worker who is 75 percent as productive, considering quality and quantity, as the average nonhandicapped worker performing essentially similar work in the institution would be at least 75 percent of the wage paid to such nonhandicapped worker.

(j) "State agency" means the agency within the State which administers or supervises the administration of vocational rehabilitation services in any State of the United States, the District of Columbia, or any territory or possession of the United States.

(k) "The Act" means the Fair Labor Standards Act of 1938, as amended.

§ 529.3 Advisory Committee on Sheltered Workshops.

(a) The Advisory Committee on Sheltered Workshops, appointed periodically by the Secretary of Labor, shall advise and make recommendations to the Administrator concerning the administration and enforcement of this part and the need for amendments thereto and for such other purposes as may be desired by the Administrator.

(b) The Administrator may consult with the Advisory Committee on Sheltered Workshops prior to any action taken under this part and may afford the Committee 15 days, or such additional time as may be allowed, to present its views. The Administrator may also afford the Committee an opportunity to present its views in connection with any petition for review filed, any hearing held, and any petition for amendment of these regulations, or any proposed legislation by the Secretary of Labor pertaining to the problems dealt with in these regulations.

§ 529.4 Wage payments.

(a) A patient worker whose earning or productive capacity is not impaired

shall be paid at least the statutory minimum wage. A patient worker whose earning or productive capacity is impaired to the extent that the individual is unable to earn at least the statutory minimum wage may be paid a subminimum wage but only after a certificate authorizing payment of such lower wage has been obtained from the Wage and Hour Division.

(b) Four types of certificates authorizing subminimum wages are available for patient workers in institutions: Evaluation and training, group minimum wage, individual exception, and work activities center. All but the individual exception are group certificates. Under a group certificate, the program is certificated and not the individual patient worker. In the case of the individual exception, authority to pay a subminimum wage must be obtained for each individual.

(c) Evaluation and training: Patient workers subject to an evaluation and training certificate shall receive at least commensurate pay; no minimum wage guarantee is required unless the Administrator, shall determine it is in the best interest of the patient workers that a minimum wage guarantee be set.

(d) Group minimum wage: Patient workers subject to a group minimum wage certificate shall receive at least the minimum wage authorized in the certificate or commensurate pay, whichever is higher. The group minimum wage shall not be less, and may be more, than 50 percent of the minimum wage under section 6 of the Act.

(e) Individual exception: A patient worker subject to an individual exception shall receive not less than the minimum wage authorized in the individual exception certificate issued for that patient worker or commensurate pay, whichever is higher. An individual exception shall not be less, and may be more, than 25 percent of the minimum wage under section 6 of the Act.

(f) Work activities center: Patient workers subject to a work activities center certificate shall receive at least commensurate pay; no minimum wage guarantee is required unless the Administrator, shall determine it is in the best interest of the patient workers that a minimum wage guarantee be set.

(g) Compensable time for a patient worker starts when the individual begins to perform work involving an employment relationship.

(h) Each patient worker's work performance shall be reviewed by the institution at three month intervals during the first 6 months in an employment relationship, and at least every 6 months thereafter and his or her wages adjusted accordingly. The review shall relate the patient worker's quantity and quality of performance to that of nonhandicapped workers receiving the prevailing wage in the institution for similar work or work requiring similar skills. If similar work or work requiring similar skills is not performed by nonhandicapped workers in the institution the prevailing wage paid nonhandicapped workers in the vicinity in industry maintaining acceptable labor standards shall be used. The review shall be made by a staff member or members who observe the patient worker(s) being rated on a continuing basis and who are familiar with appropriate nonhandicapped production standards.

(i) No part of the minimum wage and overtime earned by a patient worker can be deducted for the cost of room, board or services. The patient worker must receive his or her wages free and clear, except for legal payroll deductions. It is not the intention of these regulations, however, to preclude the institution thereafter from assessing or collecting the reasonable cost of room, board and other services actually provided to a patient worker to the extent permitted by applicable Federal or State law and on the same basis as it assesses and collects from nonworking patients.

§ 529.5 Application for certificates.

(a) Application for a certificate for an evaluation and training program, a group minimum wage, an individual exception, or a work activities center may be filed by any institution with the Regional Office or Caribbean Director of the administrative region or area of the Wage and Hour Division, U.S. Department of Labor, in which the institution is located. Application forms may be obtained from the appropriate Office.

(b) An application for an evaluation and training certificate and for an individual exception certificate for payment of a wage below 50 percent of the minimum wage under section 6 of the Act shall also be filed with the State agency. Before the Wage and Hour Division can act on such an application, the State agency must certify that the evaluation and training program meets the standards defined in § 529.2 or, in the case of an individual exception, that the individual's earning capacity is so severely impaired that he or she is unable to earn at least 50 percent of the minimum wage under section 6 of the Act.

(c) An institution initially applying for a certificate, other than an individual exception certificate, which does not have the information called for in the application, may be issued a temporary certificate if it meets the requirements of, and provides assurance of compliance with, this Part.

(d) Application for an individual exception certificate may be filed at the time of applying for a group minimum wage certificate or during the life of the certificate. The application must show, among other things, that the patient worker is unable to earn the minimum wage authorized in the group minimum wage certificate.

(e) An application for an individual exception filed before the patient worker has completed evaluation and training shall be considered timely. In such case, if action on the application is not completed before the expiration of the evaluation and training period, the minimum wage requested in the application by the institution (not less than 25 percent of the minimum wage) shall be the interim minimum wage.

§ 529.6 Criteria for consideration in issuance of certificates.

The following criteria will be considered by the Administrator in determining the necessity of issuing a certificate or certificates and the conditions to be specified therein:

(a) The present and previous earnings of the patient workers.

(b) Whether the patient workers are receiving commensurate pay.

(c) The nature and extent of the disabilities of the patient workers and the degree to which these factors affect earning or productive capacity of the patient workers.

(d) Whether the conditions required for certification under this part have been met.

(e) Whether the certification by the State agency has been made in accordance with this part.

§ 529.7 Issuance of certificates.

(a) Upon consideration of criteria specified in § 529.6, the Administrator may issue a certificate or certificates, as appropriate.

(b) If a certificate is issued, a copy shall be sent to the institution. If denied, the institution shall be notified in writing of the denial and the reasons therefor.

(c) A group minimum wage certificate may be issued for the entire institution or a department or departments of the institution.

§ 529.8 Terms and conditions of certificates.

(a) A certificate shall specify the terms and conditions under which it is granted.

(b) A certificate shall apply to every patient worker in the program for which the certificate is granted.

(c) A certificate shall be effective for a period to be designated by the Administrator, generally for a period of 1 year. Patient workers may be paid wages lower than the statutory minimum only during the effective period of a certificate.

(d) A group minimum wage certificate shall set a special minimum wage of not less than 50 percent of the minimum wage under section 6 of the Act. An individual exception certificate shall set a special minimum wage not less than 25 percent of the minimum wage under section 6 of the Act.

(e) An evaluation and training certificate and a work activities center certificate need not set a special minimum wage other than that required by paragraph (f) of this section or provided for by § 529.4.

(f) All patient workers subject to a certificate shall be paid wages commensurate with those paid nonhandicapped workers in the institution in which they are patients or in the vicinity in industry maintaining acceptable labor standards for essentially the same type, quality,

and quantity of work, but not less than the certificate rate applicable if such a rate has been authorized.

(g) Patient workers shall be paid not less than one and one half times the regular rate for all hours worked in excess of the maximum workweek applicable under section 7 of the Act.

(h) No patient worker shall be newly-employed under a certificate issued under these regulations while abnormal labor conditions, such as a strike, a lock-out, or other similar condition, exist in the institution.

(i) Each patient worker and his or her parent or guardian shall be informed promptly, orally and in writing, of his or her rights under the Act.

(j) The terms of any certificate may be amended for cause, upon request of the institution, or a patient worker or his or her parent or guardian, or upon the initiative of the Administrator.

§ 529.9 Renewal of certificates.

(a) Application may be filed for renewal of any certificate.

(b) If an application for renewal has been properly and timely filed prior to the expiration date of a certificate, the certificate shall remain in effect until the application for renewal has been granted or denied.

(c) Patient workers may be paid wages less than the statutory minimum after notice that the application for renewal has been denied, if review of such denial is requested in accordance with § 529.12: *Provided, however,* That if the denial is affirmed on review, the institution shall reimburse any person covered by the certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of denial.

§ 529.10 Records to be kept.

Every institution shall maintain and have available for inspection by the Administrator records of:

(a) Disability, which show the nature of each patient worker's disability.

(b) Productivity, which show the productivity of each patient worker on a continuing basis or at periodic intervals as defined in § 529.4(h).

(c) Prevailing wage, which show the prevailing wages paid nonhandicapped workers in the institution or in industry in the vicinity for essentially similar work to that performed by the patient workers.

(d) Production standards for an average nonhandicapped worker for each job being performed by a patient worker in the institution (for use as a norm in measuring patient worker productivity.)

(e) When an evaluation and training program is authorized by certificate, records showing which patient workers are in the evaluation and training program, and the total period of time each worker has been in such a category.

(f) When an institution holds both a work activities center certificate and a group minimum wage certificate, records showing which patient workers are under each certificate.

(g) Records showing the patient workers for whom individual exceptions have been authorized.

(h) In addition, the records required under all the applicable provisions of Part 516 of this chapter.

(i) Every institution having patient workers who are entitled to benefits under the Act shall at all times display a poster, as prescribed by the Administrator, in a conspicuous place in the institution where it may be observed readily by the patient workers and other workers in the institution.

(j) Records required by this section shall be kept for the periods specified in Part 516 of this chapter.

§ 529.11 Cancellation of a certificate.

(a) The Administrator may cancel any certificate for cause. A certificate may be canceled (1) as of the date of issuance, if it is found that fraud has been utilized in obtaining the certificate or in permitting a patient worker to be employed thereunder; (2) as of the date of violation, if it is found that any of the provisions of the Act or of the terms of the certificate have been violated; or (3) as of the date of notice of cancellation, if it is found that the certificate is no longer necessary in order to prevent curtailment of opportunities for employment, or that the requirements of this part have not been complied with.

(b) If a petition for review is filed under § 529.12, the effective date of the cancellation shall be postponed until action is taken thereon: *Provided, however,* That if the cancellation order is affirmed on review, the institution shall reimburse any person covered by the certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of cancellation.

(c) Except in cases of willfulness or those in which the public interest requires otherwise, before any certificate shall be canceled, facts or conduct which may warrant such action shall be called to the attention of the institution in writing and it shall be afforded an opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 529.12 Review.

Any person aggrieved by any action of an authorized representative of the Administrator taken pursuant to this part may, within 60 days or such additional time as the Administrator may allow, file with the Administrator a petition for review. Such review, if granted shall be made either by the Administrator or by an authorized representative who took no part in the action under review, who may, to the extent it is deemed appropriate, afford other interested persons an opportunity to present data and views.

§ 529.13 Submission of information, investigations, and hearings.

The Administrator may require at any time the submission of such information, other than that specified elsewhere in this part, as is deemed appropriate, or may conduct an investigation, which may include a hearing, prior to taking any action pursuant to this part. To the extent it is deemed appropriate, the Administrator may provide an opportunity to other interested persons to present data and views.

§ 529.14 Relation to other laws.

No provision of this part, or of any certificate issued under this part, shall excuse noncompliance with any other Federal or State law or municipal ordinance establishing higher standards.

§ 529.15 Issuance of certificates for experimental purposes.

In addition to the issuance of certificates as provided in §§ 529.1 to 529.14, the Administrator may authorize the issuance of certificates to permit employment of patient workers in institutions at less than the applicable minimum wage under section 6 of the Act as part of experimental programs to increase employment opportunities for such persons. Such certificates shall be issued in such types of cases and on such terms and conditions within the scope of section 14 of the Act as the Administrator shall determine will best further any such experimental programs. Certificates issued under this section shall be limited to an effective period of not more than 1 year.

§ 529.16 Amendment of this part.

The Administrator may at any time upon his or her own motion or upon written request of any interested person setting forth reasonable ground therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of this part.

§ 529.17 Review of regulations.

Approximately six months after the effective date of this part, the Wage and Hour Division will undertake a review of its program for administration and enforcement of this Part in cooperation with the Advisory Committee on Sheltered Workshops.

[FR Doc.75-3585 Filed 2-6-75;8:45 am]

CHAPTER XX—OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

PART 2300—REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION ACT

On pages 12, 13, and 14 of the FEDERAL REGISTER of January 2, 1975 (40 FR 12), notice was published of regulations proposed to be issued implementing the Freedom of Information Act as amended. Comment was invited thereon.

The period for submission of such comment ended on February 1, 1975, with only two comments being received from outside the Commission.

One questioned how trade secret materials in case files will be handled. This is a matter covered by 29 U.S.C. 654 and 29 CFR 2200.11. There is no need for the inclusion of any other provision in these regulations.

The other comment suggested the time limit of 10 days for appealing the denial of a request under these regulations was

too restrictive and suggested a 30-day limit instead. That suggestion has been accepted. 10 has been changed to 30 in the seventh line of § 2300.7(d) as published.

With the noted change the proposed regulations are adopted as set forth below.

Effective date. This part becomes effective on February 7, 1975.

Sec.
2300.1 Purpose and scope.
2300.2 Description of agency.
2300.3 Delegation of authority.
2300.4 Information policy.
2300.5 Copies of records.
2300.6 Procedure for obtaining information.
2300.7 Processing requests.
2300.8 Maintenance of statistics.

AUTHORITY: Sec. 12(g), Pub. L. 91-596, 84 Stat. 1604 (29 U.S.C. 661(f)), 5 U.S.C. 552 as amended November 21, 1974 (Pub. L. 93-502).

Dated: February 3, 1975.

ROBERT D. MORAN,
Chairman.

§ 2300.1 Purpose and scope.

The purpose of the provisions of this Part is to provide procedures to implement the Freedom of Information Act, 5 U.S.C. section 552, as amended November 21, 1974 (Pub. L. 93-502). The following provisions are applicable only to such items of information as relate to the agency or are items within its custody. They are not applicable to the rights of parties appearing in adversary proceedings before the Commission to obtain discovery from an adverse party. Such matters are governed by the Commission's Rules of Procedure which are published at 29 CFR 2200.1 et seq.

§ 2300.2 Description of agency.

(a) The Occupational Safety and Health Review Commission (OSAHRC) adjudicates contested enforcement actions under the Occupational Safety and Health Act of 1970 (84 Stat. 1590, 29 U.S.C. 651-677). Decisions of the Commission on such actions are issued only after the parties to the case are afforded an opportunity for a hearing in accordance with section 554 of Title 5, United States Code. All such hearings are conducted by an OSAHRC Administrative Law Judge at a place convenient to the parties and are open to the public.

(b) Except insofar as its decisions or its Rules of Procedure may be so construed, the Review Commission does not issue substantive rules of general applicability, statements of general policy or interpretations of general applicability. The Rules of Procedure appear in 29 CFR Part 2200. The decisions are published by the U.S. Government Printing Office. See §§ 2300.4(c) and 2300.5(a).

§ 2300.3 Delegation of authority.

The Director of Information and Publications is delegated the exclusive authority to act upon all requests for information, documents and records which are received from any person or organization.

§ 2300.4 Information policy.

(a) Except for matters specifically excluded by section 552(b) of Title 5, United States Code or other applicable statute, all documents and records maintained by this agency or within the custody thereof shall be available to the public upon request filed in accordance with these regulations.

(b) Any person may examine and copy any such document or record of this agency (or within the custody thereof) under conditions prescribed by the Director of Information and Publications at any time during normal operating hours so long as it does not interfere with the trial or disposition of a pending case.

(c) All final OSAHRC decisions, of general applicability (including concurring and dissenting opinions) are published by the Superintendent of Documents, U.S. Government Printing Office, in a series of bound volumes known as *OSAHRC Reports*. The Director of Information and Publications will be responsible for supervising the continued publication of this series on a current basis.

(d) Indexes to such decisions will be published by the said Superintendent of Documents under the supervision of the Director of Information and Publications and shall be updated at least quarterly.

(e) It shall be the responsibility of the Director of Information and Publications to insure that the full text of all decisions of general applicability and comprehensive and accurate indexes thereto are published as expeditiously as possible and in accordance with this regulation.

§ 2300.5 Copies of records.

(a) Copies of documents or records of this agency, or within the custody thereof, or information respecting the time and place of hearings will be furnished to any person or organization requesting the same in accordance with these regulations, except for copies of decisions or indexes thereto which are contained in *OSAHRC Reports*. These publications are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(b) The Director of Information and Publications may charge a fee for searching for and copying such documents or records.

(1) The fee for copies shall be $.10 per copy per page.

(2) The search charge shall be $5.00 per hour.

(c) All charges may be waived or reduced whenever it is in the public interest to do so.

(d) Copies of documents (including the hearing transcript) which have been filed in an OSAHRC case which, at the time of the request therefor, is pending in any United States Court should be requested from such Court.

(e) Requests by parties for copies of transcripts of hearings, which are made by or on behalf of any party to such hearings, shall be made to the official hearing reporter. If such a party is given the opportunity to purchase the transcript from the official reporter but does not do so, the Director of Information and Publications will respond affirmatively to a request for a copy or copies of the same submitted by such party or representative but may charge for this service at a rate equal to that which would have been charged by the official reporter at the time such party was given the opportunity to purchase such transcript.

§ 2300.6 Procedure for obtaining information.

(a) All persons or organizations requesting any information from OSAHRC or any record or document of this agency (or in the custody thereof) shall submit such request in writing to the Director of Information and Publications, OSAHRC, 1825 K Street, NW, Washington, D.C. 20006.

(b) All such requests should be clearly and prominently identified as a request for information under the Freedom of Information Act, and if submitted by mail or otherwise submitted in an envelope or other cover, should be clearly and prominently identified as such on the envelope or other cover.

(c) If a request does not comply with the provisions of the preceding paragraph, it shall not be deemed received by OSAHRC until the time it is actually received by the Director of Information and Publications.

§ 2300.7 Processing requests.

(a) The Director of Information and Publications shall respond promptly to all requests for information or for copies of records or documents which are submitted in accordance with this regulation but in no event shall such response be furnished later than ten (10) working days following receipt of such request.

(b) A request that is expected to involve assessed fees in excess of $50.00 will not be deemed to have been received until the requester is advised of the anticipated cost and agrees to bear it.

(c) In the event any request for information or for a copy of any document or record is denied, the Director of Information and Publications shall, within 10 working days of the receipt of the request, notify the requester of the denial. Such denial shall specify the reason therefor and also advise that the denial may be appealed to the head of the agency as specified hereinafter.

(d) Whenever any request for information, or for a copy of any document or record is denied by the Director of Information and Publications, an appeal may be filed with the Chairman of the Occupational Safety and Health Review Commission within 30 working days after the requester receives notification that the request has been denied. The appeal shall be in writing and the Chairman shall respond to the same in accordance with section 552(a)(6) of Title 5, United States Code, and within the time period set forth therein.

(e) Any person in the employ of this agency who receives a request for any information, document or record of this agency or within the custody thereof shall advise the requester to address such request to the Director of Information and Publications. If the request so received is in writing it shall be immediately referred for action to the Director of Information and Publications.

§ 2300.8 **Maintenance of statistics.**

(a) The Director of Information and Publications shall maintain records of

(1) The total amount of fees collected by this agency pursuant to this part;

(2) The number of denials of requests for records made pursuant to this part and the reason for each;

(3) The number of appeals from such and spirit of section 552 of Title 5, United together with the reason(s) for the action upon each appeal that results in a denial of information;

(4) The name(s) and title(s) or position(s) of each person responsible for each denial of records requested and the number of instances of participation for each;

(5) The results of each proceeding conducted pursuant to section 552(a)(4)(F) of Title 5, United States Code, including a report of the disciplinary action against the official or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(6) A copy of every rule made by this agency affecting or in implementation of section 552 of Title 5, United States Code;

(7) A copy of the fee schedule for copies of records and documents requested pursuant to this regulation; and

(8) All other information which indicates efforts to administer fully the letter for such calendar year and shall forth- States Code.

(b) The Director of Information and Publications shall annually, within 60 days following the close of each calendar year, prepare a report covering each of the categories of records to be maintained in accordance with the foregoing President of the Senate for referral to with submit the same to the Speaker of the House of Representatives and the President of the Senate for referral to the appropriate committees of the Congress.

[FR Doc.75-3535 Filed 2-6-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-1—GENERAL

Subpart 5A-1.73—Preparation and Distribution of Contract Documents

PURCHASE ORDER NUMBERING

This change to the General Services Administration Procurement Regulations (GSPR) revises the procedures for numbering of purchase orders.

Section 5A-1.7301-1 is revised as follows:

§ 5A-1.7301-1 **Assigning purchase order numbers.**

(a) *Applicability.* The purchase order numbering system prescribed below shall apply to all purchase orders issued by FSS except for those issued by the Special Programs Division (FPZ) of the Office of Procurement and the Contract Operations Division (FJM) of the Office of Property Management. FPZ may use the agency requisition number in lieu of a case number.

(b) *Composition of purchase order number.* The purchase order number shall be a four-group, hyphenated number, such as 6PN-E-A5439-2B, and composed of the following elements:

(1) *Prefix.* The prefix shall consist of a three-position code identifying the buying activity, buying office, and buying program, in that order. Example: The prefix "6PN" identifies Region 6, Procurement, nonstock program.

(2) *Type of order.* The type of order shall be shown by an alpha code, as applicable, from the codes listed in § 5A-76.320. Example: The letter "E" indicates that the case involves "export-nonstock-regular surcharge." If an order using a code which includes a surcharge is canceled and results in termination charges, the replacement order shall use the code "F" to indicate that no surcharge is applicable.

(3) *Basic case number.* The basic case number shall be the basic purchase order number; i.e., the number "A5439" illustrated above. The basic case number shall be a five-position series of alpha numeric designations within the range of A0001 through Z9999, excluding I, O, and Q. Numbers shall be assigned and controlled by each buying activity. The numbers shall begin with A0001 at the beginning of every other fiscal year. If additional numbers are needed above Z9999, five-digit numbers ranging from 00001 through 99999 shall be used.

(4) *Suffix.* The suffix shall consist of one or two positions. The first position shall be an alpha or numeric identifying the number of the order written against the case file. The first purchase order shall be number "-1" with subsequent purchase orders numbered sequentially through 9. If the number of purchase orders exceeds 9, additional orders shall be identified by alphabetical designations A through Z, except I, O, and Q; i.e., number "10" would be "A," number "11," "B," etc. The second position shall be an alpha, from A through Z, except I, O, and Q, to identify amendments to a purchase order. Example: In the example number shown in (b), above, the first position number "2" indicates that this is the second purchase order written against the case. The alpha code "B" shown in the second position of the suffix, indicates that this is the second amendment to the purchase order.

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

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

Dated: January 21, 1975.

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

[FR Doc.75-3514 Filed 2-6-75;8:45 am]

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PART 9-7—CONTRACT CLAUSES

PART 9-16—PROCUREMENT FORMS

Standard Clauses and Contract Forms

These revisions to the AECPR's are being made to make the Safety and Health Clause mandatory as to text and to provide an alternative clause for non-GOCO contracts where the RDA elects not to assert its statutory authority to prescribe general occupational safety and health standards.

1. In Part 9-7, the Table of Contents is revised as follows:

Subpart 9-7.50 Use of Standard Clauses

* * * * *

9-7.5004-12 Safety and Health.

* * * * *

9-7.5006-47 [Reserved]

* * * * *

AUTHORITY: Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

Subpart 9-7.50 Use of Standard Clauses

2. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5004-12, [Reserved], is revised as follows:

§ 9-7.5004-12 **Safety and Health.**

(a) The clause set forth herein shall be included in all contracts and subcontracts for, and be made applicable to, work to be performed at a government-owned contractor-operated (GOCO) facility where the Energy Research and Development Administration has elected to assert its statutory authority to enforce occupational safety and health standards applicable to the working conditions of contractor and subcontractor employees.

SAFETY AND HEALTH

The contractor shall take all reasonable precautions in the performance of the work under this contract to protect the safety and health of employees and of members of the public and shall comply with all applicable safety and health regulations and requirements (including reporting requirements) of the Commission. In the event that the contractor fails to comply with said regulations or requirements of the Commission, the Contracting Officer may, without prejudice to any other legal or contractual rights of the Commission, issue an order stopping all or any part of the work; thereafter a start order for resumption of the work may be issued at the discretion of the Contracting Officer. The contractor shall make no claim for an extension of time or for compensation or damages by reason of or in connection with such work stoppage.

(b) The clause set forth herein shall be included in those contracts or subcontracts for, and be made applicable to, work to be performed at a facility where the Energy Research and Development Administration does not elect to assert its statutory authority to enforce occupational safety and health standards applicable to the working conditions of contractor and subcontractor employees, but does need to enforce radiological safety and health standards pursuant to provisions of the contract or subcontract rather than by reliance upon Energy Research and Development Administration licensing requirements (including agreements with states under section 274 of the Atomic Energy Act).

RADIATION PROTECTION AND NUCLEAR CRITICALITY

The contractor shall take all reasonable precautions in the performance of work under this contract to protect the safety and health of employees and of members of the public against the hazards of ionizing radiation and radioactive materials and shall comply with all applicable radiation protection and nuclear criticality safety standards and requirements (including reporting requirements) of the Commission. In the event that the contractor fails to comply with said standards and requirements of the Commission, the Contracting Officer may, without prejudice to any other legal or contractual rights of the Commission, issue an order stopping all or any part of the work; thereafter a start order for resumption of the work may be issued at the discretion of the Contracting Officer. The contractor shall make no claim for an extension of time or for compensation or damages by reason of or in connection with such work stoppage.

Subpart 9–7.5 Use of Standard Clauses

§ 9–7.5006–47 [Reserved]

3. In Subpart 9–7.50, Use of Standard Clauses, § 9–7.5006–47, Safety, health, and fire protection, is deleted and reserved as follows:

Subpart 9–16.4 Forms for Advertised Construction Contracts

4. In Subpart 9–16.4, Forms for Advertised Construction Contracts, § 9–16.404–50, ERDA authorized additions to Standard Form 19, paragraph (b)(1) is revised as follows:

§ 9–16.404–50 ERDA authorized additions to Standard Form 19.

* * * * *

(b) * * *

(1) Safety and health (§ 9–7.5004–12).

* * * * *

5. In Subpart 9–16.4, Forms for Advertised Construction Contracts, § 9–16.404–52, ERDA additions to Standard Form 23A General Provisions (Construction Contract) (October 1969 edition), paragraph (a)(23) is revised as follows:

§ 9–16.404–52 ERDA additions to Standard Form 23A General Provisions (Construction Contract) (October 1969 edition).

(a) * * *

23. Safety and health (§ 9–7.5004–12).

* * * * *

Subpart 9–16.7 Forms for Negotiated Architect-Engineer Contracts

6. In Subpart 9–16.7, Forms for Negotiated Architect-Engineer Contracts, § 9–16.703–50, Terms, conditions, and provisions, paragraph 22 is revised as follows:

§ 9–16.703–50 Terms, conditions, and provisions.

* * * * *

22. Safety and health (§ 9–7.5004–12).

* * * * *

Subpart 9–16.50 Contract Outlines

7. In Subpart 9–16.50, Contract Outlines, § 9–16.5002–4, Outline of a cost-plus-a-fixed-fee-construction contract, Article XVI is revised as follows:

§ 9–16.5002–4 Outline of a cost-plus-a-fixed-fee-construction contract.

* * * * *

Article XVI—*Safety and health.* Insert contract clause set forth in § 9–7.5004–12.

* * * * *

8. In Subpart 9–16.50, Contract Outlines, § 9–16.5002–5, Outline of a cost-plus-a-fixed-fee architect-engineer contract, Article XVII is revised as follows:

§ 9–16.5002–5 Outline of a cost-plus-a-fixed-fee architect-engineer contract.

* * * * *

Article XVII—*Safety and health.* Insert contract clause set forth in § 9–7.5004–12.

* * * * *

9. In Subpart 9–16.50, Contract Outlines, § 9–16.5002–9, Outline of cost-type contract for research and development with educational institutions, Article B–17 is revised as follows:

§ 9–16.5002–9 Outline of cost-type contract for research and development with educational institutions.

* * * * *

Article B–17 *Safety and Health.*

If applicable, include one or both of the clauses set forth in § 9–7.5004–12.

* * * * *

Effective date. This amendment is effective January 28, 1975.

Dated at Germantown, Maryland this 17th day of January 1975.

For the Energy Research and Development Administration.

JOSEPH L. SMITH,
Director, Division of Contracts.

NOTE.—This document is republished from the issue of January 28, 1975 (40 FR 4146).

[FR Doc.75–2425 Filed 1–27–75;8:45 am]

CHAPTER 14—DEPARTMENT OF THE TREASURY

PART 14–3—PROCUREMENT BY NEGOTIATION

Subpart 14–3.3—Determinations, Findings, and Authorities

Correction

In FR Doc. 74–30119 appearing at page 44980, in the issue of Monday, December 30, 1974, in the fourth line of § 14.-3.305–15(1) the word now reading, "contracts" should read, "contractors".

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 2]

FREEDOM OF INFORMATION ACT

Proposed Uniform Fee Schedule for Requests

The Department of the Interior is considering adoption of a uniform fee schedule for requests made under the Freedom of Information Act. The schedule will apply to all constituent units of the Department. The Department does not currently have a Department-wide schedule setting specific fees.

The uniform fee schedule is proposed to be added as Appendix A to Part 2 of Title 43, Code of Federal Regulations. The current appendix to this part will be designated Appendix B.

The uniform fee schedule is proposed to include fees to be charged for manual searches for records, for duplicating of records and for computer services involved in producing records. These services are the only services required to be performed in connection with requests under the Freedom of Information Act for which charges are permitted by section 1(b)(2) of the recent amendments to that Act, Pub. L. 93-502, 88 Stat. 1561, to be charged. The proposed fees to be charged are based on the direct costs of performing these services.

The uniform fee schedule contains two fees for manual searches for records. One fee is to be charged for searches which can be performed by clerical personnel. The other fee is to be charged for searches which require the services of professional employees.

The fee proposed to be charged for clerical searches, $1.10 for each quarter hour, is based on an average hourly salary drawn from 1974 salary figures for all employees in the secretarial and clerk-typist job series and employees in grades 1 through 6 of the general job series. These employees are the employees believed most likely to be called upon to conduct clerical searches.

The fee proposed to be charged for searches conducted by professional employees, $2.10 for each quarter hour, is based on the actual 1974 average hourly salary for all employees in the GS-7 to GS-14 grade range. Because of the great diversity of the Department, it was deemed not possible to attempt to base the fees on the salaries paid to employees in particular job categories within this grade range.

Two fees are also proposed for duplication of requested records. The basic duplication fee is for duplication of average records, that is, records not requiring special handling. The second fee is to be changed in unusual cases involving duplication of records which, because of their age require special handling.

The basic duplicating fee is proposed to be $0.25 for the first page of copy and $0.05 for each page of copy thereafter. The $0.05 per page charge is calculated on the following basis. Three cents of the charge covers duplicating machine operating costs. This figure is based on the actual cost per copy of operating duplicating machines currently in use by the Department of the Interior, excluding certain machines used for large-volume multi-copy duplicating jobs which would not ordinarily be used in duplicating records in response to Freedom of Information requests. One cent of the charge covers personnel costs involved in operating a duplicating machine and one cent covers supplies, such as paper and duplicating fluid. The $0.25 charge for the first copy is designed to cover miscellaneous start-up costs associated with making copies, such as the personnel time involved in changing the paper being used in the duplicating machine.

The fee for duplicating of documents requiring special handling, which is proposed to be $0.25 for the first page of copy and $0.10 for each page of copy thereafter is designed primarily to be charged in connection with duplication of very old land records and other old documents. While many of these documents can be duplicated on standard equipment, they are, because of their age, quite fragile and their duplication thus requires the investment of a substantially greater amount of personnel time.

Several fee levels are proposed to be charged for computer services involved in responding to Freedom of Information requests. These varying fee levels appear required because the direct costs of providing computer services vary greatly depending on the size and complexity of the computer hardware involved and the configuration of that hardware. An additional factor precluding the establishment of a single fee for computer services is that, while earlier generation computers can process only a single job at a time, permitting billing on the basis of a flat hourly rate, later generation computers can process several jobs simultaneously, thus necessitating more sophisticated billing systems.

The fee to be charged for certification of documents is established by a statute of particular applicability to the Department of the Interior. 43 U.S.C. 1460.

A final paragraph is contained in the fee schedule to allow a charge for unanticipated types of services or material required to be provided in connection with Freedom of Information requests.

The proposed fee schedule contains a paragraph indicating that the schedule will be in effect from February 19, 1975, to November 30, 1975. The purpose of this provision is to provide for revision of the schedule ultimately adopted in the light of initial experience under it.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be addressed to: Assistant Solicitor—General Legal Services, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. All comments received on or before February 14, 1975, will be considered before action is taken on the proposed fee schedule.

Comments received will be available for examination at: Room 6525, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C.

Pursuant to the authority vested in the Secretary of the Interior by 5 U.S.C. 301 and 552 and 43 U.S.C. 1460, Part 2 of Title 43 of the Code of Federal Regulations is proposed to be amended by redesignating the Appendix thereto as Appendix B and adding an Appendix A to read as follows:

APPENDIX A

FEES

The following uniform fee schedule is applicable to all constituent units of the Department. It states the fees to be charged to members of the public for services performed in locating and making available records or copies thereof in connection with requests made under the Freedom of Information Act. It also states the fees to be charged for certification of documents.

(1) *Copies, basic fee.* For copies of documents other than documents requiring special handling because of their age or unusual dimensions: $0.25 for the first page of copy, $0.05 for each page of copy thereafter.

(2) *Copies, documents requiring special handling.* For copies of documents which require special handling because of their age: $0.25 for the first page of copy, $0.10 for each page of copy thereafter.

(3) [Reserved].

(4) [Reserved].

(5) *Clerical searches.* For each quarter hour, or portion thereof, spent by clerical personnel in locating a requested record or records: $1.10.

(6) *Nonclerical searches.* For each quarter hour, or portion thereof, spent by professional or managerial personnel in locating a requested record or records where the search cannot be performed by clerical personnel: $2.10.

(7) [Reserved].

(8) Certification. For each certificate of verification attached to authenticated copies of records furnished to the public: $0.25.

(9) [Reserved].

(10) *Computerized records, computer time charges.* For services in processing requests for records maintained in computerized form (includes personnel cost):

(a) CDC 6500

(i) Batch use, central processing unit per hour, $160.00.

(ii) Batch use, Input/Output, per hour, $138.00.

(iii) Remote Terminals, central processing unit, per hour, $160.00.

(iv) Remote Terminals, Input/Output, per hour, $250.00.

(v) Remote Terminals, connect time, per hour, $5.00.

(vi) Plotters, $24.00.

(b) Burroughs 5500

(i) Computer time, per hour, $66.00.

(c) CYBER 74-28

(i) Central Memory, kiloword hour, $10.53.

(ii) Extended Core Storage, kiloword hour, $5.92.

(iii) Mass Storage, Input/Output, per 1000 physical records, $0.07.

(iv) Central processor, per second, $0.10.

(v) Magnetic Tape, Input/Output, per 1000 physical records, $3.01.

(vi) Card Input, per 1000 cards, $0.85.

(vii) Card Output, per 1000 cards, $11.75.

(viii) Printer, per 1000 lines, $0.66.

(ix) Interactive Terminal, connect time, per hour, $3.60.

(d) IBM 1130

(i) Computer time, per hour, $25.00.

(e) IBM 1620

(i) Computer time, per hour, $15.00.

(f) NCR 200

(i) In house batch, per hour, $19.00.

(ii) Remote batch, per hour, $22.00.

(g) DEC 1070

(i) *Basic charge for batch processing.* $4.00 per job plus $2.16 per 1000 disk accesses plus $260.00 per hour central processor charge.

(ii) *Core use charge.* In addition to the basic charges, a core use charge is added to each job. This charge is computed using the following formula: CPU Charge under aragraphm (i) multiplied by Words of Core, divided by 25,000.

(iii) *Terminal Access by COPE 1200.* Basic DEC 1070 charges plus $1.00 per job plus $20.00 per COPE 1200 machine resource unit, defined as follows: Lines printed, divided by 13,333, plus cards read, divided by 5,556, plus cards punched, divided by 2,500.

(iv) *Terminal access by Data 110 Model 78.* Basic DEC 1070 charges plus $1.00 per job plus $20.00 per model 78 machine resource unit, defined as follows: Lines printed, divided by 12,300, plus cards read, divided by 7,000, plus cards punched, divided by 4,500.

(v) The basic batch processing charge in paragraph (i) is based on highest priority use of the computer. Unless otherwise requested, Freedom of Information requests shall be processed on this basis. If the requester so specifies, a request will be processed on the following basis: $2.00 per job plus $1.26 per 1000 disk accesses plus $260.00 per hour central processor charge.

(h) IBM 360/65 and 370/155.

(i) *Basic charge for batch processing.* $16.00 per job plus $33.03 per 1000 tape access plus $11.01 per 1000 disk accesses plus $3.67 per 1000 drum accesses plus $1320.00 per hour central processor charge.

(ii) *Core use charge.* (A) If in any Job Step the amount of core reserved exceeds the amount of core used by more than 20K, the basic charges are increased for every Job Step by 1% for each 1K of such excess core reserved. If the excess condition exists in more than one Job Step, the maximum excess is applied to the charges for all Job Steps. The minimum charge is $10.00.

(iii) The basic batch processing charge in paragraph (i) is based on highest priority use of the computer. Unless otherwise requested, Freedom of Information requests shall be processed on this basis. If the requester so specifies, a request will be processed on any one of seven lower priority bases. The charge for each priority basis is as follows:

(A) *Priority A.* $7.50 per job plus $21.96 per 1000 tape accesses plus $7.32 per 1000 disk accesses plus $2.44 per 1000 drum accesses plus $880.00 per hour central processor charge.

(B) *Priority B and C.* $3.00 plus $10.98 plus $3.66 plus $1.22 plus $440.00 per hour central processor charge.

(C) *Priority D and E.* $1.50 plus $6.48 plus $2.60 plus $0.72 plus $260.00 per central processor charge.

(D) *Priority F.* $1.00 plus $3.24 plus $1.08 plus $0.36 plus $130.00 per central processor charge.

(11) *Computerized records, materials.* For materials used in processing requests for records maintained in computerized form:

(a) Paper. $7.00 per 1000 sheets.

(b) Cards. $1.60 per 1000 cards.

(12) [Reserved]

(13) [Reserved]

(14) *Other services.* When a response to a request requires services or materials other than the common ones described in this schedule, the direct cost of such services or materials to the Government may be charged, but only if the requester has been notified of such cost before it is incurred.

(15) *Effective dates.* This schedule applies to all requests made under the Freedom of Information Act between February 19, 1975 and November 30, 1975, inclusive.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

FEBRUARY 4, 1975.

[FR Doc.75-3572 Filed 2-6-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1121, 1126, 1127, 1128, 1129, 1130]

[Docket Nos. AO-231-A41, etc.]

MILK IN NORTH TEXAS AND CERTAIN OTHER MARKETING AREAS

Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	Docket No:
1126	North Texas	AO-231-A41.
1121	South Texas	AO-364-A8.
1127	San Antonio, Tex	AO-232-A-27.
1128	Central West Texas	AO-238-A-30.
1129	Austin-Waco, Tex	AO-256-A-23.
1130	Corpus Christi, Tex	AO-259-A-27.

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas, which was issued November 27, 1974 (39 FR 43000), is hereby extended to February 18, 1975.

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

Signed at Washington, D.C., on February 4, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-3588 Filed 2-6-75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 50]

CATTLE DESTROYED BECAUSE OF TUBERCULOSIS

Proposed Tuberculosis Indemnity Regulations

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of sections 3, 4, 5, 11 and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111-113, 114, 114a, 114a-1, 120, 121, 125, and 134b), regulations to appear in a new Part 50 designated "Animals Destroyed Because of Tuberculosis" in Title 9, Code of Federal Regulations, are proposed to be issued to read as follows:

Statement of considerations. The purpose of this regulation is to separate indemnity regulations relating to cattle destroyed because of tuberculosis from those which relate to cattle destroyed because of brucellosis, thus establishing a separate set of indemnity regulations for each disease; to provide for the payment of indemnity for steers and nonregistered bulls affected with tuberculosis and for certain cattle which have been exposed to that disease; to provide for the independent appraisal of cattle destroyed; to provide alternate means of identifying tuberculosis exposed cattle being transported; to provide an alternate means of destroying tuberculosis affected cattle; to provide liberalized criteria for requiring cleaning and disinfection of tuberculosis infected and exposed premises and to limit extension of time periods provided for the removal of reactors and the cleaning and disinfection of tuberculosis infected and exposed premises.

It is proposed to add Part 50 to read as follows:

PART 50—ANIMALS DESTROYED BECAUSE OF TUBERCULOSIS

Sec.
50.1 Definitions.
50.2 Cooperation with States.
50.3 Payment to owners for cattle destroyed.
50.4 Determination of existence of or exposure to tuberculosis.
50.5 Record of tests.
50.6 Identification of cattle to be destroyed because of tuberculosis.
50.7 Destruction of cattle.
50.8 Payment of expenses for disposal of carcasses.

Sec.
50.9 Appraisals.
50.10 Report of appraisals.
50.11 Report of salvage proceeds.
50.12 Claims for indemnity.
50.13 Disinfection of premises, conveyances, and materials.
50.14 Claims not allowed.
50.15 Part 53 of this chapter not applicable.

§ 50.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean:

(a) "Department": The United States Department of Agriculture.

(b) "Veterinary Services": Veterinary Services, Animal and Plant Health Inspection Service, USDA.

(c) "Deputy Administrator": The Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, USDA, or any other Veterinary Services official to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) "Veterinarian in Charge": The veterinary official of Veterinary Services, Animal and Plant Health Inspection Service, USDA, who is assigned by the Deputy Administrator to supervise and perform official animal health work of the Animal and Plant Health Inspection Service in the State concerned.

(e) "Veterinary Services Representative": A veterinarian or other person employed by Veterinary Services, Animal and Plant Health Inspection Services, USDA, in animal health activities who is authorized to perform the function involved.

(f) "State": A State, the District of Columbia, or a territory or possession of the United States; or a political subdivision thereof; which has executed a cooperative agreement with Veterinary Services, Animal and Plant Health Inspection Service, USDA, for the control and eradication of tuberculosis.

(g) "Accredited Veterinarian": An accredited veterinarian as defined in Part 160 of this chapter.

(h) "Mortgage": Any mortgage, lien or other security or interest that is recorded under State law or identified in the indemnity claim form filed under § 50.12 and held by any person other than the one claiming indemnity.

(i) "Person": Any individual, corporation, company, association, firm, partnership, society, or joint stock company, or any organized group of any of the foregoing.

(j) "Owner": Any person who has a legal or rightful title to cattle whether or not they are subject to a mortgage.

(k) "Destroyed": Condemned under State authority and destroyed by slaughter or by death otherwise.

(l) "Animals": Any mammalian species which may serve as a carrier or reservoir of tuberculosis.

(m) "Herd": Any group of animals (of like kind) maintained on common ground for any purpose, or two or more groups of animals (of like kind) under common ownership or supervision, geographically separated but which have an interchange or movement of cattle without regard to health status.

(n) "Herd Depopulation": Removal by slaughter or other means of destruction of all cattle in a herd or from specific premises or under common ownership prior to restocking with new animals.

(o) "Registered Cattle": Cattle for which individual records of ancestry are recorded and maintained, and for which individual registration certificates are issued and recorded by a recognized breed association whose purpose is the improvement of the breed.

(p) "Permit": A permit for movement of cattle direct to slaughter listing the disease, status and identification of the animal, where consigned, cleaning and disinfecting requirements, and proof of slaughter certification.

§ 50.2 Cooperation with States.

The Deputy Administrator has been delegated the authority to cooperate with the proper State authorities in the eradication of tuberculosis and to pay Federal indemnities for the destruction of cattle affected with or exposed to tuberculosis.

§ 50.3 Payment to owners for cattle destroyed.

(a) *Affected cattle.* The Department may pay owners an indemnity for cattle affected with tuberculosis not to exceed 90 percent of the difference between the appraised value of each animal so destroyed and the net salvage received by the owner; *Provided,* That no such payment may exceed $350 for each animal, *And provided, further,* That any joint State-Federal indemnity payment, plus salvage, does not exceed the appraised value of each animal.

(b) *Herd depopulation—cattle.* The Deputy Administrator has been delegated the authority to authorize the payment of Federal indemnity to owners of cattle destroyed because of tuberculosis not to exceed $100 for any nonregistered animal or $200 for any registered animal[1] which has been found to be exposed, is a part of a known infected herd, and when it has been determined by the Deputy Administrator that the destruction of all the cattle in the herd will contribute to the tuberculosis eradication program: *Provided,* That the joint State-Federal indemnity payment, plus salvage, does not exceed the appraised value of each animal.

(c) *Exposed cattle.* The Deputy Administrator has been delegated the authority to authorize the payment of Federal indemnity to owners of cattle destroyed because of tuberculosis not to exceed $100 for any nonregistered animal or $200 for any registered animal[1] which has been found to have been exposed by reason of association with tuberculosis cattle, and when it has been determined by the Deputy Administrator that the destruction of such exposed cattle will contribute to the tuberculosis eradication program: *Provided,* That the joint State-Federal indemnity payment, plus salvage, does not exceed the appraised value of each animal.

[1] Cattle presented for appraisal as registered shall be accompanied by their registration papers, or shall be paid for as nonregistered: *Provided, however,* That if the registration papers are temporarily not available or if the cattle are less than 3 years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers.

§ 50.4 Determination of existence of or exposure to tuberculosis.

(a) Cattle are classified as affected with tuberculosis on the basis of an intradermal tuberculin test or other test approved by the Deputy Administrator applied by a Federal, State or accredited veterinarian.

(b) Cattle are classified as exposed to tuberculosis when such animals are: (1) Part of a known infected herd qualifying for indemnity under § 50.3(b), or (2) found to have been exposed, having been part of a herd before infection was introduced prior to movement to the present premises and qualifying for indemnity under § 50.3(c), or (3) found to have been exposed by virtue of nursing a reactor dam and qualifying for indemnity under § 50.3(c): *Provided,* That cattle classified as exposed to tuberculosis shall be removed direct to slaughter.

§ 50.5 Record of tests.

When any animal in a herd of cattle is classified by a Veterinary Services or State representative or accredited veterinarian as a reactor to a test for tuberculosis, a complete test record shall be made for such herd, including the reactor tag number of each reacting animal and the registration name and number of each reacting registered animal. A form acceptable to Veterinary Services shall be used for the record of any herd having any reactor to a tuberculin test. A copy of the applicable test record shall be given to the owner of any such herd, and one copy of each such record shall be furnished to the appropriate State veterinarian's office.

§ 50.6 Identification of cattle to be destroyed because of tuberculosis.

Cattle to be destroyed because of tuberculosis must be identified within 15 days after being classified as reactors or otherwise condemned because of tuberculosis, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the time limit for identification to 30 days when request for such extension is received by him prior to the expiration date of the original 15-day period allowed.

(a) *Reactor cattle.* Reactor cattle shall be identified by branding the letter "T" on the left jaw not less than 2 nor more than 3 inches high and by tagging with an approved metal eartag bearing a serial number and inscription "U.S. Reactor" or a similar State reactor tag suitably attached to the left ear of each animal.

(b) *Exposed cattle.* Exposed cattle shall be identified by branding the letter "S" on the left jaw not less than 2 nor

more than 3 inches high and by tagging with an approved metal tag bearing a serial number attached to the left ear of each animal; *Provided, however,* That they may be accompanied to slaughter by a Veterinary Services or State representative; or be shipped in vehicles closed with officials seals.

§ 50.7 Destruction of cattle.

(a) Cattle to be destroyed because of tuberculosis must be shipped direct to slaughter under permit to a Federal or State inspected slaughtering establishment or be disposed by of rendering, burial, or burning in an approved manner under supervision of a Department or State employee.

(b) *Time limit for destruction of cattle.* Cattle for which Federal indemnity may be paid because of tuberculosis must be destroyed and carcass disposal completed within 15 days after the date of appraisal, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the time limit for slaughter to 30 days when request for such extension is received by him prior to the expiration of the original 15-day period allowed.

§ 50.8 Payment of expenses for disposal of carcasses.

When slaughter of cattle affected with or exposed to tuberculosis at approved slaughtering establishments is not possible or practical, the Department may pay, when approved in writing by the Veterinarian in Charge, one-half the expenses for destruction, burial, incineration, rendering, or otherwise disposing of such cattle and one-half the expenses of transportation of such animals to the point where such disposal shall take place. Claims for such payment shall be made on forms furnished by Veterinary Services and shall be signed by a Veterinary Services or State representative or jointly and by the owner certifying his acceptance of the amount claimed. No charges for expenses of disposal or trucking by the owner shall be paid by the Department.

§ 50.9 Appraisals.

Cattle. Cattle to be destroyed because of tuberculosis under § 50.3 (a), (b), or (c) shall be appraised by a Veterinary Services or State representative, or independent professional appraiser at Veterinary Services expense where the Veterinarian in Charge deems necessary. When thus appraised, due consideration shall be given to their breeding value as well as to their dairy or meat value. Cattle presented for payment as registered shall be accompanied by their registration papers, or shall be paid for as nonregistered: *Provided, however,* That if the registration papers are temporarily not available or if the cattle are less than 3 years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers. The appraiser shall be responsible for their verification. Veterinary Services may decline to accept any appraisal that appears to be unreasonable or out of proportion to the market value of cattle of like quality.

§ 50.10 Report of appraisals.

Appraisals of cattle made in accordance with § 50.9 shall be recorded on forms furnished by Veterinary Services. The appraisal form shall be signed by the appraiser and by the owner certifying his acceptance of the appraisal. The "date of appraisal" shall be the date that the owner signs the appraisal form. The original of the appraisal form and as many copies thereof as may be required for Veterinary Services, the State, and the owner of the animals shall be sent to the appropriate Veterinarian in Charge.

§ 50.11 Report of salvage proceeds.

A report of the salvage derived from the sale of each animal on which a claim for indemnity may be made under the provisions of § 50.3 shall be made on a salvage form acceptable to Veterinary Services which shall be signed by the purchaser or his agent or by the selling agent handling the animals. If the cattle are sold by the pound, the salvage form shall show the weight, price per pound, gross receipts, expenses if any, and net proceeds. If the cattle are not sold on a per pound basis, the net purchase price of each animal must be stated on the salvage form and an explanation showing how the amount was arrived at must be submitted. In the event the animals are not disposed of through regular slaughterers or through selling agents, the owner shall furnish, in lieu of the salvage form, an affidavit showing the amount of salvage obtained by him and shall certify that such amount is all that he has received or will receive as salvage for said animals. In an emergency, a certificate executed by the appropriate Veterinarian in Charge will be acceptable in lieu of the owner's affidavit. The salvage shall be considered to be the net amount received for an animal after deducting freight, truckage, yardage, commissions, slaughtering charges, and similar costs. The original of the salvage form or the affidavit of the owner or certificate of the appropriate Veterinarian in Charge, furnished in lieu thereof, shall be furnished to the Veterinarian in Charge if it is not already in his possession. Additional copies may be furnished to the State officials, if required. Destruction of animals by burial, burning, or other disposal of carcasses shall be supervised by a Veterinary Services or State representative who shall prepare and transmit to the Veterinarian in Charge a report identifying the animals and showing the disposition thereof.

§ 50.12 Claims for indemnity.

Claims for Federal indemnity for cattle destroyed because of tuberculosis shall be presented on indemnity claim forms furnished by Veterinary Services, on which the owner of the animals covered thereby shall certify that the animals are or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, the Veterinary Services indemnity claim form shall be signed by the owner and by each person holding a mortgage on the animals consenting to the payment of any indemnity allowed to the person specified thereon. Payment will be made only if the Veterinary Services indemnity claim form has been approved by a proper State official and if payment of the claim has been recommended by the appropriate Veterinarian in Charge or an official designated by him. On claims for indemnity made under the provisions of § 50.3, the Veterinarian in Charge or official designated by him shall record on the Veterinary Services indemnity claim form the amount of Federal and State indemnity payments that appear to be due to the owner of the animals. The owner of the animals shall be furnished a copy of the Veterinary Services indemnity claim form. The Veterinarian in Charge or official designated by him shall then forward the Veterinary Services indemnity claim form to the appropriate official for further action on the claim. No charges for holding the cattle on the farm pending slaughter or for trucking by the owner shall be so deducted or otherwise paid by the Department.

§ 50.13 Disinfection of premises, conveyances, and materials.

All premises, including all structures, holding facilities, conveyances, or materials which are determined by the appropriate Veterinarian in Charge to constitute a health hazard to humans or animals because of tuberculosis shall be properly cleaned and disinfected, in accordance with procedures approved by the Department, within 15 days after the removal of tuberculosis affected or exposed cattle except that the Veterinarian in Charge, for reasons satisfactory to him, may extend the time limit for disinfection to 30 days when request for such extension is received by him prior to the expiration date of the original 15-day period allowed.

§ 50.14 Claims not allowed.

Claims for compensation for cattle destroyed because of tuberculosis shall not be allowed if any of the following circumstances exist:

(a) If the claimant has failed to comply with any of the requirements of this part.

(b) If any part of the claimants' herd has not been tested for tuberculosis under Veterinary Services or State supervision.

(c) If there is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for such animals.

(d) If at the time of test or condemnation, the cattle belonged to or were upon the premises of any person to whom they had been sold, shipped, or delivered for slaughter unless or until all of the cattle remaining on the premises or in the herd from which the tested or condemned cattle originated are tested or otherwise examined for tuberculosis in a manner satisfactory to the

Deputy Administrator or his designated representative.

(e) If the cattle affected with tuberculosis have been added to the herd while the herd was under quarantine for tuberculosis.

§ 50.15 Part 53 of this chapter not applicable.

No claim for Federal indemnity for cattle destroyed because of tuberculosis shall hereafter be paid under the regulations contained in Part 53 of this chapter, but all such claims shall be presented and paid pursuant to and in compliance with the regulations contained in this part.

Any person who wishes to submit written data, views or arguments concerning this proposed regulation may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782 before March 12, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of February, 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-3589 Filed 2-6-75;8:45 am]

[9 CFR Part 51]

CATTLE DESTROYED BECAUSE OF BRUCELLOSIS

Proposed Brucellosis Indemnity Regulations

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of sections 3, 4, 5, 11, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111-113, 114, 114a, 114a-1, 120, 121, 125, and 134b), it is proposed that the heading for Part 51 be amended to read as set forth above and that Part 51, Title 9, Code of Federal Regulations, be amended to read as follows: (Proposed regulations, to appear as a new Part 50, relating to cattle destroyed because of tuberculosis are being simultaneously issued).

Statement of considerations. The purpose of this amendment is to clarify existing authority for the payment of brucellosis indemnity for cattle destroyed when certain herds are depopulated; to require appraisal of brucellosis exposed cattle for which indemnity is authorized; to provide for the payment of indemnity for nonregistered bulls destroyed; and to limit the extension of the 15-day periods for identification of reactors, destruction of infected and exposed cattle, and the cleaning and disinfection of infected and exposed premises, to an additional 15-day period.

Sec.
51.1 Definitions.
51.2 Cooperation with States.
51.3 Payment to owners for cattle destroyed.
51.4 Determination of existence of or exposure to brucellosis.
51.5 Record of tests.
51.6 Identification of cattle to be destroyed because of brucellosis.
51.7 Destruction of cattle; time limit for slaughter.
51.8 Appraisals.
51.9 Report of appraisals.
51.10 Report of salvage proceeds.
51.11 Claims for indemnity.
51.12 Disinfection of premises, conveyances, and materials.
51.13 Claims not allowed.
51.14 Part 53 of this chapter not applicable.

AUTHORITY: Secs. 3, 4, 5, 11 and 13, Act of May 29, 1884; secs. 1 and 2, Act of Feb. 2, 1903; sec. 3, Act of Mar. 3, 1905 (21 U.S.C. 111-113, 114, 114a, 114a-1, 120, 121, 125, 134b).

§ 51.1 Definitions.

For the purposes of this part, the following terms shall be construed respectively, to mean:

(a) "Department": The United States Department of Agriculture.

(b) "Veterinary Services": Veterinary Services, Animal and Plant Health Inspection Service, USDA.

(c) "Deputy Administrator": The Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, USDA, or any other Veterinary Services official to whom authority has heretofore lawfully been delegated or may hereafter be delegated to act in his stead.

(d) "Veterinarian in Charge": The Veterinary official of Veterinary Services, Animal and Plant Health Inspection Service, USDA, who is assigned by the Deputy Administrator to supervise and perform official animal health work of the Animal and Plant Health Inspection Service in the State concerned.

(e) "Veterinary Services Representative": A veterinarian or other person employed by Veterinary Services, Animal and Plant Health Inspection Service, USDA, in animal health activities who is authorized to perform the function involved.

(f) "State": A State, the District of Columbia, or a territory or possession of the United States; or a political subdivision thereof; which has executed a cooperative agreement with Veterinary Services, Animal and Plant Health Inspection Service, USDA, for the control and eradication of brucellosis.

(g) "Accredited Veterinarian": An accredited veterinarian as defined in Part 160 of this chapter.

(h) "Mortgage": Any mortgage, lien or other security or interest that is recorded under State law or identified in the indemnity claim form filed under § 51.11 and held by any person other than the one claiming indemnity.

(i) "Person": Any individual, corporation, company, association, firm, partnership, society, or joint stock company, or any organized group of any of the foregoing.

(j) "Owner": Any person who has a legal or rightful title to cattle whether or not they are subject to a mortgage.

(k) "Destroyed": Condemned under State authority and destroyed by slaughter or by death otherwise.

(l) "Official vaccinate": A female bovine animal vaccinated subcutaneously against brucellosis while from 3 to 6 months (90 to 179 days) of age or a female bovine animal of a beef breed vaccinated subcutaneously against brucellosis while from 3 to 10 months (90 to 299 days) of age, under the supervision of a Federal or State veterinary official, with a vaccine approved by Veterinary Services, permanently identified as an official vaccinate; and reported at the time of vaccination to the appropriate State or Federal agency cooperating in the eradication of brucellosis: *Provided, however,* That a bovine animal vaccinated prior to July 1, 1972, in accordance with the existing definition of an official vaccinate as set forth in this part at the time of vaccination, shall be deemed to be an official vaccinate.

(m) "Herd": Any group of animals (of like kind) maintained on common ground for any purpose, or two or more groups of animals (of like kind) under common ownership or supervision, geographically separated but which have an interchange or movement of animals without regard to health status.

(n) "Herd depopulation": Removal by slaughter or other means of destruction of all cattle in a herd or from a specific premises or under common ownership prior to restocking with new animals, except that steers and spayed heifers maintained for feeding purposes may be retained on the premises if the Veterinarian in Charge finds such retention to be compatible with eradication efforts.

(o) "Registered cattle": Cattle for which individual records of ancestry are recorded and maintained, and for which individual registration certificates are issued and recorded by a recognized breed association whose purpose is the improvement of the breed.

(p) "Permit": A permit for movement of animals direct to slaughter listing the disease, status and identification of the animal, where consigned, cleaning and disinfecting requirements, and proof of slaughter certification.

§ 51.2 Cooperation with States.

The Deputy Administrator has been delegated the authority to cooperate with the proper State authorities in the eradication of brucellosis and to pay indemnities for the destruction of cattle affected with or exposed to brucellosis.

§ 51.3 Payment to owners for cattle destroyed.

(a) *Affected cattle.* Owners of cattle destroyed which are affected with brucellosis may be paid an indemnity by the Department not to exceed $50 for any grade animal or $100 for any registered animal,[1] except in Alaska, Hawaii, Puerto Rico, and Virgin Islands where no payment for any animal destroyed shall exceed $100. Appraisals and reports of salvage are not required. Proof of slaughter is required. Post-mortem reports will be accepted as proof of slaughter.

(b) *Herd depopulation.* The Deputy Administrator has been delegated the authority to authorize the payment of Federal indemnity to owners whose cattle are destroyed because of brucellosis not to exceed $50 for any nonregistered animal or $100 for any registered animal which has been found to be exposed, is a part of a known infected herd, and when it has been determined by the Deputy Administrator that the destruction of all cattle in the herd will contribute to the brucellosis eradication program. Proof of slaughter, appraisals, and reports of salvage are required. Post-mortem reports will be accepted as proof of slaughter. The joint State-Federal indemnity payment plus salvage may not exceed the appraised value of each animal.

(c) *Exposed cattle.* The Deputy Administrator has been delegated the authority to authorize the payment of Federal indemnity to owners for cattle destroyed because of brucellosis not to exceed $50 for any nonregistered animal or $100 for any registered animal which has been found to be exposed by reason of previous association with brucellosis affected cattle and it has been determined by the Deputy Administrator that the destruction of such exposed cattle will contribute to the brucellosis eradication program. Proof of destruction, appraisals, and reports of salvage are required. Postmortem reports will be accepted as proof of slaughter. The joint State-Federal indemnity payment plus salvage may not exceed the appraised value of each animal.

§ 51.4 Determination of existence of or exposure to brucellosis.

Cattle are classified as affected with brucellosis on the basis of an agglutination or other test approved by the Deputy Administrator, applied by a Veterinary Services, State, or accredited veterinarian or by a nonveterinary technician under the supervision of a Veterinary Services or State veterinarian. Cattle are classified as exposed to brucellosis that are part of a known infected herd or that have been in contact with brucellosis infected cattle in marketing channels for periods of 24 hours or for periods of less than 24 hours if any of the infected cattle to which they are exposed have recently aborted, calved, or have a vaginal or uterine discharge.

§ 51.5 Record of tests.

When any animal in a herd of cattle is classified as affected with brucellosis, a complete test record shall be made for such herd, including the reactor tag number of each affected animal and the registration name and number of each affected registered animal. A form acceptable to Veterinary Services shall be used for the record of any herd having a reactor to a brucellosis test. A copy of the applicable test record shall be given to the owner of any such herd, and one copy of each such record shall be furnished to the appropriate State veterinarian's office.

§ 51.6 Identification of cattle to be destroyed because of brucellosis.

Cattle to be destroyed because of brucellosis must be identified within 15 days after being classified as reactors or otherwise condemned because of brucellosis. The appropriate Veterinarian in Charge for reasons satisfactory to him, may extend the time limit to 30 days when request for such extension is received by him prior to the expiration date of the original 15-day period allowed. Such cattle must be identified by branding the letter "B" on the left jaw not less than 2 nor more than 3 inches high and by tagging with an approved metal tag bearing a serial number and inscription "U.S. Reactor" or a similar State reactor tag suitably attached to the left ear of each animal.

§ 51.7 Destruction of cattle; time limit for slaughter.

(a) *Destruction.* Cattle to be destroyed because of brucellosis shall be sold under permit to a State or Federal slaughtering establishment approved for this purpose or to a State or Federal approved market for sale to such slaughtering establishment.

(b) *Time limit for slaughter.* Payment of indemnity may be made under this Part for cattle destroyed because of brucellosis only if the cattle are destroyed, slaughtered, or die otherwise within 15 days after the date of identification or appraisal except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the time limit to 30 days when request for such extension is received by him prior to the expiration date of the original 15-day period allowed.

§ 51.8 Appraisals.

Cattle. Appraisals are not required for cattle affected with brucellosis which are to be destroyed and indemnities paid under § 51.3(a). Cattle affected with or exposed to brucellosis which are to be destroyed and indemnities paid under § 51.3(b) or (c) shall be appraised by a Veterinary Services or State representative or an independent professional appraiser at Veterinary Services expense when the Veterinarian in Charge deems necessary. When thus appraised, due consideration shall be given to their breeding value as well as to their dairy or meat value. Cattle presented for payment as registered shall be accompanied by their registration papers or shall be paid for as grades: *Provided, however,* That if the registration papers are temporarily not available or if the cattle are less than 3 years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers. The appraiser shall be responsible for their verification. Veterinary Services may decline to accept appraisals that appear to be unreasonable or out of proportion to the market value of cattle of like quality.

§ 51.9 Report of appraisals.

Appraisals of cattle made in accordance with § 51.8 shall be recorded on forms furnished by Veterinary Services. The appraisal form shall be signed by the appraiser and by the owner certifying his acceptance of the appraisal. The "date of appraisal" shall be the date that the owner signs the appraisal form. The original of the appraisal form and as many copies thereof as may be required for Veterinary Services, the State, and the owner of the animals shall be sent to the appropriate Veterinarian in Charge.

§ 51.10 Report of salvage proceeds.

A report of the salvage derived from the sale of cattle on which a claim for indemnity may be made under the provisions of § 51.3 shall be made on a salvage form acceptable to Veterinary Services which shall be signed by the purchaser or his agent or by the selling agent handling the animals. If the cattle are sold by the pound, the salvage form shall show the weight, price per pound, gross receipts, expenses if any, and net proceeds. If the cattle are not sold on a per pound basis, the net purchase price of each animal must be stated on the salvage form and an explanation showing how the amount was arrived at must be submitted. In the event the animals are not disposed of through regular slaughterers or through selling agents, the owner shall furnish, in lieu of the salvage form, an affidavit showing the amount of salvage obtained by him and shall certify that such amount is all that he has received or will receive as salvage for said animals. In an emergency, a certificate executed by the appropriate Veterinarian in Charge will be acceptable in lieu of the owner's affidavit. The salvage shall be considered to be the net amount received for an animal after deducting freight, truckage, yardage, commissions, slaughtering charges, and similar costs. An acceptable form furnished by the purchaser or selling agent, or the affidavit of the owner or certificate of the appropriate Veterinarian in Charge, furnished in lieu thereof, shall be furnished to the Veterinarian in Charge if it is not

[1] Cattle presented for appraisal as registered shall be accompanied by registration papers, or shall be paid for as nonregistered: *Provided, however,* That if the registration papers are temporarily not available or if the cattle are less than 3 years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers.

already in his possession. Additional copies may be furnished to the State officials, if required.

§ 51.11 Claims for indemnity.

Claims for indemnity for cattle destroyed because of brucellosis shall be presented on indemnity claim forms furnished by Veterinary Services on which the owner of the animals covered thereby shall certify that the animals are or are not subject to any mortgage as defined in this part. If the owner states there is a mortgage, the Veterinary Services indemnity claim form shall be signed by the owner and by each person holding a mortgage on the animals, consenting to the payment of any indemnity allowed to the person specified thereon. Payment will be made only if the Veterinary Services indemnity claim form has been approved by a proper State official and if payment of the claim has been recommended by the appropriate Veterinarian in Charge or an official designated by him. On claims for indemnity made under the provisions of § 51.3, the Veterinarian in Charge or official designated by him shall record on the Veterinary Services indemnity claim form the amount of Federal and State indemnity payments that appear to be due to the owner of the animals. The owner of the animals shall be furnished a copy of the Veterinary Services indemnity claim form. The Veterinarian in Charge or official designated by him shall then forward the Veterinary Services indemnity claim form to the appropriate official for further action on the claim. No charges for holding the animals on the farm pending slaughter or for trucking by the owner shall be so deducted or otherwise paid by the Department.

§ 51.12 Disinfection of premises, conveyances, and materials.

All premises, including all structures, holding facilities, conveyances, and materials, contaminated because of occupation or use by brucellosis affected or exposed cattle shall be properly cleaned and disinfected with a disinfectant permitted by Veterinary Services in accordance with recommendations of the Veterinary Services or State inspector within 15 days from the date reactors were removed from the premises, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the time limit for disinfection to 30 days when request for such extension is received by him prior to the expiration date of the original 15-day period allowed, and except that certain premises may be exempted from such cleaning and disinfecting requirements by approval of the appropriate Veterinarian in Charge on written recommendations by the Veterinary Services or State inspector or when a written report by the Veterinary Services or State inspector determines that there are no buildings, holding facilities, conveyances, or other materials on the premises that would require such cleaning and disinfection.

§ 51.13 Claims not allowed.

Claims for compensation for cattle destroyed because of brucellosis shall not be allowed if any of the following circumstances exist:

(a) If the claimant has failed to comply with any of the requirements of this part.

(b) If the existence of any such disease in the cattle was determined as the result of an agglutination test applied by an accredited veterinarian and specific instructions for the administration of such test had not previously been issued to such veterinarian by the proper Veterinary Services and State authorities.

(c) If all eligible cattle in the claimant's herd have not been tested for brucellosis under Veterinary Services or State supervision.

(d) If the cattle are steers unless the steers are work oxen.

(e) If the cattle are classified as reactors and are unofficial vaccinates unless there is either a record of a negative blood agglutination test made not less than 30 days following the date of vaccination, or unless other Veterinary Services approved tests show the vaccinates are affected with virulent Brucellae.

(f) If there is substantial evidence that the owner or his agent has in any way been responsible for any unlawful or improper attempt to obtain indemnity funds for such cattle.

§ 51.14 Part 53 of this chapter not applicable.

No claim for indemnity for cattle destroyed because of brucellosis shall hereafter be paid under the regulations contained in Part 53 of this chapter, but all such claims shall be presented and paid pursuant to and in compliance with regulations contained in this part.

Any person who wishes to submit written data, views, or arguments concerning this proposed amendment may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782 before March 12, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of February 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and ice.

[FR Doc.75-3590 Filed 2-6-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Reg. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Widow and Widower's Benefit Increase

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to 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. The proposed amendments reflect various provisions of Pub. L. 92-603. These include the following revisions.

(1) The maximum monthly benefit amount to which a widow or widower may be entitled is 100 percent of the deceased wage earner's primary insurance amount. Prior to enactment of Pub. L. 92-603, the highest monthly benefit amount was limited to 82½ percent of the deceased wage earner's primary insurance amount.

(2) The widow or widower's monthly benefit amount may be subject to a reduction if the deceased wage earner received a benefit prior to his reaching age 65. Section 404.330(b)(3) of these proposed amendments discusses the applicability of the provision.

(3) If no one else other than a widow or a widower is entitled to monthly benefits based on the deceased wage earner's earnings, such widow or widower is guaranteed no less than $84.50 reduced, if necessary, for months of entitlement prior to age 62.

(4) An individual may have his old-age insurance benefit increased if such individual's monthly benefit is not reduced (because of early retirement) at age 65. Section 404.305a describes the rules needed for this provision to be applicable.

(5) A nondisabled widower may now receive benefits at age 60. Prior to enactment of Pub. L. 92-603, such an individual had to be at least age 62 to be eligible for monthly benefits.

(6) Prior to enactment of Pub. L. 92-603, a divorced wife a divorced widow, and a surviving divorced mother had to meet certain dependency requirements in order to be eligible for monthly benefits. The proposed amendments to these regulations, reflecting the law, remove these dependency requirements. All of these amendments are effective for monthly benefits payable after December 1972.

Prior to the final adoption of the proposed amendments, 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, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before March 10, 1975.

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 amendments are to be issued under the authority contained in sections 202, 205, 1102, 49 Stat. 623, as amended, 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 42 U.S.C. 402, 405, 1302.

(Catalog of Federal Domestic Assistance Program Nos. 13.802, 13.803, 13.805, Social Security—Disability Insurance, Social Security—Retirement Insurance, Social Security—Survivors Insurance)

Dated: December 23, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 31, 1975.

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

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.305 is revised to read as follows:

§ 404.305 Old-age insurance benefits; rate of benefit.

The amount of the old-age insurance benefit to which an individual is entitled for any month is, except as provided in § 404.113a, equal to his primary insurance amount (see section 215(a) of the Act) for such month, subject to reduction under section 202(q) of the Act or subject to increase as provided in § 404.305a.

2. A new § 404.305a is added to read as follows:

§ 404.305a Increase in old-age insurance benefit amount on account of delayed retirement.

(a) *In general.* Effective with old-age insurance benefits payable for months beginning after 1972, an individual may be entitled to a delayed retirement credit which will increase the amount of his old-age insurance benefit, if:

(1) (i) The first month of entitlement to the old-age insurance benefit is no earlier than the month in which he attains age 65; or.

(ii) The old-age insurance benefit at age 65 is not reduced under section 202(q) of the Act; and

(2) Such benefit is not based on a primary insurance amount determined under section 215(a)(3) of the Act. (See paragraph (f) of this section.)

(b) *Delayed retirement credit.* The amount of the delayed retirement credit is 1/12 of 1 percent of the individual's old-age insurance benefit (before any increase under this section) multiplied by the number of increment months (determined in accordance with paragraphs (c) and (d) of this section) to which he is entitled.

(c) *Increment months.* The number of increment months is equal to the total number of months which:

(1) Have elapsed in the period beginning with the month in which the individual attained age 65 or (if later) January 1971 and ending with the month immediately prior to the month in which he attained age 72, and

(2) With respect to which:

(i) He was fully insured as defined in §§ 404.108–404.113, and

(ii) He was not entitled to an old-age insurance benefit or suffered deductions under section 203(b) or 203(c) of the Act in amounts equal to the amount of such benefit.

(d) *When increment months are determined and effective date of increase.* For purposes of applying the delayed retirement credit provisions, a determination will be made under paragraph (c) of this section for each year, beginning with 1972, of the total number of an individual's increment months through the year for which the determination is made. The total so determined shall be applicable to the individual's old-age insurance benefits (before any increase under this section) beginning with benefits for January of the year following the year for which the determination is made. In the case of an individual who attains age 72 after 1972, the total number of increment months will be determined for the period ending with the month immediately before the month in which he attains age 72 and shall be applicable to his old-age insurance benefit beginning with the month in which he attains such age.

(e) *Benefits amounts affected.* The increase resulting from the delayed retirement credit does not affect the individual's primary insurance amount; it is applied only to his old-age insurance benefit. The increase payable to the individual does not apply to auxiliary benefits nor, after death, to survivors benefits nor does it affect the family maximum. The increase will be applied to the individual's old-age insurance benefit even if the family maximum is thereby exceeded.

(f) *Use of special minimum primary insurance amount.* If the individual's regular primary insurance amount as determined under section 215(a)(1) of the Act is lower than the special minimum primary insurance amount as determined under section 215(a)(3) of the Act but the regular primary insurance amount yields a higher old-age insurance benefit under the delayed retirement provision, the regular primary insurance amount will be used to establish the old-age insurance benefit for the individual. However, the special minimum primary insurance amount will be used for auxiliary benefits and the family maximum.

3. Section 404.313 is amended by revising paragraph (a)(3) to read as follows:

§ 404.313 Wife's insurance benefits; condition of entitlement.

(a) *Conditions of entitlement after August 1965.* The wife (as defined in § 404.1103) and every divorced wife (as defined in § 404.1105(a)) of an individual entitled to old-age or disability insurance benefits is entitled to wife's insurance benefits if she:

* * * * *

(3) In the case of a divorced wife:

(i) Is not married; and

(ii) With respect to entitlement to benefits for months prior to January 1973, at the time specified in paragraph (b) of this section, was receiving at least one-half of her support from such individual (see § 404.350), or was receiving substantial contributions from such individual pursuant to a written agreement (see § 404.351(a)), or there was in effect a court order for substantial contributions (see § 404.351(c)) to her support from such individual; and

* * * * *

4. Section 404.328 is amended by revising paragraph (a) to read as follows:

§ 404.328 Widow's insurance benefits; conditions of entitlement.

(a) *Conditions of entitlement after August 1965.* The widow (as defined in § 404.1104) and every surviving divorced wife (as defined in § 404.1105(b)) of an individual who died fully insured is entitled to widow's insurance benefits if she:

(1) Is not married (except as provided in paragraph (d) of this section); and

(2) (i) Has filed application for widow's insurance benefits (see Subpart G of this part); or

(ii) For months prior to January 1973, was entitled after attainment of age 62 to wife's insurance benefits on the basis of the wages and self-employment income of such individual for the month preceding the month in which he died; or

(iii) For months after December 1972, was entitled to wife's insurance benefits on the basis of the wages and self-employment income of such individual for the month preceding the month in which he died provided that:

(A) She has attained age 65, or

(B) She is not entitled to either old-age or disability benefits; or

(iv) Was entitled, on the basis of such wages and self employment income, to mother's insurance benefits for the month preceding the month in which:

(A) Prior to January 1973, she attained age 62, or

(B) After December 1972, she attained age 65; and

(3) (i) Has attained age 60, or

(ii) For benefits for months after January 1968, but only on the basis of an application filed in or after January 1968, has attained age 50 but is under age 60 and (A) is under a disability as defined in section 223(d) of the Act which began during the period specified

in paragraph (e) (1) of this section, and (B) has been under such disability through the waiting period as defined in paragraph (e) (2) of this section where such period is required; and

(4) Is not entitled to old-age insurance benefits or is entitled to an old-age insurance benefit which is less than:

(i) For months prior to January 1973, 82½ percent of the primary insurance amount of such deceased individual; or

(ii) For months after December 1972, the primary insurance amount of such deceased individual; and

(5) With respect to entitlement to benefits for months prior to January 1973, in the case of a surviving divorced wife who was not entitled to a wife's insurance benefit on the basis of the earnings record of such individual for the month preceding the month in which he died, at the time specified in paragraph (b) of this section,

(i) She was receiving at least one-half of her support from such individual (see § 404.350), or

(ii) She was receiving substantial contributions from such individual pursuant to a written agreement (see § 404.351 (a)), or

(iii) there was in effect a court order for substantial contributions to her support from such individual (see § 404.351(c)).

* * * * *

5. Section 404.330 is amended by revising paragraphs (a) and (b) as follows:

§ 404.330 Widow's insurance benefits; rate of benefit.

(a) *For months prior to January 1973.* (1) *Basic benefit rate.* Except as provided in paragraphs (a)(2), (b), and (c) of this section, the amount of the widow's insurance benefit for any month prior to January 1973 is equal to 82½ percent of the primary insurance amount of the deceased individual upon whose earnings record such benefit is based. (See § 404.113a(c) for benefit rate under transitional insured status provision and § 404.352 for minimum survivor's insurance benefit rate.)

(2) *Benefit rate; entitlement prior to age 62.* If a woman becomes entitled to widow's insurance benefits for months prior to January 1973 before attainment of age 62, the amount of such benefit for each such month is equal to 82½ percent of the primary insurance amount of the deceased individual upon whose earnings record such benefit is based reduced in accordance with the provisions of section 202(q) (1) of the Act.

(b) *For months after December 1972.* (1) *Basic benefit rate.* Except as provided in paragraphs (a), (b)(2), (b)(3), and (c) of this section, the amount of the widow's insurance benefit for any month after December 1972 is equal to the primary insurance amount of the deceased individual upon whose earnings record such benefit is based. (See § 404.113a(c) for benefit rate under transitional insured status provision and § 404.352 for minimum survivor's insurance benefit rate.)

(2) *Benefit rate; entitlement prior to age 65.* If a woman becomes entitled to widow's insurance benefits (for any month after December 1972) before attainment of age 65, the amount of such benefit for each such month is equal to the primary insurance amount of the deceased individual upon whose earnings records such benefit is based reduced in accordance with the provisions of section 202(q) (1) of the Act.

(3) *Benefit rate; deceased wage earner entitled to reduced old-age insurance benefits prior to death.* Where a widow's benefit reduced under paragraph (b)(2) of this section is greater than 82½ percent of the primary insurance amount and the benefit rate to which the deceased wage earner would have been entitled if he were still living is lower than the rate described in paragraph (b)(2) of this section, the widow will receive the higher of:

(i) 82½ percent of the deceased wage earner's primary insurance amount, or

(ii) The benefit rate to which the deceased wage earner would have been entitled if he were still living.

* * * * *

6. Section 404.331 is amended by revising paragraphs (a)(3) through (7) and (c)(1) to read as follows:

§ 404.331 Widower's insurance benefits; conditions of entitlement.

(a) *Conditions of entitlement.* A man is entitled to widower's insurance benefits if:

* * * * *

(3)(i) He has attained age 60 (age 62 for months prior to January 1973), or

(ii) For benefits for months after January 1968, but only on the basis of an application filed in or after January 1968, has attained age 50 but is under age 60 (age 62 for months prior to January 1973) and (*a*) is under a disability as defined in section 223(d) of the Act which began during the period specified in paragraph (c)(1) of this section, and (*b*) has been under such disability throughout the waiting period as defined in paragraph (c) (2) of this section where such period is required; and

(4) He has not remarried since the death of his wife, except that if he remarries after attaining age 60 (age 62 for months prior to January 1973) the marriage is deemed not to have occurred for purposes of determining if he is entitled to widower's insurance benefits for months after August 1965 provided that he was entitled to such benefits for the month of August 1965 or an application for such benefits was filed after June 1965; and

(5) (i) He has filed an application (see Subpart G of this part) for widower's insurance benefits; or

(ii) was entitled to husband's insurance benefits based on his wife's earnings for the month before the month in which she died, and for monthly benefits payable after December 1972, and

(A) Has attained age 65, or

(B) Is not entitled to either retirement or disability benefits.

(6) He was, at a time specified in § 404.334, receiving at least one-half of his support (see § 404.350) from his wife, except as provided in paragraph (b) of this section, and within a 2-year period specified in § 404.334(c) submitted evidence that he was receiving such support; and

(7) He is not entitled to an old-age insurance benefit which equals or exceeds the amount of the widower's insurance benefits determined in accordance with paragraphs (a)(1) or (b)(1) of § 404.333.

* * * * *

(c) *Widower's entitlement based on disability.* (1) *When disability must begin.* For the purposes of paragraph (a) (3)(ii) of this section a widower must be under age 60 (age 62 for months prior to January 1973) and under a disability as defined in section 223(d) of the Act which began before the month he attained age 60 (age 62 for months prior to January 1973) or if earlier before the close of the 84th month following the latest of:

(i) The month in which the wage earner died, or

(ii) The month in which a previous entitlement to widower's insurance benefits on the basis of the earnings record of such individual terminated because his disability had ceased.

* * * * *

7. Section 404.333 is amended by revising paragraphs (a) and (b) to read as follows:

§ 404.333 Widower's insurance benefits; rate of benefit.

(a) *For months prior to January 1973*—(1) *Basic benefit rate.* Except as provided in paragraphs (a)(2), (b), and (c) of this section the amount of the widower's insurance benefit for any month prior to January 1973 is equal to 82½ percent of the primary insurance amount of his deceased wife upon whose earnings record such benefit is based. (See § 404.352 for minimum survivor's insurance benefit rate.)

(2) *Benefit rate; entitlement prior to age 62.* If a man becomes entitled to widower's insurance benefits (for any month prior to January 1973) before attainment of age 62, the amount of such benefit for each such month is equal to 82½ percent of the primary insurance amount of his deceased wife upon whose earnings record such benefit is based reduced in accordance with the provisions of section 202(q) (1) of the Act.

(b) *For months after December 1972*—(1) *Basic benefit rate.* Except as provided in paragraphs (a), (b)(2), and (c) of this section, the amount of the widower's insurance benefit for any month after December 1972 is equal to the primary insurance amount of the deceased individual upon whose earnings record such benefit is based. (See § 404.352 for minimum survivor's insurance benefit rate.)

(2) *Benefit rate; entitlement prior to age 65.* If a man becomes entitled to

widower's insurance benefits (for any month after December 1972) before attainment of age 65, the amount of such benefit for each such month is equal to the primary insurance amount of the deceased individual upon whose earnings record such benefit is based reduced in accordance with the provisions of section 202(q)(1) of the Act.

(3) *Benefit rate; deceased wage earner entitled to reduced old-age insurance benefits prior to death.* Where a widower's benefit reduced under paragraph (b)(2) of this section is greater than 82½ percent of the primary insurance amount and the benefit rate to which the deceased wage earner would have been entitled if shew ere still living is lower than the rate described in paragraph (b)(2) of this section, the widower will receive the higher of:

(i) 82½ percent of the deceased wage earner's primary insurance amount, or

(ii) The benefit rate to which the deceased wage earner would have been entitled if she were still living.

* * * * *

8. Section 404.335 is amended by revising paragraph (a)(6) to read as follows:

§ 404.335 Mother's insurance benefits; conditions of entitlement.

(a) *Conditions of entitlement after August 1965.* The widow and every surviving divorced mother as defined in § 404.1105(c) of an individual who died fully or currently insured is entitled to mother's insurance benefits if she:

* * * * *

(6) In the case of a surviving divorced mothers—

(i) The child referred to in subparagraph (2) of this paragraph is her son, daughter, or legally adopted child, and

(ii) The benefits referred to in such subparagraph are payable on the basis of such individual's earnings record, and

(iii) With respect to entitlement for months prior to January 1973, she was receiving at least one-half of her support from such individual (see § 404.350), or was receiving substantial contributions from such individual pursuant to a written agreement (see § 404.351(a)), or there was in effect a court order for substantial contributions to her support from such individual (see § 404.351(c) at the time of his death, or if he had a period of disability which did not end before the month in which he died, at the time such period began.

* * * * *

9. Section 404.350 is amended by revising paragraph (a) to read as follows:

§ 404.350 "One-half support" defined.

(a) *Applicability.* One of the requirements for entitlement to a husband's, widower's, or parent's insurance benefit under sections 202(c)(1)(C), 202(f)(1)(D), and 202(h)(1)(B)(i) of the Act, respectively, is that the person claiming such benefit was receiving at least one-half support from the insured individual at a specified time. (For exceptions to this requirement in the case of husband's or widower's insurance benefits see §§ 404.316(c) and 404.331(b).) Under the Social Security Amendments of 1965 (Pub. L. 89–97), a requirement for entitlement to a wife's insurance benefit as a divorced wife, a widow's insurance benefit as a surviving divorced wife, or a mother's insurance benefit as a surviving divorced mother is that, at a specified time, she was receiving at least one-half support from the insured individual, or she was receiving substantial contributions from such individual (pursuant to a written agreement), or there was in effect a court order for substantial contributions to her support from such individual. Pub. L. 92–603 removed these support requirements for entitlement to benefits as a divorced wife, a surviving divorced wife, and a surviving divorced mother effective with monthly benefits payable after December 1972. Under section 202(g)(1)(F) of the Act, prior to the 1965 amendments, one of the requirements for entitlement to a mother's insurance benefit as a former wife divorced (now designated as a surviving divorced mother and (under the law in effect prior she was receiving from her deceased former husband (pursuant to agreement or court order) at least one-half of her support. One-half support may be required in some cases to establish dependency of a child on a stepfather, stepmother, adopting father, or adopting mother and (under the law in effect prior to the Social Security Amendments of 1967 (Pub. L. 90–248)) to establish dependency of a child on a natural or adopting mother.

* * * * *

10. Section 404.351 is amended by revising paragraphs (a) and (c) to read as follows:

§ 404.351 Agreement, court order, and substantial contributions defined.

(a) *Agreement for substantial contributions after August 1965 and prior to January 1973.* For purposes of section 202(b)(1)(D), 202(e)(1)(D), and 202(g)(1)(F)(i)(II) of the Act, as in effect for months September 1965 through December 1972, the term "written agreement" means an agreement signed by the former husband providing for substantial contributions by him for the claimant's support. It must be in effect at the applicable time but it need not be legally enforceable. "Substantial contributions pursuant to a written agreement" means contributions (as defined in § 404.350(d)) that are regular and sufficient to constitute a material factor in the cost of the claimant's support. Generally, the claimant must actually be receiving the contributions at the applicable time. However, if the former husband had been making such contributions toward the claimant's support, but, prior to the applicable time, was either forced to stop making such contributions, or to decrease the amount of his contributions because of circumstances beyond his control (such as illness or unemployment), it may be determined that he was making substantial contributions at the applicable time if the former husband would have continued the contributions if he could and his failure to do so did not last for more than 9 months (either consecutive or intermittent) of the 12-month period ending with the applicable time.

* * * * *

(c) *Court order for substantial contributions after August 1965 and prior to January 1973.* For purposes of sections 202(b)(1)(D), 202(e)(1)(D), and 202(g)(1)(F)(i)(III) of the Act, as in effect for months September 1965 through December 1972, the term "court order for substantial contributions" means any court order, judgment, or decree of a court of competent jurisdiction which requires regular contributions that are a material factor in the cost of the claimant's support and which is in effect at the applicable time. If such contributions are required by a court order, this condition is met whether or not the contributions were actually made.

* * * * *

11. Section 404.352 is revised as follows:

§ 404.352 Minimum monthly survivor's insurance benefit amount.

(a) *General.* When only one individual is entitled to a survivor's insurance benefit for any month, the amount of such monthly survivor's insurance benefit, before any reduction under § 404.353, or section 202(q) of the Act, shall be not less than:

(1) $93.80 for months after May 1974;

(2) $90.50 for months after February 1974 and before June 1974;

(3) $84.50 for months after August 1972 and before March 1974;

(4) $70.40 for months after December 1970 and before September 1972;

(5) $64 for months after December 1969 and before January 1971;

(6) $55 for months after January 1968 and before January 1970;

(7) $44 for months after December 1964 and before February 1968;

(8) $40 for months after July 1961 and before January 1965.

(b) *Sole surviving widow(er)'s monthly benefit.* Effective January 1973, a widow or widower who is the sole survivor entitled to benefits will not receive less than $84.50 reduced for months of entitlement prior to age 62.

[FR Doc.75–3561 Filed 2–6–75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

ALPHA-METHYL STYRENE, TERPHENYLS, VINYL TOLUENE, ACROLEIN, P-TERT-BUTYLTOLUENE, CUMENE (ISOPROPYL BENZENE), CYCLOHEXANE, DIPHENYL (BIPHENYL), ETHYL BENZENE, FURFURAL

Standards Completion Project; Advanced Notice of Proposed Rulemaking

Correction

In FR Doc. 75–3019 appearing in the issue of Monday, February 3, 1975, at

page 4930, the heading of the document should read as set forth above.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GL-3]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal aviation regulations so as to designate a transition area at Middlefield, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 10, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An instrument approach procedure has been developed for the Geauga County Airport, Middlefield, Ohio. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this approach procedure by designating a transition area at Middlefield, Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

MIDDLEFIELD, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Geauga County Airport (Latitude 41°27'00" N., Longitude 81°03'48" W.); excluding the portion which overlies the Cleveland, Ohio transition area.

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

Issued in Des Plaines, Ill., on January 20, 1975.

H. W. POGGEMEYER,
Acting Director, Great Lakes Region.

[FR Doc.75-3485 Filed 2-6-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-CE-24]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ulysses, Kansas.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before March 10, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

An instrument approach procedure is being established to the Ulysses Airport, Ulysses, Kansas, using a City-owned NDB being installed on the airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Ulysses, Kansas. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

ULYSSES, KANSAS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ulysses, Kansas Municipal Airport (latitude 37°36'10" N., longitude 101°22'15" W.); within 3 miles each side of the 307° bearing from the Ulysses radio beacon (latitude 37°35'51" N., longitude 101°22'00" W.); extending from the 5-mile radius area 2.5 miles northwest.

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

Issued in Kansas City, Missouri, on January 3, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-3483 Filed 2-6-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-CE-35]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Salina, Kansas.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before March 10, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

The VOR Runway 17 instrument approach procedure to Salina Municipal Airport is being amended by lowering the procedure turn altitude. Consequently, it is necessary that the controlled airspace designated to protect the procedure be altered so as to compensate for the procedural change.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

SALINA, KANSAS

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Salina Municipal Airport (latitude 38°47'40" N., longitude 97°39'30" W.); within 4½ miles W and 9½ miles E of the Salina ILS localizer course, extending from 3 miles N to 18½ miles S of the ILS OM; and, within 5 miles each side of the Salina VORTAC 012° radial extending from the 9-mile radius area to 17½ miles N of the VORTAC, excluding the portion which overlies restricted area R-3601 and the McPherson, Kansas 700-foot floor transition area.

This amendment is proposed under the authority of section 307(a) of the Federal

Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on January 3, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-3484 Filed 2-6-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20065; RM-2224]

TELEVISION BROADCAST STATIONS IN CERTAIN CITIES IN NEBRASKA

Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Alliance, Hay Springs, and Scottsbluff, Nebraska).

1. The Commission by the Chief, Broadcast Bureau, pursuant to delegated authority, has before it a request of Wyneco Communications, Inc., licensee of Station KSTF(TV), Scottsbluff, Nebraska, filed January 24, 1975, requesting a further extension of time from January 31, 1975, to February 15, 1975, to file reply comments in this proceeding.[1]

2. Wyneco advises that the requested extension is necessary for its economic consultant to complete his analysis of the financial reports of the proponent of the rule making, Duhamel Broadcasting Enterprises, for Station KDUH-TV, Hay Springs, Nebraska, as well as its parent, Station KOTA-TV, Rapid City, South Dakota, and its sister satellite, Station KHSD-TV, Lead, South Dakota, for the years 1958-1973, for inclusion in its reply comments. Wyneco explains that it was not until after the Commission's clarification on December 31, 1974, of its December 16, 1974 ruling authorizing Wyneco to examine the Duhamel financial reports for these years rather than only from 1970 through 1973, and notice from Duhamel on January 7, 1975, advising that it would not appeal the ruling, that it was in position to arrange for inspection and duplication of the pertinent Duhamel records, which it promptly did. However, since it did not receive copies of the reports until later, January 16, 1975, copies of which were promptly thereafter mailed to its out-of-town economic consultant, the brief additional time sought is needed to complete an analysis of the reports.

3. In the circumstances, the requested extension appears reasonable and since the economic position of the Duhamel Hay Springs station is among the important issues in this proceeding upon which meaningful comments would be helpful in reaching a decision on the Duhamel proposal, we believe that the public interest is served by granting the additional time.

4. *Accordingly, it is ordered*, That the date for filing reply comments in this proceeding is extended from January 31, 1975, to and including February 15, 1975.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules.

Adopted: January 29, 1975.

Released: January 31, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-3536 Filed 2-6-75;8:45 am]

[1] Published first at 40 FR 2449, January 13, 1975.

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y]

BANK HOLDING COMPANIES

Nonbanking Activities

Pursuant to its authority under Sections 4(c)(8) and 5(b) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and 1844(b)), the Board proposes to amend § 225.4(c) of its Regulation Y to clarify the circumstances under which a bank holding company engaged in nonbank activities, directly or indirectly through a subsidiary, may acquire assets of another company without first obtaining Board approval pursuant to section 4(c)(8) of the Act.

On September 13, 1974, the Board issued an interpretation of Regulation Y regarding situations in which an acquisition of assets of a going concern by a bank holding company or its section 4(c)(8) nonbank subsidiary might require prior Board approval. The interpretation noted that, in determining whether Board approval is required in connection with an acquisition of assets, it is necessary to determine (a) whether the acquisition is made in the ordinary course of business[1] or (b) whether it constitutes the acquisition, in whole or in part, of a going concern.[2] Among the examples illustrating transactions where prior Board approval would generally be required was a transaction involving the "acquisition of all or substantially all of the assets of a company, or a subsidiary, division, department or office thereof."

Section 225.4(c)(3) of Regulation Y provides, in effect, that acquisitions of assets in the ordinary course of business do not require prior Board approval. It has come to the Board's attention that there may exist certain circumstances under which the above-mentioned portion of the Board's interpretation could be viewed as conflicting with § 225.4(c)(3) of Regulation Y, i.e., those instances in which the acquisition of all or substantially all of the assets of a company, or a subsidiary, division, department or office thereof is made in the ordinary course of business. In order to avoid any ambiguity, the Board proposes to formalize the relevant portion of the interpretation by an appropriate amendment to Regulation Y.

Under the present provisions of the regulation (12 CFR 225.4(c)(3)), a bank holding company may acquire assets "in the ordinary course of business" without prior Board approval. The proposed amendment would prohibit, without prior Board approval, the acquisition of all or substantially all of the assets of a company, or a subsidiary, division, department or office thereof, even if such acquisition were made in the ordinary course of business.

The proposed amended subparagraph (3) of § 225.4(c) of Regulation Y would read as follows:

§ 225.4 Nonbanking activities.

(c) *Tie-ins, alterations, relocations, consolidations.* * * * (3) except for acquisitions made in the ordinary course of business of less than substantially all of the assets of a company, or a subsidiary, division, department or office thereof,[1] no merger or acquisition of assets to which the acquired company is a party shall be consummated without prior Board approval, if thereafter the bank holding company will continue to own, directly or indirectly, more than 5 per cent of the voting shares of such company of its successor.

* * * * *

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, comments, or argument. Any requests for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing. The Board also hereby solicits suggestions and comments on the establishment of standards for determining when an acquisition of assets would constitute "substantially all" of the assets of a company, or a subsidiary, division, department or office thereof.

Any views or requests for hearing should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 19, 1975.

By order of the Board of Governors, January 29, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-3555 Filed 2-6-75;8:45 am]

[1] Section 225.4(c)(3) of the Board's Regulation Y (12 CFR 225.4(c)(3)) generally prohibits a bank holding company or its subsidiary engaged in activities pursuant to authority of section 4(c)(8) of the Act from being a party to any merger "or acquisition of assets other than in the ordinary course of business" without prior Board approval.

[2] In accordance with the provisions of section 4(c)(8) of the Act and § 225.4(b) of Regulation Y, the acquisition of a going concern requires prior Board approval.

[1] An acquisition of assets, the effect of which would be to eliminate the seller as a viable competitor in any geographic market, in the line of business to which the assets pertain, would be viewed by the Board for the purposes of this subsection as being an acquisition of "substantially all" of the assets.

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 THE TREASURY

Office of the Secretary

[T.D. Order No. 233-3]

COORDINATOR, ECONOMIC STABILIZATION PROGRAM RECORDS

Delegation of Authority

By virtue of the authority vested in me by Treasury Department Order No. 233 (Revision No. 1), 39 FR 45302, December 31, 1974, it is ordered as follows:

1. There is delegated to the Coordinator, Economic Stabilization Program Records, the authority, without power of further redelegation, to grant or deny, in accordance with 6 CFR Part 102, access to the records of the Economic Stabilization Program, subject to prior consultation with appropriate legal counsel.

2. All appeals from denials of access to records shall be addressed to the Assistant Secretary for Administration for decision.

Dated: January 27, 1975.

[SEAL] WARREN F. BRECHT,
Assistant Secretary for Administration.

[FR Doc.75-3583 Filed 1-6-75;8:45 am]

DEPARTMENT OF DEFENSE

Defense Supply Agency

INGERSOLL MILLING MACHINE CO.

Proposed Cancellation of Contracts and Debarment and Notice of Hearing

The following letter is published in accordance with the requirements of 41 CFR 60-1.26(b)(2) (i) and (ii):

DCAS-VO

Mr. EDSON GAYLORD, *President and Chairman of the Board, Ingersoll Milling Machine Company, 707 Fulton Avenue, Rockford, Illinois 61103.*

JANUARY 30, 1975.

DEAR MR. GAYLORD: The Ingersoll Milling Machine Company has agreed, pursuant to the Equal Employment Opportunity clause of United States Government contracts, to comply with all provisions of Executive Order 11246, as amended, and the rules, regulations and relevant orders of the Secretary of Labor, 41 Code of Federal Regulations (CFR), Chapter 60. The Defense Supply Agency is charged with responsibility for securing compliance with the referenced Order and regulations under Department of Defense Directive No. 1100.11.

On June 10, 1974, an onsite Equal Employment Opportunity compliance review was initiated at your Rockford, Illinois facility. During the course of the review it was determined that your Company did not have an acceptable written Affirmative Action Program (AAP) for the period January 30, 1974, to January 29, 1975. Your Company refused to provide relevant personnel records, and refused all assistance to develop the required program.

The Ingersoll Milling Machine Company is in violation of Executive Order 11246, as amended, and its implementing regulations which require contractors with 50 or more employees and a contract of $50,000 or more to develop a written AAP which is acceptable in accordance with the standards and guidelines set forth in 60-2.10 through 60-2.32.

The Commander, DCASR, Chicago issued a show cause letter on June 21, 1974, which stated the deficiencies found to exist and offered assistance to resolve them by mediation and negotiation. During the 30-day show cause period, a conciliation meeting was held with you but it failed to yield positive results. Subsequent to the show cause period, you advised DCASR, Chicago that your company is not interested in future Government business. To date there is no indication that your Company intends to change its position.

In view of your apparent noncompliance with the Order and applicable regulations, you are hereby notified of the proposed cancellation or termination of any existing United States Government contracts or subcontracts. It is also proposed that you be declared ineligible for further contracts and subcontracts with the United States Government. This action is pursuant to section 209 of the Order and 41 CFR 60-1.26(b). The Ingersoll Milling Machine Company may within 14 days after receipt of this notice file an answer to the allegations set forth in this letter and request a hearing on the issues with the Director, Defense Supply Agency, Cameron Station, Alexandria, Virginia 22314. The answer and request for a hearing should conform with the requirements of 41 CFR 60-1.26(b) (2) (iii).

Sincerely,

P. F. COSGROVE, Jr.,
Rear Admiral, SC, USN, Deputy Director.

NOTICE OF HEARING

The office of Contracts Compliance, Headquarters, Defense Supply Agency (DSA) requested and received approval from the Director, DSA to issue a Notice of Proposed Cancellation of Contracts and Debarment to the Ingersoll Milling Machine Company for its failure to respond to the 30-day show cause letter issued to that company June 21, 1974. The Ingersoll Milling Machine Company has been given 14 days after receipt of the Proposed Cancellation and Debarment Notice to answer the allegations therein, and request a hearing on the issues with the Directors, DSA.

[FR Doc.75-3595 Filed 2-6-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CIBA-GEIGY CORP.

Hearing

On December 13, 1974, the Drug Enforcement Administration published the proposed aggregate production quotas for 1975 for controlled substances in schedules I and II. 39 FR 43411. Among the production quotas was the quota for methylphenidate.

On January 8, 1975, Ciba-Geigy Corporation of Summit, New Jersey, requested a hearing on the quota for methylphenidate noting that "it is the owner of the methylphenidate patent and is the sole manufacturer and distributor of the product in the United States." Ciba-Geigy contended that "the production quota, as proposed, is insufficient to meet legitimate scientific and medical needs in the United States as evidenced by prescription purchases since January 1, 1974."

Title 21, Code of Federal Regulations, § 1303.11(c) provides in pertinent part that the Administrator "may, but shall not be required to, hold a public hearing" on the issues raised by objections to a proposed aggregate production quota and that, should he determine that a public hearing should be held, he shall "summarize the issues to be heard."

It is the opinion of the Administrator that a public hearing should be held in this matter on the issue framed by Ciba-Geigy as whether the proposed 1975 production quota for methylphenidate is "insufficient to meet legitimate scientific and medical needs in the United States as evidenced by prescription purchases since January 1, 1974."

Therefore, pursuant to section 306 of the Controlled Substances Act (21 U.S.C. 826) which requires that the Attorney General establish aggregate production quotas for drugs in schedules I and II, and which responsibility has been delegated to the Administrator in Title 28, Code of Federal Regulations, § 0.100, Notice is hereby given that a hearing will be held in this matter at 10 a.m. on April 7, 1975, or as soon thereafter as this matter may be heard, in room 1210 of the Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C.

Dated: January 28, 1975.

JOHN R. BARTELS, Jr.,
Administrator.

[FR Doc.75-3574 Filed 2-6-75;8:45 am]

[Docket No. 74-6]

FLEET PHARMACY, INC., AND WASHINGTON-MAIN MEDICAL PHARMACY

Revocation of Certificate of Registration

On May 16, 1974, the Drug Enforcement Administration issued an Order to Show Cause to Fleet Pharmacy, Inc., d/b/a Washington-Main Medical Pharmacy, 1842 South Main Street, Los Angeles, California, as to why its Certificate

of Registration (DEA Registration AW 5915535) should not be revoked.

The basis for the issuance of the Order to Show Cause was that John D. Gardner, a corporate officer of Respondent corporation, who had been adjudged guilty on or about June 23, 1960 in the Superior Court of the State of California of violating section 11501, Health and Safety Code of the California General Statutes, a felony provision of said law relative to controlled substances, had intentionally and materially falsified his January 26, 1972 Application for Registration (which resulted in the issuance of BNDD Registration AF0318659 to Respondent) by indicating that he had never been convicted of a felony, under State or Federal law. The foregoing basis had been set forth in an Order to Show Cause issued to Respondent on May 12, 1973. See "Quality Medical Pharmacy; Fleet Pharmacy, Inc., d/b/a Washington-Main Medical Pharmacy; Ruby M. Beaman, d/b/a Quality Professional Pharmacy," 39 FR 12365, April 5, 1974. An additional underlying reason for the Order to Show Cause issued to Respondent on May 16, 1974 was that John D. Gardner had submitted his Application for Registration dated January 24, 1974 (which resulted in the issuance of DEA Registration AW5915535 to Respondent) in behalf of a suspended corporation and when he knew that a Final Order from the Administrator was forthcoming with reference to BNDD AF0318659. See "Quality Medical Pharmacy, et al.," 39 FR 12365, April 5, 1974.

Simultaneously with the institution of this proceeding, the Acting Deputy Administrator ordered the immediate suspension of Respondent's registration pending a final determination of the proceeding, pursuant to section 304(d) of the Controlled Substances Act, 21 U.S.C. 824(d).

Subsequently, by letter of May 21, 1974, counsel for Respondent requested a hearing in the matter, and a prehearing conference was held in Washington, D.C. on June 14, 1974. Thereafter, on August 6, 1974, a hearing on the merits was held before George A. Koutras, Administrative Law Judge, in Los Angeles, California. Following that hearing, Proposed Findings of Fact and Conclusions of Law, with supporting briefs, were submitted to Judge Koutras by counsel for the Government and the Respondent.

On November 18, 1974 Judge Koutras filed Recommended Findings of Fact and Conclusions of Law and his Recommended Decision with the Drug Enforcement Administration.

The Administrator, pursuant to § 1316.66, Title 21, Code of Federal Regulations, hereby adopts the findings of fact and also adopts in part the conclusions of law submitted by Judge Koutras.

Specifically, the Administrator finds that on or about June 23, 1960, John D. Gardner, President of Respondent corporation, was adjudged guilty at the Superior Court of the State of California, in and for the County of Los Angeles, of violating section 11501, Health and Safety Code of the California General Statutes, a felony provision of said law relative to controlled substances.

Furthermore, with reference to this finding of fact, it is the opinion of the Administrator that the Administrative Law Judge's Conclusion of Law, holding that 28 U.S.C. 2462 bars the use of Mr. Gardner's 1960 felony conviction as a basis for the revocation of Respondent's registration, is in error. The purpose of the Controlled Substances Act is to protect and promote the public health, and its primary aim is to ensure that those who engage in the dispensing of controlled substances do so in accordance with factors measuring conduct consistent with the public interest. Under these circumstances, the Administrator finds that the instant case is sufficiently distinguishable on its facts from "H. P. Lambert Co. v. Secretary of the Treasury," 354 F. 2d 819 (1st Cir. 1965), to make reliance on the Lambert holding inappropriate here. Therefore, it is the opinion of the Administrator that Mr. Gardner's conviction in 1960 of a felony relative to controlled substances serves as an independent basis for the revocation of Respondent's registration.

The Administrator adopts the Administrative Law Judge's finding that Mr. Gardner's denial of any prior felony convictions on Respondent's Application for Registration dated January 26, 1972, which resulted in the issuance of Respondent's prior Federal registration to dispense controlled substances (BNDD Registration AF0318659), constitutes a material false statement within the language of 21 U.S.C. 824(a)(1). This also serves as an independent statutory basis for the revocation of Respondent's registration.

The Administrator also takes notice of the fact that Mr. Gardner also denied any prior felony convictions on Respondent's Application for Registration dated January 24, 1974, which resulted in the issuance of DEA Registration AW-5915535. Likewise, the Administrator finds that this is a material false statement under 21 U.S.C. 824(a)(1).

In addition, the Administrator finds there is substantial evidence that, although Mr. Gardner admitted in the Application for Registration executed on January 24, 1974 and received by the Drug Enforcement Administration on March 7, 1974 that he had had a previous CSA Registration revoked or suspended, Mr. Gardner failed to attach a letter setting forth the circumstances of such action, as required by Item 5(c) of the Application. This Application had been submitted by Mr. Gardner under the name of a suspended corporation and when he knew in fact that a Final Order was forthcoming from the Administrator with reference to BNDD Registration AF0318659. This set in motion the unique combination of circumstances resulting in what was described in the Order to Show Cause as an "egregious administrative error", culminating in the issuance of DEA Registration AW5915535 to Respondent. In view of these facts, the Administrator finds that, on January 24, 1974 and March 7, 1974, and at all times within the instant proceedings held pursuant to the Order to Show Cause issued to Respondent on May 16, 1974, the Drug Enforcement Administration has been in the unusual position of dealing with a corporate entity which had been suspended on April 6, 1971, under the law of the State of California. The Administrator finds further that the use of the corporate name "Fleet Pharmacy, Inc." in the Application for Registration executed by John D. Gardner on January 24, 1974 was not only inaccurate but materially misleading. It would strain logic to hold that a registration obtained as a result of this set of circumstances could be anything but a nullity.

However, assuming for purposes of this Order that the Administrator could not make the finding on the basis of the record below that Respondent corporation had been placed under suspension pursuant to State law, the Administrator would nevertheless adopt, and herein does adopt, the Administrative Law Judge's conclusion that Respondent's corporate status does not bar revocation of its Federal controlled substances registration based on the actions of one of its corporate officers. Furthermore, the Administrator adopts the Administrative Law Judge's finding that there is substantial evidence on the record relative to substantial shortages and discrepancies in Respondent's controlled substances inventory, as well as its purchases and distribution of controlled substances, during a period when Respondent's controlled substances registration was suspended. The Administrator also adopts the finding by the Administrative Law Judge that there is substantial evidence of a general failure by Respondent to take the precautions required to prevent diversion of controlled substances into other than legitimate channels.

Therefore, in accordance with the provisions of § 1316.66, Title 21, Code of Federal Regulations, and in view of the foregoing, it is the Administrator's opinion that John D. Gardner, the President of Fleet Pharmacy, Inc., d/b/a Washington-Main Medical Pharmacy, was convicted of a drug related felony under California State law, to wit, the willful, unlawful and felonious sale of opium.

Further, that John D. Gardner did intentionally and materially falsify his applications for Fleet Pharmacy, Inc., d/b/a Washington-Main Medical Pharmacy, by indicating that he had never been convicted of a felony relating to a controlled substance.

Therefore, under the authority vested in the Attorney General by section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824), and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended, Title 28, Code of Federal Regulations, and the Reorganization Plan No. 2 of 1973, the Administrator hereby orders

that the Certificate of Registration of Fleet Pharmacy, Inc., d/b/a Washington-Main Medical Pharmacy (DEA Registration AW5915535) be, and hereby is revoked, effective the date of this Order.

Dated: January 28, 1975.

JOHN R. BARTELS, Jr.,
Administrator, Drug Enforcement Administration.

[FR Doc.75-3575 Filed 2-6-75;8:45 am]

JERDAN CHEMICAL CORP.

Importation of Controlled Substances Application

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on December 9, 1974, Jerdan Chemical Corporation, 181 South Franklin Avenue, Valley Stream, New York 11581, made application to the Drug Enforcement Administration to be registered as an Importer of Methaqualone, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Methaqualone in bulk may, on or before March 10, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 3, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-3573 Filed 2-6-75;8:45 am]

M.B.H. CHEMICAL CORP.

Manufacture of Controlled Substances Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on December 18, 1974, M.B.H. Chemical Corporation, 377 Crane Street, Orange, New Jersey 07051, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Amobarbital, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Amobarbital in bulk may, on or before March 10, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 3, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-3579 Filed 2-6-75;8:45 am]

M.B.H. CHEMICAL CORP.

Manufacture of Controlled Substances Application

Secton 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on December 18, 1974, M.B.H. Chemical Corporation, 277 Crane Street, Orange, New Jersey 07051, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Amphetamine (1100), a basic class controlled substance listed in schedule II.

Any person registered to manufacture Amphetamine in bulk may, on or before March 10, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 3, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-3578 Filed 2-6-75;8:45 am]

M.B.H. CHEMICAL CORP.

Manufacture of Controlled Substances Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into

other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;.

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on December 18, 1974, M.B.H. Chemical Corporation, 377 Crane Street, Orange, New Jersey 07051, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Methamphetamine, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Methamphetamine in bulk may, on or before March 10, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 3, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-3577 Filed 2-6-75;8:45 am]

M.B.H. CHEMICAL CORP.

Manufacture of Controlled Substances Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on December 18, 1974, M.B.H. Chemical Corporation, 377 Crane Street, Orange, New Jersey 07051, made application to the Drug Enforcement Administration to be registered as bulk manufacturer of Methylphenidate, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Methylphenidate in bulk may, on or before March 10, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 3, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-3581 Filed 2-6-75;8:45 am]

M.B.H. CHEMICAL CORP.

Manufacture of Controlled Substances Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on December 18, 1974, M.B.H. Chemical Corporation, 377 Crane Street, Orange, New Jersey 07051, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Phenmetrazine, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Phenmetrazine in bulk may, on or before March 10, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 3, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-3580 Filed 2-6-75;8:45 am]

M.B.H. CHEMICAL CORP.

Manufacture of Controlled Substances Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on December 18, 1974, M.B.H. Chemical Corporation, 377 Crane Street, Orange, New Jersey 07051, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Pentobarbital, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Pentobarbital in bulk may, on or before March 10, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 3, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-3582 Filed 2-6-75;8:45 am]

M.B.H. CHEMICAL CORP.

Manufacture of Controlled Substances Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce and adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on December 18, 1974, M.B.H. Chemical Corporation, 377 Crane Street, Orange, New Jersey 07051, made application to the Drug Enforcement Administration to be registered as bulk manufacturer of Secobarbital, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Secobarbital in bulk may, on or before March 10, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 3, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-3576 Filed 2-6-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

WESTERN GASIFICATION CO. (WESCO) COAL GASIFICATION PROJECT AND EXPANSION OF NAVAJO MINE BY UTAH INTERNATIONAL INC.

Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed WESCO Coal Gasification Project and the Expansion of the Navajo Mine by Utah International Inc. This statement (INT DES 74-107) was made available to the public on December 11, 1974.

The draft environmental statement deals with the proposed construction and operation of four coal gasification plants, the mine operation and the appurtenant facilities which are located about 20 miles southwest of Fruitland, New Mexico, on the Navajo Indian Reservation. The first plant, capable of producing 250 million cubic feet per day (MMCFD) of synthetic natural gas, would be operational in late 1977. All four plants, with a capacity of 1000 MMCFD, would be operational by 1983. Water for the project will be supplied from the Bureau of Reclamation's Navajo Reservoir.

A public hearing will be held in Window Rock, Arizona, at the Window Rock Civic Center on March 11, 1975, and in Farmington, New Mexico, at the City Council Meeting Room, 800 Municipal Drive, on March 12, 1975, to receive views and comments from interested organizations or individuals relating to the environmental impacts of this project. Both hearings will be held from 10:00 a.m. to 12:00 Noon, from 1:30 p.m. to 5:00 p.m. and from 7:00 p.m. to 10:00 p.m. Oral statements at the hearing will be limited to a period of ten (10) minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request whenever possible, and any scheduled speaker not present when called will lose his privilege in the scheduled order and his name will be recalled at the end of the scheduled speakers. Requests for scheduled presentation will be accepted up to 5:00 p.m., March 7, 1975, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentation.

Organizations or individuals desiring to present statements at the hearing should contact Regional Director David L. Crandall, Bureau of Reclamation, Room 7201, 125 South State Street, Salt Lake City, Utah 84111, telephone (801) 524-5592, and announce their intention to participate. Written comments from those unable to attend, and from those wishing to supplement their oral presentation at the hearing should be received by March 19, 1975, for inclusion in the hearing record.

Dated: February 5, 1975.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.75-3705 Filed 2-6-75;9:30 am]

Office of the Secretary

ELECTRIC UTILITY TASK GROUP COMMITTEE ON ENERGY CONSERVATION OF THE NATIONAL PETROLEUM COUNCIL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

The Electric Utility Group of the Committee on Energy Conservation of the National Petroleum Council will meet on February 26, 1975 at 9:30 a.m. in the National Petroleum Council's conference room, 1625 K Street, NW, Washington, D.C. The agenda includes the following items:

1. Review of progress on preparation of a report on Phase II of the current study on the possibilities for energy conservation in the United States and the impact of such measures on the future energy posture of the Nation. This study

was requested by the Secretary of the Interior on July 23, 1973. Phase I of the study was completed on September 10, 1974.

2. Discussion of instructions and guidance by the Coordinating Subcommittee of the Committee on Energy Conservation regarding Phase II of the study.

3. Discussion of any other matters pertinent to the overall assignment of the Task Group.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, on any matter relating to petroleum or the petroleum industry.

Further information with respect to this meeting may be obtained from Ben Tafoya, Office of the Assistant Secretary-Energy and Minerals, Department of the Interior, Washington, D.C., telephone number 343-7976.

Dated: January 31, 1975.

C. K. MALLORY,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-3515 Filed 2-6-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

BLACKFEET INDIAN LANDS IN MONTANA

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949 as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Blackfeet Indian Lands in Montana has been materially increased and become acute because of severe and prolonged drought creating a serious shortage of livestock feeds. These lands are reservations or other lands designated for Indian use and are utilized by members of the Indian tribes for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribes will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservations and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on February 3, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-3591 Filed 2-6-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Telecommunications Equipment Technical Advisory Committee will be held Tuesday, March 11, 1975, at 10 a.m., in Room 3708, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Committee was established on April 5, 1973, to advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to telecommunications equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(2) Present 123456
(3) Discussion and approval of Findings Volume of The Second Annual Report due March, 1975.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

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.," 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 Telecommunications Equipment Technical Advisory Committee was published in the FEDERAL REGISTER (40 FR 1287, appearing in the issue of January 7, 1975, 74 FR Doc. 30275).

Dated: February 3, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-3532 Filed 2-6-75;8:45 am]

HOSPITALS OF THE UNIVERSITY OF PENNSYLVANIA ET AL.

Consolidated Decision on Applications for Duty-Free Entry of EMI Scanner Systems

The following is a consolidated decision on applications for duty-free entry of EMI Scanner Systems pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892) et seq. (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00112-33-90000. Applicant: Hospitals of the University of Pennsylvania, 3400 Spruce Street, Philadelphia, Pa. 19104. Article: EMI Scanner with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. The article is intended to be used for investigating the early detection and pathogenesis of brain tumors, brain

infection and brain trauma. The article will also be used extensively in training medical students and postgraduate physician trainees in Neuroradiology, Neurology, Neurosurgery, as well as in Nuclear Medicine. The correlation with conventional neuroradiologic and radionuclide diagnostic examinations will be emphasized and the proper indications for various diagnostic modalities will be stressed. Application received by Commissioner of Customs: September 17, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 9, 1975. Article ordered: January 25, 1974.

Docket number: 75-00124-33-90000. Applicant: St. Luke's Hospital, 5535 Delmar, St. Louis, Missouri 63112. Article: EMI Scanner with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in research in neurosurgery and neuroradiology in reference to the behavior of glial tumors and its response to radiation treatment and chemopeutic agents. The response to various modalities of treatment will be measured by computerized axial transverse tomographic scanning. Application received by Commissioner of Customs: September 23, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 10, 1975. Article ordered: March 22, 1974.

Docket number: 75-00133-33-90000. Applicant: Swedish Medical Center, 501 East Hampden Avenue, Englewood, Colorado 80110. Article: EMI Scanner with High Resolution Option and Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in studies of patients with neurological disorders. Patient phantom models (simulated cranium brain contents with known characteristics) will also be studied to determine the article's accuracy for localization of diagnostic changes that would be seen with calcium, tumor, cysts, liquid, fat, blood (liquid or clotted) in brain and skull disorders. Other research includes: (1) the study of the brain injured patients and other clinical population in the usual scanning method after injection of a radioisotope into the circulating blood and/or spinal fluid, and (2) the investigation of methods of patient immobilization during study with the article. Planned educational programs will involve (1) presentation of data developed from the brain injury unit, (2) dissemination of information of the value of EMI study and value of the diagnostic material obtained, and (3) training of technology personnel. Application received by Commissioner of Customs: September 24, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 10, 1975. Article ordered: March 1, 1974.

Docket number: 75-00137-33-90000. Applicant: St. Vincent Medical Center, 2131 West Third Street, Los Angeles, California 90057. Article: EMI Scanner and Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for studies of patients with posterior fossa brain tumors especially cerebello-pontine angle tumors. The studies will be clinically oriented so that the information gathered would be of potential benefit to the patients themselves as well as to future patients. The areas of study will include, among others, surgical planning in relation to tumor size, surgical planning in relation to ventricular size and ventricular size in post-operative course with respect to complications. Application received by Commissioner of Customs: September 26, 1974. Advice submitted by The Department of Health, Education, and Welfare on: January 10, 1975. Article ordered: January 9, 1974.

Docket number: 75-00145-33-90000. Applicant: Scott and White Clinic, Division of Radiology, 2501 South 31st Street, Temple, Texas 76501. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the following research projects: (1) A cooperative study to determine whether the addition of procarbozine to CCNU and Radiation Therapy adds to the response rate and duration of response as compared to CCNU and Radiation Therapy alone in the treament of malignant cerebral gliomas.

(2) Extent of cerebral infarction resulting from the intracranial arterial spasm that frequently follows subarachnoid hemorrhage from intracranial aneurysms.

(3) Study the development and spontaneous regression or persistence of hydrocephalus in patients with blood in the intracranial subarachnoid spaces following head injury, craniotomy, or spontaneous subarachnoid hemorrhage.

(4) Evaluation of the treatment of cystic craniopharyngiomas by injection of radioactive material or transphenoidal marsupialization.

(5) Assessment of the effects of steroid therapy and hyperosmolar therapy in the treatment of closed head injuries with cerebral contusions and edema.

(6) Studies of patients with CSF shunts by serial scan to systematically evaluate the actual functioning of the shunts.

(7) Assessment of the extent of hydrocephalus in dogs before and after treatment with serial EMI scans.

(8) Development of a technique that will allow the computer to recognize abnormal densities in the various anatomical slices and further, predict possible diagnoses based on location and abnormal density.

(9) Investigate alternate means of data reduction to provide better quality information display for diagnosis.

The article will also be used extensively for educational purposes. Application received by Commissioner of Customs: October 1, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 15, 1975. Article ordered: January 31, 1974.

Docket number: 75-00154-33-90000. Applicant: Community Memorial Hospital of San Buenaventura, Loma Vista Road at Brent Street, Ventura, California 93003. Article: EMISCAN 80 Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the education of radiologists, neurosurgeons, and neurologists. Application received by Commissioner of Customs: October 7, 1974. Advice submitted by The Department of Health, Education, and Welfare on: January 15, 1975. Article ordered: November 30, 1973.

Docket number: 75-00159-33-90000. Applicant: Children's Cancer Research Foundation, Inc., 35 Binney Street, Boston, Mass. 02115. Article: EMI Scanner System with Magnetic Tape Machine and High Definition Display. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for investigation of central nervous system problems and for the assessment of absorption differences in various types of intracerebral tissues and fluids. The article will also be used to train medical students, interns and residents in the most up-to-date techniques for evaluating intracerebral abnormalities. Application received by Commissioner of Customs: October 15, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 15, 1975. Article ordered: December 6, 1973.

Docket number: 75-00162-33-90000. Applicant: Henry Ford Hospital, 2799 West Grand Blvd., Detroit, Michigan 48202. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the following investigations:

(1) The differential radiodensity of a portion of the brain affected by a stroke and a similar portion affected by a brain tumor in different individuals.

(2) Investigation of low pressure hydrocephalus.

(3) Investigation of epileptic patients to try and better define the focus of excitation.

(4) Definition of the area of brain damage from a stroke by distinguishing the actual area of damage from the much wider area of surrounding edema.

(5) Evaluation of various treatments for malignant brain tumors.

(6) Diagnosis of immediate life threatening conditions such as subdural and epidural hematomas. Application received by Commissioner of Customs: October 18, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 15, 1975. Article ordered: November 27, 1973.

Docket number: 75-00163-33-90000. Applicant: The Methodist Hospital, 6516 Bertner Drive, Houston, Texas 77025. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use article: The article is intended to be used in studies of tumors

of the brain in patients. In particular, the subtle absorption between normal and abnormal brain tissue will be examined and charted. Patients with a wide variety of suspected central nervous system disease will be evaluated on this article. The diagnosis will be correlated with current available techniques to understand the best diagnostic approach to patients. In addition, the article will be used for training residents in radiology, neuroradiology, neurosurgery, neuroradiology fellows in nuclear medicine, neuroradiology and radiation physics, clinicians and research scientists through evaluation of patients with neuroradiological diseases. Application received by Commissioner of Customs: October 23, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 15, 1975. Article ordered: April 9, 1973.

Docket number: 75-00166-33-90000. Applicant: Montefiore Hospital Association of Western Pennsylvania, 3459 Fifth Avenue, Pittsburgh, Pa. 15213. Article: EMI Scanner System, Magnetic Tape System and High Density Display Unit. Manufacturer: EMI Ltd., United Kingdom. Intended use of article: The article is intended to be used in research to evaluate the effectiveness of computerized transaxial tomography in the diagnosis of neurological disease. The article will also be used to teach the application, interpretation, and analysis of computerized transaxial tomography to technical personnel and radiologists in the University Health Center of Pittsburgh. Application received by Commissioner of Customs: October 23, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 15, 1975. Article ordered: May 1, 1974.

Docket number: 75-00186-33-90000. Applicant: University of Alabama Hospitals, Department of Diagnostic Radiology, 619 South Nineteenth St., Birmingham, Alabama 35233. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for detection and evaluation of primary and secondary tumors. Comparisons will be made evaluating the accuracy of detection between the Computer Assisted Tomography (CAT) and conventional radiographic methods (brain scan, pneumonencephalogram and arteriography). Stroke patients will be studied at various intervals following the onset of symptoms to determine CAT's potential and accuracy in early detection of strokes. The article will also be used for the evaluation of infants with hydrocephalus and congenital anomalies and follow-up examination of the above conditions post-treatment. Evaluation of CAT's diagnostic capability through statistical analysis of the data print-out sheets as compared to the photographic printout. Application received by Commissioner of Customs: October 29, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 15, 1975. Article ordered: April 16, 1974.

Docket Number: 75-00190-33-90000. Applicant: Tallahassee Neurological Foundation, Inc., 2412 W. Plaza Drive, Eastwood Plaza, Tallahassee, Florida 32303. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for the study of the human brain in patients who have lost the ability to speak. The objectives to be pursued in the course of the investigation include precise identification of areas of brain damage which result in various types of aphasia. Application received by Commissioner of Customs: October 29, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 15, 1975. Article ordered: March 12, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. The Department of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda that the sensitivity and the non-invasive methodology of each article are pertinent to the purposes for which each foreign article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc.75-3512 Filed 2-6-75;8:45 am]

SANDIA LABORATORIES ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, by February 27, 1975.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00314-75-01700. Applicant: Sandia Laboratories, Kirtland AFB, East, Albuquerque, NM 87115. Article: Laser Amplifier, Model SF-210-45. Manufacturer: Quantel, France. Intended use of article: The article is intended to be used in research on extremely short (under one billionth of a second) X-ray pulses generated when high power laser pulses are focussed on metallic surface. One purpose of this research is to develop a beam of coherent X-ray, etc., an X-ray laser beam. Application received by Commissioner of Customs: January 15, 1975.

Docket Number: 75-00315-99-74000. Applicant: Rutgers University, Department of Biology, Queens Campus, New Brunswick, N.J. 08930. Article: FS-3 Portable Reflection-Refraction Seismograph and Accessories. Manufacturer: Huntec Ltd., Canada. Intended use of article: The article is intended to be used to acquaint students with the principles, operations, and applications of reflection and refraction geophysical wavesounding techniques, in the courses of Engineering, Geology, Advanced Engineering Geology, Geophysical Methods, and Advanced Exploration Geophysics. Application received by Commissioner of Customs: January 15, 1975.

Docket Number: 75-00316-33-46500. Applicant: University of Cincinnati, Department of Pathology, College of Medicine, 1206 Medical Science Building, 231 Bethesda Ave., Cincinnati, Ohio 45267. Article: Ultramicrotome, Model Om U3 with AO Stereoscopic Microscope. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for research in which several different tissues from human biopsies and experimental animals will be examined. These include renal, liver and skin biopsies for diagnostic purposes and occasionally malignant tumors which present problems in differential diagnosis. Cell cultures (WI 38-human lung fibroblast; HELA, embryonic and adult renal parenchymal; and "L" cells) will also be examined. Application received by Commissioner of Customs: January 15, 1975.

Docket number: 75-00317-33-90000. Applicant: North Carolina Baptist Hospitals, Inc., 300 South Hawthorne Road, Winston-Salem, North Carolina 27103. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article s intended to be used for detecting lesions

and/or other abnormalities in the brain of patients who are suspected of having lesions and/or abnormalities. A cooperative study is being drawn up to compare the results of brain scans, plain skull films, electroencephalograms, and ultrasound scans to the results of the EMI scans in patients with central nervous system disorders. In addition, the article will be made an integral part of the training program of residents in Radiology, Neurology, and Neurosurgery. Application received by Commissioner of Customs: November 22, 1974.

Docket number: 75-00318-33-90000. Applicant: Virginia Commonwealth University, 520 North 12th Street, Richmond, Virginia 23298. Article: EMI Scanner System with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The foreign article, a new development in the field of Diagnostic Radiologic equipment, is intended for use in research as well as for training of physicians and radiologic technologists in its use. Application received by Commissioner of Customs: January 15, 1975.

Docket number: 75-00319-60-46040. Applicant: United States Department of Agriculture, Agricultural Research Service, U.S. Grain Marketing Research Center, 1515 College Ave., Manhattan, Kansas 66502. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of the structure, physiology, and mode of action of selected bacterial insect pathogens. Viral control of insect pests will also be investigated. A finestructural analysis is to be conducted to identify and classify insect sensory organs with the objective of determining which sensory structure can be altered to prevent the feeding and mating responses. Application received by Commissioner of Customs: January 15, 1975.

Docket number: 75-00320-33-90000. Applicant: University of Texas Medical Branch, 915 Strand, Galveston, Texas 77550. Article: EMI Scanner with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to examine the various structures contained within the skull and face, in determining the effectiveness of the use of this machine on human patients with a variety of neurological and brain disease. Application received by Commissioner of Customs: January 15, 1975.

Docket number: 75-00321-56-17500. Applicant: University of Washington, Department of Oceanography WB-10, Seattle, Washington 98195. Article: Recording Current Meter, Model 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used in experiments involving the continuous year-long monitoring of currents and gross thermal and salinity structure of waters entering the Arctic Ocean through the Bering Strait. Application received by Commissioner of Customs: January 15, 1975.

Docket number: 75-00323-80-46040. Applicant: Bureau of Mines, Virginia & Cudahy Streets, Bartlesville, Oklahoma 74003. Article: Electron Microscope, Model JEM 100B/SEG. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to obtain count and size distribution information for aerosol and particulate matter in diesel exhaust. This material is primarily carbon particles with trace quantities of condensed-ring hydrocarbon. Trace metals, such as platinum and other heavy metals together with sulphur compounds, may also be present and subject to analytical determination. Application received by Commissioner of Customs: January 15, 1975.

A. H. STUART,
Director, Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc.75-3513 Filed 2-6-75;8:45 am]

National Oceanic and Atmospheric Administration

CONSERVATION OF NORTH PACIFIC FUR SEALS

Availability of Draft Environmental Impact Statement

Section 108(b), 16 U.S.C. 1378(b) of the Marine Mammal Protection Act of 1972 (the Act) requires the Secretary of Commerce, in consultation with the Secretary of State, to study the provisions of the Act, as they relate to North Pacific fur seals, and the provisions of the Interim Convention on Conservation of North Pacific Fur Seals, to determine what modifications, if any, should be made to the provisions of the Convention, or of the Act, or both, to make the Convention and the Act consistent with each other.

The Convention as amended will continue in force until October 1975 and thereafter until the entry into force of a new or revised fur seal convention between the parties, or until October 1976, whichever comes earlier. The 1969 agreement extending the Convention requires that the parties meet not later than early in 1975 to determine what further agreements may be desirable. Representatives of the member governments of Japan, Canada, U.S.S.R., and the United States will meet to initiate the renegotiation of the Convention beginning March 17, 1975, immediately following the annual meeting of the Fur Seal Commission in Washington, D.C. The United States intends to negotiate a new convention which will essentially continue the present management arrangements and amend the Convention's management objectives to provide for the maintenance of the health and stability of the marine ecosystem and in other ways bring the language of the Convention into conformity with the Marine Mammal Protection Act of 1972.

It has been determined that renegotiating the Interim Convention would constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. Therefore, a draft environmental impact statement (DEIS) has been prepared. The DEIS was transmitted to the Council on Environmental Quality on January 24, 1975.

Copies of the DEIS are available at the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

A public hearing will be held in Washington, D.C., to discuss any comments which may be helpful in the preparation of a final environmental impact statement (FEIS). The FEIS will be prepared after the convention's negotiations have been completed, but prior to ratification of any agreement by the United States.

The hearing will be held on February 26, 1975, at 9 a.m. in the Penthouse Conference Room, Page Building No. 1, 2001 Wisconsin Avenue NW., Washington, D.C. 20235. The hearing record will remain open for 15 days following the hearing for the submission of additional comments to the Director.

Dated: February 4, 1975.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.75-3546 Filed 2-6-75;8:45 am]

Office of the Secretary

VOLUNTARY APPLIANCE EFFICIENCY PROGRAM

Meeting

On January 15, 1975, President Ford in a supplement to his State of the Union Message directed the Energy Resources Council to develop energy efficiency goals for major appliances and to obtain agreements within six months from the major manufacturers of these appliances to comply with the goals. The goal is a 20 percent average improvement by 1980 for all major appliances, including air conditioners, refrigerators and other home appliances. Achievement of these goals would save the equivalent of over one-half million barrels of oil per day by 1985. If agreement cannot be reached, the President will submit legislation to establish mandatory appliance efficiency standards.

The Secretary of Commerce has been asked by President Ford to contact all appliance manufacturers to seek their support in arriving at an effective means to meet this goal.

The Secretary, therefore, invites industry leaders and senior officials of all companies who make room air conditioners, refrigerators, combination refrigerator-freezers, freezers, water heaters, clothes washers, clothes dryers, dishwashers, kitchen ranges and ovens, and television receivers to a meeting at the

Department of Commerce, Room 6802, on February 20 at 10 a.m.

At this meeting a proposed program will be presented for consideration and comment by the industry.

Those desiring to attend this meeting should notify the Assistant Secretary, Science and Technology, Department of Commerce, Room 3864, Main Commerce Building, Washington, D.C. 20230, prior to the day of the meeting, indicating companies and products they will represent.

This meeting is open to all members of the public and press.

Dated: February 1, 1975.

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

[FR Doc.75-3534 Filed 2-4-75;2:07 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

RIGHT TO READ STATE GRANTS PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in the Cooperative Research Act, Pub. L. 83-531, as amended, 20 U.S.C. 331, applications are being accepted for new grants under the Right to Read State Grants Program.

Applications must be received by the U.S. Office of Education Application Control Center on or before March 24, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.533. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The Application was sent by registered or certified mail not later than March 19, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing day by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW, Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8:30 a.m. and 4 p.m. Washington, D.C., time except Saturdays, Sundays, or Federal Holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Authority.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a), the General Regulations for Right to Read (45 CFR Part 151, Subpart A; published in the FEDERAL REGISTER on June 20, 1974, at 39 FR 22147), and proposed regulations for the State Grants Program published in the FEDERAL REGISTER on December 27, 1974, at 39 FR 44774.

D. *Program information and forms.* Information and application forms may be obtained from the Right to Read Program, U.S. Office of Education, Room 2131, 400 Maryland Avenue SW, Washington, D.C. 20202.

(20 U.S.C. 331a(a)(1))

Dated: January 30, 1975.

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

(Catalog of Federal Domestic Assistance Number 13.533, Right to Read—Elimination of Illiteracy)

[FR Doc.75-3560 Filed 2-6-75;8:45 am]

Office of the Assistant Secretary for Health

PRESIDENT'S BIOMEDICAL RESEARCH PANEL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the first meeting of the President's Biomedical Research Panel on February 24 and 25, 1975, in Room 2010, New Executive Office Building.

The entire meeting will be open to the public from 9:30 a.m. to 5 p.m. on February 24, 1975, and from 9 a.m. to 5 p.m. on February 25, 1975. The agenda includes orientation of Panel members, formalization of ad interim staff, schedule and location of future meetings, interpretation of mandate, definition of tasks and assignment of priorities. Attendance by the public will be limited to space available. Members of the public who wish to participate in this meeting must file a written request with the Executive Director 10 days before the date of the meeting, giving the name and address of the person to be contacted, and summarizing the nature of the proposed participation.

All requests for information, including the roster of Panel members, should be directed to Ms. Anne Ballard (301-496-7526), Room 125, Westwood Building, 9000 Rockville Pike, Bethesda, Maryland 20014.

Substantive program information will be provided by Dr. Charles U. Lowe, Executive Director of the Panel (301-496-5035), Building 31, Room 4B-59, 9000 Rockville Pike, Bethesda, Maryland 20014.

C. U. LOWE,
Executive Director.

FEBRUARY 3, 1975.

[FR Doc.75-3558 Filed 2-6-75;8:45 am]

Office of the Assistant Secretary for Planning and Evaluation

ANALYSIS OF UTILIZATION OF MEDI-CAL SERVICES THROUGH DATA USED FROM PAID CLAIMS SYSTEM

Program Results

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2946, this agency announces the results, findings, data or recommendations reported as a result of activities associated with HEW project entitled "Analysis of Utilization of Medi-Cal Services through Use of Data from the Paid Claims System."

This final report evaluates the Medicaid program in the U.S. as a whole and for the State of California. The first part of this study based primarily on aggregate State data from the National Center for Social Statistics for 1969 and 1970 analyzes the determinants of interstate variations in the utilization of health services by AFDC children and adults as well as APTD adults. The study employs multiple regression techniques to analyze the underlying behavioral determinants of these interstate variations. The main conclusions from the empirical analysis of this part of the study are:

1. Hospital bed availability does not affect the use of hospital inpatient services by Medicaid eligibles.
2. The distribution of physicians affects the use of both inpatient and ambulatory facilities.
3. Reimbursement arrangements have strong effects on hospital and medical service expenditures.
4. The use of physician services by Medicaid eligibles is quite responsive to income.

The second part of this study based on 2 percent samples of paid claims from the State of California for 1969 and 1970, analyzes the effects of resource availability and the San Joaquin Foundation on the utilization of services by California Medicaid eligibles. Micro data from the 2-percent sample are aggregated into county averages and a regression model is employed. The most important findings from this part of the study are:

1. The utilization of physician visits, prescription drugs, laboratory, X-ray, and other diagnostic services is quite sensitive to changes in the overall supply of physicians in urban counties but not in rural counties.
2. Surgery rates are quite responsive to the availability of surgeons.
3. Admission rates are positively related to bed availability in urban but not rural counties.
4. Black and Spanish-surnamed individuals generally use less services than other Medicaid eligibles.
5. Medicaid eligibles in urban counties are less likely to visit an office-based physician but had more total visits than those in rural counties.
6. Utilization controls imposed by the San Joaquin Foundation through peer

review had no major utilization or cost-reducing effects.

A copy of this report will be filed with the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151, and copies may be obtained through that office.

Dated: February 4, 1975.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.75-3557 Filed 2-6-75;8:45 am]

URBAN EXPERIMENT FOLLOW-ON STUDY

Program Results

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2946, this agency announces the results, findings, data, or recommendations reported as a result of the activities associated with HEW project entitled, "Urban Experiment Follow-On Study."

This research was devoted to further exploration of a number of issues which arose from the analysis presented in the "Final Report of the New Jersey Negative Income Tax Experiment." The results were reported in a series of short papers.

The finding of an unexpected positive experimental differential in hours and earnings (experimentals worked or earned at a statistically significantly greater level than controls) for the black subsample which appeared in the "Final Report" was subject to further investigation.

It was found that there were signifiican differences between experimentals and controls in family size and total firmly labor force participation at pre-enrollment, with experimentals having larger families and higher participation rates. Attempts were made to determine whether these pre-enrollment differences explained the positive experimental differentials. However, the positive experimental effects persisted even after correction for these pre-enrollment differences.

Future work will pursue these leads further.

The various approaches used in the "Final Report" to estimate the effects of the welfare alternatives on the experimental results were reviewed and new models for estimating these effects were proposed.

In the "Final Report" all analysis was done on a restricted sample of 693 continuous husband-wife families. In this Follow-On Study analysis was done on wider samples (including as many as 1100 families) to determine whether major differences in results would be obtained with less restricted samples. The only differences which appeared were, with the less restricted sample, larger and more significant negative experimental differentials for the Spanish sub-sample for total family hours and earnings and for wives' hours and earnings.

A number of issues regarding the analyses of total family labor supply response were pursued using variations of the models reported in the "Final Report." Most importantly, results estimated for only quarters 1-12. (In the "Final Report," results for heads and wives were based primarily on analysis of quarters 3-10 whereas the total family result was on the basis of quarters 1-12. This reanalysis for the family puts all the analysis on a comparable time period base and leaves conclusions essentially the same as in the "Final Report.")

A new set of tables was prepared to replace those reported in "Summary Report: New Jersey Graduated Work Incentive Experiment," U.S. Department of Health, Education, and Welfare, December 1973. These revised tables put the tables in the text and those in the appendix on a comparable basis (both adjusted by the same regression equation specification).

Many of the proposed models reported in these papers will be further tested and developed in subsequent research.

A copy of this report (in production) will be filed with the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151, and copies may be obtained through that office.

Dated: February 4, 1975.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.75-3556 Filed 2-6-75;8:45 am]

Office of the Secretary

ASSISTANT REGIONAL DIRECTOR FOR HUMAN DEVELOPMENT

Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare is amended to add to Chapter 1E80, 38 FR 17262, June 29, 1973, Assistant Regional Director for Human Development, the responsibility for certain rehabilitation service program responsibilities heretofore assigned to the Regional Commissioner of Social and Rehabilitation Service. Delegations of authority in existence at the time this notice is approved continue in effect until superseded by new delegations. The amended Chapter reads as follows:

Section 1E-80-00-Mission. The Assistant Regional Director for Human Development is responsible for planning, directing, coordinating, implementing and monitoring Regional Office of Human Development programs within the framework of the policies and guidelines set forth by the Assistant Secretary for Human Development. However, pursuant to section 101(a) of the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, certain basic authorities of Titles I, II, and III of the Rehabilitation Act of 1973, as amended, have been delegated directly by the Commissioner to the Director, Office of Rehabilitation Services, Region 1-10. The responsibilities of the ARD are to ensure effective planning and monitoring of these activities.

Section 1E-80-10-Organization. The Office of the Assistant Regional Director for Human Development includes:

Director, Office of Child Development, Region 1-10
Director, Office on Aging, Region 1-10
Director, Office of Youth Development, Region 1-10
Director, Office of Rehabilitation Services, Region 1-10

Section 1E-80-20-Functions. The Assistant Regional Director for Human Development:

(1) Serves under the direct line of authority of the Regional Director.

(2) Serves as the representative of the Assistant Secretary for Human Development and the Regional Director in direct official dealings with other Federal agencies, State and local activities related to Human Development Programs, and reports progress and status to the Regional Director and the Assistant Secretary for Human Development.

(3) Recommends program priorities and policy or procedural changes to the Assistant Secretary for Human Development through the Regional Director.

(4) Works with other elements of the Regional Office to ensure that all areas of OHD program operations in the Region receive necessary assistance, including programmatic and administrative management assistance to perform their mission effectively and efficiently.

(5) Maintains working relationships with other Federal agencies, State and local governments and institutions, and develops ways in which their plans and programs and those of the Department can actively complement each other.

(6) Ensures intra-departmental coordination between the Office of Human Development, other elements of the Office of the Regional Director, and the principal operating components of the Department on Human Development matters; serves as the advocate for those interests represented in the Office of Human Development with the other elements of the Department.

Dated: January 31, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75-3564 Filed 2-6-75;8:45 am]

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare is amended to add to Chapter 1R, "Assistant Secretary for Human Development," (39 FR 11614, March 29, 1974), the following changes: These changes include (1) addition of rehabilitation services functions to the Office of Human Development mission statement, (2) addition of the Rehabilitation Services Administration to the

Office of Human Development organization structure, (3) addition of RSA summary mission statement, (4) a listing of delegations of program authorities to the Assistant Secretary for Human Development, and (5) continuation of administrative and program authorities within RSA. The amended portions of Chapter 1R read as follows:

1R00. *Mission*. Serves as the principal staff adviser to the Secretary and the Under Secretary on matters dealing with special populations served by the Department, including the aging, children, youth, Native Americans, the mentally retarded, the handicapped, and those living in rural areas; recommends to the Secretary actions and strategies for improving coordination and government-wide effectiveness in these areas; provides responsive and effective programs for groups of people and ensures that other Department programs also recognize and serve the needs of these people; directs, coordinates, and manages Human Development programs ordering priorities within the Office of Human Development. Provides executive leadership in the planning, development and coordination of those OHD programs which provide services for the handicapped, including the disabled social security applicants and beneficiaries, the developmentally disabled, the blind, and welfare applicants and recipients. Serves as the designee of the Secretary on the Architectural and Transportation Barriers Compliance Board pursuant to section 502(a), Rehabilitation Act of 1973, as amended by Title I of Pub. L. 93-516.

1R10. *Organization*. The Office of the Assistant Secretary for Human Development, headed by the Assistant Secretary for Human Development who reports directly to the Secretary, consists of:

A. Immediate Office of the Assistant Secretary for Human Development.
B. Office of Administration and Management.
C. Office for the Handicapped Individuals.
D. President's Committee on Mental Retardation.
E. (Reserved)
F. Office of Child Development.
G. Office of Youth Development.
H. Administration on Aging.
I. Office of Rural Development.
J. Office of Native American Programs.
K. Office of Manpower.
L. Office of Planning and Evaluation.
M. Rehabilitation Services Administration.

1R20. *Functions*. (Added) M. Acts as principal agency for carrying out the Rehabilitation Act of 1973 and the Randolph-Sheppard Act, and provides leadership in planning, developing, and coordinating Department programs which provide services for the handicapped, including disabled social security applicants, and beneficiaries, the developmentally disabled, the blind, and welfare applicants and recipients in accordance with Federal statutes.

1R30. *Delegations of Authorities*. (a) Except as provided in Section 1A-30 of DHEW Organization Manual and in this Section, the Assistant Secretary for Human Development is delegated the following authorities by the Secretary:

1. The authority vested in the Secretary by the Juvenile Delinquency Prevention Act (43 U.S.C. 3801 et seq.).

2. The authority vested in the Secretary by the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

3. The authority under Title V of the Economic Opportunity Act of 1964, as amended by section 8(a), the Headstart, Economic Opportunity and Community Partnership Act of 1974.

4. Such authority with respect to research, demonstration and training projects under section 426 of the Social Security Act to the extent of the funds appropriated to the Office of Child Development for this purpose.

5. The authority vested in the Secretary by Titles I, II, III, and IV of the Rehabilitation Act of 1973, Pub. L. 93-112, as amended, by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516.

6. The authority vested in the Secretary by Pub. L. 732, 74th Congress, the Randolph-Sheppard Vending Stand Act, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516.

7. The authority vested in the Secretary under Parts B, C, and D of Title I and the functions relating to developmental disabilities under Title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended by Pub. L. 91-517, the Developmental Disabilities Service and Facilities Construction Act.

8. Such of the authority under the Public Health Service Act, as amended, as is necessary to carry out the functions exercised, as of August 1, 1967, by the Division of Mental Retardation, authorized by section 303(a), 42 U.S.C. 242a, to make hospital improvement project grants, including institutional improvement project grants and inservice training project grants to hospitals or other institutions for the mentally retarded (such grants require post approval by the National Advisory Mental Health Council and to be paid in advance or by way of reimbursement as may be determined by, and on such conditions as found necessary by, the Assistant Secretary, Human Development).

9. The authority vested in the Secretary by Title V, section 513 of the Public Health Service Act, as amended by Pub. L. 91-296, to conduct evaluation of developmental disabilities programs authorized by Pub. L. 88-164, the Mental Retardation Facilities Construction Act, as amended, and section 303 of the Public Health Service Act.

10. The authority vested in the Secretary by letter dated September 1, 1960, to the Secretary of the Treasury from the Director, Bureau of the Budget, authorizing the carrying out of programs under section 104(k) (now sec. 104(b)(3)) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(3)), insofar as this authority pertains to the mission of the Rehabilitation Services Administration: *Provided*, That this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to insure consistency with basic foreign policy and with related Federal programs.

11. The authority vested in the Secretary by section 4 of the International Health Research Act of 1960, Pub. L. 86-610; 74 Stat. 364, 22 U.S.C. 2102, with respect to responsibilities relating to the mission of the Rehabilitation Services Administration: *Provided, however*, That this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to insure consistency with basic foreign policy and with related Federal programs.

12. The authority vested in the Secretary by section 222(d) of the Social Security Act (42 U.S.C. 422(d)), authorizing vocational rehabilitation services to SSDI Beneficiaries from Social Security Trust Funds.

13. The authority vested in the Secretary by sections 1611(e)(13) and 1633 of the Social Security Act, to enter into and administer agreements with State vocational rehabilitation agencies for the referral of certain SSI recipients medically determined to be drug addicts or alcoholics to a treatment facility and for the monitoring of the treatment of such individuals. This includes the authority to approve institutions or facilities to be utilized for such treatment. The following restrictions shall apply with respect to the exercise of this authority:

i. This delegation must be exercised in accordance with all applicable regulations and Social Security Administration policies.

ii. In States where the State vocational rehabilitation agency has refused to enter into an agreement with OHD, the Commissioner of Social Security retains authority to enter into agreements under section 1633 with other appropriate State agencies to carry out the provisions of section 1611(e)(3) of the Social Security Act, as amended, and to approve or disapprove institutions or facilities for the purpose of providing for the referral and monitoring of treatment received by drug addicts and alcoholics at such institutions or facilities.

iii. The authority to terminate agreements with State vocational rehabilitation agencies shall be exercised jointly by SSA and OHD.

iv. All model agreements shall be developed jointly by SSA and OHD, and approved by the Office of the General Counsel.

b. *Limitations on authority*. i. No State plan or amendment thereto submitted pursuant to any statute administered by the Assistant Secretary for Human Development shall be finally disapproved without prior consultation and discussion by the Assistant Secretary for Human Development with the Secretary.

ii. An application for designation as a State licensing agency under the Act of June 30, 1936, as amended (Randolph-Sheppard Act, 20 U.S.C. ch 6A), shall not

be disapproved, nor shall a designation made pursuant to that Act be revoked, without prior consultation and discussion by the Assistant Secretary with the Secretary.

iii. The authority delegated for Titles I, II, and III of the Rehabilitation Act of 1973, shall be redelegated to the Commissioner, Rehabilitation Services Administration, in compliance with provisions of section 101(a), Rehabilitation Act Amendments of 1974, Pub. L. 93-516. The authority delegated for Title IV of the Rehabilitation Act of 1973 may be redelegated.

iv. The authority delegated for the Randolph-Sheppard Vending Stand Act, as amended, shall be redelegated to the Commissioner, Rehabilitation Services Administration, in compliance with section 203(a)(1) of the Randolph-Sheppard Act Amendments of 1974 (Title II, Pub. L. 93-516).

(c) *Continuation of Authorities.* All regulations, rules, orders, authorities or statements of policy or interpretation heretofore issued with respect to the Rehabilitation Services Administration are continued in full force and effect until such time as they are specifically modified or superseded.

Dated: January 31, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75-3562 Filed 2-6-75;8:45 am]

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 2 (Office of Education) Section 2B, Organization and Functions, of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended to attain the purposes of the Education Amendments of 1974, Section 422 by providing the special educational training programs for teachers of Indian children and fellowships for Indian students in graduate and professional programs. Therefore, the statement published in the FEDERAL REGISTER on November 21, 1973 at 38 FR 32157 is hereby amended as follows:

The statement under the heading Bureau of Indian Education is deleted in its entirety and a new statement is added to read as follows:

OFFICE OF INDIAN EDUCATION

The Office of Indian Education administers programs of grants to local educational agencies for elementary and secondary school programs designed to meet the special educational needs of Indian children, and administers grants and, where applicable, contracts with eligible institutions, organizations or agencies for special programs and projects to improve educational opportunities for Indian children and for special programs to improve educational opportunities for adult Indians. Responsible for programs designed to prepare individuals for teaching or administering programs for Indian children and for awarding fellowships to Indian students in graduate and professional programs. Also coordinates other efforts to improve educational opportunities for Indians at all educational levels.

Dated: February 3, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-3559 Filed 2-6-75;8:45 am]

REHABILITATION SERVICES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare is amended to add to Chapter 1R, Assistant Secretary for Human Development, a new Subchapter in accordance with section 101(a) Rehabilitation Act Amendments of 1974, Pub. L. 93-516. The new Subchapter, 1R94, Rehabilitation Services Administration follows:

1R94.00 *Mission.* Acts as principal agency for carrying out Titles I, II, and III of the Rehabilitation Act of 1973, as amended, and the Randolph-Sheppard Act, as amended, administers Title IV of the Rehabilitation Act of 1973, as amended, and provides leadership in the planning, development, and coordination with other OHD programs, including disabled social security applicants and beneficiaries, the developmentally disabled, the blind, and welfare applicants and recipients in accordance with the provisions of the Vocational Rehabilitation Act of 1973, as amended; Title II of the Social Security Act, as amended; the Randolph-Sheppard Act as amended; Parts B, C, and D of the Developmental Disabilities Services and Facilities Construction Act; and sections 301 and 303 of the Public Health Service Act. Within the authorities delegated to it, the Administration: Establishes program goals and objectives; develops standards, program policies, criteria, and guidelines; provides direction and professional consultation to rehabilitation services staff in the regional offices; and assists them in the guidance and leadership of State and local organizations; conducts a program of research and demonstrations to evolve new approaches toward more meaningful lives for the handicapped; directs and promotes a training program to provide skilled manpower for working with those who are handicapped or disabled; maintains relationships with a variety of Federal, State, and local organizations who serve or have an impact upon the handicapped; evaluates progress in meeting the needs of the handicapped and both stimulates national action and takes action to promote improvements; reviews and prepares legislative, administrative, and management actions affecting agency programs and services, and public information operations, and coordinates its activities and programs with other concerned OHD organizations. The Rehabilitation Services Administration has assigned functional responsibilities to various offices and divisions as follows:

1R94.10. *Organization.* The Rehabilitation Services Administration is under the direction of a Commissioner who reports directly to the Assistant Secretary for Human Development. RSA consists of the following organizational elements which report directly to the Commissioner, RSA:

A. Office of Planning and Policy Development.
B. Office of Rehabilitation Research and Demonstration.
C. Division of Special Populations.
D. Office for the Blind and Visually Handicapped.
E. Office for Deafness and Communicative Disorders.
F. Division of Developmental Disabilities.
G. Division of Service Systems.
H. Division of Manpower Development.
I. Division of Planning and Management Assistance.
J. Division of Monitoring and Program Analysis.
K. Division of State Program Financial Operations.
L. Budget Division.

1R94.20 *Functions.* A. Office of Planning and Policy Development provides leadership, under the Commissioner, in policy formulation, program planning and program budgeting for the agency. Designs and directs evaluation activities of all RSA programs in accordance with OHD evaluation policy guidance. Provides direction in overall program planning, program budgeting, provision of information needs of the agency, coordination of agency programs and development of legislative initiatives. Conducts policy and legislative analyses and gives direction to the formulation of agency goals and regulations.

B. *Office of Rehabilitation Research and Demonstrations.* Directs and manages the overall Research and Demonstrations program of the Rehabilitation Services Administration so that it is responsive to program goals and needs, and to overall OHD policy guidance on R&D objectives. Rehabilitation Research and Demonstration grants or contracts are made for the purpose of planning and conducting research, demonstration and related activities which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational rehabilitation services to handicapped individuals. Such projects may include medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and restorative techniques; studies and analyses of industrial vocational, social psychological, economic, and other factors affecting rehabilitation of handicapped individuals; special problems of homebound and institutionalized individuals; studies and analyses of architectural and engineering design adapted to meet the special needs of handicapped individuals;

and related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of handicapped individuals and individuals with the most severe handicaps. Responsible for preparation and implementation of a yearly and five-year plan for domestic and international rehabilitation research and demonstrations consistent with legislation and policy and priority guidelines set by the OHD. Suggests new and expanded program goals to meet the needs of the handicapped, especially the severely disabled. Maintains relationships with Rehabilitation Services Administration-related research organizations including the National Science Foundation, The National Academy of Sciences and other domestic and international agencies. Conducts research and demonstrations under provisions of Pub. L. 86-610 and section 202(b)5 of the Rehabilitation Act of 1973 as well as interchange of experts and technical assistance under the same provisions.

C. *Division of Special Populations*. Provides for the full development of projects, programs and services for individuals and groups who suffer from specific disabilities, except for blindness and visual handicaps, for deafness and communicative disorders, and for developmental disabilities, or who share common conditions or characteristics, medical or otherwise, which permit categorical identification. Reviews project grant applications as assigned to the Division in accordance with agency guidelines, appropriate evaluative criteria, and central-regional office responsibilities. Assumes leadership for the achievement of agency missions as assigned by the Commissioner on the basis of the division's particular expertise. Provides leadership and consultation to regional offices, State agencies, and other grantees in the development and expansion of rehabilitation programs and services for all disability groups, except for the blind and visually handicapped, for those suffering from deafness and communicative disorders, and those with developmental disabilities. Develops and implements program strategies and approaches to reach public assistance recipients and the disabled residents of target poverty communities (e.g. migratory agricultural workers). Within assigned area of responsibility, collaborates with other appropriate agency staff in the development of guidelines, manual issuances and other directives for existing programs serving various disability groups and for those programs mandated by legislative amendment such as vocational education and juvenile delinquency. Develops appropriate techniques to facilitate client participation in the formulation of program objectives within the agency and at the State agency and other grantee level.

D. *Office for the Blind and Visually Handicapped*. Provides for the full development of projects, programs, and services for individuals who suffer from blindness and visual handicaps. Reviews project grant applications as assigned to the Office for the Blind and Visually Handicapped in accordance with agency guidelines, and appropriate evaluative criteria. Assumes leadership for achievement of agency missions as assigned by the Commissioner on the basis of the office's special expertise. Provides leadership and consultation to regional offices, State agencies, and other grantees in the development and expansion of rehabilitation programs and services for the blind and visually handicapped. Maintains liaison and consultation with national organizations of and for the blind and with the blind community nationwide to serve as a focal point and to provide increased leadership and advocacy for the Nation's blind and visually handicapped. In collaboration with other appropriate agency staff, develops and implements program strategies and approaches to reach blind public assistance recipients and the blind and visually handicapped residents of target poverty communities (e.g., migatory agricultural workers). Within assigned area of responsibility, collaborates with the other appropriate agency staff in the development of guidelines, manual issuances, and other directives for existing programs serving the blind and visually handicapped and for those programs mandated by legislative amendment, such as vocational education and juvenile delinquency. Develops appropriate methods to facilitate client participation in the formulation of program objectives within the agency and at the State agency and other grantee level.

E. *Office for Deafness and Communicative Disorders*. Provides for the full development of projects, programs, and services for individuals who suffer from deafness and communicative disorders. Reviews project grant applications as assigned to the Office for Deafness and Communicative Disorders in accordance with agency guidelines and appropriate evaluative criteria. Assumes leadership for achievement of agency missions as assigned by the Commissioner on the basis of the office's special expertise. Provides leadership and consultation to regional offices, State agencies, and other grantees in the development and expansion of rehabilitation programs and services for those persons suffering from deafness and communicative disorders. Maintains liaison and consultation with national organizations of and for the deaf and with the deaf community nationwide to serve as a focal point and to provide increased leadership and advocacy for the Nation's deaf and those suffering from communicative disorders. In collaboration with other appropriate agency staff, develops and implements program strategies and approaches to reach those persons suffering from deafness and communicative disorders who are on public assistance as well as such persons who are resident in target poverty communities (e.g., migratory agricultural workers). Within assigned area of responsibility, collaborates with other appropriate agency staff in the development of guidelines, manual issuances, and other directives for existing programs serving those suffering from deafness and communicative disorders and for those programs mandated by legislative amendment, such as vocational education and juvenile delinquency. Develops appropriate methods to facilitate client participation in the formulation of program objectives within the agency and at the State agency and other grantee level.

F. *Division of Developmental Disabilities*. Provides leadership, coordination, and guidance for agency programs applicable to individuals with mental retardation and other developmental disabilities. Provides guidelines for and assists academic institutions, state agencies and local community organizations in the planning, administration, and delivery of services, construction of facilities, and in the operation and improvement of resources for the developmentally disabled through the use of specialized or the special adaptation of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual affected by such a disability. Provides a central point for information on developmental disabilities programs and services. Reviews State plans and project grant applications as assigned to the Division of Developmental Disabilities, in accordance with agency guidelines and appropriate evaluative criteria. Provides leadership and consultation to regional offices, State agencies and other grantees in the development and expansion of programs and services for the developmentally disabled. Within assigned area of responsibility, collaborates with other appropriate agency staff in the development of guidelines, manual issuances and other directives for existing and new programs serving those with developmental disabilities. Assists in the development of comprehensive State agency planning methods and procedures which embrace services and programs for the developmentally disabled.

G. *Division of Service Systems*. Develops and supports the introduction of program approaches, techniques and methods leading to the establishment and improvement of service delivery mechanisms which are responsive to agency client needs. Reviews project grant applications as assigned to the Division of Service Systems, in accordance with agency guidelines, appropriate evaluative criteria, and central-regional office responsibilities. Assumes leadership for the achievement of agency missions assigned by the Commissioner on the basis of the division's particular expertise. Develops comprehensive agency programs, designs and models, and prepares manual chapters and standards to facilitate improved client service and to coordinate public and private programs. Assists the Division of Planning and Management Assistance in developing a program of technical consultation and assistance to other departments, regional offices, State agencies, and other

grantees to accomplish the Division mission. Provides leadership in the development of new projects with industry under the legislative mandate and promotes employer interest in hiring the handicapped. Collaborates in development of demonstration programs to test concepts in community multiservice delivery, linkage development, and special purpose centers. Prepares pertinent inputs to the management information system. Provides consultative assistance in the architectural aspects and design of public and non-profit facilities provided for the diagnosis, treatment, education, vocational training care, and provision of maintenance services for the disabled. Within assigned area of responsibility, collaborates with other appropriate agency staff in the development of guidelines, manual issuances and other directives for existing and new programs for the support of service delivery system.

H. *Division of Manpower Development*. Provides and expands training opportunities and materials for professional, technical, and subprofessional persons to meet the manpower requirements of State and other agencies responsible for providing rehabilitation and habilitation services. Reviews project grant applications as assigned to the Division of Manpower Development in accordance with agency guidelines and appropriate evaluative criteria. Assumes leadership for the achievement of agency missions as assigned by the Commissioner on the basis of the division's particular expertise. Develops guidelines and analytic procedures to measure the need for and progress in the training of all manpower training programs financed under agency appropriations. Works with State agencies and the Division of Planning and Management Assistance to assess requirements and develop plans and programs for training professional and paraprofessional staff to meet manpower needs in agency supported programs. Stimulates grant applications from educational and other institutions. Prepares and disseminates guidance materials for volunteers to serve in agency sponsored programs. Encourages the development of innovative instructional materials and methods. Plans and conducts short-term training courses for the purpose of generating new knowledge in program areas of high priority to the Department and the agency.

I. *Division of Planning and Management Assistance*. Provides non-financial technical support and assistance to regional offices, State agencies and other grantees across agency programs. Develops planning and management procedures and methods of common application and implements such systems leading to improvement in overall program performance and goal achievement. Provides leadership in development of planning, operations, and management tools and methods to serve State agency and other grantee programs. With the assistance of the divisions concerned with program development, designs and provides consultative assistance in implementation of new program techniques through manual chapter instructions, guide materials, and on-site visits. Provides staff support and assistance to facilitate decentralization of agency functions in cooperation with field operations staff. Evaluates and assists State agencies in the development of comprehensive state plans.

J. *Division of Monitoring and Program Analysis*. Develops and applies evaluative tools and indicators for the purpose of measuring State agency and other grantee program performance. Makes appropriate recommendations and reports leading to program changes, policy decisions, and legislative amendments. Designs and maintains information systems needed for management and program decision-making. Conducts statistical analysis and studies of individuals comprising the handicapped population and State agency program operations. Develops and implements a program monitoring system of all agency financial operations and services. Conducts analyses, makes reports and appropriate recommendations concerning State agency and other grantee program performance and goal achievement including the Program Administrative Review (PAR). Conducts on-site evaluations and investigations of State agency programs and other grantee operations, including Research and Training Centers, university sponsored training programs, etc. Makes recommendations to upgrade and improve the agency data base and information systems. Provides leadership in conducting decision analyses and review of the essential data requirements of the agency leading to the design of management information systems. Collaborates with component agencies of OHD and the department in the development of data systems to meet the needs of other bureau executives and administrators. Provides direction in the administration and implementation of the agency program of data reduction, factor analysis and statistical reporting. Prepares data reports and publications for various departments, State agencies, and other user groups, in cooperation with public information staff.

K. *Division of State Program Financial Operations*. Provides for the financial management of RSA formula grant programs. Provides support services in financial management with RSA and to regional offices, State agencies and across all agency programs. Develops a financial plan for the administration of RSA project grants. Develops procedures, provides leadership, and evaluates the development and implementation of program and financial planning activities of the PPBS type by State agencies. Assists State agencies in developing capabilities to provide program financial inputs to overall RSA short and long-term program planning. Consolidates the administration of agency grant programs. Assists the Budget Division in the formulation, justification and execution of the legislative budget including the budgetary call for estimates from State agencies. In cooperation with the Division of Planning and Management Assistance, provides financial consultative support to regional offices and State agencies, including preparation of pertinent manual chapters, forms, and other assistance. Applies statutory formulae for allotment of funds across all agency appropriations. Makes analyses of and coordinates all audit reports for the agency.

Monitors the accuracy and timeliness of State agency fiscal reports and financial data. Designs and develops systems for processing program financial data and reports, and interprets administrative and fiscal policies and procedures governing the use of formula grants funds, including the cost principles to be applied in the preparation of grant applications and budgets. Makes special studies of problem areas in the application of fiscal management policies, procedures and standards. Prepares uniform terminology standards of policies and procedures for grants administration and fiscal management. Reviews new legislation and legislative proposals relating to grants to determine their conformance with established grant policies and recommends policy revisions when necessary. Establishes and maintains working relationships with other Federal agencies, grantee institutions and State agencies in order to develop and coordinate grant policies and procedures. Establishes and maintains proper fiscal management, including the accountability of funds, for grant programs administered by RSA which are delegated to Regional Offices.

L. *Budget Division*. Provides budgetary services and assistance to the agency and maintains associated liaison services with the OHD. In conjunction with the Division of State Program Financial Operations and in cooperation with other program units, formulates, justifies, and executes the legislative budget. Provides technical assistance in ensuring implementation of HD budgetary directives. Assists the Division of State Program Financial Operations in preparation of financial reports and summaries, and adoption of improved internal financial analysis procedures and methods. Cooperates with other program units in the formulation of short and long-term program financial planning methods.

1R94.30 *Delegation of Authority*. Except as provided in sec. 1A-30 of the DHEW Organizational Manual and in sec. 400(b) of the Rehabilitation Act of 1973, and pursuant to the provisions of sec. 3(a) of the Rehabilitation Act of 1973, as amended by sec. 101(a) of the Rehabilitation Act Amendments of 1974, the Commissioner, Rehabilitation Services Administration, has been delegated the authority to administer Titles I, II, and III, of the Rehabilitation Act of 1973, Pub. L. 93-112 (29 U.S.C. 701 et seq. Chap. 16), as amended by the Rehabilitation Act Amendments of 1974. The Commissioner also has been delegated the authority to administer Title IV of the Rehabilitation Act of 1973, as amended; and pursuant to sec. 2(a)(1) of the Randolph-Sheppard Act, as amended by sec. 203(a)(1), Title II, Pub. L. 93-516, the authority to administer the Randolph-Sheppard Act, as amended.

Dated: January 31, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75-3563 Filed 2-6-75;8:45 am]

Social Security Administration

PHYSICAL THERAPY SERVICES

Schedule of Guidelines

SCHEDULE OF GUIDELINES UNDER HEALTH INSURANCE PROGRAM

Notice is hereby given that the schedule of guidelines for evaluating the costs of physical therapy services furnished under arrangements in the Medicare program has been established by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. This schedule is applicable to cost reporting periods beginning after the month in which final regulations implementing section 251(c) of Pub. L. 92-603 (i.e., 20 CFR 405.432) become effective.

SCHEDULE OF GUIDELINES FOR PHYSICAL THERAPY SERVICES FURNISHED UNDER ARRANGEMENTS

ADJUSTED HOURLY SALARY EQUIVALENCY AMOUNTS AND STANDARD TRAVEL ALLOWANCES FOR QUALIFIED PHYSICAL THERAPISTS (FULL TIME, REGULAR PART TIME, OR HOME VISITS)

(THIS SCHEDULE IS NOT TO BE USED FOR PHYSICAL THERAPY ASSISTANTS OR AIDES.)

	Adjusted hourly salary equivalency amount	Standard travel allowance
Alabama	$9.00	$4.50
Alaska [1]	[1] 12.00	6.00
Arizona	9.60	4.80
Arkansas	7.70	3.85
California	9.60	4.80
Colorado	7.70	3.85
Connecticut	8.30	4.15
Delaware	9.60	4.80
District of Columbia	8.90	4.45
Florida	9.20	4.60
Georgia	8.90	4.45
Hawaii [2]	[2] 11.10	5.55
Idaho	8.30	4.15
Illinois	8.90	4.45
Indiana	9.20	4.60
Iowa	8.40	4.20
Kansas	8.40	4.20
Kentucky	9.30	4.65
Louisiana	7.70	3.85
Maine	8.30	4.15
Maryland	9.80	4.90
Massachusetts	8.30	4.15
Michigan	9.50	4.75
Minnesota	8.40	4.20
Mississippi	9.00	4.50
Missouri	8.60	4.30
Montana	7.70	3.85
Nebraska	8.40	4.20
Nevada	9.60	4.80
New Hampshire	8.30	4.15
New Jersey	9.60	4.80
New Mexico	7.70	3.85
New York	9.90	4.95
North Carolina	9.30	4.65
North Dakota	7.70	3.85
Ohio	9.20	4.60
Oklahoma	7.70	3.85
Oregon	8.60	4.30
Pennsylvania	9.30	4.65
Rhode Island	8.30	4.15
South Carolina	9.00	4.50
South Dakota	7.70	3.85
Tennessee	9.30	4.65
Texas	7.70	3.85
Utah	7.70	3.85
Vermont	8.30	4.15
Virginia	9.30	4.65
Washington	7.80	3.90
West Virginia	9.30	4.65
Wisconsin	8.90	4.45
Wyoming	7.70	3.85

[1] Adjusted for 25 percent salary differential.
[2] Adjusted for 15 percent salary differential.

(Catalog of Federal Domestic Assistance Program Nos. 13.800, Health Insurance for the Aged—Hospital Insurance; and 13.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Dated: December 13, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 27, 1975.

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

[FR Doc.75-3291 Filed 2-6-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 13542; Notice No. 74-5D]

AIRWORTHINESS REVIEW PROGRAM

Availability of Conference Summary

From December 2 through 11, 1974, the Federal Aviation Administration conducted a conference in Washington, D.C., as a part of the 1974-1975 Airworthiness Review Program. Information relating to the objectives of the program, to its operation, and specifically to that conference are contained in the following notices that have been published in the FEDERAL REGISTER:

Notice No. 74-5 (39 FR 5785) February 15, 1974;
Notice No. 74-5A (39 FR 18662) May 29, 1974;
Notice No. 74-5B (39 FR 36594) October 11, 1974; and
Notice No. 74-5C (39 FR 41319) November 26, 1974.

The FAA now announces the availability of a document, entitled Conference Summary. That document contains:

(1) The committee chairmen's summaries of the agenda item discussions that took place at the conference;

(2) Copies of certain addresses given at the opening and closing plenary sessions of the conference; and

(3) A list of those who registered for the conference.

As indicated in Notice No. 74-5B copies of the Conference Summary are being forwarded to those persons who registered at the Conference, and a copy has been placed in the Rules Docket for the 1974-1975 Airworthiness Review Program. In addition, copies are being forwarded to other persons who have indicated an interest in the Program. A limited number of copies of the Conference Summary may remain after this distribution. Until the supply is exhausted, a copy may be obtained by writing the Federal Aviation Administration, Flight Standards Service, Attention: Airworthiness Review Staff, AFS-70, 800 Independence Avenue SW., Washington, D.C. 20591.

This notice is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 4, 1975.

C. R. MELUGIN, Jr.,
Acting Director, Flight Standards Service.

[FR Doc.75-3543 Filed 2-6-75;8:45 am]

National Highway Traffic Safety Administration

HIGHWAY SAFETY PROGRAMS

Semi-Annual Qualification Testing of Evidential Breath Measurement Devices

In accordance with the National Highway Traffic Safety Administration Standard for Devices to Measure Breath Alcohol, published in the FEDERAL REGISTER November 5, 1973 (38 FR 30459), qualification testing of evidential breath testers is scheduled to be performed during February and March 1975. Manufacturers wishing to submit devices for evaluation must apply for a test date, not later than February 18, 1975, to the Transportation Systems Center, Kendall Square, Cambridge, Massachusetts 02142, Attention A. L. Flores/641.

(23 U.S.C. 402, 403)

Issued on January 31, 1975.

FRED W. VETTER, JR.,
Associate Administrator, Traffic Safety Programs.

[FR Doc.75-3533 Filed 2-6-75;8:45 am]

ATOMIC ENERGY COMMISSION

HARRISONVILLE TEST ANNEX

Trespassing on Commission Property

Correction

FR Doc. 75-2424, which appeared on page 4194 of the issue for Tuesday, January 28, 1975, was inadvertently placed under the Nuclear Regulatory Commission. It should have been carried under the Atomic Energy Commission as set forth above, and in the text of the document Nuclear Regulatory Commission should be amended to read "Atomic Energy Commission" wherever it appears.

CIVIL AERONAUTICS BOARD

[Docket No. 27468; Order 75-2-14]

COACH PASSENGERS

Order Regarding Free Alcoholic Beverages Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of February, 1975.

As stated in a press release issued on November 13, 1974, the Board is concerned that the practice recently instituted by some carriers of serving free alcoholic beverages in coach service will have an adverse economic impact on the price of air transportation. Although the Board had been informed that the carriers involved would discontinue free service of hard liquor to coach passengers

early in 1975, the carriers have now decided to continue this practice. Each carrier claims that competition requires continuation of its own free beverage policy, including the service of complimentary wine or champagne with meals.

The Board has received hundreds of letters from air passengers and from Congressmen and Senators with respect to this practice, principally stating opposition of nonusers to being charged for the service in their air fares. Certainly, the erosion of revenues incurred by not charging for alcoholic beverages in the coach compartment, coupled with the continued expense of providing such service, can only add to the already substantial cost squeeze faced by the carriers. Particularly at this time of scarce resources and rising costs, it is highly questionable for the carriers to compete for traffic by indulging in such giveaways.

While as a general proposition the provision of in-flight amenities has been viewed as a matter left to carrier discretion, we cannot ignore instances where complimentary services that are not integral to air transportation might adversely affect air fares. We are therefore requiring by this order that the trunkline air carriers submit data relating to the costs of providing in-flight alcoholic beverage service in coach class, in order that we shall have sufficient information to evaluate the effect of continuation or proliferation of the free-drink policy and to determine what further Board action may be necessary to assure that passenger fares are not affected.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 407(a) thereof:

It is ordered, That:

1. The carriers listed in paragraph 2 below shall file with the Board's Docket Section, within 30 days from the date of this order, five copies of the information set forth in Appendix A attached hereto.

2. This order shall be served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A.—*Alcoholic beverage report domestic 50-State operations, carrier:*

Data	Calendar year		
	1973	1974	Estimated 1975[1]
Beverages sold:			
Expense (dollars)[2]:			
Hard liquor			
Beer, wine, and champagne			
Revenue (dollars):			
Hard liquor			
Beer, wine, and champagne			
Free beverages[3]:			
Expense (dollars)[2]:			
Hard liquor			
Beer, wine, and champagne			
Dollars in thousands:			
Total operating expense			
Total operating revenue			
Total passenger revenue			

[1] Provide detail support for all estimates.
[2] Provide basis for any allocation.
[3] Specify effective date of free alcoholic beverage dispersal.

[FR Doc.75-3549 Filed 2-6-75;8:45 am]

[Docket No. 27464]

HUGHES AIRWEST

Application for Amendment of Certificate of Public Convenience and Necessity

FEBRUARY 4, 1975.

Notice is hereby given that the Civil Aeronautics Board on February 3, 1975, received an application, Docket 27464, from Hughes Air Corp. d/b/a Hughes Airwest for amendment of its certificate of public convenience and necessity for route 76 to provide Oakland-Las Vegas/Phoenix nonstop service.

The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-3550 Filed 2-6-75;8:45 am]

[Docket No. 26877]

OVERSEAS NATIONAL AIRWAYS, INC., ET AL.

Enforcement Proceeding; Postponement of Hearing

The Enforcement Attorney has requested a two to three week postponement of the hearing in this proceeding because of conflicting commitments in other proceedings. The Enforcement Attorney states that attorneys for the respondents have been contacted and do not object to the requested postponement.

Accordingly, the hearing now scheduled for February 25, 1975 (40 FR 2464, January 13, 1975), is hereby postponed to March 18, 1975, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Ave. NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., February 3, 1975.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.75-3548 Filed 2-6-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ADVISORY COMMITTEE ON ALTERNATIVE AUTOMOTIVE POWER SYSTEMS

Meeting

Notice is hereby given that the Council on Environmental Quality's Advisory Committee on Alternative Automotive Power Systems will hold its next meeting in Washington, D.C., on February 13 and 14, 1975. The sessions, which are open to the public will commence both days at 9 a.m. in Room 2010, New Executive Office Building, 726 Jackson Place NW.

This meeting will focus primarily upon the role of the Alternative Automotive Power Systems program under the newly formed Energy Research and Development Administration.

A list of advisory committee members is available from, and requests for additional information should be made to: Barrett J. Riordan, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006.

GARY WIDMAN,
General Counsel.

[FR Doc.75-3545 Filed 2-6-75;8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from January 27 through January 31, 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. (March 24, 1975) The thirty (30) day period for each final statement begins on the day the statement is made 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: David Ward, 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

Final

South Fork Payette River Planning Unit, Boise National Forest, Boise County, Idaho, January 30: The statement concerns the

land use plan for the 232,541 acre South Fork Payette River Planning Unit in Boise National Forest. The unit is divided into four management areas and will be developed according to one of three alternatives. Adverse effects on vegetation soil, scenic, wildlife and watershed values are expected (44 pages). Comments made by: (ELR Order No. 50155.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Minnkota Power Transmission Line, several counties, Minnesota, January 28: Comments made by: USDA, DOT, FPC, DOI, EPA. (ELR Order No. 50131.)

SOIL CONSERVATION SERVICE

Draft

Big Mortar-Snuff Box Swamp Watershed Project, Long and McIntosh Counties, Georgia, January 27: The project proposes conservation land treatment measures, dikes, peripheral canals, streambank erosion control, and fish and wildlife measures in Long and McIntosh Counties, Georgia. Flood protection will be provided for approximately 50,389 acres of forest and agricultural land. Clearing operations will lower wildlife habitat values on approximately 1,160 acres, project canals will replace about 250 acres of forest land. The increased access possible on about 49,340 acres of forest land may increase the fire hazard (37 pages). (ELR Order No. 50124.)

Deer Creek Watershed, Worth County, Iowa, January 29: Proposed is a project for watershed protection, flood prevention, and drainage in Worth County, Iowa. The project will provide drainage outlets to 27,300 acres for a minimum of 50 years. The aquatic habitat will be lost in 15 miles and reestablished in a modified form. Crop production will be lost on 5 acres, and forest production on 26 acres. (ELR Order No. 50139.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 967-4335.

ECONOMIC DEVELOPMENT ADMINISTRATION

Final

S & S Corrugated, New York, January 27: Proposed is the granting of financial assistance to the S & S Corrugated Paper Machinery Co. in Brooklyn, in order to construct a building and to purchase machinery and equipment for the expansion of production capacity. A number of residents of the area have already moved due to related property condemnations. Comments made by: DOI, DOT, AHP, EPA, one State agency and the applicant. (ELR Order No. 50129.)

DEPARTMENT OF DEFENSE

AIR FORCE

Contact: Dr. Billy Welch, Room 4D 873, The Pentagon, Washington, D.C. 20330, (202) OX 7-9297.

Final

Over the Horizon Radar (OTH), (2), Somerset and Washington Counties, Maine, January 31: Proposed is the design and construction of an OTH-B radar system in the United States. A prototype system would be built and tested in Maine until 1979, and if successful, a larger operational OTH-B radar will be built. Adverse impacts include interference with radio and TV reception, air, noise, and water pollution, and the commitment of 650 acres of productive land to the receiver site (380 pages). Comments made by: HEW, DOC, EPA, DOI, State and local agencies and concerned citizens. (ELR Order No. 50157.)

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, (202) OX 4-4269.

Final

Blackbird Control, Army Installations, Kentucky and Tennessee, January 27: The statement refers to the proposed reduction of blackbird populations that have established winter roosts at Fort Campbell, Kentucky, and Milan Army Munition Plant, Tennessee. The roosts would be treated with Compound PA-14, Avian Stressing Agent, a biodegradable wetting agent. Operations would be conducted in cooperation with the Department of the Interior. An increase in soil insect populations may result. If the operation is successful, disposal of bird carcasses may be a problem: at Fort Campbell they would be removed to a landfill; at Milan they would be left to decay. Army has requested a waiver of a portion of the thirty day waiting period, to be ended February 3, 1975, or after. Comments made by: EPA, USDA, DOC, DOT, HEW, concerned citizens and organizations. (ELR Order No. 50117.)

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

Lost River Mining Project, Permit Application, Alaska, January 27: The statement refers to the permit application of The Lost River Mining Corporation Limited for construction of a marine terminal to facilitate removal of 1,750,000 tons of ore per year for a minimum of 16 years. The marine terminal is part of a larger complex, community, airport, and surface transportation system. Adverse impacts include loss of undetermined number of plants and animals, total loss of Rapid River Valley, and the release of an undetermined amount of pollutants into the atmosphere (Alaska District). (ELR Order No. 50118.)

Keenwick West Addition, Sussex County, Delaware, January 27: The statement refers to a permit action filed by William G. Adkins of Adkins Realty, concerning a permit for the dredging of six unbulkheaded lagoons which would be in connection with Roy Creek. The project will provide recreational areas near Fenwick Island. Adverse impacts include disrupted bottom biota and construction on wildlife habitat (Philadelphia District) (78 pages). (ELR Order No. 50123.)

Pebble Beach-Indianola Development Permit, Ocean County, New Jersey, January 29: The statement concerns the permit application by the Mayer Corp. for the Dredging and bulkheading of the Peble Beach-Indianola area. The proposed action will allow the construction of approximately 393 single family residences in the northern portion of the largely completed site. Adverse impacts include destruction of marsh salt, elimination of vegetation and habitat on wetlands and low and upland forests, and temporary turbidity, noise and erosion (Philadelphia District). (ELR Order No. 50132.)

Transmission Cable Permit Application, Long Island, Nassau County, New York, January 30: The proposed action is the issuance of a construction permit to the Long Island Lighting Company and Con Edison to dredge, excavate, dispose of material, backfill, and install two steel conduits and associated cables across Long Island Sound, and to install five steel conduits across Hempstead Harbor, New York. Adverse impacts include the destruction of benthic organisms through dredging, and the blasting of 600 feet of rock (New York District) (50 pages). (ELR Order No. 50154.)

Gallipolis Locks and Dam Replacement, Ohio River, Ohio and West Virginia, January 27: The statement refers to the modernizing of the existing dam and replacing the existing navigation locas with new locks in a bypass canal. The plan entails adding a bulkhead system to the existing piers, the construction of two 1200′ X 110′ chambers, dredging and excavation. Deposition of the excavated material will eliminate 535 acres of agricultural land. Industrial development in the Ohio Valley will also replace agricultural land on the flood plain (Huntington District). (ELR Order No. 50120.)

Huron Harbor, Operations and Maintenance, Erie County, Ohio, January 27: The project entails maintenance of the 3523-foot west pier, the 1450-foot east breakwater, the 200-foot steel sheet pile shore protection and the existing 25-foot project depth in the lake approach and entrance channel. Polluted sediments dredged from the harbor will be deposited in an open lake dumping site in 1975 and in a diked disposal facility (now under construction) in 1976. Adverse impacts include annual disruption of the aquatic ecosystem, adverse effects upon water quality, recreation, aesthetics, and boat traffic during dredging (Buffalo District). (ELR Order No. 50121.)

Freeport Harbor, Diked Disposal Facility, Ohio, January 27: Proposed is the construction and operation of a 100 acre diked disposal facility to receive polluted sediments from Fairport Harbor, Ohio. The facility is designed to accomodate 360,000 cu. yds. of material annually for 10 years. Fishing and water recreation areas of Lake Erie at Fairport will be reduced by 100 acres (Buffalo District). (ELR Order No. 50128.)

Final

Upper Mississippi River, 9 Ft. Channel, Pools 11-2, January 29: The final statement addresses the combined impacts of operation and maintenance dredging on the navigation system from Guttenburg, Iowa (Pool 11) to Saverton, Missouri (Pool 22). For the draft analysis, separate draft statements were filed for each of the eleven pools involved; the pools are situated along a 314 mile stretch of the river. The statement indicates that the disposal of dredged material will lower water quality and will adversely affect land disposal sites (Rock Island District) (four volumes). Comments made by: EPA, USDA, DOD, HUD, DOI, DOT, USCG, FPC, State and local agencies. (ELR Order No. 50134.)

Carence J. Brown Dam and Reservoir, Clark County, January 29: Proposed is the completion of the remaining five percent of construction, operation, and maintenance activities at the dam, which is located on Buck Creek and the mainstem of the Mad River, in the Miami River Basin. The project will result in the creation of a 2,120 acre seasonal lake, for the purposes of floodcontrol, water quality, recreation, and fish and wildlife activities. Five miles of free flowing stream, 50 acres of flood plain forest, 2,000 acres of agricultural land, and the 340 acre Reid Memorial Park will be inundated (Louisville District). Comments made by: (ELR Order No. 50137.)

Dillingham Small Boat Harbor, Alaska, January 29: Proposed is the maintenance dredging of the Dillingham Small Boat Harbor to authorized dimensions. Typical maintenance involves the dredging of 60,000 cu. yds. of material annually. Adverse impact includes that resulting from the disturbance

of marine biota, and from the commitment of land to spoil disposal. Comments made by: DOI, DOC, USCG, EPA, State agencies. (ELR Order No. 50135.)

Intracoastal Waterway, Jacksonville to Miami, several counties, Florida, January 29: The statement refers to the proposed removal of 172,000 cu. yds. of shoal material from the channel, and placing it in diked upland areas and as nourishment on a county beach south of Jupiter Inlet. There will be adverse impact to marine life, with turtle nests at the nourishment site perhaps being destroyed.

Comments made by: USCG, USDA, DOT, DOC, OEO, State agencies. (ELR Order No. 50133.)

Saint John River Flood Protection, Fort Kent, Aroostook County, Maine, January 30: The statement refers to the local flood protection project designed to afford protection to the residents of Fort Kent, Aroostook County. The plan selected calls for the construction of an earth dike on the Saint John River, a pumping station and appurtenances, a pressure conduit and a raised roadway at Fort Kent. Adverse impacts are the loss of part of the shore line, and temporary noise and dust associated with construction (Waltham District) (61 pages). Comments made by: DOI, EPA, HUD, HEW, State agencies. (ELR Order No. 50153.)

Coal Unloading, Lake Superior and Ishpeming RR, Michigan, January 27: The statement refers to the proposed granting of a permit by the Corps of Engineers for construction by the Lake Superior and Ishpeming Railroad of a new coal unloading facility in the Upper (Presque Isle) Harbor at Marquette, Michigan. Negative factors resulting from the construction would include increased water turbidity and reduced visual attractiveness (St. Paul District). Comments made by: DOC, DOI, USCG, FPC, State agencies and concerned citizens. (ELR Order No. 50126.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460. 202-755-0940.

Final

Crabtree Creek, Wake County, N.C., January 30: The statement refers to the awarding of grant funds for the construction of an interceptor sewer line to service the upper drainage basin of Crabtree Creek. The present EPA grant offer is $2,445,750 of a total estimated cost of $5,300,000 for approximately 92,000 linear feet of pipe sized from 48" to 12", 12,000 linear feet of 20" force main, and one pumping station. Construction erosion and sedimentation and objectionable odors may result (231 pages). Comments made by: (ELR Order No. 50156.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, NW., Washington, D.C. 20405, 202-343-4161.

Final

Social Security Administration Facilities, Baltimore, Baltimore County, Md., January 14: Proposed is the consolidation of Social Security Administration office and data processing facilities at two sites, one adjacent to SSA headquarters in Woodlawn, the other, Metro West, in the Orchard-Biddle Neighborhood Development Project in Baltimore. The former facility will comprise 697,000 gross square feet, the latter 1,335,000 gross square feet, including structural parking for 500 vehicles (two volumes). Comments made by: HUD, OEO, OMB, GSA, DOT, DOI, AHP. (ELR Order No. 50072.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Environmental Quality, Room 7206, 451 7th Street SW., Washington, D.C. 20410, 202-755-6295.

Draft

Church-Musser Urban Renewal Program, Lancaster County, Pa., January 29: The statement concerns the redevelopment of 120.2 acres of land containing 1,261 structures (1,132 residential) and 1,402 dwelling units. Of these, clearance is planned for 443 structures, and rehabilitation for 92 percent of the remaining 818. Adverse impacts include the temporary or permanent relocation of families and businesses and possible damage through demolition to adjacent properties. (ELR Order No. 50138.)

Water Mill Lane Project, Long Island: As a result of the Environmental Impact Statement and comments made by other agencies, as well as fiscal constraints, the HUD Regional Office will be issuing a letter of rejection concerning the Water Mill Lane Project, Long Island, N.Y., to CEQ and all those agencies who commented on the Draft Environmental Impact Statement. HUD does not intend to issue a Final EIS on the project.

The Council on Environmental Quality announced January 30, 1975, receipt of the first draft environmental impact statement prepared under new procedures in the Housing and Community Development Act of 1974 which requires cities to undertake the environmental reviews previously done at the Federal level by the Department of Housing and Urban Development. The new procedures are part of a general effort in the Act to give greater responsibility and authority to localities over housing, renewal, and other projects. The first EIS was filed by the City of San Francisco on its community development and housing plans for 1975.

Section 104(h) of the Housing and Community Development Act of 1974 transfers the Federal environmental review responsibilities of HUD to local communities which apply for block grant funds under Title I of the Act.

The draft EIS prepared by the Planning Department of the City of San Francisco represents the City's proposal for distribution of its block grant funds, and puts priority on rehabilitation of existing housing, development of neighborhood centers, renovation of recreation facilities, improvements in traffic control, and beautification projects in residential areas.

Chairman Russell W. Peterson of the Council noted that this new approach of delegating environmental responsibilities to the 1700 urban areas eligible for block grants under the Act makes a strong step in the direction of achieving a better urban environment. "The cities now have the opportunity to use these Federal funds as their citizens think best, with a minimum amount of second-guessing from Washington, and with assurance that the community has reviewed and discussed the full environmental effects of alternative ways of spending these funds."

Draft

Community Development and Housing Proposal, Block Grant, San Francisco, Calif., January 30: The statement refers to the anticipated allocation of $28.6 million in federal funds to the city of San Francisco. Of that amount, $9.5 million has already been committed to continue existing redevelopment, concentrated code enforcement and Model Cities projects. Another $12.5 million will be spent toward the completion of other existing programs, and $6.6 million used to begin new projects. Adverse impacts include the displacement of families and construction disruption. (ELR Order No. 50158.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

Final

Proposed Chugach N.F. Additions, Alaska, January 29: The statement refers to the proposed addition of 672,000 acres of public lands to the Chugach National Forest. Management would be in accordance with the laws, rules, and regulations applicable to the Forest Service. Short term exploration of the Forest resources will be limited in order to maintain a sustained yield of goods and services (416 pages). Comments made by: USDA, DOD, DOC, EPA, DOT, DOI, and state agencies and organizations. (ELR Order No. 50143.)

BUREAU OF OUTDOOR RECREATION

Final

Proposed Fortymile National Wild River, Alaska, January 29: Proposed is the legislative designation of 375 miles of the Fortymile River drainage system and an adjacent 320,000 acres of land along the United States-Canada border as a component of the National Wild and Scenic Rivers System. Administration would be by the Bureau of Land Management. Mining in scenic and recreational river areas will be permitted under regulations to provide safeguards against pollution and unnecessary impairment of the scenery. The overall affect of the action would be the preservation of existing scenic, recreational, historic, and water quality values (422 pages). Comments made by: USDA, DOD, DOC, EPA, HEW, HUD, DOT, DOI, and state agencies. (ELR Order No. 50144.)

Proposed Unalakleet Wild River, Alaska, January 29: The statement refers to the proposed legislative designation of 60 miles of the Unalakleet River and 104,000 acres of adjacent land in the Norton Sound region of northwest Alaska as a component of the National Wild and Scenic Rivers System. Inclusion of the land will have the overall effect of preserving the existing scenic, recreational, and water quality values of the river. Adjacent lands would be retained in their existing primitive condition (386 pages). Comments made by: USDA, DOD, DOC, EPA, HEW, HUD, DOT, DOI, and state agencies. (ELR Order No. 50145.)

Proposed Birch Creek National Wild River, Alaska, January 29: The statement refers to the legislative designation of a 135 mile segment of Birch Creek and 200,000 acres of adjacent land in the center of Interior Alaska as a component of the National Wild and Scenic Rivers System. The overall effect of the action is the preservation of existing scenic, recreational, and water quality values (404 pages). Comments made by: USDA, DOD, DOC, EPA, HEW, HUD, DOT, DOI, and state agencies. (ELR Order No. 50146.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Final

Proposed Alaska Coastal National Wildlife Refuge, Alaska, January 29: The statement refers to the proposed legislative designation of 65,000 acres of public lands along the coast of Alaska as the Aialik, Barren Islands, Bering Sea, Chukchi Sea, Kodiak, and Shumagin Islands National Wildlife Refuges. (This would amount to the establishment of four new refuges, and additions to the other two.) Additional lands within the area of ecological concern would be acquired by the Secretary of the Interior, should they become available. The lands of the Refuges would be withdrawn from all forms of appropriations under the public land laws, including the mineral leasing laws (678 pages). Comments made by: AHP, DOD, DOC, EPA, DOT, DOI, and State agencies (ELR Order No. 50140.)

Proposed Noatak National Arctic Range, Alaska, January 29: The statement refers to the proposed designation of 7.5 million acres of public lands in the Noatak and Squirrel River basins of northwestern Alaska as the Noatak National Ecological Range. The Range would be managed by the BLM, and be placed under a twenty year development moratorium. Additionally, 265 miles of the Noatak River would be designated as a component of the National Wild and Scenic Rivers System. The ecological range would be closed to all forms of appropriation under the public laws; comprehensive studies would be made of the area's natural resource values, including minerals and wilderness; the Secretary would report his findings to Congress in 20 years. Comments made by: USDA, DOD, DOC, EPA, DOT, DOI, and state agencies. (ELR Order No. 50141.)

Arctic National Wildlife Refuge, Alaska, January 29: The statement refers to the proposed addition of four million acres of public lands to the Arctic National Wildlife Refuge, and the legislative designation of the combined area as the Arctic National Wildlife Refuge. The Secretary of the Interior would be authorized to acquire private lands, and to withdraw the area from all forms of entry and appropriation under the public lands laws, including the mining and mineral leasing laws. The Refuge would be further studied for possible inclusion in the National Wilderness Preservation System. The action will result in the denial of intensive resource development (668 pages). Comments made by: USDA, DOD, DOC, EPA, DOT, DOI, and State agencies. (ELR Order No. 50147.)

Proposed Togiak National Wildlife Refuge, Alaska, January 29: The statement refers to the proposed designation of 214,600 acres of public interest lands and 2,626,500 acres of national interest lands, 587,300 acres of refuge replacement lands and 2,800 acres of public domain lands, as well as the 247,700 acre Cape Newenham National Wildlife Refuge, as the Togiak National Wildlife Refuge. The Refuge would be administered by BSFW, and would be studied for possible inclusion in the National Wilderness Preservation System. Additionally, 60 miles of the Kanektok River would be designated as a Wild River. Potential long-term adverse impact would result from the denial of intensive resource development (546 pages). Comments made by: AHP, USDA, DOD, DOC, EPA, FPC, DOT, DOI, and State agencies. (ELR Order No. 50148.)

Proposed Yukon Delta National Wildlife Refuge, Alaska, January 29: The statement refers to the proposed legislative designation of 4.7 million acres of public lands adjacent to the Clarence Rhode National Wildlife Refuge as the Yukon Delta National Wildlife Refuge. Public lands within an area of ecological concern, including the Clarence Rhode National Wildlife Range and the Hazen Bay Migratory Waterfowl Refuge would be acquired by the Secretary of the Interior, should they become available. The lands would be withdrawn from all forms of appropriation under public land laws, including the mining and mineral leasing laws; the Yukon Refuge would be studied for possible inclusion in the National Wilderness Preservation System (257 pages). Comments made by: USDA, DOD, DOC, HUD, HEW, EPA, FPC, GSA, DOI, DOT, and State agencies. (ELR Order No. 50150.)

Selawik National Wildlife Refuge, Alaska, January 29: Proposed is the legislative designation of 1.4 million acres of public lands east of Kotzebue Sound as the Selawik National Wildlife Refuge. (Included would be the Chamisso National Wildlife Refuge.) The Secretary of the Interior would be granted authority over all navigable waters within the Refuge, and would be authorized to purchase private inholdings as they become available. The lands of the Refuge would be withdrawn from all forms of appropriation under public land laws, including mining and mineral lease laws; and the Refuge would be studied for possible inclusion in the National Wilderness Preservation System (632 pages). Comments made by: USDA, DOC, DOD, EPA, DOT, DOI, and State agencies. (ELR Order No. 50151.)

NATIONAL PARK SERVICE

Final

Proposed Gates of the Arctic National Park, Alaska, January 29: The statement refers to the proposed Congressional designation of the Arctic National Wilderness Park and the Nunamiut National Wildlands. Included in the proposal is the designation of the Noatak, Alatna, Tinayuk, Killik (including Easter Creek), and the North Fork of the Koyubuk River as Wild Rivers. A master plan for administration of the areas is considered in the statement (686 pages). Comments made by: USDA, DOC, COE, DOI, DOT, EPA, and State agencies and organizations. (ELR Order No. 50142.)

Proposed Katmai National Park, Alaska, January 29: The statement refers to the proposed Congressional establishment of a 4,660,000 acre Katmai National Park on the Alaska Peninsula, 200 miles from Anchorage. The park would include the waters and lands of the present Katmai National Monument, and other lands selected in accordance with provisions of the Alaska Native Claims Settlement Act. Also proposed is a master plan for management and development of the park (652 pages). Comments made by: DOI, DOT, DOC, USDA, DOD, COE, EPA, and State agencies and organizations. (ELR Order No. 50149.)

Proposed Mount McKinley National Park, Alaska, January 29: The statement refers to a proposal that Congress legislatively add land and water parcels to Mount McKinley National Park, increasing the size of the Park from the present 1,939,493 acres to 5,150,000 acres. Also proposed is a master plan for the administration of the Park, and the continuation of a cooperative planning and management zone to the south and east of the Park. The proposal may affect wildlife, scenic and geologic features, natural resources development, and recreation (687 pages). Comments made by: DOT, DOC, DOI, USDA, COE, EPA, and State and local agencies and organizations. (ELR Order No. 50152.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Roane County Airport, Spencer, W. Va., January 27: The project involves the construction of a new general aviation airport in Roane County. A runway, stub taxiway, parking apron, and access road will be constructed. There will also be installation of lighting and VASI. The most significant adverse impact will be an increase in the noise level (46 pages). Comments made by: USDA, DOI, HUD, DOC, HEW, EPA, FPC, COE, and State and local agencies. (ELR Order No. 50125.)

FEDERAL HIGHWAY ADMINISTRATION

Final

U.S. 30-95, I-80N to Gayway Junction, Idaho, January 27: Proposed is the construction of 3.65 miles of four lane U.S. 95 and U.S. 30 on a common alignment from the I-80N Interchange to Gayway Junction. A portion of the alignment will bypass Fruitland. Adverse impact will include the relocation of two homes, and the loss of some right-of-way. Comments made by: HUD, HEW, DOI, and State agencies and concerned citizens. (ELR Order No. 50119.)

N.H. Route 101-A, N.H., January 27: The project involves the construction of New Hampshire Rte 101-A from Amherst to Nashua in Hillsborough County. The 4-lane facility will have a length of 4 miles. Adverse impacts include increased noise levels, acquisition of 15 acres of land, and displacement of 9 families and 4 businesses. Comments made by: EPA, HUD, DOI, HEW, USDA, and State and local agencies. (ELR Order No. 50127.)

Texas SR 35, Tex., January 29: The proposed project is the construction of 6.9 miles of SR 35. The project will require an unspecified amount of agricultural and timber land. Eleven families and 3 businesses will be displaced. The facility will traverse the San Bernard and Brazos Rivers and Dry Creek which will require structure crossings. Adverse impacts will include increased water pollution and loss of wildlife (171 pages). Comments made by: COE, DOT, USDA, HUD, DOI, EPA, and State and local agencies. (ELR Order No. 50136.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-3336 Filed 2-6-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

TOKAMAK FUSION TEST REACTOR FACILITIES, PRINCETON, NEW JERSEY

Availability of Draft Environmental Statement

Notice is hereby given that a Draft Environmental Statement, Tokamak Fusion Test Reactor Facilities, Princeton, New Jersey (WASH-1544) was issued February 3, 1975, pursuant to the Energy Research and Development Administration's (ERDA) implementation of the National Environmental Policy Act of 1969. The Statement was prepared in support of legislative action related to the ERDA request for appropriation of funds for Fiscal Year 1976 for the project.

Copies of the Draft Statement have been distributed for review and comment to Federal and New Jersey State and local agencies and local organizations and individuals. Copies of the Draft

Statement are available for public inspection in the ERDA's Public Document Rooms at 1717 H Street NW., Washington, D.C.; Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico; Chicago Operations Office, 9500 South Cass Avenue, Argonne, Illinois; Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho; Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee; Richland Operations Office, Federal Building, Richland, Washington; San Francisco Operations Office, 1333 Broadway, Oakland, California; Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

Comments and views concerning the Draft Statement are requested from other interested agencies, organizations and individuals. Single copies of the Draft Environmental Statement will be furnished for review and comment upon request addressed to W. H. Pennington, Office of the Deputy Assistant Administrator for Environment and Safety, U.S. Energy Research and Development Administration, Washington, D.C. 20545, (301) 973-4241. Comments should be sent to the same address.

Comments on the Draft Environmental Statement will be considered in the preparation of the Final Environmental Statement if received by March 31, 1975.

Dated at Germantown, Md., this 31st day of January 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Acting Deputy Assistant Administrator for Environment and Safety.

[FR Doc.75-3703 Filed 2-6-75;9:36 am]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 783]

DEPUTY GOVERNOR, ADMINISTRATION

Order of Precedence of Certain Officers to Act as Deputy Governor, Authority and Administration

JANUARY 31, 1975.

1. The Deputy Governor, Administration, shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all power, authority, and duties relative to Farm Credit Administration budget, personnel, information, and other internal, administrative support services, and activities relating to Farm Credit System personnel and information programs, and to all matters incidental thereto, and to administration of all provisions of law pertinent thereto.

2. In the event the Deputy Governor, Administration, Farm Credit Administration, is absent or is not able to perform the duties of his office for any other reason, the officer who is highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties of the Deputy Governor, Administration, pertaining to the functions of his office:

(1) Director, Administrative Division.
(2) Director, Personnel Division.
(3) Director, Information Division.

3. This order shall be effective on January 1, 1975.

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.75-3520 Filed 2-6-75;8:45 am]

[Farm Credit Administration Order No. 784]

DEPUTY GOVERNOR, CREDIT AND OPERATIONS

Delegation of Authority

JANUARY 31, 1975.

Whereas, the Governor of the Farm Credit Administration is authorized by the Farm Credit Act of 1971 (§§ 1.13, 2.10, 5.18; 85 Stat. 587, 597, 621) to issue and amend or modify Federal charters and the bylaws of institutions of the Farm Credit System, approve mergers and consolidations of Federal land bank associations and of production credit associations, and consolidations or divisions of the territories they serve; and approve consolidations of boards of directors and of management agreements; and

Whereas, the Governor is authorized by said Act (§ 5.13; 85 Stat. 620) to exercise and perform his powers through such other officers and employees of the Farm Credit Administration as he shall designate;

Now, therefore, It is hereby ordered, effective on the day and date above written, that the Deputy Governor, Credit and Operations, be and he hereby is authorized and empowered, with respect to Federal land bank associations and production credit associations, to (1) amend or modify charters; (2) amend or modify bylaws; (3) approve agreements of merger or consolidation; (4) approve consolidations or divisions of territories they serve; (5) approve consolidations of boards of directors; (6) approve management agreements.

This order shall be effective on January 31, 1975, and revokes Farm Credit Administration Order No. 750 (37 FR 7646).

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.75-3521 Filed 2-6-75;8:45 am]

[Farm Credit Administration Order No. 785]

DEPUTY GOVERNOR, FINANCE AND RESEARCH

Authority and Order of Precedence of Certain Officers to Act as Deputy Governor, Finance and Research

JANUARY 31, 1975.

1. The Deputy Governor, Finance and Research, shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all power, authority, and duties relative to functions of the Farm Credit Administration in the Areas of Farm Credit System financing and agricultural and financial research and to all matters incidental thereto, and the administration of all provisions of law pertinent thereto.

2. In the event the Deputy Governor, Finance and Research, Farm Credit Administration, is absent or is not able to perform the duties of his office for any other reason, the officer who is highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties of the Deputy Governor, Finance and Research, pertaining to the functions of his office:

(1) Director, Finance Division.
(2) Director, Research Division.

3. This order shall be effective on January 1, 1975, and revokes Farm Credit Administration Order No. 773, dated July 19, 1974 (39 FR 27607).

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.75-3522 Filed 2-6-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-103]

AERONAUTICAL RADIO SERVICES

Potential Interference From Cable Television Systems

JANUARY 31, 1975.

The Commission is calling attention to a potential radio interference problem to VHF aeronautical radionavigation and radiocommunication operations which may be caused by the operation of malfunctioning cable television facilities employing the same frequencies.

Although cable television systems do not normally have signal leakage of sufficient electromagnetic energy to have any effect on radiocommunication services, recent studies and tests have indicated the possibility that damage to or improper termination of the shielded cables employed could result in signals sufficiently strong to disrupt aeronautical radio services in the frequency band 108-136 MHz. These aeronautical services include radiocommunications in the band 118-136 MHz, Instrument Landing Systems (ILS) using 108-112 MHz, and Visual Omnidirectional Range (VOR) stations using the band 108-118 MHz. Those frequency bands are allocated both nationally and internationally for these uses and provide services essential to the safety and protection of life and property in the air.

Commission concern is primarily focused on the possibility of delays in locating and repairing damaged or improperly terminated cable that has excessive signal leakage. Further coordinated tests are being undertaken to explore and evaluate the problem in greater detail and to develop any solutions which appear necessary. Participants in these tests include representatives of federal agencies and industry. The Commission will follow these developments closely and may initiate further actions in the future.

In the interim, the operators of cable television systems using the band 108–136 MHz are cautioned to exercise special care to avoid cable system malfunctions which result in abnormally high signal leakage in that frequency band. If such interference occurs, the Commission would expect to apply its longstanding policy of requiring the operation of the interfering source to be immediately discontinued and not resumed until the problem had been effectively corrected. Operators may wish to give preference to the use of alternate frequencies, where possible, pending the outcome of these tests and studies.

Action by the Commission January 28, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, Washburn, and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-3539 Filed 2-6-75;8:45 am]

EQUIPMENT TYPE ACCEPTANCE ACTIVITY

Change in Location

JANUARY 28, 1975.

The Federal Communications Commission's equipment type acceptance activity has been transferred from its Washington, D.C., offices to its Laboratory Division, which is located near Laurel, Maryland. The Commission's equipment type approval activity will continue to be conducted at its Laboratory Division.

Applicants or others desiring information by telephone concerning equipment type acceptance or type approval may reach the Commission's Laboratory Division at (301) 725-1585.

Type acceptance and type approval applications which are sent by mail should continue to be addressed to: Federal Communications Commission, Washington, D.C. 20554. Such applications when delivered in person to the Commission should continue to be delivered to the Commission's Fee Collection Office, Room 217, 1919 M Street NW., Washington, D.C. It is emphasized that such applications should not be mailed or delivered to the Commission's Laboratory.

Correspondence concerning type acceptance and type approval of equipment, other than applications and filings which contain fee payments, may be addressed to: Federal Communications Commission, P.O. Box 40, Laurel, Maryland 20810.

The Commission's equipment certification activity (for equipment subject to certification under Parts 15 and 18 of the rules) remains at its Washington, D.C. offices.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-3538 Filed 2-6-75;8:45 am]

PBX STANDARDS ADVISORY COMMITTEE

Notice of Public Meeting

FEBRUARY 3, 1975.

In accordance with Pub. L. 92-463, announcement is made of a public meeting of the Technical Standards Subcommittee of the PBX Standards Advisory Committee to be held March 4-5, 1975 at 1919 M Street NW, Room 752, Washington, D.C. The meeting will commence at 10 a.m.

1. *Purpose.* The purpose of this Subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer-provided and maintained PBX equipment to the public switched network without the need for carrier-provided connecting arrangements.

2. *Activities.* As at prior meetings, Subcommittee members and observers present their suggestions and recommendations regarding the various aspects of technical criteria and standards that should be considered with respect to the interconnection of PBX equipment to the public telephone network.

3. *Agenda.* March 4—*Meeting of Glossary Task Group.*

a. Review of draft glossary.

b. Plans for updating document.

March 5—*Meeting of Technical Standards Subcommittee.*

a. Review of status of task groups.

(1) Interface criteria.

(2) Equipment test standards.

(3) Glossary.

b. Plans for completion of documentation and reports to FCC.

c. Future assignments and schedules.

4. *Public participation.* The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the Committee, may do so before or after the meeting.

It is suggested that those desiring more specific information, contact the Interconnection Branch, Common Carrier Bureau on 202-632-6920.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-3540 Filed 2-6-75;8:45 am]

[Docket Nos. 20335, 20336; FCC 75-75; File Nos. 6951-C2-P-(4)-70; 6808-C2-P-(4)-70]

RAM BROADCASTING OF FLORIDA, INC. AND TEL-CAR CORP.

Applications for Consolidated Hearing on Stated Issues

1. The Commission has before it for consideration applications filed by Tel-Car Corporation (Tel-Car) on April 16, 1970, and by RAM Broadcasting of Florida, Inc. (RAM), on April 23, 1970, for new air-ground radio service in the Domestic Public Land Mobile Radio Service (DPLMRS) in the Miami, Florida area. Both applications are for a signalling frequency of 454.675 MHz and base frequencies of 454.725, 454.775, 454.825, and 454.900 MHz. Also before the Commission are (a) an amendment to its application filed by Tel-Car on April 16, 1973; (b) a further amendment filed by Tel-Car on January 16, 1974; (c) an amendment to its application filed by RAM on January 23, 1974; (d) a Petition to Dismiss Tel-Car's application filed by RAM on January 23, 1974; (e) Tel-Car's Opposition To the Petition To Dismiss; and (f) RAM's reply thereto.

2. RAM's Petition To Dismiss argues that an amendment filed in January, 1974, by Tel-Car indicating it is now controlled by Digital Paging Systems, Inc. is a major amendment under the terms of the notice of proposed rulemaking, Docket 19905, 44 F.C.C. 2d 556 (1973), and as such is subject to the "cut off" provisions of Commission §§ 21.30(b) and 1.227. In the notice of proposed rulemaking, the Commission proposed to amend its definition of a major amendment to explicitly include a substantial change in ownership of an applicant. Pending final adoption, the proposed rules were to be effective not only for applications subsequently amended, but also to previously amended pending applications. Special waivers, however, would be granted to preclude unfair results. 44 F.C.C. 2d at 560. RAM argues that the waiver sought by Tel-Car is inappropriate here since Tel-Car had notice that such a change would be a major amendment, the notice of proposed rulemaking having been released in December, 1973, and the Tel-Car amendment having been filed in January, 1974. RAM is in error. The Tel-Car application was first amended on April 16, 1973, to indicate the change in control. A copy of this amendment apparently was served on counsel for RAM. The January 1974, amendment merely restated the earlier amendment and also provided additional information requested by the Commission.

3. We feel a waiver is appropriate and hereby grant it. The application amended in April 1973, had already been on file for three years. The amendment was filed 9 months prior to the issuance of the notice of proposed rulemaking. A dismissal of Tel-Car's application, after nearly five years, would be the type of unfair result foreseen in the notice of proposed rulemaking and therein provided for. See Racom, Inc., 48 F.C.C. 2d 217 (1974); "Vegas Instant Page," F.C.C. 75-21, released January 13, 1975.

4. Insofar as the contents of the two applications are concerned, they propose to use the same frequencies in the same area. They are thus mutually exclusive. Since both applicants appear to be legally, financially and technically qualified to construct and operate the proposed facilities, a comparative hearing must be held to determine which applicant is the better qualified to operate the proposed facilities in the public interest. "Ashbacker Radio Corp. v. F.C.C." 326 U.S. 327 (1945).

5. We are currently examining the comparative criteria used in the DPLMRS. Until we announce changes in those criteria, we will continue to consider, where they are asserted, significant differences between the applicants as to charges, maintenance, personnel, practices, classifications, regulations and facilities under the general comparative issue (Issue 1). See Vegas Instant Page, supra. Since rates for this service are

governed by one interstate tariff, we do not believe comparative evidence on rates is warranted. In Arlington Telephone Co., 27 F.C.C. 2d 1 (1971), one of the applicants for air-ground service would have provided day-to-day management functions by contracting with a local individual who was not an employee of the applicant. Since there was no general comparative issue set forth in Arlington, we included as a separate issue the effect such an arrangement might have on the efficiency of the proposed service. Here, RAM also proposes to provide management and maintenance services through local contractors and not local employees. Since we have a general comparative issue (#1), there is no need for a specific Arlington issue. If the parties feel there are significant service-affecting differences in their proposed local arrangements, proof of such differences may be offered under Issue 1.

6. In view of the foregoing: *It is ordered,* That pursuant to sections 309 (d) and (e) of the Communications Act of 1934 as amended, (47 U.S.C. section 309 (d) and (e)) that the captioned applications of RAM Broadcasting of Florida, Inc., and Tel-Car Corporation are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine on a comparative basis the nature and extent of the services proposed by each applicant.

2. To determine, in light of the evidence adduced pursuant to the above issue, what disposition of the above-captioned applications would best serve the public interest, convenience and necessity.

7. *It is further ordered,* That the hearing shall be held at the Commission offices in Washington, D.C., at a time and place and before an Administrative Law Judge, to be specified in a subsequent order.

8. *It is further ordered,* That the Chief, Common Carrier Bureau, is made a party to the proceeding.

9. *It is further ordered,* That applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within twenty days of the release date hereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

Adopted: January 21, 1975.

Released: February 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-3541 Filed 2-6-75;8:45 am]

[Docket Nos. 20300, 20301; File Nos. BP-19587, 19733]

TECHE BROADCASTING CORP. AND PHILLIPS RADIO, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Teche Broadcasting Corporation, Bayou Vista, Louisiana, Requests: 1170 kHz, 250 W, Day, Docket No. 20300, File No. BP-19587; Phillips Radio, Inc., Berwick, Louisiana. Requests 1170 kHz, 1 kW, DA-Day, Docket No. 20301, File No. BP-19733; For Construction Permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same frequency in nearby communities.

2. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the respective proposals and the availability of other primary aural service (1 mV/m or greater in the case of FM) to such areas and populations.

2. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence aduced pursuant to the foregoing issues which, if either, of the applications should be granted.

5. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

6. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 6, 1975.

Released: January 30, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-3542 Filed 2-6-75;8:45 am]

[FCC 75-116]

1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Public Participation in Preparation

JANUARY 31, 1975.

The Commission, on January 10, 1975, released a notice of inquiry looking toward possible revisions to the International Radio Regulations to be considered in 1979 by the World Administrative Radio Conference. (Docket 20271).

As has been the case in preparation for previous international conferences of a general or specialized nature, the Commission wishes to obtain the maximum public input in developing the United States positions for the 1979 WARC. In view of the significance of the 1979 WARC to this country, and particularly since the conference results are expected to develop the international frequency allocation framework for the remainder of this century, it is important that such preparation be more intensive than that obtained solely through normal administrative procedure.

An internal organization is being established to coordinate the Commission's efforts in planning for the 1979 Conference. It is desired that an opportunity for public participation in such effort be extended at the working group levels. Accordingly, notice is hereby given of a meeting scheduled for 9:30 a.m. on February 21, 1975, in the Commission's meeting room, Room 856, 1919 M Street

NW., which will be open to the public. The meeting will be held for the purpose of presenting a briefing on the Commission organization and for offering an opportunity for public participation as observers in the preparatory effort.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[1] Action by the Commission January 29, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, Washburn and Robinson.

[FR Doc.75-3537 Filed 2-6-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-9225]

ELECTRIC ENERGY, INC.

Filing for Reimbursement Pursuant to FPC Rate Schedule

JANUARY 31, 1975.

Take notice that on January 24, 1975, Electric Energy, Inc. (EEI), tendered for filing as a rate schedule supplement a statement of charges under § 4.06 of rate schedule FPC No. 4. EEI states that the filing is for the purpose of reimbursement of allocated net costs of property replacements. EEI states the changes will amount to approximately 0.03 mills per KWH of surplus power or $67,680.30 for the year.

EEI states that copies of the filing have been mailed to the affected customers.

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 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. All such petitions or protests should be filed on or before February 18, 1975. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3491 Filed 2-6-75;8:45 am]

[Docket No. CP75-209]

EL PASO NATURAL GAS CO.

Petition for a Declaratory Order

JANUARY 30, 1975.

Take notice that on January 20, 1975, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP75-209 pursuant to § 1.7 (c) of the Commission's rules of practice and procedure a petition for a declaratory order resolving certain questions and removing certain uncertainties in connection with the expiration of a 50-year fixed term lease currently held by Gulf Oil Corporation which will expire on July 14, 1975.

The petition states that on July 14, 1925, Gulf Production Company, the corporate predecessor of Gulf Oil Corporation (Gulf), as lessee, executed a 50-year fixed term oil and gas lease with W. N. Waddell, et al., lessors. It is stated that by the terms of said 50-year fixed term lease, Gulf obtained the exclusive right of exploiting 45,771 acres of land in Crane County, Texas, and producing oil and gas therefrom, and that the leasehold estate expires fifty years after date of execution, which is July 14, 1975, whereupon the mineral rights, including the rights to natural gas production, shall revert to the reversionary mineral interest owners.

The petition further states that Gulf and other leasehold interest owners of said 50-year fixed term lease make percentage-type sales to Warren Petroleum Corporation (Warren), a division of Gulf, of certain quantities of casinghead gas produced from the acreage covered by the said 50-year fixed term lease. On January 26, 1951, El Paso, as buyer, and Gulf, as seller, executed a residue gas purchase agreement by which El Paso agreed to buy surplus residue gas from Gulf's natural gasoline extraction plant in Crane County, Texas, called the Waddell Gasoline Plant. On March 1, 1972, El Paso and Warren entered into an additional residue gas purchase agreement concerning certain quantities of residue gas from the Waddell Gasoline Plant. El Paso states that pursuant to these gas purchase contracts, El Paso takes delivery of approximately 60,000 Mcf daily of surplus residue gas into its pipeline system at the outlet at the Waddell Gasoline Plant and transports it through its jurisdictional facilities for subsequent resale in interstate commerce. El Paso further states that it is informed by Warren that approximately 25,000 Mcf daily of such surplus residue gas is attributable to production from wells on land leased by Gulf and other leasehold interest owners to El Paso pursuant to the said 50-year fixed term lease.

The petition indicates that El Paso has become aware that the reversionary interest owners[1] are soliciting proposals from intrastate gas transmission companies for the purchase of their shares of natural gas produced after July 14, 1975, from the acreage covered by said 50-year fixed term lease.

Therefore, El Paso is petitioning the Commission for a declaratory order resolving the following questions: (i) Given the fact that, according to Texas law, a certain 50-year fixed term lease automatically terminates on July 14, 1975, and the mineral rights thereunder revert to the reversionary interest owners, must Gulf Oil Corporation and other lessees under said certain 50-year fixed term lease, who have been selling gas produced from said lease on a percentage-of-the-proceeds basis to Warren Petroleum Corporation for resale in interstate commerce, obtain abandonment authorization pursuant to section 7(b) of the Natural Gas Act and § 154.91 of the Commission's regulations under the Natural Gas Act in order to cease such sales to Warren and effectuate the transfer by reversion to Exxon Corporation, Southland Royalty Company, and other reversionary interest owners of the mineral rights under said certain 50-year fixed term lease? (ii) Given the facts set forth in (i), without prior Commission authorization, may Exxon Corporation, Southland Royalty Company, and other reversionary interests divert natural gas from its present movement in interstate commerce to delivery and sale in intrastate commerce? (iii) Given the facts set forth in (i), without prior Commission authorization, may Warren Petroleum Corporation reduce its sales in interstate commerce of residue natural gas to El Paso, the present level of which is attributable in part to production from the lease in question?

[1] El Paso states that Southland Royalty Company, soliciting on behalf of the estate of the estate of Warren Wright and the Penn interests, collectively represents 80 percent of the term lease gas, and that Exxon's interest represents 14 percent of the term lease gas.

Any person desiring to be heard or to make any protest with reference to said petition should, on or before February 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3492 Filed 2-6-75;8:45 am]

[Docket No. CI75-430]

H. L. BROWN, JR., ET AL.

Application

JANUARY 31, 1975.

Take notice that on January 23, 1975, H. L. Brown, Jr. et al. (Applicant) PO. Box 2237, Midland, Texas 79701, filed in Docket No. CI75-430 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas in interstate commerce to Texaco Inc. from certain wells in the Poquito Field located in Ward and Winkler Counties, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that under a certain percentage-of-proceeds contract with Texaco Inc. dated December 1, 1963, Applicant sells gas-well gas to Texaco

Inc. and that Applicant receives a percentage of the proceeds derived by Texaco Inc. from the sale of liquid products and residue gas attributable to Applicant's gas-well gas. Applicant states that due to the cost it incurs in compression of gas for delivery to Texaco Inc. and the low price received from Texaco Inc. Applicant entered into negotiations with Texaco Inc. to obtain additional gas revenue. Applicant indicates that Texaco Inc. has agreed to enter into a Gas Processing Agreement with Applicant and that Applicant has in turn entered into a Gas Purchase Contract (Residue) with the purchaser from Texaco Inc., Northern Natural Gas Company, for the sale of gas-well gas. Applicant alleges that under this arrangement there has been no change in the service being performed but it will result in a change in the gas purchaser and an increase in the price of gas based on the Commission's Opinion No. 699 issued June 21, 1974, as amended by Opinion No. 699-H issued December 4, 1974. Applicant asserts that without such an increase in rate it will be forced to abandon its well due to uneconomical production.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction converred 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.75-3389 Filed 2-6-75;8:45 am]

[Docket No. E-9023]

INTERSTATE POWER CO.

Conference

FEBRUARY 5, 1975.

Take notice that on Friday, February 14, 1975, a conference of all interested parties in the above-referenced docket will be convened at 11 a.m. in Room No. 8402 of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, their attendance at the conference will not be deemed to authorize their intervention or to make them a party to these proceedings.

In accordance with the provisions of § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of Interstate's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3638 Filed 2-5-75;2:52 pm]

[Docket No. RP73-43, PGA 75-2]

MID-LOUISIANA GAS CO.

Order Accepting Filing and Suspending Proposed PGA Rate Change

JANUARY 31, 1975.

On December 20, 1974, Mid-Louisiana Gas Company (Mid-Louisiana) tendered for filing Eleventh Revised Sheet No. 3a to FPC Gas Tariff, First Revised Volume No. 1, providing for a purchased gas adjustment to rate schedules G-1, SG-1, I-1 and E-1, to reflect the current cost of gas purchased by Mid-Louisiana. The proposed adjustment would provide for a PGA decrease of 2.90¢ per Mcf under rate schedules G-1, SG-1, and I-1 which reflects the net effect of an increase of 6.51¢ per Mcf in the cost of gas and 9.41¢ per Mcf reduction in the surcharge to recoup the balance in Mid-Louisiana's unrecovered purchased gas cost account. The proposed adjustment would also provide for a PGA increase of 11.80¢ per Mcf under Rate Schedule E-1 which tracks an increase by United Gas Pipe Line Company (United) under rate schedule PL-C.

Mid-Louisiana points out that United Gas Planning Company (United), from whom it purchases significant volumes of gas, filed on December 18, 1974 a modification of the purchased gas adjustment to its rates to be effective January 1, 1975. Mid-Louisiana states that United's rates to it have a saginificant impact upon Mid-Louisiana's purchased gas adjustment to its rates to be effective February 1, 1975. In order to include the impact upon Mid-Louisiana of United's modified rates, Mid-Louisiana requests a waiver of the 45-day notice requirement and requests the Commission to permit Eleventh Revised Sheet No. 3a to become effective February 1, 1975.

Mid-Louisiana's December 20, 1974 filing was noticed on January 14, 1975, with comments, protests, or petitions to intervene to be filed on or before January 27, 1975. No comments have been filed.

Our review of Mid-Louisiana's December 20, 1974 filing indicates that it is based in part on small producer purchases at rates in excess of Opinion No. 699-H[1] rate levels. 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 Mid-Louisiana's December 20, 1974 purchased gas adjustment for filing, suspend it for one day to become effective February 2, 1975, subject to refund. Our acceptance of Mid-Louisiana's filing is, however, expressly subject to any reduction which may be necessary to reflect any changes in the United rates being tracked herein. With regard to the question of small producer purchases, we note that the Supreme Court has recently remanded the small producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness of the prices for small producer purchases.[2] We believe, therefore, that it would be premature to establish a hearing schedule in this docket at this time.

Further review of Mid-Louisiana's December 20, 1974 filing indicates that the claimed adjustments reflecting costs other than those costs associated with small producer purchases in excess of rates established in opinion No. 699-H are justified and comply with the standards set forth in Docket No. R-406. Accordingly, Mid-Louisiana may file within fifteen days of the issuance of this order, a revised tariff sheet to be effective on February 1, 1975 which eliminates the effect of the small producer purchases in excess of Opinion No. 699-H rate levels.

The Commission finds. (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Mid-Louisiana's December 20, 1974 filing tendering Eleventh Revised Sheet No. 3a to its FPC Gas Tariff, First Revised Volume No. 1 be accepted for filing, suspended

[1] Opinion No. 699-H, Docket No. R-389-B, issued December 4, 1974.

[2] Federal Power Commission v. Tecaco, Inc., et al., Dockets Nos. 72-1490 and 72-1491, Opinion issued June 10, 1974.

for one day, and permitted to become effective on February 2, 1975, subject to refund.

(2) The claimed adjustments, other than those associated with small producer purchases at rates in excess of the rate levels established by Opinion No. 699–H, have been reviewed and have been found to be in compliance with the standards set forth in Docket No. R–406.

(3) Good cause exists to grant Mid-Louisiana's request for waiver of the 45-day notice requirement in § 154.38(4)(v) of our Regulations.

The Commission orders. (A) Mid-Louisiana's Eleventh Revised Sheet No. 3a to its FPC Gas Tariff, Original Volume No. 1, is hereby accepted for filing, suspended for one day, and permitted to become effective February 2, 1974, subject to refund, pending further Commission order in this docket.

(B) Within fifteen (15) days of the issuance of this order Mid-Louisiana may file, to become effective February 1, 1975, a substitute tariff sheet reflecting that portion of Mid-Louisiana's rates as filed December 20, 1974, which reflect increased costs other than those increased costs associated with small producer purchases in excess of the rate levels prescribed in Opinion No. 699–H.

(C) Mid-Louisiana's request for waiver of the 45-day notice requirements of § 154.38(4)(v) of our regulations is hereby granted.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–3493 Filed 2–6–75;8:45 am]

[Docket No. E–9063]

MISSOURI POWER AND LIGHT CO.

Compliance Filing

JANUARY 30, 1975.

Take notice that on January 23, 1975 Missouri Power and Light Company (MP&L), pursuant to Paragraph (A) of the order issued December 31, 1974 in the above docket, tendered clarifying data in support of the loss factor used in its proposed fuel adjustment computations. MP&L states that the loss factor employed was 2.5 percent, which is the loss factor relating to wholesale losses and not total system losses as noted in the Municipal Electric Service Wholesale Rate. The language in "C" of the MESWR Rate should read, "a factor to adjust for wholesale system losses" rather than, "a factor to adjust for system losses." MP&L further states that the fuel adjustment in Order No. 517 arrives at a cents per Kwh fuel cost which is the same as cents per Kwh fuel cost as submitted in the fuel adjustment of this filing, and that MP&L is therefore in compliance with Order No. 517.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–3494 Filed 2–6–75;8:45 am]

[Docket No. E–7942]

NANTAHALA POWER AND LIGHT CO.

Motion To Terminate Proceedings and Withdraw Consolidation

JANUARY 31, 1975.

Take notice that on January 17, 1975, Nantahala Power and Light Company tendered for filing a motion to terminate the proceedings in Docket No. E–7942 and to withdraw a previous motion for consolidation in Docket No. E–9181.

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 February 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–3495 Filed 2–6–75;8:45 am]

[Docket No. RP71–125 (PGA 75–5B), Docket No. RP74–96]

NATURAL GAS PIPE LINE COMPANY OF AMERICA

Rate Change

JANUARY 30, 1975.

Take notice that on January 17, 1975, Natural Gas Pipe Line Company of America (Natural), tendered for filing Second Substitute Eighteenth Revised Sheet No. 5 to Natural's FPC Gas Tariff, Third Revised Volume No. 1. The proposed effective date is January 1, 1975.

Natural states that the purpose of its January 17, 1975, filing is to revise Natural's prior PGA tracking filing of December 19, 1974. Natural further states that the January 17, 1975, filing reflects the necessary revisions to its PGA unit adjustment as a result of United Gas Pipe Line's rate revisions (Docket No. RP72–122, PGA 75–1) filed on January 13, 1975, to become effective January 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 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 February 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–3496 Filed 2–6–75;8:45 am]

[Docket No. E–9140]

NEW ENGLAND POWER SERVICE CO.

Order Granting Intervention

JANUARY 31, 1975.

On December 16, 1974, Rhode Island Consumers' Council (RICC) filed a timely petition to intervene in this proceeding. On December 27, 1974, New England Power Company filed an answer with this Commission which stated, inter alia, that it does not oppose the petition to intervene filed by RICC. No other party filed an answer to RICC's petition. We believe that the participation of the petitioner may be in the public interest.

The Commission finds. Participation by petitioner Rhode Island Consumers' Council in this proceeding may be in the public interest and good cause exists for permitting such intervention.

The Commission orders: Rhode Island Consumers' Council is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission:. *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission, that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–3497 Filed 2–6–75;8:45 am]

[Projects Nos. 619 and 2105]

PACIFIC GAS AND ELECTRIC CO.

Application for Modification of Company Reservoirs

JANUARY 30, 1975.

Public notice is hereby given that application for Modification of Company Reservoirs was filed July 1, 1974, revised September 25, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas and Electric Company (Correspondence to: Mr. J. F. Roberts, Jr., Vice President-Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106) for Bucks Creek Project No. 619 and Upper North Fork Feather River Project No. 2105 located in Plumas County, California.

Applicant seeks Commission approved of its proposal to modify the operation of eight company reservoirs, including two reservoirs at Project No. 619 and one at Project No. 2105. The modifications would permit applicant to increase the storage capacity of several of the reservoirs and provide a total increase in generation of 34,801,000 kwh annually. Applicant proposes to implement the modifications on a five-year temporary basis.

At Project No. 619, two reservoirs will be affected At Three Lakes, applicant proposes to install 2.2 feet of flashboard during the period April through October. This modification would increase the reservoir area by about 4 acres and would increase the annual generation by 241,000 kwh. At Bucks Lake, applicant proposes to install 2.0 feet of flashboards during the period April through October. This modification would increase the reservoir area by about 25 acres and would increase the annual generation by 9,514,000 kwh.

At Project No. 2105, the Butt Valley Reservoir, applicant proposes to install 2 feet of flashboards during the period April through October. This modification would increase the reservoir area by about 1,622 acres if the reservoir water surface is at the top of the flashboards and would increase the annual generation by 171,000 kwh.

Any person desiring to be heard or to make protest with reference to said application should on or before March 17, 1975 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3499 Filed 2-6-75;8:45 am]

[Docket No. RP75-57]

PACIFIC GAS TRANSMISSION CO.

Rate Change

JANUARY 31, 1975.

Take notice that on January 27, 1975, Pacific Gas Transmission Company (PGT) tendered for filing a notice of a change in rate for its interstate pipeline system containing the following revised tariff sheets:

ORIGINAL VOLUME NO. 1

Sixth Revised Sheet No. 6
Sixth Revised Sheet No. 13

PGT states that the tendered revised tariff sheets provide for an increase in PGT's rate of return on net investment base to 10.00 percent and that no other change in PGT's Cost of Service Tariff is proposed. The proposed effective date is February 26, 1975.

The filing will affect the rates at which natural gas is purchased from PGT, under Rate Schedule PL–1, by its only customer Pacific Gas and Electric Company. The filing will also affect the rates charged Northwest Pipeline Corporation for transportation of natural gas under Rate Schedule T–1.

According to PGT, recent changes in financial conditions have rendered the return on PGT's common equity inadequate, especially in view of the substantial increase in risk to which PGT contends it is exposed as a result of this Commission's revocation of cost of service treatment for Canadian gas costs in Docket No. RP73–111.

PGT states further that copies of the filing have been served upon all of its affected customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said notice should file a petition to intervene or protest with the Federal Power Commission, 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 February 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3498 Filed 2-6-75;8:45 am]

[Dockets Nos. RP73-36, PGA75-2, RP73-108, AP75-1]

PANHANDLE EASTERN PIPE LINE CO.

Order Accepting for Filing and Suspending Proposed Rate Filing and Setting Advance Payments for Hearing

JANUARY 31, 1975.

On December 13, 1974, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing a proposed increase of $43.3 million annually in rates and charges [1] to reflect increased producer purchased gas costs, new advance payments [2], a demand charge adjustment surcharge, rate increase from Trunkline Gas Company, and a surcharge filed pursuant to Opinion No. 699–G to clear the deferred purchased gas account. Panhandle proposed a February 1, 1975, effective date.

The filing was noticed with comments due on or before January 17, 1975. On January 17, 1975, the Commission Staff filed comments with respect to nine of the advance payments included in Panhandle's filing.[3] Staff stated that the advances, which are subject to Order Nos. 465 and 499, had not been shown to be reasonably related to costs to be incurred by the producer within a reasonable time from the date the advances were made and thus may not be reasonable and appropriate under Order Nos. 465 and 499. We agree. Accordingly, we shall set a hearing to determine the reasonableness and appropriateness of the advances listed in Appendix A below as hereinafter ordered. This proceeding shall be docketed as Docket Nos. RP73–108 and AP75–1.

Our review of the producer purchased gas portion of the filing indicates that it contains small producer and emergency purchases at rates in excess of the rate levels established in Opinion No. 699–H.[4] 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 rate increase for filing, suspend it for one day until February 2, 1975, when it shall be permitted to become effective, subject to refund.

With regard to the issue of small producer purchases, we note that the Supreme Court has recently remanded the small producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness of the prices for small producer purchases.[5] With regard to the emergency purchases, we note that the legality of Commission Order Nos. 491 and 491–B is presently subject to judicial review.[6] Accordingly, we believe it would be premature to establish a hearing schedule with respect to these issues at this time. This proceeding shall be docketed as Dockets Nos. RP73–36 and PGA75–2.

[1] Twelfth Revised Sheet No. 3–A to FPC Gas Tariff, Original Volume No. 1. Panhandle also filed Alternate Twelfth Revised Sheet No. 3–A which did not anticipate, inter alia, the action we are taking with respect to Panhandle's advance payments. Accordingly, we shall take no action on Alternate 12th Revised Sheet No. 3–A.

[2] These advance payments are proposed to be tracked pursuant to Article V of the settlement agreement approved by the Commission in Docket No. RP73–108.

[3] See Appendix A below.

[4] Issued December 4, 1974, in Docket No. R–389–B.

[5] "Federal Power Commission v. Texaco, Inc., et al.", Docket Nos. 72–1490 and 72–1491, Opinion issued June 10, 1974.

[6] "Consumer Federation of America v. F.P.C.", CADC, Docket No. 73–2009, petition filed September 21, 1973.

Further review of Panhandle's filing indicates that the claimed increased producer purchased gas costs other than those producer purchased gas costs associated with that portion of emergency and small producer purchases in excess of the rate levels prescribed in Opinion No. 699-H are fully justified and comply with the standards set forth in Docket No. R-406. Moreover, our review of the advance payments in Panhandle's filing, other than those listed in Appendix A below, indicates that they are reasonable and appropriate. Accordingly, we shall permit Panhandle to file a revised tariff sheet to become effective February 1, 1975, which would reflect only that portion of Panhandle's filing which reflects (1) costs other than those costs associated with that portion of small producer and emergency purchases in excess of the costs levels prescribed in Opinion No. 699-H; (2) costs associated with the advance payments not listed in Appendix A below; and (3) the impact, if any, of rates made effective as of February 1, 1975, by Trunkline pursuant to the Commission's order issued January 31, 1975, in Dockets Nos. RP73-35 and PGA75-1.

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) Panhandle's Twelfth Revised Sheet No. 3-A be suspended for one day until February 2, 1975, when it shall become effective, subject to refund.

(2) The Commission enter upon a hearing to determine the reasonableness and appropriateness of the advances contained in Appendix A below.

(3) The claimed increased producer purchased gas costs other than those increased producer purchased gas costs associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H be approved as being in compliance with the standards set forth in Docket No. R-406.

The Commission orders. (A) Panhandle's twelfth revised sheet No. 3-A is accepted for filing, and suspended for one day until February 2, 1975, when it shall become effective, subject to refund, pending further Commission action in Docket Nos. RP73-36 and PGA75-2 with respect to the small producer and emergency purchases in excess of opinion No. 699-H rate levels and pending Commission action in the advance payment hearing hereinafter ordered in Docket Nos. RP73-108 and AP75-1.

(B) Within 15 days of the date of issuance of this order Panhandle may file a substitute tariff sheet to become effective February 1, 1975, which reflects (1) increased producer purchased gas costs other than those increased producer purchased gas costs associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H; (2) the advance payments in the filing other than those listed in Appendix A below; and (3) the impact, if any, of increased costs made effective by Trunkline as of February 1, 1975, pursuant to the Commission's order issued January 31, 1975.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4, and 5, thereof, and the Commission's rules and regulations, a hearing shall be held to determine the reasonableness and appropriateness of the advances contained in Appendix A below.

(D) On or before March 4, 1975, Panhandle shall file its direct case. On or before April 8, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors shall be served on or before April 29, 1975. Company Rebuttal shall be served May 13, 1975. Cross-examination of the evidence shall commence on May 28, 1975, at 10 a.m., e.d.t. in a hearing room at the Federal Power Commission, Washington, D.C. 20426.

(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 necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

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

APPENDIX A.—*Panhandle Eastern Pipe Line Co., advance payment contracts to be set for hearing*

Producer	Date of advance	Amount of advance
1. Exeter Oil Co	Sept. 24, 1974	$2,000,000
2. H & L Operating Co. et al	Jan. 31, 1974	108,000
3. H & L Operating Co. et al	May 1, 1974	102,000
4. Joseph I. O'Neill Jr	(1)	750,000
5. May Petroleum, Inc	July 22, 1974	140,000
6. Panhandle Western Gas. Co.	May 31, 1974 July 15, 1974	104,010
7. W. B. Osburn Jr. et al	Nov. 21, 1973	50,000
8. William Gruenerwald & Association, Inc	July 18, 1974	65,000
9. Zoller & Dunneburg, Inc. (July 16, 1973)	(1)	516,482

[1] Various.

[FR Doc.75-3500 Filed 2-6-75;8:45 am]

[Docket Nos. AR64-1, etc., RI74-29]

PANHANDLE PRODUCING CO., ET AL.

Refunds

JANUARY 31, 1975.

Take notice that on December 23, 1974, and January 22, 1975, Colorado Interstate Gas Company (CIG) reports of intended disposition of refunds in the above-captioned docket. In its December 23, 1974, filing, CIG states that it received $683,497.57 from Panhandle Producing Company. In the January 22, 1975, filing CIG states that it received $88,938.53 from Phillips Petroleum Company. As to both filings, CIG states that, pursuant to its Settlement Agreement in Docket No. RP73-93, it plans to flow through the refunds related to gas purchases during the period August 31, 1966, to September 30, 1970, by crediting amounts to its unrecovered cost of purchased gas account. These amounts are $535,110.25 and $2,434.86, respectively.

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 February 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3501 Filed 2-6-75;8:45 am]

[Docket No. R-389-B]

PIPELINE PRODUCTION AREA RATES

Order Clarifying Opinion No. 699-H

JANUARY 31, 1975.

El Paso Natural Gas Company on January 14, 1975, filed a request for immediate clarification of the effective date of the 35¢ per Mcf rate established for certain sales from the Rocky Mountain Area in Opinion No. 699-H, issued December 4, 1974, in the above-entitled proceeding. The effective date for any proposed increased rates filed on or before January 31, 1975, pursuant to Opinion No. 699-H for sales from the Rocky Mountain Area subject to the 35¢ per Mcf ceiling is June 21. 1974.

Northwest Pipeline Corporation (Northwest) and Consoliated Gas Supply Corporation (Consolidated) on January 2 and January 3, 1975, respectively, sought clarification with respect to the applicability of the national rate prescribed in Opinion No. 699-H to pipeline and pipeline affiliate production. The basic purpose of including pipeline production in Opinion No. 699-H, mimeo pp. 47-50, was to permit pipelines to charge the same rate for gas produced by them from leases acquired prior to October 7, 1969, which came within the general categories covered in that opinion as they were permitted to charge with respect to leases acquired on or after October 7, 1969. Northwest and Consolidated contend, however, that they are entitled to higher rates than those prescribed in Opinion No. 699-H for their production in the Rocky Mountain and Appalachian Areas, respectively, from leases acquired prior to October 7, 1969. Our determination in Opinion No. 699-H does not preclude a pipeline from showing in a pipeline rate

case that it is entitled to special relief from that opinion in the form of a higher rate for its own production or that of its affiliate.

The Commission orders. (A) The effective date for any proposed increased rate filed on or before January 31, 1975, pursuant to Opinion No. 699-H for sales from the Rocky Mountain Area subject to the 35¢ per Mcf ceiling is June 21, 1974.

(B) Opinion No. 699-H does not preclude a pipeline from showing in a pipeline rate case that it is entitled to special relief from that opinion in the form of a higher rate for its own production or that of its affiliate.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3511 Filed 2-6-75;8:45 am]

[Docket No. E-8878]

POTOMAC EDISON CO.

Filing of Settlement Agreement

JANUARY 31, 1975.

Take notice that on January 23, 1975, a Settlement Agreement between the Potomac Edison Company and the Town of Front Royal, Virginia was tendered for filing.

The Settlement Agreement provides that Front Royal shall accept the proposed revisions in Potomac Edison's rate schedule No. 12, Schedule WS-HV as filed by Potomac Edison in Docket No. E-8878 and that the revised rates will become effective February 1, 1975, subject to the company conforming its fuel clause with the Commission's order in rulemaking Docket No. 479 within sixty (60) days from the date of issuance of that order.

The proposed tariff increases the charges to Front Royal (based upon the billing data for the 12-month period ending May 1975) by approximately $55,320 annually effective April 1, 1975.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before February 20, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3502 Filed 2-6-75;8:45 am]

[Docket No. E-9164]

SIERRA PACIFIC POWER CO.

Cancellation

JANUARY 30, 1975.

Take notice that on January 22, 1975, Sierra Pacific Power Company (Sierra), pursuant to Southern California Edison's (Edison) filing of November 18, 1974, in the above docket, tendered for filing a Notice of Cancellation of its Certificate of Concurrence (FPC Rate Schedule No. 9) with Southern California Edison Company FPC Rate Schedule No. 49.

Sierra states that no service has been provided under this rate schedule from Edison since October 18, 1974, and none is contemplated in the future.

Copies of this filing were served upon Edison, the Public Service Commission of Nevada, and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest said cancellation 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 1.18, 1.10). All such petitions or protests should be filed on or before February 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this notice are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3503 Filed 2-6-75;8:45 am]

[Docket No. E-9231]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Initial Rate Schedule and Request for Waiver

JANUARY 31, 1975.

Take notice that on January 27, 1975, Southern California Edison Company (Edison) tendered for filing on October 3, 1974, Transmission Service Agreement with the City of Los Angeles (City), where in the event of certain outages of City's transmission facilities, Edison accepts and delivers City's scheduled Mojave and Navajo Generating Station energy to Los Angeles on an interruptible basis, less one percent for transmission losses. Edison charges City 0.6 mills per Kwh for providing emergency routing for Mojave and Navajo generation.

Edison states that service was initiated on January 16, 1974, and Edison requests that the notice provisions of the Commission's regulations be waived and the filing be permitted to become effective as of January 16, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3504 Filed 2-6-75;8:45 am]

[Docket No. RP75-56]

TEXAS GAS PIPE LINE CORP.

Proposed Changes in FPC Gas Tariff

JANUARY 31, 1975.

Take notice that Texas Gas Pipe Line Corporation (TGPLC), on January 24, 1975, tendered for filing proposed changes in its FPC Gas Tariff First Revised Volumes No. 1 and Original Volume No. 2. The proposed changes would increase revenues from jurisdictional sales and service by $1,644,141 based on the 12-month period ending October 31, 1974, as adjusted. TGPLC states that the principal reasons for the proposed rate increases are increased purchased gas costs, other increased operating expenses and to offset a net operating revenue deficiency. TGPLC has requested a proposed effective date of March 10, 1975.

TGPLC states that copies of its filing were served upon the company's jurisdictional customers.

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 February 13, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are now on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3506 Filed 2-6-75;8:45 am]

[Docket Nos. RP74-25, RP72-156, PGA75-2, PGA75-2A]

TEXAS GAS TRANSMISSION CORP.

Order Accepting for Filing and Suspending Proposed Rate Increase

JANUARY 31, 1975.

On December 16, 1974, Texas Gas Transmission Corporation (Texas Gas) tendered for filing a purchased gas cost

adjustment (PGA) increase[1] (Docket No. RP72-156 PGA 75-2) pursuant to its PGA clause which reflects an increase in the current cost of purchased gas, a surcharge to recover both the $6,241,940 balance in the deferred purchased gas cost account as of October 31, 1974, and $1,287,839 in estimated costs to be incurred up to the proposed February 1, 1975, effective date as a result of producer rate increases filed pursuant to Opinion No. 699-H, and a surcharge to recover the $1,141,698 balance in the deferred demand charge adjustment account as of October 31, 1974.

On December 23, 1974, Texas Gas amended its December 16, 1974, filing[2] to reflect a revised rate increase filed by United Gas Pipe Line Company (United) and Texas Eastern Transmission Corporation (TETCO) which became effective on January 2, 1975. As a result of Texas Gas' December 23, 1974, filing, the total rate increase to be effective February 2, 1975, is $37,723,047. Both the December 16, 1974, and December 23, 1974, filings were based in part on emergency purchases at rate levels in excess of Opinion No. 699-H.

Furthermore, in Docket No. RP74-25, the Commission, issued an order on December 20, 1974, which approved Texas Gas' settlement rates. Accordingly, Texas Gas on December 26, 1974, filed the RP74-25 settlement rates adjusted to reflect the cumulative effect of its PGA rate increase filings of December 16, 1974, and December 23, 1974, as previously discussed.[3] Since Fifth Substitute Tenth Revised Sheet No. 7, filed December 26, 1974, reflects the total rate increases of Texas Gas' three filings, we are required to act only on the December 26, 1974, filing. Accordingly, the December 16, 1974, and December 23, 1974, filings shall be deemed withdrawn.

All three filings were noticed with comments, protests and petitions to intervene due on or before January 23, 1975. To date, no comments, protests or petitions to intervene have been received by this Commission.

As stated previously, our review of Texas Gas' December 26, 1974, filing indicates that it is based in part upon emergency purchases at rates in excess of the rate levels established by Opinion No. 699-H.[4] 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 Texas Gas' December 26, 1974, filing, suspend it for one day to become effective February 2, 1975, subject to refund.

With regard to emergency purchases, we note that the legality of Commission Order Nos. 491 and 491-B is presently subject to judicial review.[5] We believe, therefore, that it would be premature to establish a hearing schedule in this docket at this time.

Further review of Texas Gas' December 26, 1974, filing indicates that the claimed increased costs other than those costs associated with that portion of emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H are fully justified and comply with the standards set forth in Docket No. R-406. Accordingly, Texas Gas may file a substitute tariff sheet to become effective February 1, 1975, reflecting increased costs other than that portion of those increased costs associated with emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H referred to in this order.

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) Texas Gas' Fifth Substitute Tenth Revised Sheet No. 7, filed December 26, 1974, be accepted for filing, suspended and permitted to become effective February 2, 1975.

(2) The claimed increased costs other than those increased costs associated with that portion of emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H have been reviewed and found fully justified and in compliance with the standards set forth in Docket No. R-406.

The Commission orders. (A) Texas Gas' Fifth Substitute Tenth Revised Sheet No. 7, filed December 26, 1974, is hereby accepted for filing, suspended and permitted to become effective February 2, 1975, subject to refund, pending further Commission order in this docket.

(B) Within 15 days of the issuance hereof, Texas Gas may file to become effective February 1, 1975, a substitute tariff sheet reflecting that portion of Texas Gas' rates as filed December 26, 1974, which reflect increased costs other than those increased costs associated with that portion of emergency purchases which are in excess of the rate levels prescribed in Opinion No. 699-H.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.75-3507 Filed 2-6-75;8:45 am]

[1] Third Substitute Tenth Revised Sheet No. 7 to Third Revised Volume No. 1.

[2] Fourth Substitute Tenth Revised Sheet No. 7 to Third Revised Volume No. 1.

[3] Fifth Substitute Tenth Revised Sheet No. 7 to Third Revised Volume No. 1.

[4] Opinion No. 699-H, Docket No. R-389-B, issued December 4, 1974.

[5] Consumer Federation of America v. F.P.C., CADC, Docket No. 73-2009, petition filed September 21, 1973.

[Docket No. RP73-35, PGA 75-1]

TRUNKLINE GAS CO.

Order Accepting for Filing and Suspending Proposed PGA Increase

JANUARY 31, 1975.

On December 13, 1974, Trunkline Gas Company (Trunkline) tendered for filing a purchased gas cost adjustment (PGA) increase[1] pursuant to its PGA clause which reflects an increase of 3.07¢ per Mcf to track increases in the current cost of purchased gas and a 4.16¢ per Mcf surcharge to recover both the $3,228,450 deferred purchased gas cost balance as of October 31, 1974, and approximately $4,524,312 in estimated costs to be incurred by the proposed February 1, 1975, effective date as a result of rate increases filed pursuant to Opinion No. 699 (Alternate 1). The rates described above include small producer and emergency purchases at rate levels in excess of Opinion No. 699. Furthermore, Trunkline's December 13, 1974, filing included another tariff sheet[2] proposed to become effective February 1, 1975, which eliminates the effect of small producer and emergency purchases at rates in excess of Opinion No. 699. (Alternate 2)

Trunkline's December 13, 1974, filing was noticed with comments, protests and petitions to intervene due on or before January 6, 1975. To date, no comments, protests or petitions to intervene have been received by this Commission.

Our review of Trunkline's Alternate 1 proposal indicates that, while it contains no small producer rate in excess of Opinion No. 699-H, it is based in part upon emergency purchases at rates in excess of the rate levels established by Opinion No. 699-H.[4] 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 Trunkline's Alternate 1 tariff proposal, suspend it for one day to become effective February 2, 1975, subject to refund. As to Trunkline's Alternate 2 tariff sheets, those sheets shall be deemed to have been withdrawn without prejudice to the company's right to file a substitute tariff sheet to become effective February 1, 1975, reflecting increased costs other than that portion of those increased costs associated with emergency purchases in excess of the rate levels prescibed in Opinion No. 699-H referred to in this order.

With regard to emergency purchases, we note that the legality of Commission Order Nos. 491 and 491-B is presently subject to judicial review.[5] We believe, therefore, that it would be premature to establish a hearing schedule in this docket at this time. Further review of Trunkline's December 13, 1974, filing indicates that the claimed increased costs other than those costs associated with that portion of emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H are fully justified and comply with the standards set forth in Docket No. R-406.

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) Trunkline's Eleventh Revised Sheet No. 3-A to its FPC Gas Tariff,

[1] Eleventh Revised Sheet No. 3-A to FPC Gas Tariff, Original Volume No. 1.

[2] Alternate Eleventh Revised Sheet 3-A to Original Volume No. 1.

[3] Eleventh Revised Sheet No. 3-A to Original Volume No. 1.

[4] Opinion No. 699-H, Docket No. R-389-B, issued December 4, 1974.

[5] "Consumer Federation of America v. F.P.C." CADC, Docket No. 73-2009, petition filed September 21, 1973.

Original Volume No. 1, filed December 13, 1974, be accepted for filing, suspended and permitted to become effective February 2, 1975.

(2) The claimed increased costs other than those increased costs associated with that portion of emergency purchases in excess of the rate levels prescribed in Opinion No. 699–H have been reviewed and found fully justified and in compliance with the standards set forth in Docket No. R–406.

The Commission orders. (A) Trunkline's Eleventh Revised Sheet No. 3–A to its FPC Gas Tariff, Original Volume No. 1, filed December 13, 1974, is hereby accepted for filing, suspended and permitted to become effective February 2, 1975, subject to refund, pending further Commission order in this docket.

(B) Within 15 days of the issuance hereof, Trunkline may file to become effective February 1, 1975, a substitute tariff sheet reflecting that portion of Trunkline's rates as filed December 13, 1974, which reflect increased costs other than those increased costs associated with that portion of emergency purchases which are in excess of the rate levels prescribed in Opinion No. 699–H.

(C) The Secrtary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.75–3508 Filed 2–6–75;8:45 am]

[Docket No. RP72–133, PGA 75–1b]

UNITED GAS PIPE LINE CO.

Order Accepting for Filing and Making Subject To Refund in Part, Proposed PGA Rate Increase

JANUARY 31, 1975.

On January 13, 1975, United Gas Pipe Line Company (United) tendered for filing proposed revised tariff sheets,[1] and proposed alternate revised tariff sheets[2] to its FPC Gas Tariff, First Revised Volume No. 1. United's proposed revised sheets were filed in response to our December 31, 1974 order which accepted United's proposed purchased gas adjustment (PGA) increase for filing, suspended it for one day to become effective January 2, 1975, subject to refund, and conditioned its acceptance upon United's modifying the filing to eliminate all costs attributable to producer rate changes which did not become effective prior to January 1, 1975. In addition, we permitted United to file a substitute sheet to become effective January 1, 1975, without a refund obligation, which reflected the elimination of all costs associated with small producer and emergency purchases in excess of Opinion No. 699–H rate levels.

At the time of the instant filing, there was pending Commission action a substitute PGA filing[3] proposed by United which reflected United's PGA increase as adjusted to include a one-time special surcharge[4] designed to reflect the impact of Opinion No. 699 (excluding Opinion No. 699–H) producer increases incurred during the period June 21, 1974, through December 31, 1974. Accordingly, in the event that we subsequently approved the inclusion of the special surcharge in United's PGA filing, United filed alternate revised sheets in the instant filing which reflect the PGA increase with the special surcharge but as modified in accordance with the aforementioned conditions of our December 31, 1974 order. Alternate Twenty-First Revised Sheet No. 4, proposed to be effective for the single day, January 1, 1975, reflects United's PGA increase with the special surcharge as adjusted: (1) To eliminate $1,130,177 attributable to small producer and emergency purchases in excess of Opinion No. 699–H rate levels; (2) to eliminate $43,754,321 attributable to producer rate changes which did not become effective by January 1, 1975; and (3) to reflect a Surcharge Adjustment recalculated after deleting $54,217 attributable to purchased gas costs associated with small producer and emergency purchases in excess of Opinion No. 699–H rate levels. Alternate twenty-second Revised Sheet No. 4, to be effective as of January 2, 1975, reflects United's PGA increase with the special surcharge as adjusted to eliminate the $43,754,321 of producer rate changes which did not become effective by January 1, 1975.

By order issued January 17, 1975, we approved the inclusion of the special surcharge in United's PGA filing, but inadvertently omitted reference to the conditions imposed by our December 31, 1974 order. Since United's proposed alternate revised sheets comply with the intent of both our December 31, 1974 and January 17, 1975 orders, we believe it is appropriate to accept these proposed alternate sheets for filing subject to the conditions hereinafter ordered.

Notice of United's filing was issued on January 22, 1975, with protests, notices of intervention, and petitions to intervene due on or before February 3, 1975. To date no comments have been received, but as the period for such comments has not yet expired, our action in this order is taken without prejudice to any future action regarding United's filing which may be taken in response to any timely comments which may be received.

Further, we note that our December 31, 1974, order made all costs associated with nonjurisdictional purchases which are at issue in the rate proceeding pending in Docket No. RP74–83, and all costs associated with purchases from affiliates which are the subject of the proceedings in Docket Nos. RP70–13, et al., subject to the ultimate disposition of the proceedings in those two respective dockets. To the extent that United's instant filing includes such costs, it is made subject to the disposition of the proceedings in the aforementioned dockets.

The Commission finds. (1) Good cause exists to accept United's alternate Twenty-First Revised Sheet No. 4 for filing to be effective January 1, 1975, subject to the conditions hereinafter ordered.

(2) Good cause exists to accept United's alternate Twenty-Second Revised Sheet No. 4 for filing to be effective January 2, 1975, subject to refund and subject to the conditions as hereinafter ordered.

The Commission orders. (A) United's alternate Twenty-First Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1, tendered on January 13, 1975, is hereby accepted for filing and made effective as of January 1, 1975, subject to the conditions as hereinafter ordered.

(B) United's alternate Twenty-Second Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1, tendered on January 13, 1975, is hereby accepted for filing and made effective as of January 2, 1975, subject to refund and subject to the conditions as hereinafter ordered.

(C) United's Twenty-First Revised Sheet No. 4 and Twenty-Second Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1, tendered on January 13, 1975, are hereby deemed withdrawn.

(D) Acceptance of United's alternate Twenty-First Revised Sheet No. 4 and alternate Twenty-Second Revised Sheet No. 4 is granted without prejudice to any future action regarding such sheets which may be taken in response to timely filed comments.

(E) The inclusion of any costs in the instant filing associated with nonjurisdictional purchases which are at issue in the rate proceeding in Docket No. RP74–83 and the inclusion of any costs associated with the purchases from affiliates which are the subject of the proceedings in Docket No. RP70–13, et al., will be subject to the ultimate disposition of the proceedings in those two respective dockets.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.75–3509 Filed 2–6–75;8:45 am]

[1] Twenty-First Revised Sheet No. 4 and Twenty-Second Revised Sheet No. 4.

[2] Twenty-First Revised Sheet No. 4 and Twenty-Second Revised Sheet No. 4, reflecting the one-time special surcharge, hereinafter designated alternate Twenty-First Revised Sheet No. 4 and alternate Twenty-Second Revised Sheet No. 4.

[3] Substitute Twentieth Revised Sheet No. 4, to United's FPC Gas Tariff, First Revised Volume No. 1, tendered December 18, 1974, in the instant docket.

[4] United was permitted to file for such a surcharge by order issued November 29, 1974, in Docket No. RP75–22.

[Dockets Nos. CP75-211, CP75-212, and CP75-213]

WESTERN GAS INTERSTATE CO.

Application

JANUARY 30, 1975.

Take notice that on January 22, 1975, Western Gas Interstate Company (Applicant), 1500 Fidelity Union Tower, Dallas, Texas 75201, filed in Dockets Nos. CP75-211, CP75-212, and CP75-213 applications pursuant to section 7 of the Natural Gas Act, as implemented by paragraphs (g), (c) and (b), respectively, of § 157.7 of the regulations thereunder (18 CFR 157.7 (g), (c) and (b)), for authorization for the construction, relocation, removal or abandonment during the twelve-month period following the date of requested Commission authorization and operation of field compression and related metering and appurtenant facilities, for a certificate of public convenience and necessity authorizing the construction, also during the twelve month period following requested Commission authorization, and operation of facilities for rearrangements of minor gas-sales or transportation facilities, and for a certificate of public convenience and necessity authorizing the construction, during the same time period, and operation of gas purchase facilities, respectively, all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

The respective purposes of these applications are (1) to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system saleable capacity or service from that authorized prior to the filing of the applications, (2) to enable Applicant to act with reasonable dispatch in making miscellaneous minor rearrangements on its system without the delay incident to the filing and processing of numerous individual certificate applications, and (3) to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas.

Applicant states that the total cost for the abandonment, removal and relocation, and construction of field compression facilities will not exceed $500,000, with no single project to exceed 25 percent of the total authorization, that the total cost of construction of the miscellaneous rearrangements of gas-sales and transportation facilities will not exceed $100,000, and that the total cost of construction of gas purchase facilities will not exceed $100,000, with no single project to exceed 25 percent of the total authorization. Applicant further states that the costs will be financed from funds on hand and by short term borrowing from Applicant's parent company, Southern Union Gas Company.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 19, 1975, 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) 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, hearings will be held without further notice before the Commission on these applications if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matters finds that grants of the certificates and 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 hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3510 Filed 2-6-75;8:45 am]

FEDERAL RESERVE SYSTEM

BBHC, LTD.

Order Approving Formation of Bank Holding Company and Retention of Insurance Agency Activities

BBHC, Ltd., Anamosa, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bankholding company through acquisition of 80 percent of the voting shares of Onslow Savings Bank, Onslow, Iowa ("Bank"). Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to continue to engage in the activities of a general insurance agency in a community with a population not exceeding 5,000 persons. Such activities have been determined by the Board to be closely related to banking (12 CFR § 225.4(a)(9)(iii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 FR 40541). The time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in section 3(c) of the Act, and the considerations specified in section 4(c)(8) of the Act.

Applicant was recently organized for the purpose of becoming a bank holding company through acquisition of Bank and of engaging in general insurance agency activities. Bank is the only bank in Onslow (population of 350 persons), an agriculturally oriented community located in east-central Iowa. Upon acquisition of Bank (deposits of $3.8 million),[1] Applicant would control the 580th largest bank in Iowa, holding .04 per cent of total deposits in commercial banks in the State.

Bank is the smallest of six banks in the relevant banking market,[2] with approximately 4.3 per cent of the total commercial bank deposits therein. The largest banking organization in the market controls 52.2 percent of the deposits in the market. A principal of Applicant together with his brother are principals in Leserna1 Corporation, Anamosa, Iowa, a registered one-bank holding company, which owns approximately 57 per cent of Citizens Savings Bank, Anamosa, Iowa ("Citizens Bank"). In addition, those individuals also hold, directly and indirectly, interests in three other banks in Iowa: City National Bank of Cedar Rapids, Cedar Rapids; Farmers Savings Bank, Martelle ("Farmers Bank"); and The Exchange State Bank, Springville. Citizens Bank and Farmers Bank are each located in the relevant banking market and rank as the second and fifth largest banks in the market with 17.7 and 4.4 per cent of the total market deposits, respectively. Inasmuch as the proposed transaction is essentially a reorganization of Bank's ownership and in view of the nature and duration of the relationship of Applicant's principal and his brother to the other banks in the market, consummation of the proposal would not eliminate existing or potential competition, nor have an adverse effect on other area banks. Accordingly, it is concluded that competitive considerations are consistent with approval of this application.

The financial condition, managerial resources, and future prospects of Bank are regarded as satisfactory and consistent with approval of the application. The management of Applicant is satisfactory, and Applicant's financial condition and future prospects, which are dependent upon profitable operations of both Bank and the insurance agency, appear favorable. Although Applicant will incur debt in connection with the proposal, its projected income from Bank and the insurance agency activities should provide sufficient revenue to

[1] All banking data are as of December 31, 1973.

[2] The relevant banking market is approximated by Jones County and a small southwestern portion of Dubuque County.

service the debt without impairing the financial condition of Bank. Accordingly, considerations relating to banking factors are consistent with approval of the application. Applicant proposes to increase Bank's services by providing an afterhours depository, extending banking hours, and providing trust services. Therefore, considerations relating to the convenience and needs of the community to be served, with respect to the acquisition of Bank, are consistent with approval of the application. It has been determined that consummation of the transactions would be in the public interest and that the application to acquire Bank should be approved.

Applicant recently acquired the only insurance agency in Onslow and currently engages in the sale of all general lines of insurance (except life insurance) from Bank's premises. Onslow is a town with a population not exceeding 5,000 persons and the operation of a general insurance agency in such a community is an activity the Board has found to be closely related to banking (§ 225.4(a) (9) (ii) (a) of Regulation Y). There is no evidence in the record indicating that Applicant's retention of its general insurance agency business would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest. On the other hand, approval of the application would enable Applicant to continue to offer the residents of the Onslow area a convenient source of insurance services, which result is regarded as being in the public interest.

Based on the foregoing and other considerations reflected in the record, it has been determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors required to be considered under section 4(c) (8) of the Act both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago, pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of the holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective January 29, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-3551 Filed 2-6-75;8:45 am]

CORONADO, INC.

Order Approving Formation of Bank Holding Company and Acquisition of a General Insurance Agency

Coronado, Inc., Sterling, Kansas, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) ("Act") of formation of a bank holding company through acquisition of 85 per cent or more of the voting shares of The Farmers State Bank, Sterling, Kansas ("Bank"). The factors that are considered in acting upon this application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has also applied, pursuant to section 4(c) (8) of the Act (12 U.S.C. 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y, for permission to acquire 89.8 per cent of the voting shares of The Farmers State Agency, Inc., Sterling, Kansas ("Agency"). Applicant would thereafter engage in the conduct of a full service insurance agency business that would include the sale of life insurance, health and accident insurance, fire, casualty, and surety insurance on the premises of Bank, which is located in a community of less than 5,000 people. Such activity has been determined by the Board in § 225.4(a) (9) (iii) of Regulation Y to be permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Notice of the applications, affording opportunity for interested persons to submit comments and views has been duly published (39 FR 40333 (1974)). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)), and the considerations specified in section 4(c) (8) of the Act 12 U.S.C. 1843(c) (8)).

Applicant is a nonoperating Kansas corporation organized for the purpose of becoming a bank holding company through the acquisition of Bank, and of acquiring the insurance business of Agency. Bank holds deposits of $6 million, representing approximately 16.3 per cent of the commercial bank deposits in the relevant market area (approximated by Rice County), and is the second largest of ten commercial banks operating in the Rice County banking market.[1] Inasmuch as this proposal merely represents a transfer of the ownership of Bank from a family to a corporation controlled by that same family and Applicant has no present banking subsidiaries, the acquisition of Bank would not eliminate any significant existing or potential competition, increase the concentration of banking resources, and would not have any adverse effects on competition within the banking market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant are dependent upon those of the bank to be acquired and are regarded as satisfactory, particularly in view of Applicant's plan to inject $160,000 of additional capital into Bank. These considerations relating to banking factors are consistent with approval of the application. The same conclusion applies with respect to considerations relating to the convenience and needs of the communities to be served. It is the Board's judgment that consummation of the holding company formation would be consistent with the public interest and that the application to acquire Bank should be approved.

Also incident to the reorganization, Applicant proposes to operate a general insurance agency business, pursuant to § 225.4(a) (9) (iii) of Regulation Y, by acquiring the insurance business presently owned and operated by the owners of Bank. It does not appear that the acquisition of Agency would have any adverse effects on competition. Moreover, approval of the proposal would enable Applicant to continue to offer Bank's customers a convenient source of insurance services, which result the Board considers to be in the public interest. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects upon the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors that the Board is required to consider under section 4(c) (8) both favor approval of Applicant's proposals.

On the basis of the record, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank nor the acquisition of Agency shall be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y as

[1] All banking data are as of June 30, 1974, unless otherwise indicated.

well as to the Board's authority to require reports by, and to make examinations of, bank holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board may find necessary to assure compliance with the provisions and purposes of the Act and of the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective January 29, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-3552 Filed 2-6-75;8:45 am]

MOUNTAIN BANKS, LTD.

Acquisition of Bank

Mountain Banks, Ltd., Colorado Springs, Colorado, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Mountain National Bank of Aurora, Aurora, Colorado, a proposed new bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 24, 1975.

Board of Governors of the Federal Reserve System, January 30, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-3553 Filed 2-6-75;8:45 am]

TEXAS AMERICAN BANCSHARES INC.

Acquisition of Bank

Texas American Bancshares Inc., Fort Worth, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Gulf Southern National Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 4, 1975.

Board of Governors of the Federal Reserve System, January 30, 1075.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-3554 Filed 2-6-75;8:45 am]

[2] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Coldwell. Absent and not voting: Chairman Burns and Governor Wallich.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Proposals

The following request for clearance of a questionnaire intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 4, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this information in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CPSC questionnaire are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before February 25, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information about the questionnaire may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

CONSUMER PRODUCT SAFETY COMMISSION

Request for clearance of a new single-time questionnaire directed to domestic manufacturers of sleepwear subject to the Standards for Flammability of Children's Sleepwear (FF 3-71), Sizes 0-6X, and (FF 5-74), Sizes 7-14. The purpose of the mailing is to disseminate the Standards and Regulations, to measure compliance, and to aid the Commission in its selection of firms to be inspected. Potential respondents are 1000 sleepwear manufacturers. Respondent burden is estimated at ½ man-hour per respondent. Response is mandatory under FTC section 6A and CPSA section 27.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-3598 Filed 2-6-75;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Proposals

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 3, 1975. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received, the name of the agency sponsoring the proposed collection of information, and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before February 25, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information about the item on this notice may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL TRADE COMMISSION

Request for review and clearance of a new single-time letter survey entitled "Survey of Recreational Land Developers." Potential respondents are fifty large recreational land developers active in Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia. Respondent burden is estimated to average 4 man-hours per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-3599 Filed 2-6-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR SOCIAL PSYCHOLOGY

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Social Psychology to be held at 9 a.m. on February 27 and 28, 1975, in room 517, 1800 G Street NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical

information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b) (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Dr. Roland W. Radloff, Program Director, Social Psychology Program, Rm. 205, National Science Foundation, Washington, D.C. 20550, telephone, 202/632-5714.

R. GAIL ANDERSON,
Acting Committee Management Officer.

FEBRUARY 4, 1975.

[FR Doc.75-3517 Filed 2-6-75;8:45 am]

ADVISORY PANEL FOR SOCIOLOGY

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Sociology to be held from 9 a.m. to 6 p.m. on February 27 and 28, 1975, in room 543, 1800 G Street, NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b) (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Garry W. Wallace, Assistant Program Director for Sociology, Rm. 205, National Science Foundation, Washington, D.C. 20550, telephone, 202/632-4204.

R. GAIL ANDERSON,
Acting Committee Management Officer.

FEBRUARY 4, 1975.

[FR Doc.75-3516 Filed 2-6-75;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

COMMUNITY ADVISORY GROUP

Postponement of Announced Meeting

Due to unforeseen circumstances, the meeting of the Community Advisory Group, announced in the FEDERAL REGISTER, 40 FR 5199 on Tuesday, February 4, 1975 (FR Doc. 75-3122) will be postponed from Thursday, February 13, 1975 at 4 p.m. until Tuesday, February 25, 1975 at 4 p.m.

The meeting's location will remain unchanged as will the agenda to be discussed.

Any questions may be routed to Ms. Katharine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202-343-9423.

PETER T. MESZOLY,
General Counsel.

[FR Doc.75-3593 Filed 2-6-75;8:45 am]

OWNERS AND TENANTS ADVISORY BOARD

Postponement of Announced Meeting

Due to unforeseen circumstances, the meeting of the Owners and Tenants Advisory Board, announced in the FEDERAL REGISTER, 40, 5199, on Tuesday, February 4, 1975 (FR Doc.75-3123), will be postponed from Wednesday, February 12, 1975 at 2 p.m. until Wednesday, February 26, 1975 at 2 p.m.

The meeting's location will remain unchanged, as will the agenda to be discussed.

Any questions may be routed to Ms. Katharine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202-343-9423.

PETER T. MESZOLY,
General Counsel.

[FR Doc.75-3594 Filed 2-6-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON COKE OVEN EMISSIONS

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Coke Oven Emissions, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will hold meetings on March 4 and 5, and on March 18 and 19, 1975, in Washington, D.C.

The meetings are open to the public and all interested persons are encouraged to attend. The meetings announced in this notice, as well as a meeting on February 11 and 12 which was announced in the FEDERAL REGISTER on Friday, January 3, 1975 (40 FR 845), will be held in the following locations:

February 11 and 12—Room 216 ABCD, Main Labor Building, 14th and Constitution Avenue NW., Washington, D.C., 10 a.m.—February 11, 9 a.m.—February 12.

March 4—Room 102 ABCD, Main Labor Building, 14th and Constitution Avenue NW., Washington, D.C., 10 a.m.

March 5—Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C., 9 a.m.

March 18 and 19—Room 216 ABCD, Main Labor Building, 14th and Constitution Avenue NW., Washington, D.C., 10 a.m.—March 18, 9 a.m.—March 19.

These meetings will be the fifth, sixth, and seventh of this ad hoc committee which began its deliberations on November 6, 1974. The committee will submit its recommendations within 200 days of the date of its initial meeting.

It is anticipated that the committee will hear public presentations in February and will begin discussing and drafting recommendations during the March meetings. Because the committee recommendations are due in late May, oral presentations before the committee will be restricted after the February meeting.

Although persons desiring to make an oral presentation to the committee may submit a written request to be heard to the Committee Management Officer at least three days prior to the date of the meeting at which the person wishes to appear, these parties are encouraged to submit such comments in writing rather than request oral participation.

Any member of the public wishing to submit written presentations to the committee may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer. Such submissions will be provided to the members of the committee and will be included in the record of the meeting.

The committee has previously requested relevant information or data on employee exposure to coke oven emissions, feasible analytical methods, engineering methods available for control of emissions, and medical surveillance. It is important that the committee receive any such information as quickly as possible.

Communications and questions should be addressed to:

Jeanne W. Ferrone, Committee Management Office, U.S. Department of Labor, Occupational Safety and Health Administration, 1726 M Street NW., Room 200, Washington, D.C. 20210. Phone: 202-961-2248, 2487.

All materials which have been submitted to or developed by the committee since the beginning of its deliberations, as well as the official record of all committee proceedings, are available for public inspection and copying at the above location.

Signed at Washington, D.C., this 4th day of February 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-3584 Filed 2-6-75;8:45 am]

Wage and Hour Division

[Administrative Order No. 637]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wage Rates; Notice of Hearings

1. Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended, (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR 511, I hereby appoint the following industry committees for the indicated industries:

Committee number:	*Industry*
125-A	Chemical, Petroleum and related products industry, in Puerto Rico.
125-B	Construction industry in Puerto Rico.

2. These industries are defined as follows:

(A) The chemical, petroleum, and related products industry in Puerto Rico is defined as:

(a) The manufacture or packaging of chemicals, drugs, medicines, toilet preparations, cosmetics, and related products; the mining or other extraction or processing of any mineral used in the production of the foregoing; and the mining or other extraction of petroleum, coal or natural gases and the manufacture of products therefrom: *Provided, however*, That the industry shall not include any activity included in the food and kindred products industry; the stone, clay and glass products and nonmetallic mining industry; and the metal, machinery, transportation equipment, and allied products industry, as defined in the wage orders for those industries, and any activities performed in the capacity of a public utility.

(b) The products of this industry include, among others: Primary plastic materials such as sheets, rods, tubes, filaments, granules, powders, and liquids; soap and glycerin; cleaning and polishing preparations; paints, varnishes, colors, dyes, inks, putty, and fillers; industrial alcohol, wood distillation and naval stores; fertilizers; vegetable and animal oils and fats; candles; glue and gelatin; compressed and liquified gases; insecticides and fungicides; salt; explosives, fireworks and pyrotechnics; coke and coke-oven by-products; paving mixtures and blocks containing asphalt, creosote, or tar; fuel briquettes; roofing felts and coatings; and asphalt tile and linoleum.

(B) The construction industry in Puerto Rico, to which this part shall apply, is defined as: The design, construction, reconstruction, alteration, repair and maintenance of buildings, structures, and other improvements on land; the assembling at the construction site and the installation of machinery and other facilities in or upon such improvements; and the dismantling, wrecking, or other demolition of such improvements: *Provided, however*, That the construction industry shall not include any activity carried on by an establishment in Puerto Rico for its own use to which another wage order for the primary business of such establishment would otherwise be applicable.

3. Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene the above-appointed industry committees;

(b) Refer to the industry committees the question of the minimum rates of wages to be fixed for the above-mentioned industries in Puerto Rico.

(c) Give notice of the hearings to be held by the several committees at the times and place indicated. The committees shall investigate conditions in the industries, and the committees, or any authorized subcommittee thereof, shall hear witnesses and receive such evidence as may be necessary or appropriate to enable the committees to perform their duties and functions under the aforementioned Act.

Industry Committee No. 125-A will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Monday, March 10, 1975.

Following this hearing, Industry Committee No. 125-B will immediately convene to conduct its investigation and begin its public hearing.

The hearings will take place in the offices of the Wage and Hour Division on the seventh floor of the Condominio San Alberto Building, 1200 Ponce De Leon Avenue, Santurce, P.R.

Each industry committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa; except that each committee shall recommend the minimum rates prescribed in section 6(a) or section 6(b), unless there is substantial documentary evidence, including pertinent unabridged profit and loss statements and balance sheets for a representative period of years which establishes that the industry or a predominant portion thereof, is unable to pay the wage.

4. The rate or rates recommended by the committees shall not exceed the rates prescribed by section 6(a) of the Act, namely, $2.10 an hour for the period ending December 31, 1975; and $2.30 an hour after December 31, 1975, for those classifications covered before the Fair Labor Amendments of 1966; nor those rates prescribed by section 6(b) of the Act, namely, $2.00 an hour for the period ending December 31, 1975; $2.20 an hour during the year beginning January 1, 1976; nor $2.30 an hour after December 31, 1976, for those classifications brought under the Act by the Fair Labor Standards Amendments of 1966.

5. Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications, within an industry, in making such classification, and in determining the minimum wage rates for such classifications, the industry committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living, and production costs; (b) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

6. The Administrator shall prepare an economic report for the industry committees containing such data as she is able to assemble pertinent to the matters referred to them. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the U.S. Department of Labor as soon as they are completed and prior to the hearings. The industry committees shall take official notice of the facts stated in the economic reports to that extent that they are not refuted at the hearing.

7. The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the hearing date, i.e., February 28, 1975.

Signed at Washington, D.C., this 31st day of January 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-3586 Filed 2-6-75;8:45 am]

[Administrative Order No. 636]

INDUSTRY COMMITTEE FOR VARIOUS INDUSTRIES IN THE VIRGIN ISLANDS

Appointment To Investigate Conditions and Recommend Minimum Wage Rates; Notice of Hearings

1. Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended, (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004), and 29 CFR 511, I hereby appoint Spe-

cial Industry Committee No. 16 for the Virgin Islands for the classifications defined below.

These classifications shall not include any employee employed in the Virgin Islands by the United States or by the government of the Virgin Islands, by an establishment which is a hotel, motel, or restaurant, or by any retail or service establishment which employed such employee primarily in connection with the preparation or offering of food and beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guest of members of clubs.

2. These classifications are defined as follows:

(a) *The pre-1966 coverage classification.* This classification includes all activities of employees in the Virgin Islands which were within the purview of section 6 of the Fair Labor Standards Act of 1938 prior to the effective date of the Fair Labor Standards Amendments of 1966.

(b) *1966 coverage classifications.* The classifications in this paragraph (b) include only those activities of employees in the Virgin Islands which were brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966 or by section 906 of the Education Amendments of 1972.

(1) *The Agriculture classification.* This classification is defined as farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including the preparation for market, delivery to storage or natural state, or canning of agricultural or horticultural commodities for dling, packing, storing, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horicultural commodities for market, or making cheese or butter or other dairy products; the operation of a country elevator, including such an establishment which sells products and services used in the operation of a farm; the ginning of cotton for market; and the transportation and preparation for transportation of fruits and vegetables, whether or not performed by a farmer, from the farm to a place of first processing or first marketing.

(2) *The other activities classification.* This classification is defined as all activities of employees in the Virgin Islands, including the activities of those preschool employees which were brought within the purview of section 6 of the Fair Labor Standards Act by section 906 of the Education Amendments of 1972, other than those activities included in the agriculture classification defined in subparagraph (1) of this paragraph.

(c) *The 1974 coverage classifications.* The classifications in this paragraph (c) include only those activities of employees in the Virgin Islands which were brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1974.

(1) *The domestic service classification.* This classification is defined as service of a household nature performed by an employee in or about the private home of the person by whom he or she is employed. A private home is a fixed place of abode of an individual or family. A separate and distinct dwelling maintained by an individual or a family in an apartment house or hotel may constitute a private home. However, a dwelling primarily used as a boarding or lodging house for the purpose of supplying such services to the public as a business enterprise is not a private home. Domestic service in and about a private home includes, but is not limited to, services performed by persons employed as cooks, butlers, valets, maids, housekeepers, governesses, janitors, laundresses, caretakers, handymen, gardeners, footmen, grooms and chauffeurs.

(2) *The motion picture theater classification.* This classification is defined as the activities of employees of motion picture theaters.

(3) *The retail and service classification.* This classification is defined as the activities of employees employed in retail and service establishments that are parts of covered enterprises and that have an annual volume of sales that is less than $250,000 but not less than $225,000 after January 1, 1975, and is not less than $200,000 after January 1, 1976, and in any amount after January 1, 1977. (Retail and service establishments with $250,000 or more in annual sales volume are covered under the pre-1974 provision of the Fair Labor Standards Act of 1938).

3. Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene the above-appointed Industry Committee;

(b) Refer to the Committee the question of the minimum rates of wages to be fixed for the above-mentioned classifications in the Virgin Islands.

(c) Give notice of the hearing to be held by the Committee at the times and places indicated below. The Committee shall investigate conditions in the classifications, and the Committee, or any authorized subcommittee thereof, shall hear witnesses and receive such evidence as may be necessary or appropriate to enable the Committee to perform its duties and functions under the aforementioned Act.

The Committee will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 11 a.m. on Monday, March 3, 1975, at Government House, Christiansted, St. Croix, Virgin Islands. The public hearing will continue on March 4, 1975.

Upon completion of its proceedings in St. Croix, the Committee will move its proceedings to the College of the Virgin Islands, St. Thomas, Virgin Islands where the hearing will resume at 9:30 a.m. on Wednesday, March 5, 1975.

The Committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa; except that the Committee shall recommend the minimum rates prescribed in section 6(a) or section 6(b), unless there is substantial documentary evidence, including pertinent unabridged profit and loss statements and balance sheets for a representative period of years which establishes that the industry or a predominant portion thereof, is unable to pay the wage.

4. The rate or rates recommended by the Committee shall not exceed the rates prescribed by section 6(a) of the Act, namely, $2.10 an hour for the period ending December 31, 1975; and $2.30 an hour after December 31, 1975, for those classifications covered before the Fair Labor Standards Amendments of 1966; nor those rates prescribed by section 6(b) of the Act, namely, $2.00 an hour for the period ending December 31, 1975; $2.20 an hour during the year beginning January 1, 1976; nor $2.30 an hour after December 31, 1976, for those classifications brought under the Act by the Fair Labor Standards Amendments of 1966; except, however, the rate or rates recommended for agricultural employees shall not exceed those rates prescribed by section 6(a)(5) of the Act, namely, $1.80 an hour for the period ending December 31, 1975; $2.00 during the year beginning January 1, 1976; $2.20 during the year beginning January 1, 1977, and $2.30 an hour after December 31, 1977.

5. Whenever the Committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, it shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications, within an industry, in making such classification, and in determining the minimum wage rates for such classifications, the Committee shall consider, among other relevant factors, the following: (a) competitive conditions as affected by transportation, living, and production costs; (b) wages established

for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

6. The Administrator shall prepare an economic report for the Committee containing such data as she is able to assemble pertinent to the matters referred to it. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the U.S. Department of Labor as soon as they are completed and prior to the hearings. The Committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

7. The procedure of the industry committee shall be governed by 29 CFR Part 511. Interested persons wishing to participate in the hearing shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the hearing date, i.e., February 21, 1975.

Signed at Washington, D.C., this 31st day of January 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-3587 Filed 2-6-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 691]

ASSIGNMENT OF HEARINGS

FEBRUARY 4, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 7, 1975.

MC 72253 Sub 42, The Aetna Freight Lines, Inc., now being assigned April 1, 1975 (1 day), at Birmingham, Alabama, in a hearing room to be designated later.

MC 73165 Sub 348, Eagle Motor Lines, Inc., now being assigned April 2, 1975 (3 days), at Birmingham, Alabama, in a hearing room to be designated later.

MC 72243 Sub 42, The Aetna Freight Lines, Inc., now being assigned April 7, 1975 (1 wk.), at Birmingham, Alabama, in a hearing room to be designated later.

MC-F-12090, Cedar Rapids Steel Transportation, Inc.—Purchase—The Kinnison Trucking Company and MC 114273 Sub 158, Cedar Rapids Steel Transportation, Inc.; now being assigned April 2, 1975 (3 days), at Columbus, Ohio, in a hearing room to be designated later.

MC-C-8339, Quick Air Freight, Inc., et al. v. Mt. Vernon Aviation, now being assigned April 1, 1975 (1 day), at Columbus, Ohio, in a hearing room to be designated later.

MC-F-12199, General Highway Express, Inc.—Purchase—Roethlisberger Transfer Co.; MC 97841 Sub 20, General Highway Express, Inc., and No. F.D. 27697, General Highway Express, Inc.—Securities; now being assigned April 7, 1975 (1 week), at Columbus, Ohio, in a hearing room to be designated later.

MC 113678 Sub 547, Curtis, Inc., now being assigned April 1, 1975, at Omaha, Nebr., in a hearing room to be later designated.

MC-C-8435, The Rock Island Motor Transit Company—Investigation of Practices, now being assigned April 3, 1975, at Omaha, Nebr., in a hearing room to be later designated.

MC 95084 Sub 106, Hove Truck Line, MC 119493 Sub 116, Monkem Company, Inc., now being assigned April 4, 1975, at Omaha, Nebr., in a hearing room to be later designated.

MC 113678 Sub 546, Curtis, Inc., now being assigned April 7, 1975, at Omaha, Nebr., in a hearing room to be later designated.

No. 36056, Oklahoma Intrastate Rail Freight Rates and Charges, now being assigned April 1, 1975 (4 days), at Oklahoma City, Oklahoma, in a hearing room to be designated later.

MC 108207 Sub 408, Frozen Food Express, Inc., now being assigned April 7, 1975 (1 day), at Dallas, Texas, in a hearing room to be designated later.

MC 115840 Sub 98, Colonial Fast Freight Lines, Inc., now being assigned April 8, 1975 (1 day), at Dallas, Texas, in a hearing room to be designated later.

MC 52460 Sub 147, Ellex Transportation, Inc., now being assigned April 9, 1975 (3 days), at Dallas, Texas, in a hearing room to be designated later.

MC 53965 (Sub-No. 101), Graves Truck Line, Inc., now being assigned April 1, 1975 (2 weeks), at Garden City, Kansas in Wheat Lands Motor Inn, 1311 E. Fulton.

MC 116915 Sub 13, Eck Miller Transportation Corporation, application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3596 Filed 2-6-75;8:45 am]

[AB 10 (Sub-No. 2)]

NORFOLK AND WESTERN RAILWAY CO.

Abandonment Between Waterville and Delphos in Lucas, Wood, Henry, and Putnam Counties, Ohio

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. sections 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Lucas, Wood, Henry, and Putnam Counties, Ohio, on or before February 26, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 30th day of January 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 10 (Sub-No. 2)]

NORFOLK AND WESTERN RAILWAY COMPANY ABANDONMENT BETWEEN WATERVILLE AND DELPHOS IN LUCAS, WOOD, HENRY AND PUTNAM COUNTIES, OHIO

The Interstate Commerce Commission hereby gives notice that by order dated January 30, 1975, it has been determined that the proposed abandonment of the Norfolk and Western Railway Company's line between Waterville and Delphos, Ohio, a distance of 55.8 miles, which has been amended to exclude the southern 5.5 mile segment between Delphos and Douglas, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2) (c) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because increases in air pollution and fuel consumption which may result from the subsequent increase in highway traffic would be minimal due to the small amount of involved traffic. There are no major development plans in the area that are dependent on this line for direct rail service. The ecological and historic impacts associated with the proposed action have been determined to be minor or absent. Furthermore the Ohio Department of Natural Resources and the Toledo, Lake Erie, and Western Railway, Inc., have expressed desires to purchase certain segments of the line for use as a linear trail consistent with the existing Buckeye Trail and excursion train operation respectively.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before March 12, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-3597 Filed 2-6-75;8:45 am]