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PART I

HIGHLIGHTS OF THIS ISSUE

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

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

Rules and Regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Interior et al.; Correction

The revision of Part 213 which appeared in the FEDERAL REGISTER of Thursday, December 13, 1973 (FR Doc. 26413) is corrected by making the following changes.

§ 213.3312 Department of the Interior.

* * * * *

(h) *National Park Service.* * * *

(3) Two Special Assistants to the Director.

* * * * *

(5) One Staff Assistant to the Director.

* * * * *

§ 213.3313 Department of Agriculture.

* * * * *

(t) *Rural Development Service.* * * *

(2) One Private Secretary to the Administrator.

* * * * *

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

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

(4) One Special Assistant to the Deputy Assistant Secretary for Education (Policy Communications).

* * * * *

§ 213.3322 Interstate Commerce Commission.

* * * * *

(f) One Secretary to the Congressional Liaison Officer.

* * * * *

§ 213.3326 Office of Emergency Preparedness.

* * * * *

(o) [Reserved]

* * * * *

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(h) *Office of the Administrator, Federal Disaster Assistance Administration.* * * *

(i) *Office of the Assistant Secretary for Policy Development and Research.* * * *

(2) One Secretary to the Deputy Assistant Secretary for Policy Development.

* * * * *

§ 213.3394 Department of Transportation.

(b) *National Transportation Safety Board.* * * *

(5) One Program Analysis Officer.

(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.74–891 Filed 1–10–74;8:45 am]

PART 630—ABSENCE AND LEAVE

First 90 Days of Service

To implement Pub. L. 93–181, approved December 14, 1973, which makes certain changes in the administration of annual leave for Federal employees covered by chapter 63 of title 5, United States Code. The Civil Service Commission amended its leave regulations by deleting § 630.301 relating to the use of annual leave during the first 90 days of service and adding four sections. Section 630.305 provides for the delegation of authority by the head of each department and agency to appropriate management officials to approve exigencies of the public business in order to restore excess annual leave. Section 630.306 provides an approximate two-year time limit within which restored annual leave must be used. Section 630.307 deals with the use of restored annual leave previously lost because an employee was in a missing status. Section 630.308 requires that annual leave must be scheduled in advance before any excess leave may be restored for later use.

The specific regulations are as follows:

§ 630.305 Designating agency official to approve exigencies.

Before annual leave may be restored under section 6304 of title 5, United States Code, the determination that an exigency is of major importance and that therefore annual leave may not be used by employees to avoid forfeiture must be made by the head of the agency or someone designated by him to act for him on this matter. The designated official may not be more than two organizational levels below the head of the agency at the central headquarters levels, or more than one organizational level below the head of a major field headquarters or major field installation. Except where made by the head of the agency, the determination may not be made by any official in the immediate organizational unit affected by the exigency or by any official whose leave would be affected by the decision.

§ 630.306 Time limit for use of restored annual leave.

Annual leave restored under section 6304(d) of title 5, United States Code, must be scheduled and used not later than the end of the leave year ending two years after

(a) The date of restoration of the annual leave forfeited because of administrative error; or,

(b) The date fixed by the agency head, or his designated official, as the termination date of the exigency of the public business which resulted in forfeiture of the annual leave; or,

(c) The date the employee is determined to be recovered and able to return to duty if the leave was forfeited because of sickness.

§ 630.307 Time limit for use of restored annual leave—former missing employees.

Annual leave restored under section 5562 of title 5, United States Code, shall be used within a time limit to be prescribed by the Civil Service Commission in each case taking into consideration the amount of the restored leave and other relevant factors.

§ 630.308 Scheduling annual leave.

Beginning with the 1974 leave year, before annual leave forfeited under section 6304 of title 5, United States Code, may be considered for restoration under that section, use of the annual leave must have been scheduled in writing before the start of the third biweekly pay period prior to the end of the leave year.

(5 U.S.C. 6311)

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

[FR Doc.74–890 Filed 1–10–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Confidential Assistant to the Deputy Director, Office of

Minority Business Enterprise, is excepted under Schedule C.

Effective January 11, 1974, § 213.3314 (a) (18) is added as set out below.

§ 213.3314 Department of Commerce.

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

(18) One Confidential Assistant to the Deputy Director, Office of Minority Business Enterprise.

* * * * *

(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.74–889 Filed 1–10–74;8:45 am]

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is amended to show that one position of Director of Planning and Management, National Endowment for the Arts, is no longer excepted under Schedule A.

Effective January 11, 1974, § 213.3182 (a) (18) is revoked.

Section 213.3382 is amended to show that one position of Director of Planning and Management, National Endowment for the Arts, is excepted under Schedule C.

Effective January 11, 1974, § 213.3382 (f) is added as set out below.

§ 213.3382 National Foundation on the Arts and the Humanities.

* * * * *

(f) One Director of Planning and Management, National Endowment for the Arts.

(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.74–888 Filed 1–10–74;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Areas Quarantined

This amendment quarantines a portion of Haskell County in Kansas and a portion of Logan County in Colorado because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, is hereby amended as follows:

In § 73.1a, new paragraphs (d) relating to the State of Kansas and (e) relating to the State of Colorado are added to read:

§ 73.1a Notice of quarantine.

* * * * *

(d) Notice is hereby given that cattle in certain portions of the State of Kansas are affected with scabies, a contagious, infectious and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Haskell County comprised of section 9, T. 28 S, R. 33 W.

(e) Notice is hereby given that cattle in certain portions of the State of Colorado are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Logan County comprised of sections 9 and 16, T. 7 N, R. 53 W.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264–1265, as amended; secs. 3 and 11, 76 Stat. 130 132; (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f) 37 FR 28464, 28477, 38 FR 19141)

Effective date. The foregoing amendment shall become effective January 8, 1974.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of January 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–923 Filed 1–10–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 70–CE–18–AD; Amdt. 39–1768]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Airplanes

Amendment 39–1108 (35 FR 17534, 17535), as amended by 39–1237 (36 FR 12282, 12283), AD 70–23–6, applicable to Beech Model 99 series airplanes is an Airworthiness Directive which requires repetitive inspections of specific wing components to detect fatigue cracks and establishes a life limit on these components.

At the time AD 70–23–6 was originally issued there were no procedures established for correlating operational data with the manufacturer's design and test data concerning safe life of Beech Model 99 series aircraft fatigue-critical components. As a result of recent research and development, a procedure has been established and FAA approved which will correlate this data and permit adjustment of safe life based on measured acceleration data supplied by the operator. Therefore, Paragraph E of AD 70–23–6 is being amended to permit adjustment of safe life limitations of specific wing components of Beech Model 99 series airplanes.

Since this amendment is in the interest of safety, provides an alternative and relieving means of compliance and should impose no additional burden on any person, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Paragraph E of Amendments 39–1108 (35 FR 17534, 17535) and Amendment 39–1237 (36 FR 12282, 12283), AD 70–23–6, is amended so that it now reads as follows:

E. On all airplanes (1) upon accumulating 10,000 hours' time in service (2) or 10,000 hours' time in service after complying with Paragraph C and (3) at 10,000 hour intervals thereafter, or re (1), (2), (3) herein at those hours established by the manufacturer, replace the wing center section lower forward spar cap, both the right and left outer wing panel lower forward spar caps including the wing attachment fittings and the skin panels adjacent to the outer panel wing attachment fittings with new production parts in accordance with Beechcraft Service Instruction No. 0388–018 or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective January 16, 1974.

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

Issued in Kansas City, Missouri, on January 2, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74–845 Filed 1–10–74;8:45 am]

[Airworthiness Docket No. 73–SW–63, Amdt. 39–1769]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring re-

petitive inspections of the tail rotor trunnion bearings, P/N 212-010-723-1 or P/N 212-010-768-1, for cracks and/or axial play and replacement as necessary on Bell Model 205A-1 and 212 helicopters was published in 38 FR 31683.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Only one comment was received. The manufacturer objected to the proposed airworthiness directive, since the use of the 212-010-723-1 bearing has been discontinued and they believe these bearings are no longer in service. In addition, they stated that inspecting for bearing wear is a normal maintenance item. However, to assure proper inspection of the tail rotor trunnion bearings, including any of the 212-010-723-1 bearings that may still be in service, the airworthiness directive is being issued as proposed in the interest of safety.

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:

BELL. Applies to Model 205A-1 and 212 helicopters, certificated in all categories, equipped with tail rotor hub assembly, P/N 212-010-701.

Compliance required within the next 25 hours' time in service after the effective date of this A.D., unless already accomplished within the last 25 hours' time in service, and thereafter at intervals not to exceed 25 hours' time in service from the last inspection.

To detect possible cracks or excessive looseness in the tail rotor trunnion bearings, accomplish the following:

(a) Using a 3 power magnifying glass, inspect the trunnion bearing (P/N 212-010-723-1 or P/N 212-010-768-1) exposed outer races for cracking.

(b) To detect any axial looseness in the trunnion bearings, grasp the hub assembly and attempt to move it towards and away from the tail boom fin assembly. If trunnion bearing movement is considered excessive, remove the tail rotor hub and blade assembly. Measure the amount of axial play in each trunnion bearing using a dial indicator.

(c) If there is evidence of either trunnion bearing outer race cracking or axial play in excess of the maximum allowable .015 inch, replace the affected bearing in accordance with the instructions contained in Bell Model 212 Overhaul Manual, dated May 1, 1972, Chapter-Section 65-20-01.

(Bell Helicopter Company Service Bulletin Nos. 205-05-73-5, dated August 23, 1973, and 212-05-73-4, dated August 20, 1973, pertain to this subject.)

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 Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue SW, Washington, D.C. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at its headquarters in Washintgon, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

This amendment becomes effective February 22, 1974.

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

Issued in Forth Worth, Texas on January 2, 1974.

A. H. THURBURN,
Acting Director,
Southwest 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.74-846 Filed 1-10-74;8:45 am]

[Airworthiness Docket No. 73-SW-86; Amdt. 39-1770]

PART 39—AIRWORTHINESS DIRECTIVES

SL Industries (CallAir) Airplanes

There have been cracks and corrosion of the front wing spar on the SL Industries Model B-1A airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the front wing spar for cracks or corrosion and repair or replacement, as necessary, on SL Industries (CallAir) B-1 and B-1A airplanes.

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:

SL INDUSTRIES, INC. Applies to all Models B-1 and B-1A airplanes, certificated in all categories, and originally manufactured by either CallAir, Intermountain Company, Aero Commander or North American Rockwell Corporation.

Compliance required within the next 100 hours' time in service after the effective date of this A.D., unless already accomplished.

To prevent failure of the front wing spar, accomplish the following:

(a) Inspect both front wing spars by the following procedures:

(1) Remove the P/N 16161 wing leading edge panels between the wing-body junction and the MLG shock strut by drilling out the necessary rivets.

(2) Remove the wing fairing covering the front spar attach bolt.

(3) Hoist the wing and jack the landing gear to relieve the load on the front spar attach bolt and remove the front spar attach bolt.

(4) Remove the P/N 16045-1 and -2 spar fittings by removal of (10) AN4 bolts attaching fittings to the spar web.

(5) Visually and with dye penetrant methods, inspect the spar web in the area of the P/N 16045-1 and -2 fittings for cracks. Give particular attention to the upper and lower fastener locations in the pattern of (10) fasteners attaching the P/N 16045-1 and -2 fittings to the spar web. Inspect these holes for elongation beyond .254 inches.

(6) Visually inspect the inboard 24 inches of the spar web for corrosion.

(b) Repair discrepancies found during the inspections of paragraph (a) as follows:

(1) For cracks or elongated fastener holes in the spar web, replace the damaged spar with a new spar.

(2) For corrosion on the spar web, repair as follows:

(i) Remove corrosion in accordance with AC 43.13-1.

(ii) If corrosion is less than 10 percent of spar web thickness locally and reduces the spar web cross-section area by less than 2 percent, treat th corroded spar web area with two coats of zinc chromate primer in accordance with MIL-P-6889 or MIL-P-8585A.

(iii) If corrosion exceeds 10 percent of local spar web thickness or 2 percent of spar web cross-section area, replace the spar or repair with a repair approved by the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

(c) Reinstall the 16045-1 and -2 spar fittings.

(d) Install the 16246 and 16247 spar fittings in accordance with Service Bulletin A-15.

(e) Reinstall the wing fairings and leading edge panels removed during paragraph (a) inspections.

NOTE: (SL Industries Service Bulletin A-24 covers this same subject.)

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 General Manager, SL Industries, Inc., 7020 West Wilshire, Oklahoma City, Oklahoma 73132. These documents may also be examined at the office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas and at FAA headquarters, 800 Independence Avenue, SW, Washington, D.C. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

This amendment becomes effective January 18, 1974.

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

Issued in Fort Worth, Texas on January 2, 1974.

NOTE: The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 17, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74-847 Filed 1-10-74;8:45 am]

[Airspace Docket No. 73-GL-44]

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

VOR Federal Airways; Correction

On December 4, 1973, FR Doc. 73-25567 was published in the FEDERAL

REGISTER (38 FR 33393) amending Part 71 of the Federal Aviation Regulations, effective 0901 G.m.t., March 28, 1974, by altering several VOR Federal Airways in the vicinity of Chicago, Ill., due to the planned decommissioning of the Naperville, Ill., VOR. The Federal Aviation Administration (FAA) has determined that the realignment of V–10 via the INT Bradford, Ill., 056° and Chicago O'Hare, Ill., 236° radials would not accomplish direct routing between Bradford and Chicago O'Hare as required. Therefore, action is taken herein to correct the description of V–10 to provide for the direct routing between Bradford and Chicago O'Hare.

Since this amendment is minor in nature with no substantive change in the regulations, and one in which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, effective January 11, 1974, FR Document 73–25567 is amended as hereinafter set forth.

In No. 4 V–10 line 5 is amended as follows:

"INT Bradford 056° and Chicago O'Hare, Ill., 236° radials; to Chicago O'Hare." is deleted and "to Chicago, O'Hare, Ill." is substituted therefor.

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

Issued in Washington, D.C., on January 4, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–849 Filed 1–10–74;8:45 am]

[Airspace Docket No. 73–GL–44A]

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

Revocation of Designated Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke Naperville, Ill., as a designated reporting point. The Naperville VORTAC is presently designated as a reporting point; however, since it is scheduled to be decommissioned, March 28, 1974 (ASD 73–GL–44), there will be no further requirement to retain it as a designated reporting point, and action is taken herein for its revocation.

Since this amendment is minor in nature and one upon which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. This amendment could become effective upon publication in the FEDERAL REGISTER, but to provide sufficient time for this reporting point to be removed from aeronautical charts, it will become effective more than thirty days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 28, 1974, as hereinafter set forth.

In § 71.203 (39 FR 620) "Naperville, Ill." is deleted.

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

Issued in Washington, D.C., on January 4, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–848 Filed 1–10–74;8:45 am]

[Airspace Docket No. 73–WE–18]

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

Alteration of Control Zone

We have been advised by the Department of the Air Force that on or about January 3, 1974, the hours of operation of the Hamilton AFB RAPCON will be reduced to 16 hours. Consequently, the effective hours of the control zone must be reduced accordingly since weather reporting service will not be available. No civil procedures are published for Hamilton AFB nor will the reduction of hours of the RAPCON have any effect on the National Airspace System. Therefore, action is taken herein to change the effective hours of the control zone.

San Rafael control zone is currently effective 24 hours. Since this amendment is less restrictive in nature and will impose no additional burden on any person, notice and public procedure hereon is unnecessary.

In view of the foregoing, in Part 71 of the Federal Aviation Regulations (39 FR 354), the description of the San Rafael, California control zone is amended by adding:

"This control zone is effective from 0700 to 2300 hours local time daily."

Effective date. This amendment is effective 0901 G.m.t. January 31, 1974.

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

Issued in Los Angeles, Calif., on December 27, 1973.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.74–806 Filed 1–10–74;8:45 am]

[Airspace Docket No. 73–CE–22]

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

Alteration of Transition Area; Correction

In FR Doc. 73–23606 appearing on page 30738 of the issue for Wednesday, November 7, 1973, the St. Charles Smartt Airport coordinates recited in line 17 of the St. Louis, Missouri, transition area description as "latitude 38°56'00" N., longitude 90°26'00" W." are changed to read "latitude 38°55'43" N., longitude 90°25'41" W.".

Issued in Kansas City, Missouri, on December 17, 1973.

JOHN R. WALLS,
Acting Director, Central Region.

[FR Doc.74–852 Filed 1–10–74;8:45 am]

[Airspace Docket No. 73–GL–47]

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

VOR Federal Airways; Correction

On December 6, 1973, FR Doc. 73–25838 was published in the FEDERAL REGISTER (38 FR 33588) amending Part 71 of the Federal Aviation Regulations, effective 0901 G.m.t., January 31, 1974, by designating a new east alternate VOR Federal Airway between Indianapolis, Ind., and Kokomo, Ind., and revoking airways between Indianapolis and Marion, Ind., and between Cincinnati, Ohio, and York, Ky. In the description of V–285 E alternate, the FAA has determined that the airway should be aligned via the Indianapolis 038° and Kokomo 182° radials, instead of the Indianapolis 037° and the Kokomo 182° radials as published in the Federal Register. Action is taken herein to correct that discrepancy.

Since this amendment is a minor editorial change on which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, effective January 11, 1974, FR Doc. 73–25838 is amended as hereinafter set forth.

In No. 3. V–285, is amended as follows: "including an E alternate via INT Indianapolis 037° and Kokomo 182° radials;" is deleted and "including an E alternate via INT Indianapolis 038° and Kokomo 182° radials;" is substituted therefor.

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

Issued in Washington, D.C., on January 4, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–850 Filed 1–10–74;8:45 am]

[Airspace Docket No. 73–SO–18]

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

Designation of Transition Area

On March 26, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 7812), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Pulaski, Tenn., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 28, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

PULASKI, TENN.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Abernathy Airport (Lat. 35°08'45" N, Long. 87°03'30" W); excluding the portion within Lawrenceburg, Tenn. transition area.

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

Issued in East Point, Ga., on December 26, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74-851 Filed 1-10-74;8:45 am]

[Docket No. 13414; Amdt. No. 898]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective February 21, 1974.

Lufkin, Tex.—Angelina County Arpt., VOR-TAC Rwy 15, Orig.

* * * effective February 14, 1974

Gainesville, Fla.—Gainesville Municipal Arpt., VOR/DME Rwy 24, Amdt. 2

* * * effective January 2, 1974

Santa Rosa, Calif.—Sonoma County Arpt., VOR Rwy 32, Amdt. 7

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

Gainesville, Fla.—Gainesville Municipal Arpt., LOC (BC) Rwy 10, Amdt. 1

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective December 27, 1973.

Crossville, Tenn.—Crossville Memorial Arpt., NDB Rwy 25, Amdt. 3, canceled

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective January 2, 1974.

Santa Rosa, Calif.—Sonoma County Arpt., ILS Rwy 32, Amdt. 1

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

Issued in Washington, D.C., on January 3, 1974.

JAMES M. VINES,
Chief, Aircraft Programs Division.

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

[FR Doc.74-853 Filed 1-10-74;8:45 am]

Title 20—Employees' Benefits

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

[Reg. No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950-....)

Subpart M—Coverage of Employees of State and Local Governments

ESTABLISHMENT OF FILING DATES

On July 24, 1973, there was published in the FEDERAL REGISTER (38 FR 19839) a notice of proposed rulemaking with proposed amendments to Subpart M of Regulations No. 4 providing that in certain cases where materials are sent to the Administration through the mails, the filing date may be considered to be 2 days earlier than the date of postmark. Interested persons were given the opportunity to submit within 30 days data, views, or arguments with regard to the proposed changes. The 30-day period has passed and the single comment received favored adoption of the amendments as proposed. Accordingly, the proposed amendments are hereby adopted without change and are set forth below.

(Secs. 205, 218, and 1102 of the Social Security Act as amended; 53 Stat. 1368, as amended; 64 Stat. 514, as amended; 49 Stat. 647 as amended; 67 Stat. 18, 631; (42 U.S.C. 405, 418, and 1102).)

Effective date. The amendments shall be effective January 11, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance.)

Dated: December 14, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 7, 1974.

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

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. Paragraph (a) of § 404.1272 is revised to read as follows:

§ 404.1272 Time for filing request for review.

(a) *In general.* The request for review must be filed by the State with the Secretary or his delegate within 90 days after the date of the notice to the State of the assessment, disallowance or allowance. (A revised notice indicating the correction of a mathematical error (see § 404.1270(f)) shall not be deemed to be a notice for purposes of this section.) The request for review will be deemed to be filed when it is mailed or delivered by other means to the Secretary or his delegate. Normally, the mailing date will be considered as the date of postmark on the envelope in which the request for review is mailed. However, where there is an identifiable delay in the handling of mail by the U.S. Postal Service, a mailing date may be established up to 2 days earlier than the date of postmark. If the established mailing date falls within the prescribed period, the request for review will be considered as timely filed. Where the 90-day period expires on a Saturday, Sunday, or other nonworkday as defined in § 404.3(c), a request mailed on the next following business day will be deemed to be timely filed.

* * * * *

2. Paragraph (a) of § 404.1276 is revised to read as follows:

§ 404.1276 Time for filing civil action.

(a) *In general.* Civil action for a redetermination of the assessment, disallowance or allowance shall be filed before the expiration of 2 years from the date of mailing by the Secretary to the State of the notice of the decision of the Secretary to which the action re-

lates. Where a request for civil action is received through the mail, the filing date may be determined as defined in § 404.-1272(a). Where the 2-year period expires on a Saturday, Sunday, or other nonworkday as defined in § 404.3(c), an action filed on the next following business day will be deemed to be timely filed. The date of certification, or registration of the notice of decision by the Secretary as shown on the envelope or wrapper in which such decision is mailed shall be considered as the date of mailing.

* * * * *

3. Paragraph (a) of § 404.1285 is revised to read as follows:

§ 404.1285 Time limitations on credits or refunds.

(a) *In general.* No credit or refund of an overpayment of amounts paid under an agreement pursuant to section 218 of the Act by a State shall be allowed unless a claim for such credit or refund is filed by the State with the Secretary before the expiration of the period of limitation applicable thereto. A claim for credit or refund made by a State in accordance with the applicable provisions of these regulations is deemed to have been filed with the Secretary when delivered to the Secretary or when mailed to the Secretary. Normally, the mailing date will be considered as the date of postmark on the envelope in which such request is mailed. However, where there is an identifiable delay in handling of mail by the U.S. Postal Service, a mailing date may be established up to 2 days earlier than the date of postmark. If the established mailing date falls within the prescribed period, the request for credit or refund will be considered as timely filed. Where a period of limitation expires on a Saturday, Sunday, or other nonworkday as defined in § 404.3(c), a claim filed on the next following business day will be deemed to be timely filed.

* * * * *

[FR Doc.74-894 Filed 1-10-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Status of Over-the-Counter (OTC) Drugs Previously Reviewed Under Drug Efficacy Study (DESI)

In the FEDERAL REGISTER of April 20, 1972 (37 FR 7807), a notice was published in which the Commissioner of Food and Drugs proposed adding a new section outlining the status of over-the-counter (OTC) drugs previously reviewed under the drug efficacy study (DESI) and now subject to the OTC drug review (21 CFR 130.301). The notice provided 60 days for the filing of comments.

One comment was received. It was directed to the statement in the proposal that the Food and Drug Administration would not take legal action for lack of grandfather protection if certain kinds of changes in formulation and/or labeling are made during the period of review of the various classes of OTC drugs. The comment requested assurance that this statement would apply to all OTC drugs and not just those that had been subject to the DESI review. Such was the intent of the proposal and changes have been made in the wording to so indicate. In addition, changes have been made in the listing to reflect more recent publications concerning applicable DESI notices.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 507, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 59 Stat. 463 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; (21 U.S.C. 321, 352, 355, 357, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Subpart D of Part 130 is amended by adding the following new section:

§ 130.303 Status of over-the-counter (OTC) drugs previously reviewed under the Drug Efficacy Study (DESI).

(a) There were 420 OTC drugs reviewed in the Drug Efficacy Study (a review of drugs introduced to the market through new drug procedures between 1938 and 1962). A careful review has been made of the reports on these drugs to determine those drugs for which implementation may be deferred without significant risk to the public health, pending review by appropriate OTC drug advisory review panels and promulgation of a monograph.

(b) On and after April 20, 1972, a number of notices were published in the FEDERAL REGISTER concerning previously unpublished OTC drugs reviewed by the National Academy of Sciences-National Research Council Drug Efficacy Study Group. Only the evaluations and comments of the panels were published, with no conclusions of the Commissioner of Food and Drugs. Those publications were for the purpose of giving interested persons the benefit of the Academy's opinions. For those products, and also for OTC drug products previously published with the Commissioner's conclusions (except for the products listed in paragraphs (b)(1) and (2) of this section, all requests for data, revised labeling, requests for new drug applications, abbreviated new drug applications, updating supplements, data to support less than effective claims, if any, etc., are deferred, and such OTC drug products are instead subject to the OTC drug review in their appropriate classes pursuant to the procedures established in this subpart.

(1) The requirements of the following DESI announcements are not deferred (the reference document may also pertain to prescription drugs):

(i) Certain Surgical Sutures (DESI 4725), published in the FEDERAL REGISTER of November 11, 1971 (36 FR 21612).

(ii) Absorbable Dusting Powder (DESI 6264), published in the FEDERAL REGISTER of May 25, 1971 (36 FR 9475).

(iii) Certain Insulin Preparations (DESI 4286), published in the FEDERAL REGISTER of April 9, 1971 (36 FR 6842).

(iv) Sulfo-Van Ointment (DESI 2230), published in the FEDERAL REGISTER of October 8, 1970 (35 FR 15860).

(v) Antiperspirants and Deordorants Containing Neomycin Sulfate (DESI 11048) for which an order revoking provisions for certification or release was published in the FEDERAL REGISTER of December 5, 1972 (37 FR 25820) and has been stayed by the filing of objections.

(vi) Thorexin Cough Medicine (DESI 11160) for which a notice of opportunity for hearing was published in the FEDERAL REGISTER of February 2, 1973 (38 FR 3210).

(vii) Antibiotic susceptibility discs (DESI 90235) for which an order providing for certain discs to be certified and removing provisions for certification of other discs was published in the FEDERAL REGISTER of September 30, 1972 (37 FR 20525) and has been stayed by the filing of objections notice of which was published in the FEDERAL REGISTER of March 15, 1973 (38 FR 7007).

(2) Deferral of requirements is not appropriate when an announcement has been published and has been followed by a final order classifying a drug either as lacking substantial evidence of effectiveness or as not shown to be safe. These products will be removed from the market, if they have not already been removed. Regulatory action will also be undertaken against identical, similar and related products (21 CFR 130.40). Deferral of requirements is not appropriate for the following (the referenced document may also pertain to prescription drugs):

(i) Certain Sulfonamide-Decongestant Nasal Preparation (DESI 4850), for which notice of withdrawal of approval of new drug applications was published in the FEDERAL REGISTER of October 24, 1970 (35 FR 16605, 16606).

(ii) Eskay's Theranates, containing strychnine, sodium, and calcium glycerophosphates, thiamine hydrochloride, alcohol, and phosphoric acid (DESI 2220), for which notice of withdrawal of approval of the new drug application was published in the FEDERAL REGISTER of February 18, 1971 (36 FR 3152).

(iii) The following topical drugs (DESI 1726), for which notice of withdrawal of new drug applications was published in the FEDERAL REGISTER of August 28, 1971 (36 FR 17368):

(*a*) Rhulitol Solution, containing tannic acid, chorlobutanol, phenol, camphor, alum, and isopropyl alcohol.

(*b*) Zirnox Topical Lotion, containing phenyltoloxamine citrate and zirconium oxide.

(iv) Menacyl Tablets, containing aspirin, menadione, and ascorbic acid (DESI 6363), for which notice of withdrawal of approval of the new drug application was published in the FEDERAL REGISTER of July 23, 1970 (35 FR 11827).

(v) Curad Medicated Adhesive Bandage containing sulfathiazole (DESI 4964), for which notice of withdrawal of approval of the new drug application was published in the FEDERAL REGISTER of December 31, 1969 (34 FR 20441).

(vi) Drugs Containing Rutin, Quercetin, Hesperidin, or any Bioflavonoids (DESI 5960), for which notice of withdrawal of approval of new drug applications was published in the FEDERAL REGISTER of July 3, 1970 (35 FR 10872, 10873) and October 17, 1970 (35 FR 16332). A further notice of opportunity for hearing with respect to the drugs covered by the October 17, 1970 FEDERAL REGISTER notice will be published at a later date.

(vii) Antibiotics in Combination with Other Drugs for Nasal Use (DESI 7561), for which an order revoking provision for certification was published in the FEDERAL REGISTER of August 6, 1971 (36 FR 14469) and confirmed in the FEDERAL REGISTER of October 28, 1971 (36 FR 20686).

(viii) Antibiotic Troches (DESI 8328), for which an order revoking provision for certification was published in the FEDERAL REGISTER of July 14, 1971 (36 FR 13089) and confirmed in the FEDERAL REGISTER of October 9, 1971 (36 FR 19695).

(ix) Certain Drugs Containing Oxyphenisatin or Oxyphenisatin Acetate (DESI 10732), for which notices of withdrawal of approval of new drug applications were published in the FEDERAL REGISTER of February 1, 1972 (37 FR 2460), and March 9, 1973 (38 FR 6419).

(x) Curad Medicated Adhesive Bandage containing tyrothricin-nitrofurazone (DESI 6898), for which an order revoking provision for certification was published March 14, 1972 (37 FR 5294), and confirmed in the FEDERAL REGISTER of July 6, 1972 (37 FR 13254).

(xi) Candette Cough Gel (DESI 11562), for which notice of withdrawal of approval of the new drug application was published in the FEDERAL REGISTER of November 19, 1972 (37 FR 25249).

(xii) Certain OTC Multiple-Vitamin Preparations for Oral Use containing excessive amounts of vitamin D and/or vitamin A (DESI 97), for which notice of withdrawal of approval of the new drug applications was published in the FEDERAL REGISTER of November 29, 1972 (37 FR 25249).

(xiii) Certain Sulfonamide-Containing Preparations for Topical Ophthalmic or Otic Use (DESI 3684), for which a notice of withdrawal of approval was published in the FEDERAL REGISTER of February 2, 1973 (38 FR 3208).

(xiv) Those parts of the publication entitled "Certain Mouthwash and Gargle Preparations" (DESI 2855) pertaining to Tyrolaris Mouthwash, containing tyrothricin, panthenol, and alcohol, for which an order revoking provision for certification was published in the FEDERAL REGISTER of February 2, 1967 (32 FR 1172) prior to the drug efficacy study implementation.

(c) Manufacturers and distributors should take notice that the information on OTC drugs provided by the Drug Efficacy Study review is valuable information as to the deficiencies in the data available to support indications for use. They are encouraged to perform studies to obtain adequate evidence of effectiveness for the review of OTC drugs which is already in progress. In the interim it is in the public interest that manufacturers and distributors of all OTC drugs effect changes in their formulations and/or labeling to bring the products into conformity with current medical knowledge and experience.

(d) Manufacturers and distributors of OTC drugs may be reluctant to make appropriate formulation and/or labeling changes for fear of losing the protection of the so-called grandfather provisions of the 1938 Federal Food, Drug, and Cosmetic Act (sec. 201(p)(1)) and the 1962 amendments to the act (sec. 107(c) of those amendments). To encourage and facilitate prompt changes, the Food and Drug Administration will not take legal action against any OTC drug, other than those not deferred, based on a charge that the product is a new drug and not grandfathered under the act as a result of the changes if the changes in formulation and/or labeling are of the following kind:

(1) The addition to the labeling of warning, contraindications, side effects, and/or precaution information.

(2) The deletion from the labeling of false, misleading, or unsupported indications for use or claims of effectiveness.

(3) Changes in the components or composition of the drug that will give increased assurance that the drug will have its intended effect, yet not raise or contribute any added safety questions.

(4) Changes in the components or composition of the drug which may reasonably be concluded to improve the safety of the drug, without diminishing its effectiveness.

(e) The forbearance from legal action for lack of grandfather protection is an interim procedure designed to encourage appropriate change in formulation and/or labeling during the time period required to review the various classes of OTC drugs. At such time as an applicable OTC drug monograph becomes effective, the interim procedure will automatically be terminated and any appropriate regulatory action will be initiated.

Effective date. This order shall be effective on February 11, 1974.

(Secs. 201, 502, 505, 507, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended 59 Stat. 463 as amended; 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 357, 371))

Dated: January 3, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-810 Filed 1-10-74;8:45 am]

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

Poliovirus Vaccine, Live, Oral

In the FEDERAL REGISTER of July 12, 1973 (38 FR 18556), the Commissioner of Food and Drugs proposed to amend the regulations for the Additional Standards for Poliovirus Vaccine, Live, Oral, in Part 273 (now Subpart B of Part 630, recodified in the FEDERAL REGISTER of November 20, 1973 (38 FR 32048)). The principal purpose of the amendments was to clarify some of the references to testing and potency standards to provide for the performance of required tests by newer, yet well supported and established methods. The proposed modifications incorporated knowledge gained in the field since the regulations were first promulgated. Interested persons were given 60 days to comment on the proposal. Only one response was received which made no adverse comment on the proposal. Accordingly, the Commissioner concludes that the proposed amendments should be adopted without change.

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

1. By revising § 630.11 to read as follows:

§ 630.11 Clinical trials to qualify for license.

To qualify for license, the antigenicity of the vaccine shall have been determined by clinical trials of adequate statistical design. Such clinical trials shall be conducted with five consecutive lots of poliovirus vaccine which have been manufactured by the same methods, each of which has shown satisfactory results in all prescribed tests. Type specific neutralizing antibody shall be induced in 80 percent or more of susceptibles when administered orally as a single dose, or in 90 percent or more of susceptibles when administered orally after a series of doses. A separate clinical trial shall have been conducted for each monovalent and each polyvalent vaccine for which a license application is made.

2. By revising § 630.15 to read as follows:

§ 630.15 Potency test.

The virus content expressed as infectivity titer/ml for cell cultures shall constitute the potency measurement. The accuracy and validity of the titration used to determine the concentration of live virus in the lot tested shall be confirmed by performing the titration with a Reference Poliovirus, Live, Attenuated of the appropriate type. The reference titration, when tested in parallel, shall be ± 0.5 $\log_{10}$ of its established titer, and shall not be used to adjust the titer of the lot under test.

3. By revising § 630.16(b)(2) to read as follows:

§ 630.16 Test for safety.

* * * * *

(b) * * *

(2) *Test for virus titer.* The concentration of living virus in each monovalent virus pool or lot expressed as infectivity titer/ml for cell cultures shall be determined using the Reference Poliovirus,

Live, Attenuated of the same type as a control. A titration of the monovalent virus pool or lot shall not constitute a valid test unless the titration of the reference virus when tested in parallel is within ± 0.5 $\log_{10}$ of its established titer. The titration of the parallel reference is intended to validate the test system and shall not be used to adjust the titer of the lot under test.

* * * * *

4. By revising § 630.17(c) to read as follows:

§ 630.17 General requirements.

* * * * *

(c) *Dose.* Each monovalent vaccine shall be constituted to have an infectivity titer of not less than $10^{5.3}$ nor greater than $10^{6.9}$ per human dose. The human dose of vaccines containing all three virus types shall be constituted to have infectivity titers in the final container material of $10^{5.4}$ to $10^{6.4}$ for Type I, $10^{4.6}$ to $10^{5.5}$ for Type II, and $10^{5.3}$ to $10^{6.2}$ for Type III.

* * * * *

Effective date. This order shall be effective January 11, 1974.

(Sec. 351, 58 Stat. 702, as amended; (42 U.S.C. 262.))

Dated: January 4, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-809 Filed 1-10-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CG 73-163R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Lechmere Canal, Massachusetts

This amendment changes the regulations for the Commercial Avenue Bridge across Lechmere Canal in Cambridge, Massachusetts to allow the draw to remain closed to the passage of vessels. This amendment was circulated as a public notice dated August 10, 1973 by the Commander, First Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CG 73-163P) on August 10, 1973 (38 FR 21649).

Five replies were received. Four endorsed the proposal and one offered no comment. All were replies to the public notice which proposed to close the draw to navigation. No replies were received to the FEDERAL REGISTER publication, which proposed openings only if at least 24 hours notice is given. It is concluded that the Lechmere Canal above Commercial Avenue Bridge is not utilized by navigation for any purpose. It should therefore be closed to any vessels not able to pass under the draw when it is closed.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.75 to read as follows:

§ 117.75 Boston Harbor, Massachusetts and adjacent waters; bridges.

(a) * * *

(5) Charles River and tributaries.

* * * * *

(h) Charles River and tributaries * * *

(4) *Lechmere Canal, Commercial Avenue Bridge.* The draw need not open for the passage of vessels and paragraphs (b) through (f) of this section shall not apply to this bridge.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655 (g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on February 11, 1974.

Dated: January 4, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-838 Filed 1-10-74;8:45 am]

Title 34—Government Management

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

SUBCHAPTER D—FINANCIAL MANAGEMENT

[FMC 73-6]

PART 252—COORDINATING INDIRECT COST RATES AND AUDIT AT EDUCATIONAL INSTITUTIONS

Coordinating Indirect Cost Rates and Audit at Educational Institutions

This document converts Office of Management and Budget Circular A-88 into a General Services Administration Federal Management Circular (FMC 73-6) in accordance with Executive Order 11717 and Office of Management and Budget Bulletin 74-4 which transferred certain Office of Management and Budget responsibilities to the General Services Administration.

FMC 73-6, dated December 19, 1973, provides policies for coordinating (a) the establishment of indirect cost rates for and (b) the auditing of Federal grants and contracts with educational institutions.

Part 252, Coordinating Indirect Cost Rates and Audit at Educational Institutions, is added to read as set forth below:

Sec.
252.1 Purpose.
252.2 Supersession.
252.3 Policy intent.
252.4 Applicability and scope.
252.5 Policies.
252.6 Administering the policies.
252.7 Inquiries.

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

Effective date. This regulation is effective December 19, 1973.

Dated: December 19, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

§ 252.1 Purpose.

This part provides policies for coordinating (a) the establishment of indirect cost rates for, and (b) the auditing of, Federal grants and contracts with educational institutions. The objectives are to promote a coordinated Federal approach in these areas and to achieve more efficient use of manpower.

§ 252.2 Supersession.

The President by Executive Order 11717 transferred the functions covered by this part from the Office of Management and Budget to the General Services Administration. This part is issued as a replacement for previous Office of Management and Budget Circular No. A-88. No substantive changes have been made from the previous circular except that the annual reporting requirement regarding agency assignments has been omitted and the interagency coordinating committee has been discontinued.

§ 252.3 Policy intent.

To avoid confusion, duplication, conflicting directions, and unnecessary work for educational institutions receiving grants and contracts from more than one Federal agency, it is the intention of this part to provide a procedure for a single Federal determination of allowable indirect costs and for a single audit for each educational institution. It is intended that this practice will simplify Federal procedures and result in more efficient use of manpower.

§ 252.4 Applicability and scope.

The provisions of this part apply to all executive departments and establishments (hereafter referred to as Federal agencies) that administer grants and contracts with educational institutions which are subject to General Services Administration Federal Management Circular 73-8 (formerly Office of Management and Budget Circular No. A-21 (Revised)). To the extent appropriate, the policies set forth in this part may be applied also to other grants and contracts with educational institutions.

§ 252.5 Policies.

(a) *Negotiations of indirect cost rates.* One Federal agency will negotiate the indirect cost rate or rates for all agencies at a single institution. These negotiations will be carried out in accordance with relevant provisions of law and other applicable regulations or requirements.

(b) *Negotiation of other special rates.* Institutional services involving the use of highly complex and specialized facilities, such as electronic computers, may in some cases require the negotiation of special rates. In these situations also, the cognizant Federal agency will do the negotiating for all the others at a single institution.

(c) *Acceptance of negotiated indirect cost rates.* The negotiated rates will be accepted by all Federal agencies.

(d) *Auditing.* One Federal agency will do all the necessary auditing of direct and indirect costs at a single institution.

Agencies which have special considerations affecting their contracts or grants will inform the cognizant audit agency so that appropriate attention may be given to them in developing the audit program. Results of the audit will be furnished by the cognizant audit agency to the other agencies concerned.

(e) *Agency cognizance.* One Federal agency may carry out the indirect cost rate negotiation while another may be responsible for the auditing but, wherever possible, the same agency will perform both of these related functions at a single institution.

§ 252.6 Administering the policies.

(a) *Agency assignments.* Federal agency assignments for cost negotiation and audit responsibility at educational institutions are set forth in attachment A. Government-owned facilities at educational institutions are not included in the cognizance assignments. These will remain the responsibility of the contracting agencies. The listed assignments cover both cost negotiation and audit unless otherwise indicated. The Office of Federal Management Policy, General Services Administration, will provide for the necessary coordination of changes in agency assignments.

(b) *Procedure for consolidated negotiation.* The cognizant Federal negotiation agency for any specific institution will notify the institution of this assignment and will furnish to the institution the names and addresses of those to whom copies of the proposal for an indirect cost rate (or other special rate) must be sent. Representatives of other agencies who desire a copy should so inform the negotiation agency. In certain cases, the cognizant audit agency will be requested to conduct an advisory audit of the indirect cost rate proposal and furnish copies of its report to all agencies having grants and contracts at the particular institution prior to the negotiation of the indirect cost rate. In addition to its report, the audit agency upon request will provide related advice and counsel for the negotiation of rates. Indirect cost rates will be established by one of the following means:

(1) *By formal negotiation.* The cognizant negotiation agency will schedule a prenegotiation conference to which it will invite all agencies having grants and contracts at the institution. Thereafter, the cognizant agency will arrange a negotiation conference with the institution. If an agency does not wish to be represented in these meetings due to a relatively small dollar volume at the institution, or for other reasons, the cognizant negotiation agency will represent that agency.

(2) *By other than formal negotiation.* This will include cases where the institution and cognizant agency determine that agreement can be reached without a formal negotiation conference; for example, through correspondence or use of the short form method described in Federal Management Circular 73–8 (formerly Office of Management and Budget Circular No. A–21 (Revised)).

(c) *Special considerations affecting indirect cost rate negotiation.* An agency which has reason to believe that special operating factors affecting its contracts or grants necessitate separate rates will, prior to the time the agreement is negotiated, notify the cognizant audit agency, the institution, and the cognizant negotiation agency so that appropriate attention may be devoted to them. Federal Management Circular 73–8 (formerly Office of Management and Budget Circular No. A–21 (Revised)) provides for separate indirect cost rates when it is determined that a separate rate differs significantly from a single rate and that the volume of work to which such special rate would apply is material in relation to other Government work at the institution.

(d) *Formalizing determinations and agreements.* The negotiation agency will formalize all determinations or agreements reached with the institution and provide copies to the cognizant audit agency and other agencies having an interest.

(e) *Disputes and disagreements with educational instiutions.* Where the negotiation agency is unable to reach agreement with an institution on the establishment of an acceptable indirect cost rate or rates, it will formalize its final position and notify the other agencies involved of its recommendations. The individual agencies will endeavor to coordinate the resolution of the disputed items with the negotiation agency. If agreement cannot be obtained through this procedure, the agencies, individually, may proceed with separate negotiations with the institution concerned.

(f) *Reimbursement.* Reimbursement to cognizant agencies for work performed under this part will be made by reimbursement billing under section 601, Economy Act of 1932, 31 U.S.C. 686.

§ 252.7 Inquiries.

Further information concerning this part may be obtained by contacting:

General Services Administration (AMF)
Washington, DC 20405
Telephone: IDS 183–7747, FTS 202–343–7747

ASSIGNMENT OF COST NEGOTIATION AND AUDIT RESPONSIBILITY UNDER FEDERAL MANAGEMENT CIRCULAR 73–6

(FORMERLY OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A–88)

ALABAMA

Ala Agr and Mech Col	HEW
Ala Christian Col	HEW
Ala Col	HEW
Ala St Col	HEW
Alexander City St Jr Col	HEW
Auburn Univ	HEW
Birmingham-Southern Col	HEW
Calhoun St Tech Jr Col	HEW
Daniel Payne Col	HEW
Enterprise Jr Col	HEW
Florence St Col	HEW
Gadsden Tech Jr Col	HEW
George C Wallace Jr Col	HEW
Huntington Col	HEW
Jacksonville St Col	HEW
Jefferson Davis Col	HEW
Jefferson St Jr Col	HEW
Livingston St Col	HEW
Miles Col	HEW

ALABAMA—Continued

Mobile St Jr Col	HEW
Northeast St Jr Col	HEW
Northwest Ala St Jr Col	HEW
Oakwood Col	HEW
Patrick Henry Jr Col	HEW
Sacred Heart Col	HEW
Southern Union St Jr Col	HEW
Spring Hill Col	HEW
St Bernard Col	HEW
Stillman Col	HEW
Talladega Col	HEW
Troy St Col	HEW
Tuskegee Inst	HEW
Univ of Ala	HEW
Univ of South Ala	HEW
Wenonah Jr Col	HEW
William Yancey St Jr Col	HEW

ALASKA

Alaska Methodist Univ	HEW
Sheldon Jackson Jr Col	HEW
Univ of Alaska	DOD

ARIZONA

Amer Inst Foreign Trade	HEW
Ariz St Univ	HEW
Ariz Western Col	HEW
Cochise Col	HEW
Eastern Ariz Jr Col	HEW
Glendale Comm Col	HEW
Grand Canyon Col	HEW
Mesa Comm Col	HEW
Northern Ariz Univ	HEW
Phoenix Col	HEW
Prescott Col	HEW
Univ of Ariz	HEW

ARKANSAS

Ark Agr and Mech Col	HEW
Ark Agr Mech & Normal Col	HEW
Ark Baptist Col	HEW
Ark Col	HEW
Ark Polytechnic Col	HEW
Ark St Col	HEW
Ark Art Center	HEW
Col of the Ozarks	HEW
Crowley's Ridge Col	HEW
Harding Col	HEW
Henderson St Tchrs Col	HEW
Hendrix Col	HEW
John Brown Univ	HEW
Little Rock Univ	HEW
Ouachita Baptist Univ	HEW
Philander Smith Col	HEW
Phillips Cnty Comm Jr Col	HEW
Shorter Jr Col	HEW
Southern Baptist Col	HEW
Southern St Col	HEW
State College of Ark	HEW
Univ of Ark	HEW
Westark Jr Col	HEW

CALIFORNIA

Allan Hancock Col	HEW
Amer River Jr Col	HEW
Antelope Valley Col	HEW
Azusa Pacific Col	HEW
Bakersfield Col	HEW
Barstow Col	HEW
Bethany Bible Col	HEW
Biola Col	HEW
Cabrillo Col	HEW
Cal Col of Arts & Crafts	HEW
Cal Col of Medicine	HEW
Cal Inst of Tech	DOD
Cal Inst of the Arts	HEW
Cal Lutheran Col	HEW
Cal Podiatry Col	HEW
Cal St Colleges	HEW
(except Fresno St Col)	Int.
Cerritos Col	HEW
Chabot Col	HEW
Chaffey Col	HEW
Chapman Col	HEW
Chico State Col	HEW
Citrus Jr Col	HEW
City Col of San Francisco	HEW

CALIFORNIA—Continued

Claremont Graduate School	HEW
Claremont Men's Col	HEW
Coalinga Col	HEW
Col of Marin	HEW
Col of Notre Dame	HEW
Col of San Mateo	HEW
Col of the Desert	HEW
Col of the Holy Names	HEW
Col of the Redwoods	HEW
Col of the Sequoias	HEW
Col of the Siskiyous	HEW
Compton Col	HEW
Contra Costa Col	HEW
Ctr for Early Education	HEW
Cuesta Col	HEW
Cypress Jr Col	HEW
De Anza Col	HEW
Deep Springs Col	HEW
Diablo Valley Col	HEW
Dominican Col San Rafael	HEW
East Los Angeles Col	HEW
El Camino Col	HEW
Foothill Col	HEW
Fresno City Col	HEW
Fullerton Jr Col	HEW
Gavilan Col	HEW
Glendale Col	HEW
Golden Gate Col	HEW
Golden West Col	HEW
Grossmont Col	HEW
Hartnell Col	HEW
Harvey Mudd Col	HEW
Humboldt State Col	HEW
Humphreys Col	HEW
Immaculate Heart Col	HEW
Imperial Valley Col	HEW
La Sierra Col	HEW
La Verne Col	HEW
Laney Col	HEW
Lassen Col	HEW
Loma Linda Univ	HEW
Long Beach City Col	HEW
Los Angeles City Col	HEW
Los Angeles Col of Optom	HEW
Los Angeles Harbor Col	HEW
Los Angeles Pierce Col	HEW
Los Angeles Tr-Tech Col	HEW
Los Angeles Valley Col	HEW
Loyola Univ Los Angeles	HEW
Marymount Col	HEW
Menlo Col	HEW
Merced Col	HEW
Merritt Col	HEW
Mills Col	HEW
Mira Costa Col	HEW
Modesto Jr Col	HEW
Monterey Inst of For Stud	HEW
Monterey Peninsula Col	HEW
Mount San Antonio Jr Col	HEW
Mount San Jacinto Col	HEW
Mt St Marys Col	HEW
Napa Jr Col	HEW
Northrop Inst of Tech	HEW
Occidental Col	HEW
Orange Coast Col	HEW
Otis Art Inst LA Cnty	HEW
Pacific Col	HEW
Pacific Oaks Col	HEW
Pacific Union Col	HEW
Palo Verde Col	HEW
Palomar Jr Col	HEW
Pasadena City Col	HEW
Point Loma Col	HEW
Pepperdine Col	HEW
Peralta Jr Col Dist	HEW
Pitzer Col	HEW
Pomona Col	HEW
Porterville Col	HEW
Reedley Col	HEW
Rio Hondo Jr Col	HEW
Riverside City Col	HEW
S Cnty Joint Jr Col Dist	HEW
Sacramento City Col	HEW
Sacramento State Col	HEW
Salk Inst for Biol Stud	HEW
San Bernardino Vly Jr Col	HEW
San Diego City Col	NSF

CALIFORNIA—Continued

San Diego Jr Col	HEW
San Diego Mesa Col	HEW
San Diego State Col	HEW
San Fernando Vly St Col	HEW
San Francisco Art Inst	HEW
San Francisco Col Women	HEW
San Francisco Consv Music	HEW
San Francisco State Col	HEW
San Joaquin Delta Col	HEW
San Jose City Col	HEW
San Jose State Col	HEW
Santa Barbara City Col	HEW
Santa Monica City Col	HEW
Santa Rosa Jr Col	HEW
Scripps Col	Int.
Shasta Col	HEW
Sierra Col	HEW
Simpson Bible Col	HEW
Solano Col	HEW
Sonoma St Col	HEW
Southern Cal Col	HEW
Southwestern Col	HEW
St Josephs Col of Orange	HEW
St Marys Col Cal	HEW
Stanford Univ	DOD
Stanislaus St Col	HEW
St Ctr Jr Col Dist	HEW
Taft Col	HEW
US International Univ	HEW
Univ of California	HEW
Univ of Redlands	HEW
Univ of San Diego	HEW
Univ of San Francisco	HEW
Univ of Santa Clara	HEW
Univ of Southern Cal	HEW
Univ of the Pacific	HEW
Ventura Col	HEW
Victor Valley Col	HEW
West Valley Col	HEW
Westmont Col	HEW
Whittier Col	HEW
Yuba Col	HEW

COLORADO

Adams State Col	HEW
Arapahoe Jr Col	HEW
Colorado Col	HEW
Colorado Sch of Mines	HEW
Colorado St Col	HEW
Colorado St Univ	HEW
Fort Lewis Col	HEW
Iliff Sch of Theology	HEW
Lamar Jr Col	HEW
Loretto Helghts Col	HEW
Mesa Col	HEW
Metropolitan St Col	HEW
Northeastern Jr Col	HEW
Otero Jr Col	HEW
Rangely Col	HEW
Regis Col	HEW
Southern Colorado St Col	HEW
Temple Buell Col	HEW
Trinidad State Jr Col	HEW
US Air Force Academy	NSF
Univ of Colorado	HEW
Univ of Denver	DOD
Western St Col Colorado	HEW
Yampa Valley Col	HEW

CONNECTICUT

Albertus Magnus Col	HEW
Annhurst Col	HEW
Bridgeport Eng Inst	HEW
Central Conn St Col	HEW
Connecticut Col	HEW
Diocesan Sisters Col	HEW
Eastern Conn State Col	HEW
Fairfield Univ	HEW
Hartford Col for Women	HEW
Hartford Sem Found	NSF
Manchester Comm Col	HEW
Mitchell Col	HEW
New Haven Col	HEW
Northwestn Conn Comm Col	HEW
Norwalk Comm Col	HEW
Post Jr Col	HEW
Quinnipiac Col	HEW

CONNECTICUT—Continued

Sacred Heart Univ	HEW
Southern Conn St Col	HEW
St Joseph Col	HEW
Trinity Col	HEW
Univ of Bridgeport	HEW
Univ of Connecticut	HEW
Univ of Hartford	HEW
Waterbury St Tech Inst	HEW
Wesleyan Univ	HEW
Western Conn St Col	HEW
Yale Univ	HEW

DELAWARE

Delaware St Col	HEW
Univ of Delaware	NSF
Wesley Col	HEW

DISTRICT OF COLUMBIA

American Univ	HEW
Capitol Inst of Tech	HEW
Catholic Univ of Amer	HEW
Dist of Col Tchrs Col	HEW
Dunbarton Col Holy Cross	HEW
Gallaudet Col	HEW
George Washington Univ	HEW
Georgetown Univ	HEW
Howard Univ	HEW
Immaculata Col of Wash	HEW
Mt Vernon Jr Col	HEW
Southeastern Univ	HEW
Trinity Col	HEW
Wash Sch of Psychiatry	HEW

FLORIDA

Alachua County Jr Col	HEW
Barry Col	HEW
Bethune-Cookman Col	HEW
Biscayne Col	HEW
Brevard Jr Col	HEW
Central Florida Jr Col	HEW
Chipola Jr Col	HEW
Daytona Beach Jr Col	HEW
Edison Jr Col	HEW
Edwards Waters Col	HEW
Embry-Riddle Aero Inst	HEW
Florida Agr & Mech Univ	HEW
Florida Atlantic Univ	Int.
Florida Inst of Tech	HEW
Florida Jr Col	HEW
Florida Keys Jr Col	HEW
Florida Memorial Col	HEW
Florida Presbyterian Col	HEW
Florida Southern Col	HEW
Florida State Univ	HEW
Florida Technological Univ	HEW
Gulf Coast Jr Col	HEW
Indian River Jr Col	HEW
Jacksonville Univ	HEW
Jones Col	HEW
Jr Col of Broward County	HEW
Lake City Jr Col	HEW
Lake-Sumter Jr Col	HEW
Manatee Jr Col	HEW
Marymount Col	HEW
Miami-Dade Jr Col	HEW
New Col	HEW
North Florida Jr Col	HEW
Nova Univ of Adv Tech	HEW
Okaloosa-Walton Jr Col	HEW
Orlando Jr Col	HEW
Palm Beach Jr Col	HEW
Pensacola Jr Col	HEW
Polk Jr Col	HEW
Rollins Col	HEW
Santa Fe Jr Col	HEW
Seminole Jr Col	HEW
South Florida Jr Col	HEW
South-Eastern Bible Col	HEW
St Johns River Jr Col	HEW
St Joseph Col of Florida	HEW
St Leo Col	HEW
St Peterburg Jr Col	HEW
Stetson Univ	HEW
Tallahassee Jr Col	HEW
Univ of Florida	HEW
Univ of Miami	HEW
Univ of South Florida	HEW

FLORIDA—Continued

Univ of Tampa	HEW
Univ of West Florida	HEW

GEORGIA

Abraham Baldwin Agr Col	HEW
Agnes Scott Col	HEW
Albany Jr. Col	HEW
Albany State Col	HEW
Andrew Col	HEW
Armstrong St Col	HEW
Atlanta Sch of Art	HEW
Atlanta Univ	HEW
Augusta Col	HEW
Berry Col	HEW
Brewton-Parker Col	HEW
Brunswick Jr Col	HEW
Clark Col	HEW
Columbus Col	HEW
Dalton Jr Col	HEW
DeKalb Col	HEW
Emmanuel Col	HEW
Emory Univ	HEW
Fort Valley St Col	HEW
Gainesville Jr Col	HEW
Georgia Inst of Tech	DOD
Georgia Military Col	HEW
Georgia Southern Col	HEW
Georgia Southwestern Col	HEW
Georgia State Col	HEW
John Marshall Univ	HEW
Kennesaw Jr Col	HEW
LaGrange Col	HEW
Medical Col of Georgia	HEW
Mercer Univ	HEW
Middle Georgia Col	HEW
Morehouse Col	HEW
Morris Brown Col	HEW
Norman Col	HEW
North Georgia Col	HEW
Oglethorpe Col	HEW
Paine Col	HEW
Piedmont Col	HEW
Reinhardt Col	HEW
Savannah St Col	HEW
Shorter Col	HEW
South Georgia Col	HEW
Southern Col of Pharmacy	HEW
Spelman Col	HEW
Tift Col	HEW
Univ of Georgia	HEW
Valdosta St Col	HEW
Wesleyan Col	HEW
West Georgia Col	HEW
Womens Col of Georgia	HEW
Young Harris Col	HEW

HAWAII

Chaminade Col of Honolulu	HEW
Hawaii Loa College	HEW
Univ of Hawaii	DOD

IDAHO

Boise Col	HEW
Col of Idaho	HEW
Col of Southern Idaho	HEW
Idaho St Univ	HEW
Lewis Clark Normal School	HEW
Magic Vly Christian Col	HEW
Northwest Nazarene Col	HEW
Univ of Idaho	Int

ILLINOIS

Augustana Col	HEW
Aurora Col	HEW
Barat Col of Sacred Heart	HEW
Belleville Jr Col	HEW
Black Hawk Col	HEW
Blackburn Col	HEW
Bloom Comm Col	HEW
Bradley Univ	HEW
Canton Comm Col	HEW
Central YMCA Comm Col	HEW
Chicago City Jr Col	HEW
Chicago Col of Osteopathy	HEW
Chicago Medical School	HEW
Chicago-Kent Col of Law	HEW
Col of St Francis	HEW

ILLINOIS—Continued

Columbia Col	HEW
Concordia Tchrs Col	HEW
Danville Jr Col	HEW
DePaul Univ	HEW
Eastern Illinois Univ	HEW
Elgin Comm Col	HEW
Elmhurst Col	HEW
Eureka Col	HEW
Freeport Comm Col	HEW
George Williams Col	HEW
Greenville Col	HEW
Hebrew Theol Col	HEW
Illinois Col	HEW
Illinois Col of Optometry	HEW
Illinois Col of Podiatry	HEW
Illinois Inst of Tech	NSF
Illinois St Col	HEW
Illinois St Univ	HEW
Illinois Wesleyan Univ	HEW
Joliet Jr Col	HEW
Judson Col	HEW
Kaskaskia Col	HEW
Kendall Col	HEW
Knox Col	HEW
LaSalle-Peru-Oglesby Jr Col	HEW
Lake Forest Col	NSF
Lewis Col	HEW
Lincoln Col	HEW
Loyola Univ	HEW
Lyons Township Jr Col	HEW
MacCormac Col	HEW
MacMurray Col	HEW
McKendree Col	HEW
Millikin Univ	HEW
Monmouth Col	HEW
Monticello Col	HEW
Mount Vernon Comm Col	HEW
Mundelein Col	HEW
Nat Col of Education	HEW
North Central Col	HEW
North Park Col	HEW
Northern Illinois Univ	HEW
Northwestern Univ	HEW
Olivet Nazarene Col	HEW
Olney Comm Col	HEW
Principia Col	HEW
Quincy Col	HEW
Rock Valley Col	HEW
Rockford Col	HEW
Roosevelt Univ	HEW
Rosary Col	HEW
Sauk Valley Col	HEW
Schools of the Art Inst	HEW
Shimer Col	HEW
Southern Illinois Univ	HEW
Springfield Jr Col	HEW
St Dominic Col	HEW
St Procoplus Col	HEW
St Xavier Col	HEW
Thornton Jr Col	HEW
Trinity Christian Col	HEW
Trinity Col	HEW
Triton Col	HEW
Univ of Chicago	HEW
Univ of Illinois	DOD
Wabash Valley Col	HEW
Western Illinois Univ	HEW
Wheaton Col	HEW
William Rainey Harper Col	HEW

INDIANA

Anderson Col	HEW
Ball State Univ	HEW
Bethel Col	HEW
Butler Univ	HEW
Concordia Senior Col	HEW
Depauw Univ	HEW
Earlham Col	HEW
Fort Wayne Art School	HEW
Franklin Col of Indiana	HEW
Goshen Col	HEW
Grace Theol Sem	HEW
Hanover Col	NSF
Herron School of Art	HEW
Huntington Col	HEW
Indiana Central Col	HEW
Indiana Inst of Tech	HEW
Indiana Northern Univ	HEW

INDIANA—Continued

Indiana St Univ	HEW
Indiana Univ	HEW
Manchester Col	HEW
Marian Col	HEW
Marion Col	HEW
Oakland City Col	HEW
Purdue Univ	NSF
Rose Polytechnic Inst	HEW
St Benedict Col	HEW
St Francis Col	HEW
St Joseph's Col	HEW
St. Mary-of-the-Woods Col	HEW
St Marys Col	HEW
St Meinrad Sem	HEW
Taylor Univ	HEW
Tri-St Col	HEW
Univ of Evansville	HEW
Univ of Notre Dame	DOD
Valparaiso Univ	HEW
Vincennes Univ	HEW
Wabash Col	HEW

IOWA

Area X Comm Col	HEW
Briar Cliff Col	HEW
Buena Vista Col	HEW
Burlington Comm Col	HEW
Central Col	HEW
Clarinda Comm Col	HEW
Clarke Col	HEW
Clinton Jr Col	HEW
Coe Col	HEW
Col of Osteopath Med Surg	HEW
Cornell Col	HEW
Creston Comm Col	HEW
Ctrville Comm Col	HEW
Divine Word Col	HEW
Dordt Col	HEW
Drake Univ	HEW
Eagle Grove Jr Col	HEW
Ellsworth Jr Col	HEW
Emmetsburg Comm Col	HEW
Esterville Jr Col	HEW
Graceland Col	HEW
Grand View Col	HEW
Grinnell Col	HEW
Iowa Central Comm Col	HEW
Iowa State Univ	HEW
Iowa Wesleyan Col	HEW
Keokuk Comm Col	HEW
Loras Col	HEW
Luther Col	HEW
Marshalltown Comm Col	HEW
Marycrest Col	HEW
Midwestern Col	HEW
Morningside Col	HEW
Mount Mercy Col	HEW
Muscatine Comm Col	HEW
North Iowa Area Comm Col	HEW
Northwestern Col	HEW
Ottumwa Heights Col	HEW
Palmer Jr Col	HEW
Parsons Col	HEW
Simpson Col	HEW
Sioux Empire Col	HEW
St Ambrose Col	HEW
Univ of Dubuque	HEW
Univ of Iowa	HEW
Univ of Northern Iowa	HEW
Upper Iowa Univ	HEW
Vennard Col	HEW
Waldorf Col	HEW
Wartburg Col	HEW
Webster City Jr Col	HEW
Westmar Col	HEW
William Penn Col	HEW

KANSAS

Allen County Comm Jr Col	HEW
Baker Univ	HEW
Barton County Comm Jr Col	HEW
Bethany Col	HEW
Bethel Col	HEW
Central Col	HEW
Cloud County Comm Jr Col	HEW
Coffeyville Comm Jr Col	HEW
Col of Emporia	HEW
Colby Comm Jr Col	HEW

KANSAS—Continued

Cowley County Comm Jr Col	HEW
Dodge City Comm Jr Col	HEW
Donnelly Col	HEW
Fort Hays Kansas St Col	HEW
Fort Scott Comm Jr Col	HEW
Friends Bible Col	HEW
Friends Univ	HEW
Garden City Comm Jr Col	HEW
Hesston Col	HEW
Highland Comm Jr Col	HEW
Hutchinson Comm Jr Col	HEW
Independence Comm Jr Col	HEW
Kansas City Comm Jr. Col	HEW
Kansas St Col	HEW
Kansas St Tchrs Col	HEW
Kansas State Univ	HEW
Kansas Wesleyan Univ	HEW
Labette Comm Jr Col	HEW
Marymount Col	HEW
McPherson Col	HEW
Miltonvale Wesleyan Col	HEW
Mount St Scholastica Col	HEW
Neosho County Comm Jr Col	HEW
Ottawa Univ	HEW
Pratt Comm Jr Col	HEW
Sacred Heart Col	HEW
Schilling Institute	HEW
Southwestern Col	HEW
St Benedicts Col	HEW
St Johns Col	HEW
St Mary Col	HEW
St Mary of the Plains Col	HEW
Sterling Col	HEW
Tabor Col	HEW
Univ of Kansas	HEW
Washburn Univ of Topeka	HEW
Wichita St Univ	HEW

KENTUCKY

Alice Lloyd Col	HEW
Asbury Col	HEW
Asbury Theol Sem	HEW
Bellarmine Col	HEW
Berea Col	HEW
Brescia Col	HEW
Campbellsville Col	HEW
Catherine Spalding Col	HEW
Centre Col of Kentucky	HEW
Cumberland Col	HEW
Eastern Kentucky Univ	HEW
Georgetown Col	HEW
Kentucky Southern Col	HEW
Kentucky State Col	HEW
Kentucky Wesleyan Col	HEW
Lees Jr Col	HEW
Midway Jr Col	HEW
Morehead State Univ	HEW
Murray St Univ	HEW
Nazareth Col of Kentucky	HEW
Paducah Jr Col	HEW
Pikeville Col	HEW
Southeastn Christian Col	HEW
St Catharine Jr Col	HEW
Transylvania Col	HEW
Union Col	HEW
Univ of Kentucky	HEW
Univ of Louisville	HEW
Ursuline Col	HEW
Villa Madonna Col	HEW
Western Kentucky Univ	HEW

LOUISIANA

Centenary Col	HEW
Delgado Col	HEW
Dillard Univ	HEW
Francis T Nicholls St Col	HEW
Grambling Col	HEW
Louisiana St Univ	HEW
Louisiana Col	NSF
Louisiana Poly Inst	HEW
Loyola Univ	HEW
McNeese St Col	HEW
Northeast Louisiana St Col	HEW
Northwestern St Col of La	HEW
Southeastern Louisiana Col	HEW
Southern Univ	HEW
St Marys Dominican Col	HEW
Tulane Univ	HEW

LOUISIANA—Continued

Univ of Southwestern La	HEW
Xavier Univ	HEW

MAINE

Aroostook St Col	HEW
Bates Col	HEW
Bowdoin Col	HEW
Colby Col	HEW
Farmington St Col	HEW
Fort Kent St Col	HEW
Gorham St Col	HEW
Husson Col	HEW
Maine Maritime Academy	HEW
Nasson Col	HEW
Northern Conserv of Music	HEW
Ricker Col	HEW
St Francis Col	HEW
St Josephs Col	HEW
Thomas Col	HEW
Univ of Maine	HEW
Washington St Col	HEW
Westbrook Jr Col	HEW

MARYLAND

Allegany Comm Col	HEW
Anne Arundel Comm Col	HEW
Baltimore Jr Col	HEW
Bowie St Col	HEW
Catonsville Comm Col	HEW
Charles County Comm Col	HEW
Col of Notre Dame of Md	HEW
Columbia Union Col	HEW
Coppin St Col	HEW
Essex Comm Col	HEW
Frederick Comm Col	HEW
Frostburg St Col	HEW
Goucher Col	HEW
Hagerstown Jr Col	HEW
Harford Jr Col	HEW
Hood Col	HEW
Johns Hopkins Univ	HEW
Loyola Col	HEW
Maryland Inst Col of Art	HEW
Montgomery Jr Col	HEW
Morgan St Col	HEW
Mt St Agnes Col	HEW
Mt St Marys Col	HEW
Ner Israel Rabbinical Col	HEW
Peabody Inst of Baltimore	HEW
Prince Georges Comm Col	HEW
Salisbury St Col	HEW
St Johns Col	HEW
St Joseph Col	HEW
St Marys Col of Maryland	HEW
Towson St Col	HEW
Univ of Maryland	HEW
Villa Julie Col	HEW
Washington Col	HEW
Western Maryland Col	HEW
Woodstock Col	HEW
Xaverian Col	HEW

MASSACHUSETTS

American Intl Col	HEW
Amherst Col	HEW
Anna Maria Col for Women	HEW
Aquinas School	HEW
Assumption Col	HEW
Atlantic Union Col	HEW
Augustinian Col Merrimack	HEW
Babson Inst of Bus Admin	HEW
Bay Path Jr Col	HEW
Becker Jr Col	HEW
Bentley Col of Acct & Fin	HEW
Berkshire Christian Col	HEW
Berkshire Comm Col	HEW
Boston Architectural Ctr	HEW
Boston Col	HEW
Boston Conserv of Music	HEW
Boston Univ	HEW
Bradford Jr Col	HEW
Brandeis Univ	NSF
Cambridge School of Bus	HEW
Cape Cod Comm Col	HEW
Cardinal Cushing Col	HEW
Clark Univ	NSF
Col of Our Lady of Elms	HEW

MASSACHUSETTS—Continued

Col of the Holy Cross	NSF
Curry Col	HEW
Dean Jr Col	HEW
Eastern Nazarene Col	HEW
Emerson Col	HEW
Emmanuel Col	DOD
Endicott Jr Col	HEW
Fisher Jr Col	HEW
Forsyth Sch Dent Hygnsts	HEW
Franklin Inst of Boston	DOD
Garland Jr Col	HEW
Gordon Col	HEW
Greenfield Comm Col	HEW
Hampshire Col	HEW
Harvard Univ	HEW
Hebrew Tchrs Col	HEW
Holyoke Comm Col	HEW
Lasell Jr Col	HEW
Leicester Jr Col	HEW
Lesley Col	HEW
Lowell Technological Inst	DOD
Mass Bay Comm Col	HEW
Mass Col of Art	HEW
Mass Col of Optometry	HEW
Mass Col of Pharmacy	HEW
Mass Inst of Tech	DOD
Mt Holyoke Col	HEW
Mount Ida Jr Col	HEW
Mt Wachusett Comm Col	HEW
New Engl Conserv of Music	HEW
Newton Col Sacred Heart	HEW
Newton Jr Col	HEW
Nichols Col of Bus Admin	HEW
North Shore Comm Col	HEW
Northampton Commercial Col	HEW
Northeastern Univ	HEW
Northern Essex Comm Col	HEW
Pine Manor Jr. Col	HEW
Quincy Jr Col	HEW
Quinsigamond Comm Col	HEW
Regis Col	DOD
Simmons Col	HEW
Smith Col	HEW
Southeastern Comm Col	HEW
South Shore Comm Col	HEW
Southeastern Mass Tech Inst	HEW
Springfield Col	HEW
State Col at Boston	HEW
State Col at Bridgewater	HEW
State Col at Fitchburg	HEW
State Col at Framingham	HEW
State Col at Lowell	HEW
State Col at North Adams	HEW
State Col at Salem	HEW
State Col at Westfield	HEW
State Col at Worcester	HEW
Stevens Business Col	HEW
Stonehill Col	HEW
Suffolk Univ	HEW
Tufts Univ	HEW
Univ of Massachusetts	HEW
Wellesley Col	HEW
Wentworth Inst	DOD
Western New England Col	HEW
Wheaton Col	NSF
Wheelock Col	HEW
Williams Col	HEW
Woods Hole Ocean Inst	HEW
Worcester Jr Col	HEW
Worcester Polytech Inst	NSF

MICHIGAN

Adrian Col	HEW
Albion Col	HEW
Alma Col	HEW
Alpena Comm Col	HEW
Andrews Univ	HEW
Aquinas Col	HEW
Bay de Noc Comm Col	HEW
Calvin Col	HEW
Central Mich Univ	HEW
Concordia Lutheran Jr Col	HEW
Davenport Col of Bus	HEW
DeLima Jr Col	HEW
Delta Col	HEW
Detroit Inst of Tech	HEW
Eastern Michigan Univ	HEW

MICHIGAN—Continued

Ferris St Col	HEW
Flint Comm Jr Col	HEW
Glen Oaks Comm Col	HEW
Gogebic Comm Col	HEW
Grand Rapids Bapt Col	HEW
Grand Rapids Jr Col	HEW
Grand Valley St Col	HEW
Henry Ford Comm Col	HEW
Highland Park Comm Col	HEW
Hope Col	HEW
Jackson Comm Col	HEW
Kalamazoo Col	HEW
Kellogg Comm Col	HEW
Lake Michigan Col	HEW
Lansing Comm Col	HEW
Lawrence Inst of Tech	HEW
Lewis Business Col	HEW
Mackinac Col	HEW
Macomb County Comm Col	HEW
Madonna Col	HEW
Marygrove Col	HEW
Mercy Col of Detroit	HEW
Merrill-Palmer Inst	HEW
Mich Tech Univ	HEW
Michigan Christian Jr Col	HEW
Michigan Lutheran Col	HEW
Michigan State Univ	HEW
Monroe County Comm Col	HEW
Montcalm County Comm Col	HEW
Muskegon County Comm Col	HEW
Nazareth Col	HEW
North Central Mich Col	HEW
Northern Michigan Univ	HEW
Northwestern Mich Col	HEW
Oakland Comm Col	HEW
Oakland Univ	HEW
Olivet Col	HEW
Owosso Col	HEW
Port Huron Jr Col	HEW
Reformed Bible Inst	HEW
Sacred Heart Sem	HEW
Saginaw Valley Col	HEW
Schoolcraft Col	HEW
Siena Heights Col	HEW
Southwestern Mich Col	HEW
Spring Arbor Col	HEW
Suomi Col	HEW
Univ of Detroit	HEW
Univ of Michigan	HEW
Washtenaw Comm Col	HEW
Wayne State Univ	HEW
Western Mich Univ	HEW

MINNESOTA

Anoka-Ramsey St Jr Col	HEW
Augsburg Col	HEW
Austin Jr Col	HEW
Bemidji St Col	HEW
Bethany Lutheran Col	HEW
Bethel Col and Sem	HEW
Brainerd Jr Col	HEW
Carleton Col	HEW
Col of St Benedict	HEW
Col of St Catherine	HEW
Col of St Scholastica	HEW
Col of St Teresa	HEW
Col of St Thomas	HEW
Concordia Col	HEW
Concordia Col	HEW
Corbett Col	HEW
Crosier Sem	HEW
Ely Jr Col	HEW
Fergus Falls St Jr Col	HEW
Gustavus Adolphus Col	HEW
Hamline Univ	HEW
Hibbing Jr Col	HEW
Itasca Jr Col	HEW
Lea College	HEW
Macalester Col	HEW
Mankato St Col	HEW
Mesabi St Jr Col	HEW
Metropolitan St Jr Col	HEW
Minneapolis Sch of Art	HEW
Moorhead St Col	HEW
North Hennepin St Jr Col	HEW
Rochester Jr Col	HEW
Southwest St Col	HEW

MINNESOTA—Continued

St Cloud St Col	HEW
St Johns Univ	HEW
St Marys Col	HEW
St Marys Jr Col	HEW
St Olaf Col	HEW
Univ of Minnesota	HEW
Willmar Comm Col	HEW
Winona St Col	HEW
Worthington Jr Col	HEW

MISSISSIPPI

Alcorn Agr and Mech Col	HEW
Belhaven Col	HEW
Blue Mountain Col	HEW
Coahoma Jr Col	HEW
Copiah-Lincoln Jr Col	HEW
Delta St Col	HEW
East Central Jr Col	HEW
East Miss Jr Col	HEW
Hinds Jr Col	HEW
Holmes Jr Col	HEW
Itawamba Jr Col	HEW
Jackson County Jr Col	HEW
Jackson St Col	HEW
Jefferson Davis Jr Col	HEW
Jones County Jr Col	HEW
Mary Holmes Jr Col	HEW
Meridian Jr Col	HEW
Millsaps Col	HEW
Miss Delta Jr Col	HEW
Miss Indus Col	HEW
Miss St Col for Women	HEW
Miss St Univ	HEW
Miss Valley St Col	HEW
Northeast Miss Jr Col	HEW
Northwest Miss Jr Col	HEW
Pearl River Jr Col	HEW
Perkinston Jr Col	HEW
Prentis Norm & Ind Inst	HEW
Rust Col	HEW
Saints Jr Col	HEW
Southwest Miss Jr Col	HEW
T J Harris Jr Col	HEW
Tougaloo Col	HEW
Univ of Miss	HEW
Univ of Southern Miss	HEW
Utica Jr Col	HEW
William Carey Col	HEW
Wood Jr Col	HEW

MISSOURI

Avila Col	HEW
Central Bible Inst	HEW
Central Methodist Col	HEW
Central Missouri St Col	HEW
Christian Col	HEW
Concordia Seminary	HEW
Cottey Col	HEW
Crowder Col	HEW
Culver-Stockton Col	HEW
Drury Col	HEW
Evangel Col	HEW
Fontbonne Col	HEW
Hannibal-La Grange Col	HEW
Harris Tchrs Col	HEW
Immaculate Conception Sem	HEW
Jefferson County Col Dist	HEW
Junior Col Dist St Louis	HEW
Kansas City Art Inst	HEW
Kansas City Col of Osteop	HEW
Kemper Military Sch & Col	HEW
Kirksville Col of Osteop	HEW
Lincoln Univ	HEW
Lindenwood Col for Women	HEW
Maryville Col Sac Heart	HEW
Mercy Jr Col	HEW
Metropolitan Jr Col	HEW
Mineral Area Jr Col Dist	HEW
Missouri Southern Col	HEW
Missouri Valley Col	HEW
Missouri Western Jr Col	HEW
Northeast Mo St Tchrs Col	HEW
Northwest Missouri St Col	HEW
Notre Dame Col	HEW
Park Col	HEW
Rockhurst Col	HEW

MISSOURI—Continued

School of the Ozarks	HEW
Southeast Missouri St Col	HEW
Southwest Baptist Col	HEW
Southwest Missouri St Col	HEW
St Louis Col of Pharmacy	HEW
St Louis Univ	HEW
St Marys Col of O'Fallon	HEW
St Pauls Col	HEW
Stephens Col	HEW
Tarkio Col	HEW
Three Rivers Jr Col	HEW
Trenton Jr Col	HEW
Univ of Missouri Columbia	HEW
Univ of Missouri Ctrl Sys	HEW
Univ of Missouri Kansas City	HEW
Univ of Missouri Rolla	HEW
Univ of Missouri St Louis	HEW
Washington Univ	HEW
Webster Col	HEW
Westminster Col	HEW
William Jewell Col	HEW
William Woods Co	HEW

MONTANA

Carroll Col	HEW
Col of Great Falls	HEW
Custer County Jr Col	HEW
Dawson County Jr Col	HEW
Eastern Montana Col	HEW
Montana Col Mineral Sci	HEW
Montana St Univ	Int.
Northern Montana Col	HEW
Rocky Mountain Col	HEW
Univ of Montana	HEW
Western Montana Col	HEW

NEBRASKA

Chadron St Col	HEW
Col of St Mary	HEW
Concordia Tchrs Col	HEW
Creighton Univ	HEW
Dana Col	HEW
Doane Col	HEW
Duchesne Col Sacred Heart	HEW
Fairbury Jr Col	HEW
Hastings Col	HEW
John F Kennedy Col	HEW
Kearney St Col	HEW
McCook Jr Col	HEW
Midland Lutheran Col	HEW
Municipal Univ of Omaha	HEW
Nebr Brd Educ St Nrml Col	NSF
Nebraska Wesleyan Univ	HEW
North Platte Jr Col	HEW
Pershing Col	HEW
Peru St Col	HEW
Scottsbluff Col	HEW
Union Col	HEW
Univ of Nebraska	HEW
Wayne St Col	HEW
York Col	HEW

NEVADA

Univ of Nevada	Int.

NEW HAMPSHIRE

Belknap Col	HEW
Colby Jr Col	HEW
Dartmouth Col	HEW
Franconia Col	HEW
Franklin Pierce Col	HEW
Gunstock Jr Col	HEW
Mt St Mary Col	HEW
Nathaniel Hawthorne Col	HEW
New England Col	HEW
New Hampshire Tech Inst	HEW
Notre Dame Col	HEW
Rivier Col	HEW
St Anselm's Col	HEW
Univ of New Hampshire	HEW

NEW JERSEY

Alphonsus Col	HEW
Archangel Col	HEW
Assumption Col Sisters	HEW
Atlantic Comm Col	HEW

NEW YORK—Continued	
Beth Medrash Gevoha Amer	HEW
Bloomfield Col	HEW
Caldwell Col for Women	HEW
Camden Cnty Col	HEW
Centenary Col for Women	HEW
Col of St Elizabeth	HEW
Cumberland Cnty Col	HEW
Drew Univ	HEW
Fairleigh Dickinson Univ	HEW
Georgian Court Col	HEW
Glassboro St Col	HEW
Immac Conception Jr Col	HEW
Inst for Advanced Study	DOD
Jersey City St Col	HEW
Mercer County Comm Col	HEW
Middlesex County Col	HEW
Monmouth Col	HEW
Montclair St Col	HEW
Mt St Mary Col	HEW
N J Col of Med and Dent	HEW
New Brunswick Theol Sem	HEW
Newark Col of Eng	HEW
Newark St Col	HEW
Northeastern Col Bible Inst	HEW
Ocean County Col	HEW
Paterson St Col	HEW
Princeton Theol Sem	HEW
Princeton Univ	AEC
Rider Col	HEW
Rutgers St Univ	HEW
Seton Hall Univ	HEW
St Peters Col	HEW
Stevens Inst of Tech	DOD
Tombrock Col	HEW
Trenton Jr Col	HEW
Trenton St Col	HEW
Union Jr Col	HEW
Upsala Col	HEW
Westminster Choir Col	HEW
NEW MEXICO	
Col of Santa Fe	HEW
Eastern New Mexico Univ	HEW
New Mexico Inst Mining & Tech	DOD
New Mexico Highlands Univ	HEW
New Mexico Jr Col	HEW
New Mexico St Univ	DOD
Roswell Comm Col	HEW
Univ of Albuquerque	HEW
Univ of New Mexico	DOD
Western New Mexico Univ	HEW
NEW YORK	
Adelphi Univ	HEW
Adirondack Comm Col	HEW
Agr & Tech Col Alfred	HEW
Agr & Tech Col Canton	HEW
Agr & Tech Col Cobleskill	HEW
Agr & Tech Col Delhi	HEW
Agr & Tech Col Farmingdale	HEW
Agr & Tech Col Morrisville	HEW
Albany Col of Pharmacy	HEW
Albany Medical Col	HEW
Alfred Univ	HEW
Auburn Comm Col	HEW
Bank Street Col of Educ	HEW
Bard Col	HEW
Barnard Col	HEW
Bennett Col	HEW
Brentwood Col	HEW
Briarcliff Col	HEW
Brooklyn Law School	HEW
Broome Tech Comm Col	HEW
Canisius Col	HEW
Cazenovia Col	HEW
Clarkson Col of Tech	HEW
Col at Brockport	HEW
Col at Buffalo	HEW
Col at Cortland	HEW
Col at Fredonia	HEW
Col at Geneseo	HEW
Col at New Paltz	HEW
Col at Oneonta	HEW
Col at Oswego	HEW
Col at Plattsburgh	HEW
Col at Potsdam	HEW
Col Cntr of Finger Lakes	HEW
Col of Forestry Syracuse	HEW
Col of Insurance	HEW
Col of Mt St Vincent	HEW
Col of New Rochelle	HEW
Col of Pharmaceutical Sci	HEW
Col of St Rose	HEW
Colgate Univ	HEW
Columbia Univ	DOD
Concordia Jr Col	HEW
Cooper Union	HEW
Cornell Univ	DOD
Corning Comm Col	HEW
CUNY Manhattan Comm Col	HEW
CUNY Bronx Comm Col	HEW
CUNY Brooklyn Col	HEW
CUNY Central System	HEW
CUNY City Col	HEW
CUNY Hunter Col	HEW
CUNY John Jay Col	HEW
CUNY Kingsboro Comm Col	HEW
CUNY N Y City Comm Col	HEW
CUNY Queens Col	HEW
CUNY Queensboro Comm Col	HEW
CUNY Richmond Col	HEW
CUNY Staten Is Comm Col	HEW
D'Youville Col	HEW
Dominican Col of Blauvelt	HEW
Downstate Medical Ctr	HEW
Dutchess Comm Col	HEW
Elizabeth Seton Col	HEW
Elmira Col	HEW
Epiphany Apostolic Col	HEW
Erie County Tech Inst	HEW
Fashion Inst of Tech	HEW
Finch Col	HEW
Fordham Univ	HEW
Fulton-Montgomery Comm Col	HEW
Good Counsel Col	HEW
Hamilton Col	HEW
Hartwick Col	HEW
Hobart and Wm Smith Cols	HEW
Hofstra Univ	HEW
Houghton Col	HEW
Hudson Valley Comm Col	HEW
Immaculata Col	HEW
Iona Col	HEW
Ithaca Col	HEW
Jamestown Comm Col	HEW
Jefferson Comm Col	HEW
Jewish Theol Sem of Amer	HEW
Juilliard School of Music	HEW
Keuka Col	HEW
Kings Col	HEW
Kirkland Col	HEW
Ladycliff Col	HEW
Le Moyne Col	HEW
Lewis Col of Podiatry	HEW
Long Island Univ	HEW
Manhattan Col	HEW
Manhattan Sch of Music	HEW
Manhattanville Col Sac Ht	HEW
Mannes Col of Music	HEW
Maria Col of Albany	HEW
Maria Regina Col	HEW
Marist Col	HEW
Maritime Col	HEW
Marymount Col	HEW
Marymount Manhattan Col	HEW
Mater Dei Col	HEW
Mercy Col	HEW
Mills Col of Educ	HEW
Mohawk Valley Comm Col	HEW
Molloy Catholic Col Women	HEW
Monroe Comm Col	HEW
Mt St Joseph Col	HEW
Mt St Mary Col	HEW
Nassau Comm Col	HEW
Nazareth Col of Rochester	HEW
New School for Social Res	HEW
New York Col of Music	HEW
New York Inst of Tech	HEW
New York Law School	HEW
New York Medical Col	HEW
New York Univ	HEW
Niagara County Comm Col	HEW
Niagara Univ	HEW
Notre Dame Col of Staten Is	HEW
Onondaga Comm Col	HEW
Orange County Comm Col	HEW
Pace Col	HEW
Parsons School of Design	HEW
Paul Smiths Col Arts Sci	HEW
Polytechnic Inst of Bklyn	DOD
Pratt Inst	HEW
Queen of the Apostles Col	HEW
Rabbi Joseph Rabbinci Col	HEW
Rabbinical Sem of America	HEW
Rabbinici Acad M R Berlin	HEW
Rabbinici Col Chsan Sofer	HEW
RCA Inst	HEW
Rensselaer Polytech Inst	NSF
Roberts Wesleyan Col	HEW
Rochester Inst of Tech	HEW
Rockefeller Univ	HEW
Rockland Comm Col	HEW
Rosary Hill Col	HEW
Russell Sage Col	HEW
Sancta Maria Jr Col	HEW
Sarah Lawrence Col	HEW
Skidmore Col	HEW
St Bernardine Siena Col	HEW
St Bonaventure Univ	HEW
St Clare Col	HEW
St Francis Col	HEW
St John Fisher Col	HEW
St Johns Univ	HEW
St Josephs Col for Women	HEW
St Lawrence Univ	HEW
St Thomas Aquinas Col	HEW
St Vladimirs Theol Sem	HEW
State Univ at Albany	HEW
State Univ at Binghamton	HEW
State Univ at Buffalo	HEW
State Univ at Stony Brook	HEW
Suffolk County Comm Col	HEW
Sullivan County Comm Col	HEW
Syracuse Univ	DOD
Teachers Col	HEW
Ulster County Comm Col	HEW
Union Col	HEW
Union Col & Univ Ctrl Sys	HEW
Univ of Rochester	DOD
Upstate Medical Ctr	HEW
Vassar Col	HEW
Villa Maria Col Buffalo	HEW
Voorhees Tech Inst	HEW
Wadhams Hall	HEW
Wagner Col	HEW
Webb Inst of Naval Arch	HEW
Wells Col	HEW
Westchester Comm Col	HEW
Yeshiva Univ	HEW
NORTH CAROLINA	
A & T St Univ of N C	HEW
Appalachian St Univ	HEW
Asheville-Biltmore Col	HEW
Atlantic Christian Col	HEW
Barber-Scotia Col	HEW
Belmont Abbey Col	HEW
Bennett Col	HEW
Brevard Col	HEW
Campbell Col	HEW
Catawba Col	HEW
Central Piedmont Comm Col	HEW
Chowan Col	HEW
Col of The Albemarle	HEW
Davidson Col	HEW
Davidson County Comm Col	HEW
Duke Univ	HEW
East Carolina Univ	HEW
Elizabeth City St Col	HEW
Elon Col	HEW
Fayetteville St Col	HEW
Fayetteville Tech Inst	HEW
Greensboro Col	HEW
Guilford Col	HEW
High Point Col	HEW
Isothermal Comm Col	HEW
Johnson C Smith Univ	HEW
Kittrell Col	HEW
Lees-McRae Col	HEW
Lenoir County Comm Col	HEW
Lenoir-Rhyne Col	HEW
Livingstone Col	HEW

NORTH CAROLINA—Continued

Louisburg Col	HEW
Mars Hill Col	HEW
Meredith Col	HEW
Methodist Col	HEW
Mitchell Col	HEW
Montreat-Anderson Col	HEW
Mt Olive Jr Col	HEW
NC Col Durham	HEW
NC School of Arts	HEW
NC St Univ at Raleigh	HEW
NC Wesleyan Col	HEW
Pembroke St Col	HEW
Pfeiffer Col	HEW
Pitt Technical Inst	HEW
Queens Col	HEW
Rockingham Comm Col	HEW
Sacred Heart Jr Col	HEW
Salem Col	HEW
Sandhills Comm Col	HEW
Shaw Univ	HEW
Southeastern Comm Col	HEW
Southern Pilgrim Col	HEW
St Andrews Presby Col	HEW
St Augustines Col	HEW
St Marys Jr Col	HEW
Surry Comm Col	HEW
Univ of NC at Charlotte	HEW
Univ of NC at Greensboro	HEW
Univ of NC Central Sys	HEW
Univ of NC Chapel Hill	HEW
Wake Forest Univ	HEW
Warren Wilson Col	HEW
Western Carolina Col	HEW
Western Piedmont Comm Col	HEW
Wilkes Comm Col	HEW
Wilmington Col	HEW
Wingate Col	HEW
Winston-Salem St Col	HEW

NORTH DAKOTA

Assumption Col	HEW
Bismarck Jr Col	HEW
Dickinson St Col	HEW
Jamestown Col	HEW
Lake Region Jr Col	HEW
Mary Col	HEW
Mayville St Col	HEW
Minot St Col	HEW
North Dakota Sch Forestry	HEW
North Dakota St Sch Sci	HEW
North Dakota St Univ	HEW
Univ of North Dakota	HEW
Valley City St Col	HEW

OHIO

Antioch Col	DOD
Ashland Col	HEW
Baldwin-Wallace Col	HEW
Bluffton Col	HEW
Bowling Green St Univ	HEW
Capital Univ	HEW
Case-Western Reserve Univ	HEW
Central St Univ	HEW
Cleveland Inst of Music	HEW
Cleveland St Univ	HEW
Col Mt St Joseph-on-Ohio	HEW
Col of Steubenville	HEW
Col of Wooster	HEW
Col St Mary of Springs	HEW
Columbus Col Art & Design	HEW
Cuyahoga Comm Col	HEW
Defiance Col	HEW
Denison Univ	HEW
Dyke Col	HEW
Findlay Col	HEW
Franklin Univ	HEW
Heidelberg Col	HEW
Hiram Col	HEW
John Carroll Univ	HEW
Kent St Univ	HEW
Kenyon Col	HEW
Lake Erie Col	HEW
Lorain County Comm Col	HEW
Malone Col	HEW
Marietta Col	HEW
Mary Manse Col	HEW

OHIO—Continued

Miami Univ	HEW
Mt Union Col	HEW
Muskingum Col	HEW
Notre Dame Col	HEW
Oberlin Col	HEW
Ohio Col of Applied Sci	HEW
Ohio Col of Podiatry	HEW
Ohio Northern Univ	HEW
Ohio St Univ	HEW
Ohio Tech Inst	HEW
Ohio Univ	HEW
Ohio Wesleyan Univ	HEW
Otterbein Col	HEW
Our Lady Cincinnati Col	HEW
Rabbinical Col of Telshe	HEW
Rio Grande Col	HEW
Salmon P Chase Col of Law	HEW
Sch of Dayton Art Inst	HEW
Sinclair Col	HEW
St John Col of Cleveland	HEW
Tiffin Univ	HEW
Univ of Akron	HEW
Univ of Cincinnati	HEW
Univ of Dayton	DOD
Univ of Toledo	HEW
Urbana Univ	HEW
Ursuline Col for Women	HEW
Walsh Col	HEW
Western Col for Women	HEW
Wilberforce Univ	HEW
Wilmington Col	HEW
Wittenberg Univ	HEW
Xavier Univ	HEW
Youngstown St Univ	HEW

OKLAHOMA

Altus Jr Col	HEW
Bacone Col	HEW
Bethany-Nazarene Col	HEW
Cameron St Agr Col	HEW
Central Pilgrim Col	HEW
Central St Col	HEW
Connors St Agr Col	HEW
East Central St Col	HEW
Eastn Okla Agr & Mech Col	HEW
El Reno Col	HEW
Langston Univ	HEW
Murray St Agr Col	HEW
Northeastern Okla A&M Col	HEW
Northeastern St Col	HEW
Northern Oklahoma Col	HEW
Northwestern St Col	HEW
Okla Col of Liberal Arts	HEW
Oklahoma Baptist Univ	HEW
Oklahoma Christian Col	HEW
Oklahoma City Univ	HEW
Oklahoma Military Academy	HEW
Oklahoma St Univ	HEW
Oral Roberts Univ	HEW
Panhandle Agr & Mech Col	HEW
Phillips Univ	HEW
Poteau Comm Col	HEW
Sayre Jr Col	HEW
Southeastern St Col	HEW
Southwestern Col	HEW
Southwestern St Col	HEW
St Gregorys Col	HEW
Univ of Oklahoma	HEW
Univ of Tulsa	HEW

OREGON

Blue Mountain Comm Col	HEW
Cascade Col	HEW
Central Oregon Comm Col	HEW
Clackamus Comm Col	HEW
Clatsop Comm Col	HEW
Columbia Christian Col	HEW
Concordia Col	HEW
Eastern Oregon Col	HEW
George Fox Col	HEW
Lane Comm Col	HEW
Lewis and Clark Col	HEW
Linfield Col	HEW
Marylhurst Col	HEW
Mt Angel Col	HEW
Mt Hood Comm Col	HEW

OREGON—Continued

Multnomah Col	HEW
Museum Art School	HEW
Oregon Col of Education	HEW
Oregon St Univ	HEW
Oregon Tech Inst	HEW
Pacific Univ	HEW
Portland Comm Col	HEW
Portland State Col	HEW
Reed Col	HEW
Southern Oregon Col	HEW
Southwestn Oregon Comm Col	HEW
Treasure Valley Comm Col	HEW
Umpqua Comm Col	HEW
Univ of Oregon	HEW
Univ of Portland	HEW
Warner Pacific Col	HEW
Willamette Univ	HEW

PENNSYLVANIA

Albright Col	HEW
Allegheny Col	HEW
Allegheny County Comm Col	HEW
Allentown Col St Francis	HEW
Alliance Col	HEW
Alvernia Col	HEW
Beaver Col	HEW
Bloomsburg St Col	HEW
Bryn Mawr Col	NSF
Bucknell Univ	NSF
Bucks County Comm Col	HEW
Cabrini Col	HEW
California St Col	HEW
Carnegie-Mellon Univ	DOD
Cedar Crest Col	HEW
Chatham Col	HEW
Chestnut Hill Col	HEW
Cheyney St Col	HEW
Christ Saviour Seminary	HEW
Clarion St Col	HEW
Col Misericordia	HEW
Comm Col of Philadelphia	HEW
Crozer Theol Seminary	HEW
Del Valley Col Sci & Arg	HEW
Dickinson Col	HEW
Dickinson School of Law	HEW
Drexel Inst of Tech	HEW
Dropsie Col Hebr Cog Lrng	HEW
Duquesne Univ	HEW
East Stroudsbrg St Col	HEW
Eastern Baptist Col	HEW
Eastern Pilgrim Col	HEW
Edinboro St Col	HEW
Elizabethtown Col	HEW
Ellen Cushing Jr Col	HEW
Franklin and Marshall Col	NSF
Gannon Col	HEW
Geneva Col	HEW
Gettysburg Col	HEW
Gwynedd-Mercy Col	HEW
Hahnemann Med Col & Hosp	HEW
Harcum Jr Col	HEW
Harrisburg Area Comm Col	HEW
Haverford Col	HEW
Holy Family Col	HEW
Immaculata Col	HEW
Indiana Univ of Pa	HEW
Jefferson Med Col Phila	HEW
Juniata Col	HEW
Keystone Jr Col	HEW
Kings Col	HEW
Kutztown St Col	HEW
La Roche Col	HEW
Lafayette Col	HEW
La Salle Col	HEW
Lebanon Valley Col	HEW
Lehigh Univ	NSF
Lincoln Univ	HEW
Lock Haven St Col	HEW
Lycoming Col	HEW
Manor Jr Col	HEW
Mansfield St Col	HEW
Marywood Col	HEW
Mercyhurst Col	HEW
Messiah Col	HEW
Millersville St Col	HEW
Montgomery Cnty Comm Col	HEW
Moore Col of Art	HEW

PENNSYLVANIA—Continued

Moravian Col	HEW
Mt Aloysius Jr Col	HEW
Mt Mercy Col	HEW
Muhlenburg Col	HEW
Northeastn Christn Jr Col	HEW
Our Lady of Angels Col	HEW
Peirce Jr Col	HEW
Pennsylvania Col Optometry	HEW
Pennsylvania Col Podiatry	HEW
Pennsylvania St Univ	DOD
Phila Col of Osteopathy	HEW
Phila Col of Pharm & Sci	HEW
Phila Col of Text & Sci	HEW
Philadelphia Col of Art	HEW
Philadelphia Col of Bible	HEW
Philadelphia Musical Acad	HEW
PMC Colleges	HEW
Point Park Col	HEW
Robert Morris Jr Col	HEW
Rosemont Col	HEW
Sacred Heart Jr Col	HEW
Seton Hill Col	HEW
Shippensburg St Col	HEW
Slippery Rock St Col	HEW
Spring Garden Inst	HEW
St Fidelis Col & Sem	HEW
St Francis Col	HEW
St Josephs Col	HEW
St Vincent Col	HEW
Susquehanna Univ	HEW
Swarthmore Col	NSF
Temple Univ	HEW
Thiel Col	HEW
Univ of Pennsylvania	HEW
Univ of Pittsburgh	HEW
Univ of Scranton	HEW
Ursinus Col	HEW
Valley Forge Military Jr Col	HEW
Villa Maria Col	HEW
Villanova Univ	HEW
Washington & Jefferson Col	HEW
Watson Sch of Physiatrics	HEW
Waynesburg Col	HEW
West Chester St Col	HEW
Westminster Col	HEW
Wilkes Col	HEW
Williamsport Comm Col	HEW
Wilson Col	HEW
Womans Med Col of Pa	HEW
York Jr Col	HEW

RHODE ISLAND

Barrington Col	HEW
Brown Univ	DOD
Bryant Col	HEW
Johnson & Wales Jr Col Bus	HEW
Mt St Joseph Col	HEW
Providence Col	HEW
Rhode Island Col	HEW
Rhode Island Jr Col	HEW
Rhode Island Sch Design	HEW
Roger Williams Jr Col	HEW
Salve Regina Col	HEW
Seminary Our Lady of Prov	HEW
Univ of Rhode Island	DOD

SOUTH CAROLINA

Allen Univ	HEW
Anderson Col	HEW
Benedict Col	HEW
Central Wesleyan Col	HEW
Citadel Military Col S C	HEW
Claflin Col	HEW
Clemson Univ	HEW
Coker Col	HEW
Col of Charleston	HEW
Columbia Col	HEW
Converse Col	HEW
Erskine Col	HEW
Friendship Jr Col	HEW
Furman Univ	HEW
Greenville Tech Educ Ctr	HEW
Lander Col	HEW
Medical Col of S C	HEW
Morris Col	HEW
Newberry Col	HEW
North Greenville Jr Col	HEW
Orngbrg-Calhn Tech Educ Ctr	HEW
Palmer Col	HEW

SOUTH CAROLINA—Continued

Piedmont Tech Educ Ctr	HEW
Presbyterian Col	HEW
Rench-Darlington Tech Sch	HEW
Richland Tech Educ Ctr	HEW
South Carolina St Col	HEW
Spartanburg Jr Col	HEW
Sprtnbrg Cnty Tech Educ Ctr	HEW
Sumter Area Tech Educ Ctr	HEW
Univ of South Carolina	HEW
Voorhees Col	HEW
Winthrop Col	HEW
Wofford Col	HEW
York County Tech Educ Ctr	HEW

SOUTH DAKOTA

Augustana Col	HEW
Black Hills St Col	HEW
Dakota Wesleyan Univ	HEW
General Beadle St Col	HEW
Huron Col	HEW
Mt Marty Col	HEW
Northern St Col	HEW
Presentation Col	HEW
Sioux Falls Col	HEW
South Dakota Sch Mines & Tech	Int.
South Dakota St Univ	HEW
Southern St Col	HEW
Univ of South Dakota	HEW
Yankton Col	HEW

TENNESSEE

Austin Peay St Col	HEW
Bethel Col	HEW
Carson-Newman Col	HEW
Chattanooga City Col	HEW
Chattanooga St Tech Inst	HEW
Christian Brothers Col	HEW
Cleveland St Comm Col	HEW
Columbia St Comm Col	HEW
Covenant Col	HEW
Cumberland Col of Tenn	HEW
David Lipscomb Col	HEW
East Tennessee St Univ	HEW
Fisk Univ	HEW
Freed-Hardeman Col	HEW
George Peabody Col Tchrs	HEW
Hiwassee Col	HEW
Jackson St Comm College	HEW
King Col	HEW
Knoxville Col	HEW
Lambuth Col	HEW
Lane Col	HEW
Lee Col	HEW
Le Moyne Col	HEW
Lincoln Memorial Univ	HEW
Martin Col	HEW
Maryville Col	HEW
McKenzie Col	HEW
Meharry Medical Col	HEW
Memphis Academy of Arts	HEW
Memphis St Univ	HEW
Middle Tenn St Univ	HEW
Milligan Col	HEW
Morristown Col	HEW
Owen Col	HEW
Siena Col	HEW
Southern Col of Optometry	HEW
Southern Missionary Col	HEW
Southwestern at Memphis	HEW
Tenn Agr & Indust St Univ	HEW
Tenn Technology Univ	HEW
Tenn Temple Col	HEW
Tenn Wesleyan Col	HEW
Trevecca Nazarene Col	HEW
Tusculum Col	HEW
Union Univ	HEW
Univ of Chattanooga	HEW
Univ of Tenn	HEW
Univ of the South	HEW
Vanderbilt Univ	HEW
Wm Jennings Bryan Col	HEW

TEXAS

Abilene Christian Col	HEW
Allen Academy	HEW
Alvin Jr Col	HEW
Amarillo Col	HEW
Angelina Col	HEW

TEXAS—Continued

Angelo St Col	HEW
Austin Col	HEW
Baylor Univ	HEW
Bee County Col	HEW
Bishop Col	HEW
Blinn Col	HEW
Central Tex Union Jr Col	HEW
Christian Col Southwest	HEW
Christopher Col	HEW
Cisco Jr Col	HEW
Clarendon Col	HEW
Concordia Lutheran Col	HEW
Cooke County Jr Col	HEW
Dallas Baptist Col	HEW
Dallas County Jr Col Dist	HEW
Del Mar Col	HEW
East Texas Baptist Col	HEW
East Texas St Univ	HEW
El Centro College	HEW
Fort Worth Christian Col	HEW
Frank Phillips Col	HEW
Grayson County Jr Col	HEW
Hardin-Simmons Univ	HEW
Henderson County Jr Col	HEW
Hill Jr Col	HEW
Houston Baptist Col	HEW
Howard County Jr Col	HEW
Howard Payne Col	HEW
Huston-Tillotson Col	HEW
Incarnate Word Col	HEW
Kilgore Col	HEW
Lamar St Col of Tech	HEW
Laredo Jr Col	HEW
Lee Col	HEW
LeTourneau Col	HEW
Lon Morris Col	HEW
Lubbock Christian Col	HEW
M D Anderson Hospital	HEW
Mary Hardin-Baylor Col	HEW
McLennan Comm Col	HEW
McMurry Col	HEW
Midwestern Univ	HEW
Navarro Jr Col	HEW
North Texas St Univ	HEW
Odessa Col	HEW
Our Lady of the Lake Col	HEW
Pan American Col	HEW
Panola Col	HEW
Paris Jr Col	HEW
Paul Quinn Col	HEW
Prairie View A&M Col	HEW
Ranger Jr Col	HEW
Rice Univ	DOD
Sacred Heart Dominican Col	HEW
Sam Houston St Col	HEW
San Antonio Col	HEW
San Jacinto Col	HEW
Schreiner Inst	HEW
South Plains Col	HEW
South Texas Jr Col	HEW
Southern Methodist Univ	HEW
Southwest Texas Jr Col	HEW
Southwest Texas St Col	HEW
Southwestern Medical Sch	HEW
Southwestern Union Col	HEW
Southwestern Assmb God Col	HEW
Southwestern Christian Col	HEW
St Edwards Univ	HEW
St Marys Univ San Antonio	HEW
Stephen F. Austin St Col	HEW
Sul Ross St Col	HEW
Tarleton St Col	HEW
Tarrant County Jr Col	HEW
Temple Jr Col	HEW
Texarkana Col	HEW
Texas A & M Univ Col Station	HEW
Texas A & M Univ Ctrl Sys	HEW
Texas Arts & Indust Univ	HEW
Texas Christian Univ	HEW
Texas Col	HEW
Texas Lutheran Col	HEW
Texas Southern Univ	HEW
Texas Southmost Col	HEW
Texas Technological Col	HEW
Texas Wesleyan Col	HEW
Texas Womans Univ	HEW
Trinity Univ	HEW
Tyler Jr Col	HEW

TEXAS—Continued	
Univ of Corpus Christi	HEW
Univ of Dallas	HEW
Univ of Houston	HEW
Univ of St Thomas	HEW
Univ of Texas Arlington	HEW
Univ of Texas at Austin	HEW
Univ of Texas at El Paso	HEW
Univ of Texas Ctrl Sys	HEW
Univ of Texas Medical Sch	HEW
Wayland Baptist Col	HEW
Weatherford Col	HEW
West Texas St Univ	HEW
Wharton County Jr Col	HEW
Wiley Col	HEW
UTAH	
Brigham Young Univ	HEW
Dixie Col	HEW
Univ of Utah	HEW
Utah St Univ	Int.
Weber St Col	HEW
Westminster Col	HEW
VERMONT	
Bennington Col	HEW
Castleton St Col	HEW
Champlain Col	HEW
Col of St Joseph the Prov	HEW
Goddard Col	HEW
Green Mountain Col	HEW
Johnson St Col	HEW
Lyndon St Col	HEW
Marlboro Col	HEW
Middlebury Col	HEW
Norwich Univ	HEW
St Michaels Col	HEW
Trinity Col	HEW
Univ of Vermont	HEW
Vermont Col	HEW
Vermont Tech Col	HEW
Windham Col	HEW
VIRGINIA	
Blue Ridge Comm Col	HEW
Bridgewater Col	HEW
Central Va Comm Col	HEW
Col of William and Mary	DOD
Eastern Mennonite Col	HEW
Emory & Henry Col	HEW
Ferrum Jr Col	HEW
Hampden-Sydney Col	HEW
Hampton Inst	HEW
Hollins Col	HEW
John Tyler Tech Col	HEW
Longwood Col	HEW
Lynchburg Col	HEW
Madison Col	HEW
Mary Baldwin Col	HEW
Marymount Col of Virginia	HEW
Northern Virginia Comm Col	HEW
Old Dominion Col	HEW
Radford Col	HEW
Randolph-Macon Col	HEW
Randolph-Macon Womans Col	HEW
Roanoke Col	HEW
Shenandoah Col	HEW
Southwest Virginia Jr Col	HEW
St Pauls Col	HEW
Sullins Col	HEW
Univ of Richmond	HEW
Univ of Virginia	HEW
Virginia Commonwealth Univ	HEW
Virginia Military Inst	HEW
Virginia Polytechnic Inst	HEW
Virginia St Col	HEW
Virginia Union Univ	HEW
Virginia Wesleyan Col	HEW
Virginia Western Comm Col	HEW
Washington & Lee Univ	HEW
WASHINGTON	
Bellevue Comm Col	HEW
Big Bend Comm Col	HEW
Central Wash St Col	HEW
Centralia Col	HEW
Clark Col	HEW
Clover Park Comm Col	HEW
Columbia Basin Col	HEW
Eastern Wash St Col	HEW
Everett Jr Col	HEW
WASHINGTON—Continued	
Fort Wright Col Holy Names	HEW
Gonzaga Univ	HEW
Grays Harbor Col	HEW
Green River Comm Col	HEW
Highline Col	HEW
Lower Columbia Col	HEW
Northwest Col	HEW
Olympic Col	HEW
Pacific Lutheran Univ	HEW
Peninsula Col	HEW
Seattle Comm Col	HEW
Seattle Pacific Col	HEW
Seattle Univ	HEW
Shoreline Comm Col	HEW
Skagit Valley Col	HEW
Spokane Comm Col	HEW
St Martins Col	HEW
Tacoma Comm Col	HEW
Univ of Puget Sound	HEW
Univ of Washington	HEW
Walla Walla Col	HEW
Walla Walla Comm Col	HEW
Washington St Univ	HEW
Wenatchee Valley Col	HEW
Western Wash St Col	HEW
Whitman Col	HEW
Whitworth Col	HEW
Yakima Valley Col	HEW
WEST VIRGINIA	
Alderson-Broadus Col	HEW
Beckley Col	HEW
Bethany Col	HEW
Bluefield St Col	HEW
Concord Col	HEW
Davis & Elkins Col	HEW
Fairmont St Col	HEW
Glenville St Col	HEW
Marshall Univ	HEW
Morris Harvey Col	HEW
Ohio Valley Col	HEW
Salem Col	HEW
Shepherd Col	HEW
St Marys Hosp Sch of Nursing	HEW
West Liberty St Col	HEW
West Virginia Inst Tech	HEW
West Virginia St Col	HEW
West Virginia Univ	HEW
West Virginia Wesleyan Col	HEW
Wheeling Col	HEW
WISCONSIN	
Alverno Col	HEW
Barron County Tchrs Col	HEW
Beloit Col	HEW
Cardinal Stritch Col	HEW
Carroll Col	HEW
Carthage Col	HEW
Columbia County Tchrs Col	HEW
Concordia Col	HEW
Dodge County Tchrs Col	HEW
Dominican Col	HEW
Edgewood Col Sacred Heart	HEW
Holy Family Col	HEW
Juneau County Tchrs Col	HEW
Lakeland Col	HEW
Lawrence Univ	HEW
Layton Sch of Art	HEW
Madison Voc Tech Sch	HEW
Marian Col of Fond du Lac	HEW
Marquette Univ	HEW
Milton Col	HEW
Milwaukee Inst of Tech	HEW
Milwaukee Sch of Eng	HEW
Mt Mary Col	HEW
Mt Senario Col	HEW
Mt St Paul Col	HEW
Northland Col	HEW
Racine-Kenosha Tchrs Col	HEW
Richland County Tchrs Col	HEW
Ripon Col	HEW
Sauk County Tchrs Col	HEW
St Lawrence Sem	HEW
St Norbert Col	HEW
Stout St Univ	HEW
Taylor County Tchrs Col	HEW
Univ of Wisc Madison	HEW
Univ of Wisc Milwaukee	HEW
Univ of Wisc Central Sys	HEW
Univ of Wisc Ctr	HEW
WISCONSIN—Continued	
Vernon County Tchrs Col	HEW
Viterbo Col	HEW
Waushara County Tchrs Col	HEW
Wisc Conservatory	HEW
Wisc St Univ Central Sys	HEW
Wisc St Univ Stevens Pnt	HEW
Wisc St Univ Eau Claire	HEW
Wisc St Univ La Crosse	HEW
Wisc St Univ Oshkosh	HEW
Wisc St Univ Platteville	HEW
Wisc St Univ River Falls	HEW
Wisc St Univ Superior	HEW
Wisc St Univ Whitewater	HEW
WYOMING	
Casper Col	HEW
Goshen County Comm Col	HEW
Northern Wyoming Comm Col	HEW
Northwest Comm Col	HEW
Univ of Wyoming	Int.
Western Wyoming Comm Col	HEW
GUAM	
Col of Guam	Int.-
PUERTO RICO	
Catholic Univ of PR	HEW
Col of the Sacred Heart	HEW
Inter Amer Univ of PR	HEW
Puerto Rico Jr Col	HEW
Univ of PR Mayagüez	HEW
Univ of PR Rio Piedras	HEW
Univ of PR San Juan	HEW
VIRGIN ISLANDS	
Col of Virgin Islands	Int.

[FR Doc.74-33 Filed 1-10-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Administration of Educational Benefits; Committee on Educational Allowances

On pages 27228 and 27229 of the FEDERAL REGISTER of October 1, 1973, there was published a notice of proposed regulatory development to issue regulations concerning amending § 21.4207 to provide that the Committee on Educational Allowances be composed only of Federal employees. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

Pursuant to such notice, written comments were received from two interested parties. The one comment was concerned with limiting membership in the Committee to only Federal employees because of the recent events in the Government. The other comment was concerned with having the meetings of the Committee open to the public which would be ensured by having a private citizen as a member of the Committee. Decisions rendered by the Committee on Educational Allowances are subject to review by the Central Office Education and Training Review Panel upon request of the educational institution or job establishment involved in the hearing. This Panel is a duly constituted and chartered committee under Pub. L. 92-463 (86 Stat. 770). It is comprised of two persons who are not employees of the Veterans' Administration and one staff employee. The records, reports and other documents of each advisory committee are available for public inspection and copying. It is

intended that there be wide access by the public to the records and papers of the advisory committee. It is felt, therefore, that the public has adequate participation in the decisions of the committees. The proposed regulation is hereby adopted without change and is set forth below.

Effective date. This VA Regulation is effective January 2, 1974.

Approved: January 2, 1974.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

In § 21.4207, paragraph (a) is amended to read as follows:

§ 21.4207 Failure of school to meet requirements.

When the Veterans Administration discovers facts which appear to warrant a finding that the school is in violation of specific criteria of 38 U.S.C. chs. 34, 35 or 36, including failure to meet requirements for approval of a course offered to a veteran or eligible person and institution of policies regarding payment of tuition and fees so as to deny the benefits of the advance payment program, the facts will be referred to the field station Committee on Educational Allowances.

(a) *Committee on Educational Allowances.* The Committee on Educational Allowances in the field station is authorized to make recommendations on action to be taken for the purposes of this section, subject to approval by the station head. The committee will include a minimum of three staff members designated by the station head. The recommendation of the committee, when approved by the station head, becomes the final administrative decision of the Veterans Administration unless an application for review is filed as provided in paragraph (d) of this section.

* * * * *

[FR Doc.74-914 Filed 1-10-74;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 5403]

[AA-8406]

ALASKA

Partial Revocation of Section 11 Around Tatitlek; Utility Corridor Withdrawal; Classification and Protection of Public Interest Withdrawal and Modification of Certain Land Orders

In the matter of partial revocation of section 11 withdrawal around village of Tatitlek; partial revocation of utility corridor withdrawal; partial revocation of classification and protection of public interest withdrawal; modification of Public Land Orders Nos. 5184 and 5186.

By virtue of the authority vested in the Secretary of the Interior by sections 17(d)(1) and 22(h)(4) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 708, 714 (hereinafter referred to as the "Act"), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. The withdrawal made for the Native village of Tatitlek (Tatilek) by section 11 of the Act, is hereby terminated as far as it affects the following described lands:

COPPER RIVER MERIDIAN

(Protracted Descriptions)

T. 9 S., Rs. 6 through 8 W.
T. 9 S., R. 9 W.,
Secs. 1 and 2;
Secs. 11 through 14;
Secs. 23 through 26;
Secs. 35 and 36.
T. 10 S., R. 6 W.,
Secs. 1 through 18.
T. 10 S., R. 7 W.,
Secs. 1 through 19.
T. 10 S., R. 8 W.,
Secs. 1 through 19.
T. 10 S., R. 9 W.,
Secs. 1 and 2;
Secs. 11 and 22.

The areas described, including both public and nonpublic land, aggregate approximately 82,370 acres.

The above described lands are determined, in accordance with section 13(b) of the Act, as being within 2 miles of the boundary of the First Class City of Valdez, and in accordance with section 22(1) of the Act, are not subject to selection by a village corporation or a regional corporation.

2. Public Land Order No. 5150 of December 28, 1971, as amended by Public Land Orders Nos. 5151 of December 29, 1971, and 5182 of March 9, 1972, and as modified and corrected by Public Land Order No. 5190 of March 17, 1972, withdrawing lands for a utility and transportation corridor in Alaska, and Public Land Orders Nos. 5180, 5183 of March 9, 1972, withdrawing lands for classification and protection of the public interest in the lands, are hereby revoked so far as they affect the following described lands:

COPPER RIVER MERIDIAN

(Protracted Descriptions)

T. 9 S., R. 6 W.
T. 9 S., R. 7 W.,
Secs. 13, 14, 23, and 24.

The areas described aggregate approximately 11,420 acres.

3. The lands in paragraph 1 outside the utility and transportation corridor established by Public Land Order No. 5150, as amended, and the lands described in paragraph 2 of this order are hereby deleted from Public Land Order No. 5184 of March 9, 1972, and are hereby added to Public Land Order No. 5186 of March 15, 1972. All of the lands described in paragraph 1 except those lands in the transportation and utility corridor remaining after the revocation in paragraph 2, are hereby classified as suitable for State Selections.

4. In order to fulfill the purposes of the transportation and utility corridor as established by Public Land Order No. 5150 of December 28, 1971 (36 FR 25410), as amended, which withdrew lands for a utility and transportation corridor in the State of Alaska, PLO 5150 is hereby amended to the extent necessary for the issuance of rights-of-way, leases, permits, or other authorizations necessary or related to the construction, operation, maintenance or termination of an oil or gas pipeline system, or the construction, maintenance or operation of any transportation or utility system.

5. The following Public Land Orders approved on the dates indicated, reserving certain lands in Alaska for military purposes and air navigation purposes were modified by the Trans-Alaska Pipeline Authorization Act of November 16, 1973 (87 Stat. 584–588) to permit the issuance of rights-of-way, leases, permits, or other authorizations necessary or related to the construction, operation or maintenance of a trans-Alaska pipeline system as authorized by said Act:

Public land order No.	Date	Holding agency
1205	Aug. 10, 1955	Department of Air Force.
1203	Aug. 8, 1955	Do.
1444	July 12, 1957	Do.
255	Dec. 15, 1944	War Department.
684	Nov. 9, 1950	Department of Air Force.
1345	Oct. 16, 1956	Do.
1503	Sept. 10, 1957	Department of Army.
1523	Oct. 8, 1957	Do.
2418	June 27, 1961	Department of Army and Federal Aviation Administration.
2768	Aug. 31, 1962	Do.
3922	Feb. 2, 1966	Do.
5187	Mar. 15, 1972	Department of the Interior.

6. Public Land Order No. 1478 of September 4, 1957, withdrawing public lands for the use of the Bureau of Public Roads was modified by the Trans-Alaska Pipeline Authorization Act of November 16, 1973 (87 Stat. 584–588), to permit the issuance of rights-of-way, leases, permits, or other authorization necessary or related to the construction, operation or maintenance of a trans-Alaska pipeline system as authorized by said Act.

7. This order reaffirms the actions taken in Public Land Order No. 5150 as amended by Public Land Order No. 5151, pursuant to section 17(c) of the Act, and continues in full force and effect on all national forest and public lands described therein not expressly deleted by paragraph 2 of this order.

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

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

JANUARY 7, 1974.

[FR Doc.74-971 Filed 1-10-74;8:45 am]

[Public Land Order 5404]

ALASKA

Restoration and Revocation of Certain Powersite, etc.

In the matter of Powersite Restoration No. 733; revocation of Powersite Re-

serve No. 491; revocation of withdrawals for Power Projects Nos. 1101, 1946, and 1970; modification of Powersite Classification No. 445.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended (16 U.S.C. 818 (1970)), and pursuant to the determination of the Federal Power Commission in DA-112-Alaska, it is ordered as follows:

1. Executive Order of July 31, 1915, which established Powersite Reserve No. 491, is hereby revoked so far as it affects the following described land:

All lands within 100 feet of the high water line of the reservoir and within 100 feet of the centerline of No. 1 pipeline, No. 1 flume, and No. 2 pipeline, upper power house site of approximately 5.5 acres, lower power house site of approximately 10 acres. All lands within 50 feet of the centerline of the transmission line leading from the upper power house site to the south boundary of the Valdez townsite. All lands as shown on a map designated (Exhibit F) and entitled "Map of Power Project, Solomon Gulch, Alaska," and filed in the office of the Federal Power Commission on June 13, 1930, aggregating approximately 206 acres.

The above described lands are probably in the following protracted subdivisions:

COPPER RIVER MERIDIAN

T. 9 S., R. 6 W.,
Secs. 14, 15, 16, 18, 20, 21, 23.

In DA-112-Alaska, the Federal Power Commission determined that the power potential of the above described lands had been developed under Power Projects Nos. 1101, 1946, and 1970, that the licenses for said projects had expired or had been surrendered, and that there was no objection to the restoration of subject lands. The withdrawals of the above lands for Power Projects Nos. 1101, 1946, and 1970, are hereby revoked.

2. The State of Alaska has 90 days in which to exercise its preference right granted under the provisions of 16 U.S.C. 818, to select any of the above described lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways. Subject lands will remain closed to the operation of the public land laws and mineral leasing laws because they are covered by other withdrawals.

3. Pursuant to a determination by the Federal Power Commission in DA-112-Alaska, Public Land Order No. 3520 of January 5, 1965, creating Powersite Classification No. 445, subject powersite is hereby modified so far as it relates to the following described land to the extent necessary to permit the issuance of rights-of-way, leases, permits, or other authorizations necessary or related to the construction, operation, maintenance or termination of an oil or gas pipeline, subject to the retention of prior rights for reservoir or power development, and subject to the condition that in the event the said land is required for such purposes any improvements or structures placed thereon which shall be found to interfere with such development, shall be removed or relocated as may be necessary to eliminate interference with reservoir or power development at no cost to the United States, its permittees or licensees:

FAIRBANKS MERIDIAN, ALASKA

(Protracted Survey)

T. 9 N., R. 6 W.,
Sec. 19.
T. 9 N., R. 7 W.,
Secs. 2, 3, 10, 11, 12, 13, 14.
T. 10 N., R. 7 W.,
Secs. 18, 19, 20, 28, 29, 30, 31.
T. 10 N., R. 8 W.,
Secs. 3, 4, 5, 6, 8, 9, 10, 14, 15, 24.
T. 11 N., R. 8 W.,
Secs. 30, 31, 32.
T. 11 N., R. 9 W.,
Secs. 22, 35, 36.
T. 12 N., R. 10 W.,
Secs. 6, 7, 14, 15, 16, 18, 19, 21, 22.
T. 13 N., R. 10 W.,
Sec. 31.
T. 12 N., R. 11 W.,
Secs. 1, 2, 13, 24.
T. 13 N., R. 11 W.,
Secs. 7, 8, 16, 17, 18, 20, 21, 22, 25, 26, 27, 34, 35, 36.
T. 13 N., R. 12 W.,
Secs. 1, 2, 12.
T. 14 N., R. 12 W.,
Secs. 5, 6, 7, 8, 16, 17, 18, 20, 21, 27, 28, 34, 35.
T. 15 N., R. 12 W.,
Secs. 7, 8, 17, 18, 20, 31.

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

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

JANUARY 7, 1974.

[FR Doc.74-972 Filed 1-10-74;8:45 am]

Title 45—Public Welfare

CHAPTER XV—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1501—SUPPORT FOR IMPROVEMENT OF POSTSECONDARY EDUCATION

A proposal was published in the FEDERAL REGISTER on November 28, 1973 (vol. 38, No. 228, p. 32814) to amend the existing regulations for this program in order to: (a) Establish special focus program competitions; (b) establish a preapplication procedure for the broader comprehensive program and revise some of the criteria therefore; and (c) revise the existing audit requirements. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendments.

In accordance with the two comments received, the proposed regulations are amended as follows: § 1501.12 does not require audits by recipients other than State and local governments. The change conforms to Department policy set forth in 45 CFR 74.61(h), (38 FR 26279).

In light of the foregoing, these regulations are amended as set forth below.

Effective date. These regulations will be effective January 11, 1974.

(Federal Domestic Assistance Catalogue No. 13.538: Fund for the Improvement of Postsecondary Education)

Approved: January 8, 1974.

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

Sec.

AUTHORITY: Sec. 404, General Education Provisions Act, as added by sec. 301(a)(2) of Public Law 92-318, 86 Stat. 327 (20 U.S.C. 1221d), unless otherwise noted.

§ 1501.1 Purpose.

The purpose of the regulations in this part is to implement the provisions of section 404 of the General Education Provisions Act as amended which provides for grants to, and contracts with, institutions of postsecondary education and other public and private educational institutions and agencies to improve postsecondary educational opportunities. The program is administered by the Fund for the Improvement of Postsecondary Education, a unit within the Office of the Assistant Secretary for Education of the Department of Health, Education, and Welfare, with the advice of a Board of Advisors.

(20 U.S.C. 1221d)

§ 1501.2 Applicability of civil rights provisions.

(a) Federal financial assistance under this part is subject to the regulations in part 80 of this title, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of title VI of the Civil Rights Act of 1964 (Pub. L. 88-352).

(42 U.S.C. 2000d)

(b) Federal financial assistance under this part is also subject to the provisions of title IX of the Education Amendments of 1972 (prohibition of sex discrimination), and any regulations issued thereunder.

(20 U.S.C. 1681-86; Public Law 92-318, section 906)

§ 1501.3 Definitions.

As used in this part—

"Fiscal year" means a period beginning on July 1 and ending on the following June 30. (A fiscal year is designated in accordance with the calendar year in

which the ending date of the fiscal year occurs.)

"Fund" means the Fund for the Improvement of Postsecondary Education, the unit within the Office of the Assistant Secretary for Education of the Department of Health, Education, and Welfare which administers the program covered by this part.

"Institution of postsecondary education" means an educational institution which admits as regular students only persons who have completed or left elementary or secondary school.

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

"Nonexpendable personal property" means tangible personal property, including equipment, having a useful life of more than 1 year and an acquisition cost of $300 or more per unit.

"Nonprofit" means owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"Personal property" means property of any kind, tangible or intangible, except real property.

"Private" means not under public supervision or control.

"Public," as applied to an institution or agency, means that the institution or agency is a legally constituted organization of government under public administrative control and direction, except that an institution or agency of the Federal Government shall not be considered a public institution or agency.

"Recipient" means an applicant receiving assistance under this part.

"State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of State institutions of postsecondary education and hospitals.

(20 U.S.C. 1221d)

§ 1501.4 Eligibility for assistance.

Institutions of postsecondary education, combinations thereof, and other public and private educational institutions and agencies are eligible to receive assistance under this part. The fact that an applicant has been only recently established will not in itself prejudice such applicant's application.

(20 U.S.C. 1221d)

§ 1501.5 Types of assistance.

Public and nonprofit applicants may receive assistance in the form of grants or contracts, depending on the nature and objectives of their proposals. An applicant which is not public or nonprofit may receive assistance only in the form of contracts. Grants may be made to a combination of institutions of postsecondary education only if all institutions in the combination are public or nonprofit. Assistance may support a proposal in its entirety or may be conditioned upon the provision of funds from other sources, including the applicant itself. Assistance may be awarded in one payment or in a number of payments, not necessarily equal, over a period of time.

(20 U.S.C. 1221d)

§ 1501.6 Program categories.

The Fund shall accept applications for assistance in two program categories:

(a) a comprehensive program solicitation, under which preapplications shall first be required for preliminary screening of applicants, and

(b) special focus program solicitations, to be announced by the Fund for each fiscal year.

(20 U.S.C. 1221d)

§ 1501.7 Criteria for evaluating applications.

An application or (in the case of the comprehensive program) a preapplication for assistance under this part shall be evaluated in terms of the extent to which the proposal therein:

(a) Has the potential for advancing one or more of the following general goals of the Fund:

(1) To provide effective educational options not generally available;

(2) To increase the cost-effectiveness of educational services;

(3) To achieve far-reaching improvements in postsecondary education;

(4) To promote learner-centered improvements in postsecondary education;

(b) Meets the following operational standards:

(1) Is feasible, has sound project design, and is likely to attain expected results with expected expenditures;

(2) Will, if appropriate, be supported financially by sources other than the Fund, including the applicant itself;

(3) Has the potential for having available financial resources for continuation beyond the period of Fund support, if appropriate;

(4) Gives evidence of commitment to the project on the part of the applicant institution and any other institutions or organizations to be involved in the project;

(c) Is directed at furthering either (1) one or more of the objectives of the comprehensive program as described in section 1501.8, or (2) the objectives of one of the special focus programs as described in section 1501.9.

(20 U.S.C. 1221d.)

§ 1501.8 Comprehensive program objectives.

The Fund will accept preapplications and applications (from those applicants whose preapplications are approved) directed toward one or more of the following objectives:

(a) To provide new approaches to teaching and learning, specifically through projects which:

(1) Employ one or more of the following techniques or processes to achieve these purposes: (i) The integration of learning experiences, (ii) the individualization of educational services, or (iii) the improvement of teaching/learning techniques; or

(2) Develop and implement new kinds of education assessment to measure and achieve these purposes;

(b) To provide educational services for new clientele, specifically through projects which involve the restructuring of educational services and programs on behalf of these groups.

(c) To revitalize institutional missions, specifically through projects involving one or more of the following activities:

(1) The introduction of new structures or activities designed to channel institutional energies more effectively toward the implementation or refinement of an institution's existing mission, or

(2) The phasing out of programs or activities no longer central to an institution's mission. A proposal directed at furthering this objective will be evaluated by the Fund in terms of the extent to which it (i) will serve an important social objective, (ii) will be central to the institution's principal mission, (iii) will have a long-term effect on the institution, and (iv) will actively involve and be supported by constituencies relavant to the institution's mission.

(d) To implement new missions, specifically through projects which:

(1) Redirect missions of existing institutions, or

(2) Create new institutions.

(e) To encourage openness in postsecondary education, specifically through projects involving the improvement of one or more of the following:

(1) The nature of information about postsecondary education and the ways in which such information is communicated to students, educational institutions, and makers of educational policy.

(2) The standards, practices, and structures used in recognizing and evaluating the performance of individuals and institutions in postsecondary education, and the utilization of the judgments thereby made by other educational and social institutions and agencies.

(3) The forms and techniques by which financial support for postsecondary education is provided, particularly those which affect incentives for teachers and structure relationships among teachers and learners.

(4) The ways in which postsecondary education is regulated by public agencies.

(20 U.S.C. 1221d)

§ 1501.9 Special focus program objectives.

In fiscal year 1974, in addition to the comprehensive program, the Fund will accept applications for assistance under two special focus programs, focusing on the following areas:

(a) Approaches to competency-based learning, i.e., educational approaches in which learning goals and outcomes are specified in terms of the skills, attitudes, values and/or areas of knowledge required for success in various endeavors. Proposals will be reviewed in terms of the extent to which they are designed to develop the goal specifications, assessment procedures, and patterns of implementation for competency-based learning. In judging the significance and feasibility of a proposal related to any or all of these facets of competency-based learning, special attention will be given to: (1) The project's potential for formulating competencies of an integrated and complex nature; (2) the importance to society of the subject areas of endeavor; (3) if appropriate, the project's potential for demonstrating innovative assessment procedures; and (4) the extent and manner of expected involvement in the project by relevant constituencies.

(b) New incentive structures: creating conditions that encourage effective faculty participation in the learning process. Proposals will be reviewed in terms of the extent to which they are designed to enhance concern for effectiveness in teaching and to demonstrate the cost-effectiveness of different instructional approaches. Such conditions for excellence could include the development of: (1) Positive incentive mechanisms, (2) more supportive recruitment, promotion, governance, and/or budget allocation systems, (3) forums of recognition, or (4) improved faculty evaluation systems.

(20 U.S.C. 1221d)

§ 1501.10 Application procedures.

(a) An application or preapplication for assistance under this part must be filed with the Fund on or before the closing date or dates announced by the Fund for each fiscal year.

(b) Except as provided in paragraph (e) of this section, an application or preapplication must have a title page providing the following information:

(1) Name and address of applicant.

(2) Name, address, title, phone number, and signature of applicant's authorizing officer.

(3) Name, address, title, and phone number of proposed project director.

(4) Dates of proposed project, including evaluation time.

(5) Amount of assistance requested.

(6) Proposal title.

(7) A brief, one-paragraph description of the proposal.

(c) Except as provided in paragraph (e) of this section, a preapplication must contain the following information, in a format to be selected by the applicant: (1) A statement of the problem being addressed; (2) a description of the specific criteria by which the success or failure of the project could be determined; (3) a description of how the objectives are to be accomplished; (4) a statement of the potential long-range outcomes of the project; and (5) a statement of the estimated budget range and the nature and amount of major anticipated expenditures.

(d) Except as provided in paragraph (e) of this section, an application must contain the following information, in a format to be selected by the applicant:

(1) A diagnosis of the problem addressed, including a description of the problem and, as applicable, a discussion of pertinent empirical data and past attempts to deal with the problem.

(2) A description of the proposed project, including its methodology and schedule, qualifications of the persons who would conduct it, its short-term and long-term objectives and its specific allocation of available funds in the form of a budget.

(3) Evidence of commitment, including an indication of (i) the nature and extent of involvement in the project on the part of the applicant institution and any other institutions or organizations to be involved in the project, and (ii), if appropriate, expected sources of financial support after the period of Fund support has elapsed.

(4) An evaluation plan, including the criteria by which the project will be evaluated, the methods and schedules for such evaluation, and the cost of such evaluation.

(e) A State or local government seeking assistance under this part must apply in accordance with such procedures, and using such forms, as the Fund may specially prescribe in conformity with pertinent directives of the Office of Management and Budget. Much of the material required of such applicants pursuant to such directives is similar to the material required of applicants proceeding under paragraphs (b), (c), and (d) of this section.

(f) Prior to its disposition of applications for assistance under this part, the Fund may obtain the review and advice of qualified persons not employed by the Department of Health, Education, and Welfare. Any such review shall be in addition to the review of applications by the Fund in accordance with such procedures as it may establish, including consultation with the Board of Advisors to the Fund.

(g) No application for assistance under this part to an institution of postsecondary education shall be approved until the Fund has submitted it to the State postsecondary education commission, if there is one, established or designated pursuant to section 1202 of the Higher Education Act of 1965 in the State in which the institution is located and afforded the commission an opportunity to submit its comments and recommendations as to the application to the Fund.

(h) No application for assistance under this part shall be approved until the procedure for implementing the evaluation plan required under paragraph (d) of this section or, as applicable, paragraph (e) of this section has been established and a schedule for the submission of reports on such evaluation by the applicant to the Fund has been agreed upon.

(20 U.S.C. 1221d; OMB Circular No. A-102, Attachment M)

§ 1501.11 Retention of records.

(a) *Records.* Each recipient shall keep intact and accessible records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any), including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award.

(b) *Period of retention.* (1) Except as provided in paragraphs (b)(2) and (d) of this section, the records specified in paragraph (a) of this section shall be retained for 3 years after the date of the submission of the final expenditure report or, with respect to a grant or contract which is renewed annually, for 3 years after the date of the submission of an annual expenditure report.

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.* Recipients may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.* The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions.

(e) *Audit and examination.* The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the recipient.

(OMB Circular No. A-73; OMB Circular No. A-102; Attachment C; 20 U.S.C. 1221d)

§ 1501.12 Audits.

(a) If the recipient is a State or local government, audits shall be made by the recipient or at its direction to determine, at a minimum, the fiscal integrity of grant or contract financial transactions and reports, and the compliance with the terms and conditions of the grant or contract. The grantee or contractor will schedule such audits with reasonable frequency, usually annually, but not less frequently than once every two years, considering the nature, size, and complexity of the activity.

(b) Recipients other than State and local governments are encouraged, but not required, to meet the standards set forth in paragraph (a) of this section.

(20 U.S.C. 1221d); OMB Circular No. A-102, Attachment G.)

§ 1501.13 Limitations on costs.

The amount of the award shall be set forth in the grant award or contract document. The total cost to the Federal Government will not exceed the amount set forth in the grant award or contract document. The Federal Government shall not be obligated to reimburse the recipient for costs incurred in excess of such amount unless and until the Fund has notified the recipient in writing that such amount has been increased and has specified such increased amount in a revised grant award or contract document. Such revised amount shall thereupon

constitute the revised total cost of the performance of the grant or contract that may be borne by the Federal Government.

(31 U.S.C. 200)

§ 1501.14 Reporting.

The recipient shall comply with the schedule for reporting on its evaluation of the project agreed upon pursuant to § 1501.10(h).

(20 U.S.C. 1221d; OMB Circular No. A-102, Attachment M)

§ 1501.15 Final accounting.

(a) In addition to such other accounting as the Fund may require the recipient shall render, with respect to the project, a full account of funds expended, obligated, and remaining.

(b) A report of such accounting shall be submitted to the Fund within 90 days of the expiration or termination of the grant or contract, and the recipient shall remit within 30 days of the receipt of a written request therefor any amounts found by the Fund to be due. Such period may be extended at the discretion of the Fund upon the written request of the recipient.

(20 U.S.C. 1221d; 31 U.S.C. 628)

[FR Doc.74-919 Filed 1-10-74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER O—CERTAIN BULK DANGEROUS CARGOES

[CGD 73-282R]

PART 154—SPECIAL INTERIM REGULATIONS FOR ISSUANCE OF LETTERS OF COMPLIANCE

Effective Date

The purpose of the amendments in this document is to amend the effective date of the requirements for new cargoes which did not previously require a Letter of Compliance.

Due to the large number of foreign vessels seeking to comply with the provisions of Part 154 and a shortage of Coast Guard personnel to handle the increased workload, it will not be possible to complete processing of all foreign vessels requesting Letters of Compliance prior to January 1, 1974. In addition, not all vessels have received adequate notice of the new special interim regulations published in the June 15, 1973 issue of the FEDERAL REGISTER (38 FR 15-776). In order to allow all vessel owners to complete required plan submissions with a minimal interruption of service, and to permit a smooth implementation of the new requirements without creating undue problems for Coast Guard field units charged with enforcing the requirements of Part 154, an extension of the effective date to July 1, 1974, for cargoes not previously requiring a Letter of Compliance is considered essential.

An extension of the effective date to July 1, 1974 should not have an adverse effect on the safety of U.S. ports since the new cargoes which are scheduled for regulation 9 on foreign vessels under the provisions of Part 154 have for some time been transported without restriction. In most cases, these cargoes represent less hazard than those initially considered hazardous in Navigation and Vessel Inspection Circular No. 13-65.

Since these amendments to Part 154 concern rules governing the Coast Guard's procedure and practice, they are exempt from notice and public procedure thereon by (5 U.S.C. 553(b)(3)(A)). Additionally, since these amendments to Part 154 impose no additional burdens on any person, they may be made effective in less than 30 days in accordance with (5 U.S.C. 553(d)).

In consideration of the foregoing, Part 154 of Title 46 Code of Federal Regulations is amended as follows:

1. In item 1, entitled, "Purpose," the paragraph that begins "A Letter of Compliance, valid for two years," is amended by striking the date "January 1, 1974" and inserting the date "July 1, 1974" in place thereof.

2. The effective date is changed by striking the date "January 1, 1974" and inserting the date "July 1, 1974" in place thereof.

(R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Effective date. These amendments shall become effective on January 11, 1974.

C. R. BENDER,
Admiral, U.S. Coast Guard
Commandant.

JANUARY 7, 1974.

[FR Doc.74-836 Filed 1-10-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1168]

PART 1033—CAR SERVICE

Vermont Railway, Inc.

JANUARY 7, 1974.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 7th day of January 1974.

It appearing, that the Vermont Railway, Inc., in Finance Docket No. 22830 was authorized to operate approximately 131.6 miles of railroad owned by the State of Vermont, located in Bennington, Rutland, Addison and Chittenden Counties, Vermont, and extending between Burlington, Vermont, and White Creek, New York, and between North Bennington, Vermont, and Bennington, Vermont; that the lease of these tracks by the State of Vermont to the Vermont Railway Inc., has expired; that the State of Vermont and the Vermont Railway Inc., have agreed to continued operation of these tracks by the Vermont Railway Inc., pending renegotiation of the operating contract between the state and the railway and subsequent action of the Commission on the application of the railway for approval of the new or revised contract; that many shippers are solely dependent upon continued operation of the Vermont Railway, Inc., for essential railroad service; that the continued operation by the Vermont Railway Inc., over the aforementioned tracks owned by the State of Vermont is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1168 Service Order No. 1168. (a) (Vermont Railway, Inc., authorized to operate over certain tracks owned by the State of Vermont)

(a) The Vermont Railway Inc., be, and it is hereby authorized to operate over tracks owned by the State of Vermont between Burlington, Vermont, and White Creek, New York and between North Bennington, Vermont and Bennington, Vermont, a total distance of approximately 131.6 miles, pending disposition of the application of the Vermont Railway, Inc., for extension of the operating authority granted in Finance Docket No. 22830 (320 ICC 330).

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

(c) *Rates applicable.* Inasmuch as this operation by the Vermont Railway, Inc., over the aforementioned tracks owned by the State of Vermont is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Vermont Railway, Inc., over these tracks owned by the State of Vermont shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., January 7, 1974.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 011 (49 U.S.C. 1(10-17), 15(4), and 17(2)).)

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

the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

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

[FR Doc.74-928 Filed 1-10-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Certain Wildlife Refuges

The following special regulations are issued and are effective on January 1, 1974.

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

ARKANSAS

WAPANOCCA NATIONAL WILDLIFE REFUGE

Sport fishing on the Wapanocca National Wildlife Refuge, Turrell, Arkansas, is permitted on Wapanocca Lake and other areas as designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1974, through September 30, 1974.

(2) Fishing permitted during daylight hours only.

(3) Motors larger than 10 horsepower are prohibited. No boats are allowed in the Woody Ponds area on the south side of the refuge.

(4) The use of jug, drop, or trotlines is prohibited.

(5) The use of live carp, shad, buffalo, and goldfish for bait is prohibited.

(6) No fishing permitted within 100 yards of the bridge, water control structure and boat dock which is located behind the refuge headquarters.

FLORIDA

LAKE WOODRUFF NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Woodruff National Wildlife Refuge, De Leon Springs, Florida, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 650 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season is open year-round on refuge waters west of Norris Dead River, Lake Woodruff, and Spring Garden Creek. Refuge waters east of the canal bordering the east side of Norris Dead River, Lake Woodruff, and Spring Garden Creek will be open to fishing only when such use will not result in undue disturbance to wildlife or will not interfere with wildlife management practices being carried out in the area. Such periods of permitted use will be designated by appropriate signing and will generally occur during the period from March 15 to October 15.

(2) Limited areas throughout the refuge may be designated as closed by appropriate signing to protect wildlife or other refuge values.

(3) Fishing on refuge waters is permitted during daylight hours only.

(4) Air-thrust boats are prohibited.

(5) Firearms of any type are prohibited.

(6) State regulations govern fishing in State-owned waters contained in Spring Garden Lake, Spring Garden Creek, Norris Dead River and Highland Park Canal, Lake Woodruff, Tick Island Mud Lake, Tick Island Creek, and Lake Dexter.

ST. MARKS NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Marks National Wildlife Refuge, St. Marks, Florida, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 50,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1974, through October 15, 1974.

(2) Fishing permitted one-half hour before sunrise until one-half hour after sunset, 7 days a week.

(3) Boats with gasoline engines to 4 horsepower and electric motors are permitted.

(4) Trotlines as permitted by State regulations are allowed except that lines shall be taken up prior to closing hour of fishing daily.

GEORGIA

OKEFENOKEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on the Okefenokee National Wildlife Refuge, Waycross, Georgia. Certain isolated areas are closed and posted. The open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) Fishing permitted during daylight hours only.

(2) Boats with motors not larger than 10 hp., canoes, and rowboats permitted.

(3) Artificial and live bait (except live minnows) permitted.

(4) Trotlines, limb lines, nets, or other set tackle prohibited.

(5) Persons entering refuge from main access points must register with the respective concessioner.

(6) Persons using the sill access ramp on the pocket are required to sign and register when they enter the swamp and again when they leave. Use of launching facilities is permitted as long as parking regulations are not violated. Parking regulations are posted at registration station.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Sport fishing, bow fishing, and herring dipping on the Mattamuskeet National Wildlife Refuge are permitted only on the areas designated by signs as open. These open areas, comprising 40,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. These activities shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Sport fishing and bow fishing seasons extend from March 1 through November 1.

(2) As an exception to (1) above, the following areas are open to bank fishing during the entire year.

(a) The causeway (State Highway 94 which crosses the lake).

(b) In the immediate vicinity of the Lake Landing water control structure.

(c) In the immediate vicinity of the Outfall Canal water control structure at Mattamuskeet Lodge.

(3) Herring (alewife) dipping will be permitted from March 1 through May 15 from the canal banks and water control structures in the immediate vicinity of the following locations:

(a) Waupoppin canal control structure—daylight hours only.

(b) Outfall canal control structure—daylight hours only.

(c) Lake Landing control structure—closed from sunset Sunday to sunrise Monday; sunset Tuesday to sunrise Wednesday; sunset Thursday to sunrise Friday. Open at other times.

(4) Boats and outboard motors without size limitations permitted. Airboats are prohibited.

(5) Certain areas will be posted as closed to motor boats to prevent disturbance in prime spawning zones.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Bulls Island Unit of the Cape Romain National Wildlife Refuge, Awendaw, South Carolina, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 610 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all

applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1974 through September 30, 1974.

(2) Fishing permitted during daylight hours only. No overnight camping allowed.

(3) Boats with electric motors permitted; gasoline powered engines prohibited.

(4) Boats must be removed from the refuge at the close of each day.

TENNESSEE

CROSS CREEKS NATIONAL WILDLIFE REFUGE

Sport fishing on the Cross Creeks National Wildlife Refuge, Dover, Tennessee, is permitted only on areas designated by signs as open to fishing. These open areas, comprising 4,050 acres, are delineated on a map that is available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE, Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for Elk and South Cross Creek Reservoirs and the 15 smaller refuge ponds extends from March 30 through September 15, 1974. Fishing is permitted in these refuge bodies of water from 30 minutes before sunrise to 30 minutes after sunset. The sport fishing season is open 24 hours per day, year-round on Barkley Lake.

(2) Boats powered by outboard motors of 5 horsepower or less are permitted on Elk and South Cross Creek Reservoirs. The 15 smaller refuge ponds are restricted to use by boats powered only by electric trolling motors and/or paddle. Motor size is not restricted on Barkley Lake.

(3) Methods of fishing the two reservoirs and impoundments are limited to hand fishing with rod and reel and/or pole and line.

(4) Overnight camping and/or overnight mooring of boats are prohibited on the refuge.

(5) For their safety, fishermen must follow designated routes of travel while on the refuge and use the parking areas as provided.

(6) All State regulations must be obeyed while fishing on refuge reservoirs as well as that portion of Barkley Lake within the refuge. Fishing license must be carried on the person to be exhibited to Federal or State officers upon request. No special refuge permit is required.

REELFOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reelfoot National Wildlife Refuge, Tennessee, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 9,092 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The fishing season on that portion of the refuge located north of Upper Blue Basin extends from February 15, 1974 through October 23, 1974. The fishing season on that portion of the refuge located south of Upper Blue Basin extends from Jaunary 21, 1974 until the day preceding opening of the 1974 waterfowl season.

(2) Boats with outboard motors and inboard motors of not more than 10 horsepower may be used.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Isom National Wildlife Refuge, Tennessee, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 750 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1974 through September 30, 1974, sunrise to sunset.

(2) Boats with outboard motors and inboard motors of not more than 6 horsepower may be used.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1974.

RAY R. VAUGHN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 3, 1974.

[FR Doc.74-826 Filed 1-10-74;8:45 am]

PART 33—SPORT FISHING

Squaw Creek National Wildlife Refuge, Missouri

This special regulation is issued and is effective on January 11, 1974.

§ 33.5 Special regulations: Sport fishing: For individual wildlife refuge areas.

MISSOURI

SQUAW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Squaw Creek National Wildlife Refuge, Missouri is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport Fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: April 1, 1974 through November 1, 1974. Daylight hours only.

(2) Spearing or gigging is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through November 1, 1974.

GERALD M. NUGENT,
Refuge Manager, Squaw Creek National Wildlife Refuge, Mound City, Missouri.

JANUARY 3, 1974.

[FR Doc.74-864 Filed 1-10-74;8:45 am]

Title 7—Agriculture

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

[Navel Orange Reg. 307]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 11–17, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.607 Navel Orange Regulation 307.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is

weak and sales are slow. Prices f.o.b. averaged $3.72 a carton on a reported sales volume of 799 carlots last week, compared with an average f.o.b. price of $3.71 per carton and sales of 720 carlots a week earlier. Track and rolling supplies at 443 cars were up 130 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until February 11, 1974 (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 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 Navel oranges and the need for this section; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for 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 Navel oranges; 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 January 8, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 11, 1974, through January 17, 1974, are hereby fixed as follows:

(i) District 1: 800,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: January 9, 1974.

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

[FR Doc.74–967 Filed 1–9–74;11:31 am]

[Lemon Reg. 621]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This section fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Jan. 13–19, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.921 Lemon Regulation 621.

(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 is easier for the larger sizes and is very good on 140's and smaller sizes. Average f.o.b. price was $5.75 per carton the week ended January 5, 1974 compared to $5.87 per carton the previous week. Track and rolling supplies at 110 cars were down 65 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act 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 diseminated 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 regulation will not require any special preparation on the part of persons subject hertto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 8, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 13, 1974, through January 19, 1974, is hereby fixed at 200,000 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: January 10, 1974.

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

[FR Doc.74–1048 Filed 1–10–74;8:45 am]

[Grapefruit Reg. 93]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

This section fixes the quantity of Florida Indian River grapefruit that may be shipped to fresh market during the weekly regulation period January 14–20, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 912. The quantity of grapefruit produced in the Indian River District in Florida so fixed was arrived at after consideration of the total available supply of Indian River grapefruit, the quantity currently available for market, the fresh market demand for Indian River grapefruit, Indian River grapefruit prices, and the relationship of season average returns to the parity price for Florida grapefruit.

§ 912.93 Grapefruit Regulation 93.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part

912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the market demand for Indian River grapefruit is weak and is expected to remain as such through the month of January. Prices, f.o.b. per 4/5 bushel carton were for the week ended January 6, 1974, averaged $2.71 for white seedless and $3.37 for pink seedless. Shipments for the week ended January 6, 1974, and for the previous week were 385 carlots and 0 carlots, respectively. On January 6, 1974, there were 10,775 carloads of Indian River grapefruit remaining for interstate shipments, while 3,975 carlots have been shipped to date.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of grapefruit 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 Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendations for regulation together with its supporting information has been submitted by the committee, however, the Secretary has modified the recommendation to provide for the shipment of a greater quantity of grapefruit, retaining the same effective date, and such information has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this 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 January 8, 1974.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period January 14, through January 20, 1974 is hereby fixed at 150,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: January 10, 1974.

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

[FR Doc.73–1034 Filed 1–10–74;8:45 am]

[Grapefruit Reg. 59]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

This section fixes the quantity of Florida Interior grapefruit that may be shipped to fresh market during the weekly regulation period January 14–20, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 913. The quantity of grapefruit produced in the Interior District in Florida so fixed was arrived at after consideration of the total available supply of Florida Interior grapefruit, the quantity currently available for market, the fresh market demand for Florida Interior grapefruit, Interior grapefruit prices, and the relationship of season average returns to the parity price for Florida grapefruit.

§ 913.359 Grapefruit Regulation 59.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of Interior District grapefruit that may be marketed during the ensuing week stems from the production and marketing situation confronting the Interior District grapefruit industry. The committee has submitted its recommendation with respect to the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the market demand for Florida Interior District grapefruit is slow. Average f.o.b. prices, per 4/5 bushel carton, were $2.45 for white seedless and $2.62 for pink seedless during the week ended January 6, 1974. Shipments for the week ended January 6, 1974, were 250 carlots. On January 6, 1974, 7,388 carlots of Interior District grapefruit were remaining for interstate shipments while 4,862 carlots had been shipped to that date. Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of grapefruit 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 Interior grapefruit, 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 Interior grapefruit; 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 regulation will not require any special preparation on the part of persons subject hereto which cannot

be completed on or before the effective date hereof. Such committee meeting was held on January 8, 1974.

(b) *Order.* (1) The quantity of grapefriut grown in the Interior District which may be handled during the period January 14, 1974, through January 20, 1974, is hereby fixed at 175,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

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

Dated: January 11, 1974.

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

[FR Doc.74–1035 Filed 1–10–74;8:45 am]

PART 958—ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

Reestablishment of Districts

This rule reestablishes districts within the Idaho-Malheur County, Oregon, Onion Marketing Order program's production area to provide more equitable committee representation.

Notice of rule making regarding the proposed redistricting was published in the FEDERAL REGISTER December 21, 1973 (38 FR 35005). It was unanimously recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958). This program regulates the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, and is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than January 3, 1974. None was filed.

For the past several years, the committee has had difficulty securing nominees for committee member and alternate from District No. 6 which had approximately 43 acres of onions during the 1973 crop year while the other five districts each had at least one thousand acres.

The order provides in § 958.27(b) that, upon recommendation of the committee, the Secretary may reestablish districts within the production area.

This rule divides present District No. 5 (Canyon County) along a generally north-south line along fairly well known roads so that approximately 1,549 acres in the westerly portion of Canyon County become District No. 5, and approximately 1,407 acres in the easterly portion which, along with all counties in the Idaho production area not included in District No. 1, become District No. 6.

This provides more equal representation on the basis of acreage and will enable the committee to improve its efficiency in administering the marketing order program.

After consideration of all relevant matters presented, including the proposal set forth in the notice which was recommended by the Idaho-Eastern Oregon Onion Committee, which gave due consideration to the criteria in § 958.27(b), it is hereby found and determined that this reestablishment of districts will tend to effectuate the declared policy of the act.

The rule is as follows:

§ 958.160 Reestablishment of Districts.

(a) Pursuant to § 958.27(b) the following districts are reestablished:

(1) District No. 5 (Parma-Wilder area): That portion of Canyon County lying west and north of a line commencing at the junction of the north boundary of Canyon County and Range 4, Township 12 east, thence south along this line to Soeck Road, thence west along Soeck Road one-fourth mile to Notus Road, thence south along Notus Road to Highway 19, thence west one mile along Highway 19 to Friends Road, thence south along Friends Road to Boundary Road, thence east one-half mile along Boundary Road to Plum Road, thence south along Plum Road to Homedale Road, thence west along Homedale Road to the western boundary of Canyon County.

(2) District No. 6 (Caldwell-Nampa-Homedale and southern Idaho area): That portion of Canyon County not included in District No. 5 plus all of the counties in the Idaho portion of the production area not included within District No. 1.

(b) Terms used in this section have the same meaning as when used in said marketing agreement and this part.

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

Dated January 8, 1974, to become effective June 1, 1974.

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

[FR Doc. 74–921 Filed 1–10–74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—PHASE IV PRICE REGULATIONS

PART 152—PHASE IV PAY REGULATIONS

Exemption of Passenger Hazard Aviation Insurance, Camps and Broomcorn Brooms

1. Section 150.53 is amended in paragraph (b) by incorporating passenger hazard aviation insurance premiums into the insurance premiums exemption.

There are several reasons for the Council's decision to include passenger hazard aviation liability insurance premiums in the insurance premium exemption. Of primary importance was the fact that aviation insurance frequently involves international transactions and the continuation of controls could adversely affect the ability of domestic firms to compete in the international market. Currently world aviation premiums are estimated to be between $500 and $600 million per year. Even though approximately one-third of the premiums are written in the U.S., American firms account for only 55–60 percent of this total. Furthermore, the rate structure for the exempted lines of aviation insurance does not lend itself to standard rate-making procedures. Since the risks are of high severity and low frequency, personal judgment plays a fundamental role in rate determination. This regulation change is intended to provide adequate pricing flexibility for firms which compete in the aviation insurance market.

2. Section 150.54 is amended by adding a new paragraph (y) exempting prices charged by commercial camps as described in the Standard Industrial Classification Manual under Industry Number 7032, camps which conduct similar operations on a non-profit basis, and day camps from the Economic Stabilization Program. The exemption covers prices charged by camps organized for educational or recreational purposes and includes boys' and girls' camps, fishing and hunting camps, dude ranches (except hotels), cabin camps, and nudist camps. The exemption does not include resort hotels.

There are several reasons for exempting camps from the price control regulations. First, approximately 99.7 percent of the firms in the industry are exempt from the Economic Stabilization Program pursuant to § 150.60, *Small businesses: Exemption of firms with 60 or fewer employees.* Thus because such a high percentage of the firms in the industry are already exempt and because the firms which are already exempt control approximately 94 percent of the sales in the industry, continued control over the few firms not qualifying for exemption pursuant to § 150.60 would have little practical effect on the economy. Second, the industry is very small, there are no category I or category II firms, and its impact on the cost of living is insignificant. Third, there is effective competition in the industry and market conditions are such that price stability can be attained without price controls.

3. Section 150.55 is amended by adding a new paragraph (e) to provide an exemption for prices charged by manufacturers of brooms for brooms made of broomcorn. This action is taken in response to a request for exemption by the National Broom Council.

The broomcorn broom industry is included in Industry No. 3991 of the 1972 Standard Industrial Classification Manual. Broomcorn brooms account for 7–8 percent of the industry's shipments and have a sales volume of about $50

million. Over 200 firms produce broomcorn brooms, but only 7 of those firms are large enough to be subject to the Phase IV regulations. This exemption is intended to place these firms on the same footing as the others in the broomcorn broom industry.

4. As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the sporting and recreational camps industry. The exemption is set forth in new § 152.38. The exemption is inapplicable to any such employee who receives an item of executive or variable compensation, or who is a member of an executive control group. The exemption is also inapplicable to any such employee whose duties and responsibilities are not of a type exclusively performed in or related to the sporting and recreational camps industry and whose pay adjustments are historically related to the pay adjustment of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within the exemption.

5. As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the broomcorn broom manufacturing industry. The exemption is set forth in new § 152.39. The exemption is inapplicable to any such employee who receives an item of executive or variable compensation, or who is a member of an executive control group. The exemption is also inapplicable to any such employee whose duties are responsibilities are not of a type exclusively performed in or related to the broomcorn broom manufacturing industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within the exemption.

In cases of uncertainty of application, inquiries concerning the scope or coverage of the exemptions set forth in §§ 150.38 and 152.39 should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

The Council retains the authority to reestablish price and wage controls over any of the industries exempted by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.25 to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

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

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

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective December 28, 1973.

Issued in Washington, D.C. on December 28, 1973.

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

1. § 150.53 is amended by revising paragraph (b) to read as follows:

§ 150.53 Real estate and insurance premiums.

* * * * *

(b) *Insurance premiums.* (1) Premiums charged for the following lines of insurance purchased or renewed after November 13, 1971, are exempt.

(i) Reinsurance of all kinds.

(ii) Ocean marine insurance.

(iii) Inland marine insurance on a bid basis applicable to facilities of transportation and communication.

(iv) Life insurance, annuities, and endowments (including individual and group contracts of: Ordinary and term life insurance, fixed and variable annuities, and endowments of all kinds); but excluding credit life insurance of any kind.

(v) Individually negotiated and rated insurance contracts written in excess of a self-insured retention of at least $100,000.

(2) Premiums charged for the following sublines of aviation insurance purchased or renewed after September 1, 1972, are exempt.

(i) Hull insurance.

(ii) Liability insurance for bodily injury caused by an aircraft.

(iii) Liability insurance for property damage caused by an aircraft.

(3) Enrollment fees, deductibles, coinsurance, and other cost sharing required by State Medicaid agencies under provisions of section 208 of Pub. L. 92-603 (86 Stat. 1329 (42 U.S.C. 1396a(a)(14))).

2. Section 150.54 is amended by adding a new paragraph (y):

§ 150.54 Certain price adjustments.

* * * * *

(y) *Camps.* Prices charged by commercial camps described in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 7032, camps which conduct similar operations on a non-profit basis, and day camps are exempt.

3. Section 150.55 is amended by adding a new paragraph (e) to read as follows:

§ 150.55 Miscellaneous.

* * * * *

(e) *Broomcorn brooms.* Prices charged by manufacturers for brooms made of broomcorn are exempt.

4. Subpart D of Part 152 is amended by adding a new § 152.38 to read as follows:

§ 152.38 Sporting and recreational camps industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the sporting and recreational camps industry or in support thereof are exempt from and not included in the coverage of this title.

(b) *Establishment in the sporting and recreational camps industry.* For purposes of this section, "Establishment in the sporting and recreational camps industry" means any establishment whose prices are exempt from this title pursuant to § 150.54(y) of this chapter.

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

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

(1) An employee who receives an item of executive or variable compensation subject to the provisions of Subpart K of this part, other than an item of executive or variable compensation pursuant to a plan or program subject to § 152.127;

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

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

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

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the sporting and recreational camps industry or in support thereof within the meaning of paragraph (c) of this section.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after January 11, 1974.

5. Subpart D of Part 152 is amended by adding a new § 152.39 to read as follows:

§ 152.39 Broomcorn broom manufacturing industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the broomcorn broom manufacturing industry or in support thereof are exempt from and not included in the coverage of this title.

(b) *Establishment in the broomcorn broom manufacturing industry.* For purposes of this section, "Establishment in the broomcorn broom manufacturing industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industrial Code 3991 (Brooms and Brushes) and primarily engaged in the manufacture of broomcorn brooms.

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

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

(1) An employee who receives an item of executive or variable compensation subject to the provisions of Subpart K of this part, other than an item of executive or variable compensation pursuant to a plan or program subject to § 152.127;

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

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

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

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the broomcorn broom manufacturing industry or in support thereof within the meaning of paragraph (c) of this section.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after January 11, 1974.

[FR Doc.74-999 Filed 1-9-74;4:05 pm]

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Special Reporting Requirements; Miscellaneous Amendments

Section 152.25 is being deleted and transferred to a new § 152.6(a). The purpose of this amendment is to make clear that the Cost of Living Council's authority to require special reports or information concerning the Economic Stabilization Program is not restricted to firms subject to the rules for self-administration. Although the Council has consistently exercised such authority in sectors subject to mandatory controls, several inquiries have been received, precipitating this clarifying change.

In connection with the above, a new § 152.6(b) is added to clarify the extent to which special reports and information on stabilization matters may be solicited from State and local governments. Thus, when a State mandates any pay adjustment, the Council may require information and reports on the effect of that pay adjustment from local governments or agencies or instrumentalities in addition to the State. The Council may also require pay comparability information or reports from one State in order to measure the impact of the mandated pay adjustment in another State.

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

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

Issued in Washington, D.C., this 9th day of January, 1974.

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

In 6 CFR Part 152, § 152.25 is deleted and Subpart A is amended by adding at the end thereof a new § 152.6 to read as follows:

§ 152.6 Special reports of pay adjustments.

(a) *General.* Whenever the Cost of Living Council considers it necessary for the effective administration of the economic stabilization program, it may order any person to file special or separate reports, setting forth information relating to the economic stabilization program, in addition to any other reports required by this part.

(b) *State mandated pay adjustments.* For purposes of paragraph (a) of this section, the Council may order the submission of reports or information with respect to any State mandated pay adjustment (within the meaning of § 201.96 of this title) from any person or entity the Council deems appropriate, including in addition to the State government prescribing the mandate, other States, local governments, school districts, agencies, or instrumentalities.

[FR Doc.74-998 Filed 1-9-74;4:05 pm]

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Special Rule No. 4

Special Rule No. 4 is amended to extend its provisions to cover items whose price has been raised pursuant to an exception to Special Rule No. 1 granted by the Council. Special Rule No. 4, as originally issued, did not apply to any item whose price had been increased above adjusted freeze price prior to December 1, 1973.

Special Rule No. 1, among other things, precluded Tier I steel firms from prenotifying price increases on steel items other than flat rolled steel products until December 1, 1973. A number of firms have received exceptions to Special Rule No. 1 which permitted them to increase prices for certain items other than uat rolled steel products above adjusted freeze price levels prior to December 1, 1973.

As permitted by Special Rule No. 1, approximately 34 steel firms on or about December 1, 1973 prenotified price increases on items other than lat rolled steel. The Council held hearings on December 19 and 20, 1973 and subsequently suspended the running of the prenotification period and announced that a decision would be forthcoming on or before January 25, 1974. Special Rule No. 4 was designed to provide relief during this suspension period for those steel items heavily dependent on steel scrap and for which there had been no Phase IV price increases.

Firms which had received an exception to Special Rule No. 1 could not take advantage of Special Rule No. 4 with respect to those items which had been increased before adjusted freeze price levels pursuant to that exception. In many cases, this result produced an anomaly in that Special Rule No. 4 would provide greater relief than the previously granted exception. Therefore, Special Rule No. 4 is amended to remove this anomaly and to allow these firms to make price adjustments to relect purchased ferrous scrap cost increase for those items previously increase in price pursuant to an exception to Special Rule No. 1.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit written comments regarding these regulations. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

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

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective January 9, 1974.

Issued in Washington, D.C., on January 9, 1974.

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

Special Rule No. 4 of the Appendix to Subpart J is amended in paragraph 1 to read as follows:

APPENDIX

SPECIAL RULE NO. 4

1. *Applicability.* This special rule applies to the prices charged for those steel items which have not been sold at prices above adjusted freeze price prior to December 1, 1973 and for those steel items whose prices have been increased above adjusted freeze price pursuant to an exception to Special Rule No. 1 granted by the Council by firms within group No. 331 of the Standard Industrial Classification Manual, 1972 edition.

* * * * *

[FR Doc.74-1014 Filed 1-9-74;5:15 pm]

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Productivity Gains

The purpose of these amendments is to modify and clarify the rules concerning treatment of annual productivity gains under § 150.77 of the Phase IV price regulations.

Prior to these amendments, § 150.77(a)(1), applicable to manufacturing activities, concluded with the following sentence:

To the extent provided in the table in Appendix A, productivity gains shall be taken into account in the calculation of all price increases during any fiscal year but only until the full productivity offset, derived from Appendix A and calculated under paragraph (a)(2) of this section, has been used within that fiscal year.

The language limiting the application of the productivity offset rule to only one full "use" of the offset per fiscal year was appropriate in Phase II where the periods for measuring costs were incremental rather than cumulative as in Phase IV. In Phase II, a firm which submitted two or more consecutive prenotification requests for the same product line in the course of the same fiscal year would "use" the full productivity offset in connection with cost-justification for the first round of price increases and would properly exclude any productivity offset from the subsequent prenotification requests since those requests were supported by new cost increases which were incurred since the preceding round of price increases in that fiscal year.

In Phase IV, cost-justification for price increases is generally always measured from a fixed base cost period and is therefore cumulative in the sense that prenotification documents and quarterly reports always reflect the change in cost levels between the base cost period and the current cost period. Just as each subsequent quarterly report of cost-justification for a product line where prices have been increased and each prenotification request includes all cost changes since the base cost period, a productivity offset must be shown in every Schedule C on quarterly reports and prenotification documents.

In view of these considerations the last sentence of § 150.77(a)(1) has been deleted. The cross-reference to paragraph (a)(2) of § 150.77 which was in the deleted sentence has been added to the first sentence of the section.

In addition, § 150.77(a)(2) is amended to more clearly state the Phase IV rules concerning multiple productivity offsets with respect to manufacturing activities. Heretofore, the regulations required one productivity offset for each fiscal year. This meant, for example, that a firm engaged in manufacturing under Subpart E with a base cost period of October 1–December 31, 1972, and a fiscal year ending June 30 was required to take a double productivity offset with respect to price increases immediately after Phase IV began in August, 1973, since the period involved extended across portions of two fiscal years. This was true even though the period involved was less than 12 months.

In response to requests from several firms for a modification of the sometimes harsh impact of the "fiscal years" rule, the Council considered a number of alternatives. The decision of the Council, as reflected in these amendments, is that the productivity offset is to be calculated on the basis of periods of four consecutive fiscal quarters or less rather than the passage of fiscal years. This meant that, in the example given above, two productivity offsets would not be required until after four fiscal quarters elapsed on September 30, 1973.

The productivity offset is related under the Phase IV regulations to the ratio that labor costs bears to total sales, and under those regulations the labor cost must be measured on an input basis as of the first day of the base cost period. It is consistent with the Phase IV regulations, therefore, that productivity gains should be measured from the beginning of the base cost period. This amendment makes it clear that under the new "four quarters" rule the beginning of the base cost period is the starting point for measurement of productivity periods and the ending date is the last day of the current cost period concerned. Thus, in the typical case of a firm engaged in manufacturing under Subpart E with a base cost period of October 1–December 31, 1972, on productivity offset would be required for current cost periods ending before October 1, 1973, and two offsets would be required for any current cost periods ending thereafter.

Section 150.77(a)(2) is also amended to provide that an additional productivity offset need not be taken during a second or subsequent productivity period as long as no price is increased during that period. This rule is intended to avoid requiring a firm which has not increased any prices in the product line concerned in the second productivity period to reduce previously lawful price levels solely because the additional productivity offset reduces net cost increases which support the previous price levels. In other words, the second-year productivity gain is an offset to costs supporting second-year price increases. This rule is consistent with the pre-existing general rule under the Economic Stabilization Program that while productivity gains may be viewed as a reduction in net costs they are not required to be reflected in the Program except as an offset to costs which support price increases. While it would not be unreasonable to require a firm which had raised prices above base levels in the first productivity period to take a second-year productivity offset regardless of whether prices were further increased in the second productivity period, the Council believes that the rule provided by these amendments will better serve attainment of the goals of the Economic Stabilization Program because it will encourage price restraint in the second productivity period and will aid in orderly administration of cost-justification procedures.

In addition, these amendments provide that a price category I firm which increases a price during a second or subsequent productivity period pursuant to a prenotification document submitted more than 30 days prior to the end of the preceding productivity period is not required, by virtue of that price increase, to take the additional offset relating to the second or subsequent productivity period. In the absence of this rule, a Tier I firm which prenotifies in one period and is considering delaying price increases until the second productivity period would in effect be penalized for the delay nd might be encouraged to raise prices immediately to avoid the impact of the rule requiring the second productivity offset to be taken when prices are raised in the second period.

Under the revised § 150.77, a second productivity offset must be fully reflected in any prenotification document submitted in the second productivity period where the current cost period used extends into the second productivity period. This means that a price category I firm which must take an annual productivity offset of 2 percent, for example (Schedule C, line 11), would have to accumulate more than 2 percent of new net cost increases with respect to the product line concerned before submitting a prenotification document in the second period proposing new price increases.

Finally, § 150.77(b) is amended to make it clear that the newly-stated productivity rules apply also to service activities. Productivity rules with respect to service activities are separately stated in paragraph (b) of § 150.77 because the productivity tables in the appendix to Subpart E (average annual rate of productivity gain by standard industrial classification) do not cover service activities other than construction. Section 150.77(b), as amended, makes it clear that ,for the purpose of determining the extent to which a price increase is justified with respect to service activities, a firm engaged in service activities computes its own actual productivity gains and then calculates the appropriate productivity offset in accordance with § 150.77(a)(2).

The effective date of these amendments is January 10, 1974. This means that the quarterly or other periodic report with respect to any fiscal quarter or other fiscal period ending on or after that date must reflect productivity gains calculated pursuant to the amended § 150.77 and that quarterly reports with respect to fiscal quarters ending before the effective date of these amendments are to remain unaffected by these amendments. In addition, pending prenotification documents filed before the effective date of these amendments—that is, those with respect to which no action has been taken by the Council or the 30-day prenotification period has not expired—will be adjusted by the Council to reflect the new productivity rules but only to the extent that the overall adjustment does not result in a percentage of cost-justification in excess of the amount submitted in the prenotification document. However, firms may submit amended CLC–22s with respect to pending prenotification submissions as long as they remain pending, or with respect to any prenotification document submitted after the effective date of this amendment, to reflect any lesser productivity offset which might be permissible under this amendment. Prenotification documents which were disapproved or modified before the effective date of these amendments, or with respect to which the 30-day period had run before the effective date of these amendments, may not now be amended to reflect any lesser productivity offset under the amended § 150.77.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

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

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as follows, effective January 10, 1974.

Issued in Washington, D.C., on January 10, 1974.

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

Section 150.77 is amended to read as follows:

§ 150.77 Productivity gains.

(a) *Calculation of productivity gains: Manufacturing activities—(1) General.* For the purpose of determining the extent to which a price increase is justified with respect to manufacturing activities, each firm engaged in manufacturing activities shall reduce net increases in costs to reflect productivity gains in accordance with paragraph (a)(2) of this section.

(2) *Calculation.* (i) Each firm engaged in manufacturing shall calculate the sum of all of its labor costs (of the type required to be included as costs in reporting and prenotification forms issued pursuant to Subpart H of this part, whether or not such forms are required to be filed) as a percentage of sales for the product line concerned, and shall multiply that percentage by the average annual rate of productivity gain for the applicable industrial category, as set forth in the table in the appendix to this subpart. The result is the annual productivity gain, stated as a percentage, which must be multiplied by the number of productivity periods which have elapsed or which shall have elapsed between the beginning of the base cost period and the end of the current cost period. The total productivity gain, as adjusted for the number of productivity periods concerned, is the percentage amount by which net increases in costs shall be reduced in order to be allowable costs for price increase purposes. For purposes of this section, a "productivity period" is a period of four consecutive fiscal quarters. However, if the period of time between the beginning of the base cost period and the end of the current cost period is less than four fiscal quarters, or if there is a period of less than four fiscal quarters remaining after taking into account the productivity period or periods as defined above, that period of less than four fiscal quarters is also a "productivity period" for the purposes of this section.

(ii) Notwithstanding paragraph (a)(2)(i) of this section, a firm which has not increased the price of any item in the product line concerned during a second or subsequent productivity period shall not be required to reduce net increases in costs by the additional productivity offset relating to that period until the fiscal quarter or other reporting period in which a price is increased. However, a price category I firm which increases a price in a second or subsequent productivity period pursuant to a prenotification document submitted more than 30 days prior to the end of the next preceding productivity period is not required, by virtue of that price increase, to reduce net increases in costs by the productivity offset relating to the second or subsequent productivity period. In no event shall a firm be required to reduce net increases in costs by the productivity offset relating to a second or subsequent productivity period if that reduction in net increases in costs would require reduction in prices.

(iii) If the product line concerned extends to more than one industrial category, the average percentage gain in productivity in each category shall be weighted in proportion to the ratio which its estimated sales in each industrial category for the most recently completed fiscal quarter bears to the total sales of that product line for that quarter.

(3) *Subsidiaries, etc., not included.* This paragraph does not apply to a wholesale, retail or service subsidiary, division, affiliate, or similar entity that is a part of, or is directly or indirectly controlled by, a firm engaged in manufacturing.

(b) *Calculation of productivity gains; service activities.* For the purpose of determining the extent to which a price increase is justified with respect to service activities, each firm engaged in service activities shall reduce net increases in costs to reflect productivity gains. Since the table in the appendix to this subpart does not provide average annual rates of productivity gain for service activities subject to this subpart, each firm engaged in service activities shall compute its own actual productivity gains (stated as an annual rate of productivity gain for each service line) and, in accordance with paragraph (a)(2) of this section, shall weight those gains in proportion to the ratio that its labor costs bear to sales for the service line concerned and shall multiply the productivity gains, thus weighted, by the number of productivity periods which have elapsed or which shall have elapsed betwen the beginning of the mase cost period and the end of the current cost period. The total productivity gain, as adjusted for the number of productivity periods concerned, is the percentage amount by which net increases in costs shall be reduced in order to be allowable costs for price increase purposes.

[FR Doc.74–1050 Filed 1–10–74;11:54 am]

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 rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1064]

MILK IN GREATER KANSAS CITY MARKETING AREA

Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Greater Kansas City marketing area is being considered with respect to producer milk deliveries during the period February through July 1974.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, on or before January 18, 1974. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

1. Section 1064.19, *Base milk and excess milk.*

2. In § 1064.22, *Additional duties of the market administrator,* the reference in paragraph (j) (2) "and § 1064.72"; and paragraph (o) in its entirety.

3. In § 1064.30, *Reports of receipts and utilization,* the parenthetical phrase in paragraph (a) "(for each of the months of February through July, the pounds of base and excess milk received from each producer)".

4. In § 1064.31, *Payroll reports,* the part of paragraph (a) that reads "including, for each month of February through July, such producer's deliveries of base milk and excess milk".

5. In § 1064.32, *Other reports,* the part of paragraph (b) that reads "For each month of February through July, the quantity of producer milk that is base milk and excess milk shall also be reported".

6. Section 1064.55, *Computation of daily base for each producer.*

7. Section 1064.66, *Daily base rules.*

8. In § 1064.71, *Computation of uniform price,* the part of paragraph (f) that reads "for the months of August through January".

9. Section 1064.72, *Computation of uniform prices for base milk and excess milk.*

10. In § 1064.80, *Time and method of payment,* the reference in paragraph (a) "or § 1064.72".

11. In § 1064.81, *Location differentials to producers and on nonpool milk,* the part of paragraph (a) that reads "and the uniform price for base milk pursuant to § 1064.72".

12. In § 1064.84, *Payments to the producer-settlement fund,* paragraph (b) in its entirety.

13. In § 1064.85 *Payments out of the producer-settlement fund,* the references "or (b)(2)" and "or (b)(1)".

Statement of Consideration. The base and excess plan is a method of apportioning the total value of milk in the market among producers on the basis of their marketings of milk during a representative period. The plan is intended to encourage seasonal adjustment of production. In this market the plan provides for payments to producers in the months of February through July each year on bases computed from their milk deliveries during September through December of the preceding year.

Mid-America Dairymen, Inc., a cooperative representing a large proportion of producers on the market, requests suspension of the base and excess plan for the February–July 1974 period because of current production conditions in this market. In its petition for this action, the association pointed out that milk production declined substantially in the Kansas City market during 1973, both in total production and production per farm. Petitioner alleges that if relatively lower average bases than a year before apply in the February–July 1974 period, "producers might cull their herds too closely to avoid marketing excess milk." This, they contend, could be detrimental to the supply situation in the Kansas City market.

Petitioner requests that suspension action be taken as soon as possible so that producers can be informed and, therefore, avoid any excessive culling of herds or dispersal sales that might result from the effect of the base-excess plan during the February–July 1974 period.

Signed at Washington, D.C., on January 8, 1974.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.74-922 Filed 1-10-74;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 317 and 381]

INFORMATION PANEL AND NUTRITION LABELING

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Animal and Plant Health Inspection Service, pursuant to the authority conferred by the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq), and by the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), proposes to amend Part 317 of the meat inspection regulations (9 CFR Part 317), and Part 381 of the poultry products inspection regulations (9 CFR Part 381), to provide for nutrition labeling and an information panel.

Statement of Considerations. The Department of Agriculture (USDA) generally supports the extensive label revisions adopted or proposed by the Food and Drug Administration (FDA) on January 19, 1973, and which were later amended on March 14, 1973. Prior to their publication in the FEDERAL REGISTER, there was consultation between USDA and FDA. Among other things, the regulations recently adopted by FDA concern the matters of an "Information Panel" and "Nutrition Labeling." The Secretary is proposing similar regulations for meat and poultry products.

For the past 25 years the Department's meat inspection regulations have required that mandatory label features be shown on the principal display panel; except that in the use of cylindrical containers, the establishment may elect to show certain of the mandatory features on a "20 percent panel" (i.e., a panel which does not exceed 20 percent of the circumference of the container) immediately to the right or left of the principal display panel. For example, a canned soup label can now show the name of the soup and the net weight statement on the principal display panel with the ingredients statement, official mark of USDA inspection, and the firm's name and address on the "20 percent panel", reserved for required information only. Similar provisions for the location of required label information have been in the poultry products inspection regulations since 1957.

The amendment proposing an "Information Panel" would require that only the product name, the net quantity of contents statement and the official mark of inspection be shown on the principal display panel. The principal display

panel is defined as that part of the label that is most likely to be displayed and examined under customary conditions of display for retail sale. For a cylindrical container it would be 40 percent of the label and for a rectangular container it would be one entire surface. This would permit the ingredients statement, the firm's name and address, and any required nutritional information to be placed on an "Information Panel."

The information panel would be a panel immediately to the right of the principal display panel. The information to be shown on the information panel would be required to appear in one place without other nonmandatory intervening print or design. The Department would continue to rely on its long standing policy that requires information placed on the principal display panel or the information panel to appear prominently and conspicuously.

On the whole it does not appear that this proposal would result in massive label changes for the meat and poultry industry since the Department has had specific location requirements for mandatory label information for many years. Cylindrical containers whose labels have utilized a "20 percent panel" to the right of the principal display panel would generally continue to be acceptable. However, if the "20 percent panel" is to the left of the principal display panel on cylindrical containers, it would require relocation. In some cases, too, the official mark of inspection would have to be placed on the principal display panel.

If nutrition labeling is used, specific mandatory information would be required. Nutrition labeling would be mandatory when nutrients such as protein (amino acids), vitamins, and minerals are added to a product or when a nutrition claim or information is presented on the labeling or in advertising for the product. However, the use of these nutrients solely for technological purposes would not subject the product to nutrition labeling.

For example, it is a common practice in curing meats to use ascorbic acid (Vitamin C) to accelerate color fixing or to preserve color during storage. Therefore, if ascorbic acid is properly shown in the ingredients statement, and no other reference to it is made on the labeling or in advertising for the product, the label would not be required to show the nutrition information prescribed by this proposal. Similarly, the use of an ingredient such as "textured vegetable protein" in a product would not subject the product to nutrition labeling simply because of the word "protein" in the ingredient name. Here too, no other reference to these ingredients may be made on the labeling or in advertising for the product, except as would be required in the product name and ingredient statement.

The nutrient quantities to be shown would be in relation to a specified serving or portion of the product. The term "serving" as used in the proposal refers to that quantity of the product that would provide the stated nutrients. The proposal offers a guide to the average individual as an adult male engaged in light physical activity. The term "portion" as used in the proposal refers to the amount of a product which is customarily used only as a component or ingredient in another food item.

The "serving" or "portion" reference is intended to establish a base of reference that consumers may use to make comparisons between products. For example, on frankfurter packages a "serving" could be stated as "two links" or "two frankfurters" with all nutrient quantities shown based on eating two links. Another package of frankfurters may state the "serving" as "one link" or "one frankfurter." Whatever serving size or portion size is used it would be required to be in easily identifiable household terms. If the product is purchased in sliced form, the serving size could be stated per slice(s). A package of steaks or patties could have the serving size stated per patty or per steak. A 15 ounce can of Chili could declare the number of servings as "2" with a serving size of 7½ oz., indicating to the consumer that if one half of the can is consumed the individual will receive the indicated nutrients.

Products which require cooking before they can be eaten and for which a nutrition claim is made would be required to have a declaration of the nutrient quantities on the basis of the "as purchased" content and on the "as cooked" basis, with the specific method of cooking shown in a prominent statement immediately following the table of nutrition information.

When a manufacturer wishes to show the nutrient quality for his product on the product label, or if any reference to nutrient quality is made on the label, or labeling, or in advertising for the product, specific nutrition information would be required to be placed on the principal display panel or on the information panel as provided for by these proposed amendments.

Under the overall heading of "Nutrition Information Per Serving" or "Nutrition Information Per Portion" would be stated, and always in this order, the following: (1) "Serving (portion) size": With a statement of the size, such as, "1 link," "8 oz.," or "1 Dinner"; (2) "Servings (portions) per container": With the number of servings or portions, of the size identified, to be obtained from the contents; (3) "Calories": With the number of calories per serving (portion); (4) "Protein": With the number of grams of protein per serving (portion); (5) "Carbohydrate": With the number of grams of carbohydrates per serving (portion); (6) "Fat": With the number of grams of fat per serving (portion). Immediately following this listing would be a statement "Percentage of U.S. Recommended Daily Allowances (U.S. RDA)" followed by a listing, and in this order, of protein, Vitamin A, Vitamin C, thiamine, riboflavin, niacin, calcium, and iron with the percentage of the U.S. RDA that each serving (portion) of the product will provide.

The Department's approach to inspection, which calls for an inspector in every establishment and prior approval of labels before use, allows Department employees to observe plant controls over product formulation and processing, to analyze products frequently, and to initiate retention procedures before the product enters commerce, when necessary. Thus, when labeling material containing nutrition information is submitted for approval, the meat and poultry inspection program would also require that a plant operated quality assurance program be established as a necessary source of information in determining labeling compliance. The monitoring of these inplant quality assurance programs by program inspectors will be added to his analytical results of production samples in evaluating the effectiveness of product labeling control.

If adopted, the proposed amendments would become effective on December 31, 1974.

Therefore, it is proposed to amend Part 317 of the meat inspection regulations (9 CFR Part 317) as follows:

1. In § 317.2 paragraphs (b), (c), (d), (f), and (g) would be amended to read as follows:

§ 317.2 Labels: Definition; required features.

* * * * *

(b) * * * In order to meet this requirement, such information must appear on the principal display panel or on the information panel prescribed in paragraph (d) of this section unless otherwise specified by regulations in this subchapter.

(c) Labels of all products shall show the following information on the principal display panel or on the information panel prescribed in paragraph (d) of this section unless otherwise specified by regulations in this subchapter and shall be in accordance with the requirements of this Part or, if applicable, Part 319 of this subchapter:

(1) The name of the product shall be shown on the principal display panel, and in the case of a product which purports to be or is represented as a product for which a definition and standard of identity or composition is prescribed in Part 319 of this subchapter, shall be the name of the food specified in the standard, and in the case of any other product shall be the common or usual name of the food, if any there be, and if there is none, a truthful descriptive designation, as prescribed in paragraph (e) of this section:

* * * * *

(4) An accurate statement of net quantity of contents as prescribed in paragraph (k) of this section shall be shown on the principal display panel.

(5) An official inspection legend shall be shown on the principal display panel and, except as otherwise provided in paragraph (i) of this section, the number of the official establishment, in the form required by Part 312 of this subchapter shall be shown on that panel or on the information panel.

* * * * *

(d) (1) The principal display panel of the label shall be that part of the label that is most likely to be displayed, presented, shown or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part and Part 319 of this subchapter with clarity and conspicuousness and without obscuring such information by design, vignettes, or crowding. Where packages bear alternate principal display panels, required information placed on one principal display panel shall be duplicated on each principal display panel. In the case of cylindrical containers, or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. The term "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

(i) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel, the product of the height times the width of that side;

(ii) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference;

(iii) In the case of any other container, 40 percent of the total surface of the container: *Provided, however*, That where such container presents an obvious "principal display panel," such as the top of a triangular or circular package, the area shall consist of the entire top surface.

(2) The information panel of the label shall be that part of the label, reserved for information required by this part, which is immediately contiguous and to the right of the principal display panel, as observed by an individual facing the principal display panel, with the following exceptions:

(i) If the part of the label immediately contiguous and to the right of the principal display panel is too small to accommodate the necessary information or is otherwise unusable space, e.g., folded flaps or can ends, the panel immediately contiguous and to the right of this part of the label may be used.

(ii) If the package has one or more alternate principal display panels, the information panel is immediately contiguous and to the right of any principal display panel.

(iii) If the top of the container is the principal displays paned and the package has no alternate principal display panel, the information panel is any panel adjacent to the principal display panel.

(3) All information appearing on the information panel pursuant to this subchapter shall appear in one place, without nonmandatory intervening print or design, and shall appear prominently and conspicuously.

(4) Each statement of label information required by this Part shall appear completely stated on one label panel in accordance with this Part, with all other required label information appearing on label panels as permitted by this part. For example, paragraph (c) (3) of this section permits the name and place of business of the manufacturer, packer, or distributor to appear on either the principal display panel or on the information panel; however, if the name of the manufacturer, packer, or distributor appears on the principal display panel, the place of business must also appear on the principal display panel. The remainder of the required label information may be placed on the information panel when permitted by provisions in this section.

(5) In determining the sufficiency of the available label space, any vignettes, design, and other nonmandatory label information shall not be considered.

2. In Part 317, a new § 317.20 would be added headed "Nutrition Labeling." The Table of Contents would be amended to reflect the new § 317.20 and said section would read as follows:

§ 317.20 Nutrition labeling.

(a) Except as provided in paragraph (h) of this section, inclusion of any added vitamin, mineral, or protein in a product or of any nutrition claim or information, other than sodium content, on labeling or in advertising for a product subjects the labeling to the requirements of this section.

(1) Solicitation of requests for nutrition information by a statement "For nutrition information write to _____" on the label or in other labeling or advertising for a product, or providing such information in a direct written reply to a solicited or unsolicited request, does not subject the label or other labeling to the requirements of this section if no other nutrition claim is made on the label or in other labeling or advertising, if the reply to the request conforms to the requirements of this section, and if no vitamin, mineral, or protein is added to the product.

(2) If any vitamin or mineral, or both, are added to a product so that a single serving provides 50 percent or more of the U.S. Recommended Daily Allowance (U.S. RDA) thereof for adults and children 4 years or more of age, as specified in 21 CFR 125.1, unless such addition is permitted or required in other regulations, e.g., a standard of identity or is otherwise exempted by the Secretary, the product shall conform to the standard of identity set forth in 21 CFR 80.1, and shall also conform to the labeling prescribed in 21 CFR 80.1, except that the labeling prescribed in paragraph (c) of this section, including the order for listing vitamins and minerals prescribed in paragraph (c) (7) (iv), shall be used in lieu of the labeling prescribed in 21 CFR 80.1 (i) (1).

(b) All nutrient quantities (including vitamins, minerals, calories, protein, carbohydrate, and fat) shall be declared in relation to the average or usual serving or portion.

(1) The term "serving" means that reasonable quantity of product suited for or practicable of consumption as part of a meal by an adult male engaged in light physical activity, or by an infant or child under 4 years of age when the article purports or is represented to be for consumption by an infant or child under 4 years of age. The term "portion" means the amount of a product customarily used only as a component or ingredient in another food item. A statement on labeling regarding a serving or portion shall be in terms of a convenient unit of such product or a convenient unit of measure that can be easily identified as an average or usual serving or portion and can be readily understood by purchasers of such product (e.g., a serving or portion may be expressed in slices, links, patties; or in terms of ounces, fluid ounces, teaspoonfuls, tablespoonfuls, or cupfuls as the case may be).

(2) A teaspoonful shall be considered to mean 5 milliliters (approximately ⅙ fluid oz.) in volume; a tablespoonful shall be considered to mean 15 milliliters (approximately ½ fluid oz.) in volume; and a cupful shall be considered to mean 240 milliliters (approximately 8 fluid oz.) in volume. The weight of the serving may also be expressed in grams.

(3) The declaration of nutrient quantities shall be on the basis of the product as packaged, and if the product requires cooking before eating, another column of figures shall be used to declare the nutrient quantities on the basis of the product as eaten after cooking, in the same format required in paragraph (c) of this section: *Provided*, That the specific method of cooking or other preparation shall be disclosed in a prominent statement immediately following the information required by paragraph (c) of this section.

(c) The declaration of nutrition information on the labeling shall contain the following information in the following order, using the headings specified under the overall heading of "Nutrition Information Per Serving (Portion)." The terms "Per Serving (Portion)" are optional and may follow or be placed directly below the terms "Nutrition Information."

(1) "Serving (portion) size": A statement of the serving (portion) size.

(2) "Servings (portions) per container": The number of servings (portions) per container.

(3) "Caloric content" or "Calories": A statement of the caloric content per serving (portion), expressed to the nearest 2-calorie increment up to and including 20 calories, 5 calorie increment above 20 calories and up to and including 50 calories, and 10-calorie increment above 50 calories. Caloric content shall be determined by the Atwater method as de-

scribed in A. L. Merrill and B. K. Watt, "Energy Value of Foods—Basis and Derivation," USDA Handbook 74 (1955).[1] Caloric content may be calculated on the basis of 4, 4, and 9 calories per gram for protein, carbohydrate, and fat, respectively, unless the use of these values gives a caloric value more than 20 percent greater than the caloric value obtained when using the more accurate values determined by use of the Atwater method as found in USDA Handbook 74 (1955).

(4) "Protein content" or "Protein": A statement of the number of grams of protein in a serving (portion), expressed to the nearest gram. Protein content may be calculated on the basis of the factor of 6.25 times the nitrogen content of the food as determined by the appropriate method of analysis of the Association of Official Analytical Chemists (AOAC), 11th edition 1970, except when the official procedure for a specific food requires another factor.

(5) "Carbohydrate content" or "Carbohydrate": A statement of the number of grams of carbohydrate in a serving (portion) expressed to the nearest gram.

(6) "Fat content" or "Fat": A statement of the number of grams of fat in a serving (portion) expressed to the nearest gram. Fatty acid composition, cholesterol content, and sodium content may also be declared in compliance with 21 CFR 1.18 and 125.9.

(i) When fatty acid composition is declared, the information on fatty acids complies with 21 CFR 1.18(c) shall be placed on the labeling immediately following the statement of fat content. The declaratory information statement complies with 21 CFR 1.18(d) shall be placed either immediately following the statement on fat and fatty acids or shall be appropriately referenced by symbol and placed immediately following the completed nutrition information statement.

(ii) When cholesterol content is declared, the information on cholesterol complies with 21 CFR 1.18(b) shall immediately follow the statement on fat content (and fatty acids, if stated). The declaratory information statement complies with 21 CFR 1.18(d) shall be placed either immediately following the statement on cholesterol or shall be appropriately referenced by symbol and placed immediately following the completed nutrition information statement.

(iii) When both fatty acid and cholesterol information are provided, the declaratory information statement may be combined as permitted by 21 CFR 1.18(d).

(iv) When sodium is declared, the information on sodium required by 21 CFR 125.9 shall be placed on the labeling immediately following the statement on fat content (and fatty acid and/or cholesterol, if stated).

(7) "Percentage of U.S. Recommended Daily Allowances (U.S. RDA)": A statement of the amount per serving (portion) of the protein, vitamins, and minerals, as described in this subparagraph, expressed in percentage of the U.S. Recommended Daily Allowance (U.S. RDA).

(i) The percentages shall be expressed in 2-percent increments up to and including the 10-percent level, 5-percent increments above 10 percent and up to and including the 50 percent level, and 10-percent increments above the 50-percent level. Nutrients present in amounts less than 2 percent of the U.S. RDA may be indicated by a zero, or by an asterisk referring to another asterisk placed at the bottom of the table and followed by the statement "contains less than 2 percent of the U.S. RDA of this (these) nutrient (nutrients)." However, when a product contains less than 2 percent of the U.S. RDA for each of five or more of the eight nutrients specified in paragraph (c)(7)(iii) of this section, the manufacturer or distributor may choose to declare no more than three of those nutrients and none of the remainder listed in subdivision (iv) of this subparagraph. The statement "contains less than 2 percent of the U.S. RDA of _____", listing whichever of the eight nutrients are present at less than 2 percent of the U.S. RDA and have not been declared, shall directly follow the declared nutrient in the same type size. Any nutrient declared shall always appear in the order established in paragraph (c)(7)(iv) of this section.

(ii) The declaration of protein, which shall come first, shall be a statement of the amount per serving (portion) of protein, expressed as a percentage of the U.S. RDA.

(a) The U.S. RDA of the protein in a product is 45 grams if the protein efficiency ratio (PER) of the total protein in the product is equal to or greater than that of casein, and 65 grams if the PER of the total protein in the product is less than that of casein. The percentage of the U.S. RDA shall be declared as described in paragraph (c)(7)(i) of this section.

(b) Total protein with a PER less than 20 percent of the PER of casein may not be stated on the label in terms of percentage U.S. RDA, and the statement of protein content in grams per serving (portion) under subparagraph (4) of this paragraph shall be modified by the statement "not a significant source of protein" immediately adjacent to the protein content statement regardless of the actual amount of protein present.

(iii) The declaration of vitamins and minerals as a percent of the U.S. RDA which shall follow the protein declaration, shall include vitamin A, vitamin C, thiamine, riboflavin, niacin, calcium, and iron, in that order, and shall include any of the other vitamins and minerals listed in paragraph (c)(7)(iv) of this section when they are added and may list in the order specified in paragraph (c)(7)(iv) of this section, any of the other vitamins and minerals listed in subdivision (iv) of this subparagraph when they are naturally occurring.

(iv) The following U.S. Recommended Daily Allowances (U.S. RDA) and nomenclature are established for these vitamins and minerals, essential in human nutrition:

Vitamin A, 5,000 International Units.
Vitamin C, 60 milligrams.[2]
Thiamine, 1.5 milligrams.[2]
Riboflavin, 1.7 milligrams.[2]
Niacin, 20 milligrams.
Calcium, 1.0 gram.
Iron, 18 milligrams.
Vitamin D, 400 International Units.
Vitamin E, 30 International Units.
Vitamin B_6, 2.0 milligrams.
Folic acid, 0.4 milligram.[2]
Vitamin B_{12}, 6 micrograms.
Phosphorus, 1.0 gram.
Iodine, 150 micrograms.
Magnesium, 400 milligrams.
Zinc, 15 milligrams.
Copper, 2 milligrams.
Biotin, 0.3 milligram.
Pantothenic acid, 10 milligrams.

These nutrients and levels have been derived by the Department from the "Recommended Dietary Allowances," published by the Food and Nutrition Board, National Academy of Sciences-National Research Council, and are subject to amendment from time to time as more information on human nutrition becomes available.

(v) No claim may be made that a product is a significant source of a nutrient unless that nutrient is present in the product at a level equal to or in excess of 10 percent of the U.S. RDA in a serving (portion). No claim may be made that a product is nutritionally superior to another product unless it contains at least 10 percent more of the U.S. RDA of the claimed nutrient per serving (portion).

(d) Products with separately packaged ingredients or to which other ingredients are to be added by the user may be labeled as follows:

(1) If a product is comprised of two or more separately packaged ingredients enclosed in an outer container, nutrition labeling of the total product shall be located on the outer container to provide information for the consumer at the point of purchase. However, when two or more products are simply combined together in such a manner that no outer container is used, or no outer label is available, each product shall have its own nutrition information, e.g., two boxes taped together or two cans combined in a clear plastic overwrap.

(2) If a product is commonly combined with any other ingredient(s) before eating and directions for such combination are provided, a second column of figures may be used to provide a list of the nutrient contents for the final product in the same format required in paragraph (c) of this section for the product alone (e.g., one can of condensed soup will be described with one set of percentages of U.S. RDA values

[1] Copies may be obtained from the United States Department of Agriculture, Washington, D.C. 20250.

[2] The following synonyms may be added in parentheses immediately following the name of the vitamin:

Vitamin C	Ascorbic Acid.
Folic acid	Folacin.
Riboflavin	Vitamin B_2.
Thiamine	Vitamin B_1.

for the soup as sold per condensed serving and another set for the soup and water or the soup and milk as suggested on the label). The type and quantity of the other ingredient(s) to be added to the product by the user shall be specified in a prominent statement immediately following the nutrition information required by paragraph (c) of this section.

(e) A prerequisite for obtaining approval for labeling containing nutritional information is a plant quality control system that the Administrator finds meets the requirements of this section. Acceptance is based on the ability of the system to provide the controls and information necessary to give a high degree of assurance that the product will meet the labeling claims; the variability of the product will remain within the limits defined in this section; product found out of compliance will be held for proper disposition in accordance with the regulations in this subchapter; and plant personnel and Program employees can monitor the system for effectiveness. As a minimum, the system shall include a written description of the methods used by the plant to maintain uniformity of the raw ingredients used in the product, the formulation of the product where applicable, and the handling and processing of the product, and contain provisions for chemical analysis of the finished product to determine the accuracy of the labeling claims. For the purposes of this section, a lot of product is a collection of immediate containers or units of the same size of one product, type, and style produced under uniform conditions and designated by a common container code or marking.

(1) Two classes of nutrients are defined for purposes of this section.

(i) Class I—added nutrients in fortified or fabricated product.

(ii) Class II—naturally occurring (indigenous) nutrients.

(2) A product shall be deemed to be in compliance with the nutritional claims made on the labeling of that product, and variations from such claims shall be deemed reasonable if at least the following minimum standards are met:

(i) The value determined by analyzing a composite of 12 randomly selected immediate containers from a lot is at least equal to the value for any Class I vitamin, mineral, or protein declared on the labeling.

(ii) The value determined by analyzing a composite of 12 randomly selected immediate containers from a lot is at least equal to 80 percent of the value of any Class II vitamin, mineral, or protein declared on the labeling, and the value of any Class II calorie, carbohydrate, or fat is no greater than 20 percent in excess of the value declared on the labeling.

(3) Compliance with the requirements of paragraph (e)(2) of this section for any product with nutritional labeling shall be maintained by each establishment through its quality control system and shall be verified by the establishment or its agent analyzing a minimum of 12 individual randomly selected immediate containers from lots of that product processed at the establishment during the first year the labeling is approved.[3] The samples must be analyzed by a commercial laboratory or establishment laboratory capable of making the required analyses, using methods prescribed in the current "Official Methods of Analysis of the Association of Official Analytical Chemists"[4] or by other appropriate analytical procedures approved by the Administrator in each case if no AOAC method is published. The analytical results shall be correlated with the declarations on the labeling to determine quality control system for maintaining nutrient labeling compliance. In addition, verification samples shall be drawn at the official establishment by the Program for analysis.

(f) Nutrition information provided by a manufacturer or distributor directly to professionals (e.g., physicians, dietitions, educators) may vary from the requirements of this section but shall also contain or have attached to it the nutrition information exactly as required by this section.

(g) The location of nutrition information on a label shall be on the principal display panel or on the information panel as prescribed in § 317.2(d) of this part.

(h) The following products are exempt from this section or are subject to special labeling requirements:

(1) Except where expressly covered by 21 CFR 125.5, infant, baby, and junior-type products marketed and promoted primarily for infants shall include nutrition information on the label and in other labeling in compliance with this section, except that the U.S. RDA levels for infants contained in 21 CFR 125.1(b) shall be used in lieu of the U.S. RDA contained in paragraph (c)(7)(iv) of this section. For the purposes of labeling, these products with a percent of the U.S. RDA for protein, a value of 20 grams of protein shall be the U.S. RDA value for protein with a protein efficiency ratio (PER) equal to or greater than casein, and 28 grams if the PER of the protein is less than the PER of casein but greater than 20 percent of casein.

(2) Products labeled as dietary supplements shall conform to the labeling prescribed in paragraph (c) of this section, including the order for listing vitamins and minerals prescribed in paragraph (c)(7)(iv) of this section, in lieu of the labeling prescribed in 21 CFR 80.1(i)(1).

(3) Any product represented for use as the sole item of the diet shall be labeled in compliance with 21 CFR Part 125.

(4) Product represented for use solely under medical supervision in the dietary management of specific diseases and disorders shall be labeled in compliance with 21 CFR Part 125.

(5) Iodized salt when used in a product to labeling under this section if it is declared in the ingredients statement by its name (iodized salt) and neither iodine nor iodized salt is otherwise referred to on the label or in other labeling or advertising.

(6) Any nutrient(s) included in product solely for technological purposes may be declared solely in the ingredients statement, without complying with this section, if the nutrient(s) is otherwise not referred to in labeling or in advertising.

(7) Any standardized product containing any added nutrient(s), e.g., enriched flour, and included in another product, as a component may be declared in the ingredients statement by its standardized name, without compliance with this section, if neither the nutrient(s) nor the component is otherwise referred to in labeling or in advertising.

(8) Product shipped in bulk form for use solely in the manufacture of other products and not for distribution to consumers in such bulk form or container is exempt from this section.

(9) Product containing an added vitamin, mineral, ir protein, or for which a nutritional claim is made on the labeling or in advertising, which is supplied for institutional food service use only is exempt from this section: *Provided*, That the manufacturer or distributor provides the nutrition information required by this section directly to those institutions on a current basis. The nutrition information material and the procedure used for dissemination of such material to the institutions shall be a part of the application to this Department for labeling approval and the submission of such material shall constitute a condition for use of the approved labeling for the product.

(i) A product labeled under provisions of this section shall be deemed to be misbranded under section 1(n) of the Act if its labeling represents, suggests, or implies:

(2) That a balanced diet of ordinary foods cannot supply adequate amounts of nutrients.

(3) That the lack of optimum nutritive quality of a product, by reason of the soil on which food was grown, is or may be responsible for an inadequacy or deficiency in the quality of the daily diet.

(4) That the storage, transportation, processing, or cooking of a product is or may be responsible for an inadequacy or deficiency in the quality of the daily diet.

(5) That the product has dietary properties when such properties are of no significant value or need in human nutrition. Ingredients such as rutin, other bioflavonids, para-aminobenzoic acid, inositol, and similar substances which have in the past been represented as having nutritional properties but which have not been shown to be essential in human nutrition may not be combined with vitamins or minerals, or both, in any product, or listed on any label under this section, or otherwise used or represented in any way which states or implies nutritional benefit.

[3] Revisions of the sampling requirements, applicable after the first year, will be published at a later date.

[4] Copies of this publication are available from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

(6) That a natural vitamin in a product is superior to an added or synthetic vitamin, or to differentiate in any way between vitamins naturally present from those added.

Furthermore, it is proposed to amend Part 381 of the poultry products inspection regulations (9 CFR Part 381—Subpart N) as follows:

1. Section 381.116 would be revised to read as follows:

§ 381.116 Labels: Definition; required features.

(a) A label within the meaning of this part shall mean a display of any printing, lithographing, embossing, stickers, seals, or other written, printed or graphic matter upon the immediate container (not including package liners) of any poultry product.

(b) Any word, statement, or other information required by this Part to appear on the label must be prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms, as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. In order to meet this requirement such information must appear on the principal display panel or the information panel prescribed in paragraph (d) of this section unless otherwise specified by regulations in this part.

(c) Labels of all products shall show the following information on the principal display panel or the information panel prescribed in paragraph (d) of this section unless otherwise specified by regulations in this part and shall be in accordance with the requirements of this part:

(1) The name of the product as prescribed in § 381.117 shall be shown on the principal display panel;

(2) If the poultry product is fabricated from two or more ingredients the word "ingredients" shall be shown followed by a list of the ingredients as prescribed in § 381.118;

(3) The name and place of business of the manufacturer, packer, or distributor for whom the poultry product is prepared, shall be shown as prescribed in § 381.122;

(4) An accurate statement of the net quantity of contents, as prescribed in § 381.121 shall be shown on the principal display panel;

(5) An official inspection legend shall be shown on the principal display panel, and, except as otherwise provided in § 381.123 of this part, the number of the official establishment, in the form required by § 381.96 shall be shown on that panel or on the information panel;

(6) Any other information required by the regulations in this part.

(d) (1) The principal display panel of the label shall be that part of the label that is most likely to be displayed, presented, shown or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this subpart and Subpart P with clarity and conspicuousness and without obscuring such information by design, vignettes, or crowding. Where packages bear alternate principal display panels, required information placed on one principal display panel shall be duplicated on each principal display panel. In the case of cylindrical containers, or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. The term "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

(i) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel, the poultry product of the height times the width of that side;

(ii) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference;

(iii) In the case of any other container, 40 percent of the total surface of the container: *Provided, however,* That where such container presents an obvious "principal display panel", such as the top of a triangular or circular package, the area shall consist of the entire top surface.

(2) The information panel of the label shall be that part of the label, reserved for information required by this Part, which is immediately contiguous and to the right of the principal display panel, as observed by an individual facing the principal display panel with the following exceptions:

(i) If the part of the label immediately contiguous and to the right of the principal display panel is too small to accommodate the necessary information or is otherwise unusable space, e.g., folded flaps or can ends, the panel immediately contiguous and to the right of this part of the label may be used.

(ii) If the package has one or more alternate principal display panels, the information panel is immediately contiguous and to the right of any principal display panel.

(iii) If the top of the container is the principal display panel and the package has no alternate principal display panel, the information panel is any panel adjacent to the principal display panel.

(3) All information appearing on the information panel pursuant to this subpart shall appear in one place, without nonmandatory intervening print or design, and shall appear prominently and conspicuously.

(4) Each statement of label information required by this part shall appear completely stated on one label panel in accordance with this part, with all other required label information appearing on label panels as permitted by this part. For example, paragraph (c) (3) of this section permits the name and place of business of the manufacturer, packer, or distributor to appear on either the principal display panel or on the information panel; however, if the name of the manufacturer, packer or distributor appears on the principal display panel, the place of business must also appear on the principal display panel. The remainder of the required label information may be placed on the information panel when permitted by provisions in this section.

(5) In determining the sufficiency of the available label space, any vignettes, design, and other nonmandatory label information shall not be considered.

§ 381.118 [Amended]

2. In § 381.118, paragraph (d) would be revoked.

§ 381.122 [Amended]

3. In § 381.122 the last sentence would be revoked.

4. A new § 381.144 would be added headed "Nutrition Labeling." The Table of Contents would be amended to reflect a new § 381.144 and said section would read as follows:

§ 381.144 Nutrition labeling.

(a) Except as provided in paragraph (h) of this section, inclusion of any added vitamin, mineral, or protein in a poultry product or of any nutrition claim or information, other than sodium content, on labeling or in advertising for a poultry product subjects the labeling to the requirements of this section.

(1) Solicitation of requests for nutrition information by a statement "For nutrition information write to _____" on the label or in other labeling or advertising for a poultry product, or providing such information in a direct written reply to a solicited or unsolicited request, does not subject the label or other labeling to the requirements of this section if no other nutrition claim is made on the label or in other labeling or advertising, if the reply to the request conforms to the requirements of this section, and if no vitamin, mineral, or protein is added to the poultry product.

(2) If any vitamin or mineral, or both, are added to a poultry product so that a single serving provides 50 percent or more of the U.S. Recommended Daily Allowance (U.S. RDA) thereof for adults and children 4 years or more of age, as specified in 21 CFR 125.1, unless such addition is permitted or required in other regulations, e.g., a standard of identity, or is otherwise exempted by the Secretary, the poultry product shall conform to the standard of identity set forth in 21 CFR 80.1, and shall also conform to the labeling prescribed in 21 CFR 80.1, except that the labeling prescribed in paragraph (c) of this section, including the order for listing vitamins and minerals prescribed

in paragraph (c)(7)(iv), shall be used in lieu of the labeling prescribed in 21 CFR 80.1(i)(1).

(b) All nutrient quantities (including vitamins, minerals, calories, protein, carbohydrate, and fat) shall be declared in relation to the average or usual serving or portion.

(1) The term "serving" means that reasonable quantity of poultry product suited for or practicable of consumption as part of a meal by an adult male engaged in light physical activity, or by an infant or child under 4 years of age when the article purports or is represented to be for consumption by an infant or child under 4 years of age. The term "portion" means the amount of a poultry product customarily used only as a component or ingredient in the preparation of a food item. A statement on labeling regarding a serving or portion shall be in terms of a convenient unit of such product or a convenient unit of measure that can be easily identified as an average or usual serving or portion and can be readily understood by purchasers of such product (e.g., a serving or portion may be expressed in slices, links, patties; or in terms of ounces, fluid ounces, teaspoonfuls, tablespoonfuls, or cupfuls as the case may be).

(2) A teaspoonful shall be considered to mean 5 milliliters (approximately ⅙ fluid oz.) in volume; a tablespoonful shall be considered to mean 15 milliliters (approximately ½ fluid oz.) in volume; and a cupful shall be considered to mean 240 milliliters (approximately 8 fluid oz.) in volume. The weight of the serving may also be expresssed in grams.

(3) The declaration of nutrient quantities shall be on the basis of the poultry product as packaged, and if the product requires cooking before eating, another column of figures shall be used to declare the nutrient quantities on the basis of the product as eaten after cooking, in the same format required in paragraph (c) of this section: *Provided,* That the specific method of cooking or other preparation shall be disclosed in a prominent statement immediately following the information required by paragraph (c) of this section.

(c) The declaration of nutrition information on the labeling shall contain the following information in the following order, using the headings specified under the overall heading of "Nutrition Information Per Serving (Portion)." The terms "Per Serving (Portion)" are optional and may follow or be placed directly below the terms "Nutrition Information."

(1) "Serving (portion) size": A statement of the serving (portion) size.

(2) "Servings (portions) per container": The number of servings (portions) per container.

(3) "Calorie content" or "Calories": A statement of the caloric content per serving (portion), expressed to the nearest 2-calorie increment up to and including 20 calories, 5-calorie increment above 20 calories and up to and including 50 calories, and 10-calorie increment above 50 calories. Caloric content shall be determined by the Atwater method as described in A. L. Merrill and B. K. Watt, "Energy Value of Foods—Basis and Derivation," USDA Handbook 74 (1955).[1] Caloric content may be calculated on the basis of 4, 4, and 9 calories per gram for protein, carbohydrate, and fat, respectively, unless the use of these values gives a caloric value more than 20 percent greater than the caloric value obtained when using the more accurate values determined by use of the Atwater method as found in USDA Handbook 74 (1955).

(4) "Protein content" or "Protein": A statement of the number of grams of protein in a serving (portion), expressed to the nearest gram. Protein content may be calculated on the basis of the factor of 6.25 times the nitrogen content of the food as determined by the appropriate method of analysis of the Association of Official Analytical Chemists (AOAC), 11th edition 1970, except when the official procedure for a specific food requires another factor.

(5) "Carbohydrate content" or "Carbohydrate": A statement of the number of grams of carbohydrate in a serving (portion) expressed to the nearest gram.

(6) "Fat content" or "Fat": A statement of the number of grams of fat in a serving (portion) expressed to the nearest gram. Fatty acid composition, cholesterol content, and sodium content may also be declared in compliance with 21 CFR 1.18 and 125.9.

(i) When fatty acid composition is declared, the information on fatty acids complies with 21 CFR 1.18(c) shall be placed on the labeling immediately following the statement of fat content. The declaratory information statement complies with 21 CFR 1.18(d) shall be placed either immediately following the statement on fat and fatty acids or shall be appropriately referenced by symbol and placed immediately following the completed nutrition information statement.

(ii) When cholesterol content is declared, the information on cholesterol complies with 21 CFR 1.18(b) shall immediately follow the statement on fat content (and fatty acids, if stated). The declaratory information statement complies with 21 CFR 1.18(d) shall be placed either immediately following the statement on cholesterol or shall be appropriately referenced by symbol and placed immediately following the completed nutrition information statement.

(iii) When both fatty acid and cholesterol information are provided, the declaratory information statement may be combined as permitted by 21 CFR 1.18(d).

(iv) When sodium is declared, the information on sodium required by 21 CFR 125.9 shall be placed on the labeling immediately following the statement on fat content (and fatty acid and/or cholesterol, if stated).

(7) "Percentage of U.S. Recommended Daily Allowances (U.S. RDA)": A statement of the amount per serving (portion) of the protein, vitamins, and minerals, as described in this subparagraph, expressed in percentage of the U.S. Recommended Daily Allowance (U.S. RDA).

(i) The percentages shall be expressed in 2-percent increments up to and including the 10-percent level, 5-percent increments above 10 percent and up to and including the 50-percent level, and 10-percent increments above the 50-percent level. Nutrients present in amounts less than 2 percent of the U.S. RDA may be indicated by a zero, or by an asterisk referring to another asterisk placed at the bottom of the table and followed by the statement "contains less than 2 percent of the U.S. RDA of this (these) nutrient (nutrients)." However, when a poultry product contains less than 2 percent of the U.S. RDA for each of five or more of the eight nutrients specified in paragraph (c)(7)(iii) of this section, the manufacturer or distributor may choose to declare no more than three of those nutrients and none of the remainder listed in subdivision (iv) of this subparagraph. The statement "contains less than 2 percent of the U.S. RDA of _____", listing whichever of the eight nutrients are present at less than 2 percent of the U.S. RDA and have not been declared, shall directly follow the declared nutrient in the same type size. Any nutrient declared shall always appear in the order established in subdivision (iv) of this subparagraph.

(ii) The declaration of protein, which shall come first, shall be a statement of the amount per serving (portion) of protein, expressed as a percentage of the U.S. RDA.

(*a*) The U.S. RDA of the protein in a poultry product is 45 grams if the protein efficiency ratio (PER) of the total protein in the product is equal to or greater than that of casein, and 65 grams if the PER of the total protein in the product is less than that of casein. The percentage of the U.S. RDA shall be declared as described in paragraph (c)(7)(i) of this section.

(*b*) Total protein with a PER less than 20 percent of the PER of casein may not be stated on the label in terms of percentage U.S. RDA, and the statement of protein content in grams per serving (portion) under subparagraph (4) of this paragraph shall be modified by the statement "not a significant source of protein" immediately adjacent to the protein content statement regardless of the actual amount of protein present.

(iii) The declaration of vitamins and minerals as a percent of the U.S. RDA which shall follow the protein declaration, shall include vitamin A, vitamin C, thiamine, riboflavin, niacin, calcium, and iron in that order, and shall include in the order specified in paragraph (c)(7)(iv) of this section, any of the other vitamins and minerals listed in paragraph (c)(7)(iv) of this section when they are added and may list any of the other vitamins and minerals listed in paragraph (c)(7)(iv) of this section when they are naturally occurring.

(iv) The following U.S. Recommended Daily Allowances (U.S. RDA) and nomenclature are established for these

[1] Copies may be obtained from United States Department of Agriculture, Washington, D.C. 20250.

vitamins and minerals, essential in human nutrition:

Vitamin A, 5,000 International Units.
Vitamin C, 60 milligrams.[2]
Thiamine, 1.5 milligrams.[2]
Riboflavin, 1.7 milligrams.[2]
Niacin, 20 milligrams.
Calcium, 1.0 gram.
Iron, 18 milligrams.
Vitamin D, 400 International Units.
Vitamin E, 30 International Units.
Vitamin B_6, 2.0 milligrams.
Folic acid, 0.4 milligram.[2]
Vitamin B_{12}, 6 micrograms.
Phosphorus, 1.0 gram.
Iodine, 150 micrograms.
Magnesium, 400 milligrams.
Zinc, 15 milligrams.
Copper, 2 milligrams.
Biotin, 0.3 milligram.
Pantothenic acid, 10 milligrams.

These nutrients and levels have been derived by the Department from the "Recommended Dietary Allowances," published by the Food and Nutrition Board, National Academy of Sciences-National Research Council, and are subject to amendment from time to time as more information on human nutrition becomes available.

(v) No claim may be made that a poultry product is a significant source of a nutrient unless that nutrient is present in the product at a level equal to or in excess of 10 percent of the U.S. RDA in a serving (portion). No claim may be made that a poultry product is nutritionally superior to another product unless it contains at least 10 percent more of the U.S. RDA of the claimed nutrient per serving (portion).

(d) Poultry products with separately packaged ingredients or to which other ingredients are to be added by the user may be labeled as follows:

(1) If a poultry product is comprised of two or more separately packaged ingredients enclosed in an outer container, nutrition labeling of the total product shall be located on the outer container to provide information for the consumer at the point of purchase. However, when two or more poultry products are simply combined together in such a manner that no outer container is used, or no outer label is available, each product shall have its own nutrition information, e.g., two boxes taped together or two cans combined in a clear plastic overwrap.

(2) If a poultry product is commonly combined with any other ingredient(s) before eating and directions for such combination are provided, a second column of figures may be used to provide a list of the nutrient contents for the final product in the same format required in paragraph (c) of this section for the product alone (e.g., one can of condensed soup will be described with one set of percentages of U.S. RDA values for the soup as sold per condensed serving and another set for the soup and water or the soup and milk as suggested on the label). The type and quantity of the other ingredient(s) to be added to the poultry product by the user shall be specified in a prominent statement immediately following the nutrition information required by paragraph (c) of this section.

(e) A prerequisite for obtaining approval for labeling containing nutritional information is a plant quality control system that the Administrator finds meets the requirements of this section. Acceptance is based on the ability of the system to provide the controls and information necessary to give a high degree of assurance that the product will meet the labeling claims; the variability of the poultry product will remain within the limits defined in this section; product found out of compliance will be held for proper disposition in accordance with the regulations in this subchapter; and plant personnel and Inspection Service employees can monitor the system for effectiveness. As a minimum, the system shall include a written description of the methods used by the plant to maintain uniformity of the raw ingredients used in the poultry product, the formulation of the poultry product where applicable, the handling and processing of the product, and contain provisions for chemical analysis of the finished product to determine the accuracy of the labeling claims. For the purposes of this section, a lot of poultry product is a collection of immediate containers or units of the same size of one product, type, and style produced under uniform conditions and designated by a common container code or marking.

(1) Two classes of nutrients are defined for purposes of this section.

(i) Class I—added nutrients in fortified or fabricated poultry product.

(ii) Class II—naturally occurring (indigenous) nutrients.

(2) A poultry product shall be deemed to be in compliance with the nutritional claims made on the labeling of that product, and variations from such claims shall be deemed reasonable if at least the following minimum standards are met:

(i) The value determined by analyzing a composite of 12 randomly selected immediate containers from a lot is at least equal to the value for any Class I vitamin, mineral, or protein declared on the labeling.

(ii) The value determined by analyzing a composite of 12 randomly selected immediate containers from a lot is at least equal to 80 percent of the value of any Class II vitamin, mineral, or protein declared on the labeling, and the value of any Class II calorie, carbohydrate, or fat is no greater than 20 percent in excess of the value declared on the labeling.

(3) Compliance with the requirements of paragraph (e)(2) of this section for any product with nutritional labeling shall be maintained by each establishment through its quality control system and shall be verified by the establishment or its agent analyzing a minimum of 12 individual randomly selected immediate containers from lots of that poultry product processed at the establishment during the first year the labeling is approved.[3] The samples must be analyzed by a commercial laboratory or establishment laboratory capable of making the required analyses, using methods prescribed in the current "Official Methods of Analysis of the Association of Official Analytical Chemists"[4] or by other appropriate analytical procedures approved by the Administrator in each case if no AOAC method is published. The analytical results shall be correlated with the declarations on the labeling to determine the effectiveness of the establishment quality control system for maintaining nutrient labeling compliance. In addition, verification samples shall be drawn at the official establishment by the Inspection Service for analysis.

(f) Nutrition information provided by a manufacturer or distributor directly to professionals (e.g., physicians, dietitians, educators) may vary from the requirements of this section but shall also contain or have attached to it the nutrition information exactly as required by this section.

(g) The location of nutrition information on a label shall be on the principal display panel or on the information panel as prescribed in § 381.116.

(h) The following poultry products are exempt from this section or are subject to special labeling requirements:

(1) Except where expressly covered by 21 CFR 125.5, infant, baby, and junior-type poultry products marketed and promoted primarily for infants shall include nutrition information on the label and other labeling in compliance with this section, except that the U.S. RDA levels for infants contained in 21 CFR 125.1(b) shall be used in lieu of the U.S. RDA contained in paragraph (c)(7)(iv) of this section. For the purposes of labeling these poultry products with a percent of the U.S. RDA for protein, a value of 20 grams of protein shall be the U.S. RDA value for protein with a protein efficiency ratio (PER) equal to or greater than casein, and 28 grams if the PER of the protein is less than the PER of casein but greater than 20 percent of casein.

(2) Poultry products labeled as dietary supplements shall conform to the labeling prescribed in paragraph (c) of this section, including the order for listing vitamins and minerals prescribed in paragraph (c)(7)(iv) of this section, in lieu of the labeling prescribed in 21 CFR 80.1(i)(1).

(3) Any poultry product represented for use as the sole item of the diet shall be labeled in compliance with 21 CFR Part 125.

(4) Poultry product represented for use solely under medical supervision in tol, and similar substances which have in the past been represented as having

[2] The following synonyms may be added in parentheses immediately following the name of the vitamin:

Vitamin C	Ascorbic acid.
Folic acid	Folacin.
Riboflavin	Vitamin B_2.
Thiamine	Vitamin B_1.

[3] Revisions of the sampling requirements, applicable after the first year, will be published at a later date.

[4] Copies of this publication are available from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

the dietary management of specific diseases and disorders shall be labeled in compliance with 21 CFR Part 125.

(5) Iodized salt when used in a poultry product does not subject that product to labeling under this section if it is declared in the ingredients statement by its name (iodized salt) and neither iodine nor iodized salt is otherwise referred to on the label or other labeling or advertising.

(6) Any nutrient(s) included in product solely for technological purposes may be declared solely in the ingredients statement, without complying with this section, if the nutrient(s) is otherwise not referred to in labeling or in advertising.

(7) Any standardized poultry product containing any added nutrient(s), e.g., enriched flour, and included in another product as a component may be declared in the ingredients statement by its standardized name, without compliance with this section, if neither the nutrient(s) nor the component is otherwise referred to in labeling or in advertising.

(8) Poultry shipped in bulk form for use solely in the manufacture of other poultry products and not for distribution to consumers in such bulk form or container is exempt from this section.

(9) Poultry product containing an added vitamin, mineral, or protein, or for which a nutritional claim is made on the labeling or in advertising, which are supplied for institutional food service use only is exempt from this section: *Provided*, That the manufacturer or distributor provides the nutrition information required by this section directly to those institutions on a current basis. The nutrition information material and the procedure used for dissemination of such material to the institutions shall be a part of the application to this Department for labeling approval and the submission of such material shall constitute a condition for use of the approved labeling for the poultry product.

(i) A poultry product labeled under provisions of this section shall be deemed to be misbranded under section 4(h) of the Act if its labeling represents, suggests, or implies:

(1) That the product because of the presence or absence of certain dietary properties, is adequate or effective in the prevention, cure, mitigation, or treatment of any disease or symptom.

(2) That a balanced diet of ordinary foods cannot supply adequate amounts of nutrients.

(3) That the lack of optimum nutritive quality of a product, by reason of the soil on which food was grown, is or may be responsible for an inadequacy or deficiency in the quality of the daily diet.

(4) That the storage, transportation, processing, or cooking of a product is or may be responsible for an inadequacy or deficiency in the quality of the daily diet.

(5) That the product has dietary properties when such properties are of no significant value or need in human nutrition. Ingredients such as rutin, other bioflavonids, para-aminobenzoic acid, inosi- nutritional properties but which have not been shown to be essential in human nutrition may not be combined with vitamins, minerals, or both, in any product, or listed on any label under this section, or otherwise used or represented in any way which states or implies nutritional benefit.

(6) That a natural vitamin in a product is superior to an added or synthetic vitamin, or to differentiate in any way between vitamins naturally present from those added.

* * * * *

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by April 19, 1974.

Any person desiring opportunity for oral presentation of views should address such requests to the Labels and Packaging Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on December 28, 1973.

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

[FR Doc.74-527 Filed 1-10-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 121a]

ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

Notice of Proposed Rule Making

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in Part B of the Education of the Handicapped Act, Title VI of Pub. L. 91-230 (20 U.S.C. 1411-1414) the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by revising Part 121a to read as set forth below.

Part 121a is applicable to the programs and projects authorized by Part B of the Education of the Handicapped Act. The Commissioner also proposes to establish guidelines for this program which are set forth following the text of the proposed regulations.

1. *Purpose of programs.* Part B of the Education of the Handicapped Act provides for grants to States for initiating, expanding, and improving programs and projects for the education of handicapped children at the preschool, elementary school, and secondary school levels.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations and guidelines proposed below reflect the result of this study as it pertains to the program under Part B of the Education of the Handicapped Act. Upon publication of the proposed regulations and guidelines in final form, after comments and hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting Part B of the Act will be superseded, effective thirty days after such publication.

3. *Effect of Office of Education general provisions regulation.* The proposed Part 121a differs from the current regulations contained in Subpart B of Part 121 in that provisions have been deleted relating to general fiscal and administrative matters which will be covered in the future under the overall Office of Education general provisions regulation, published under notice of proposed rule making in the FEDERAL REGISTER at 38 FR 10386 (April 26, 1973), in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. (Reference is made in particular to the provisions of proposed parts 100b and 100c of title 45 CFR, containing general provisions which will apply to this program.)

4. *Guidelines.* Guidelines for this program have not previously been published in the FEDERAL REGISTER. The guidelines proposed below essentially contain recommendations and suggestions for pro-

gram management and operation and are designed to incorporate all materials covered by section 503 of the Education Amendments of 1972 not otherwise reflected in the regulations.

5. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations and guidelines has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section above the citation. When the citation appears only at the end of the section it applies to the entire section.

6. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations and guidelines, as follows:

A hearing will take place at the U.S. Office of Education on February 6, 1974, in the auditorium of Regional Office Building Three (ROB-3) located at 7th and D Streets, SW., Washington, D.C. 20202, beginning at 10:00 a.m.

The purpose of the hearing is to receive comments and suggestions on the published materials.

Interested parties may also submit written comments and recommendations to Room 2079-G, Federal Office Building Six, (FOB-6) 400 Maryland Avenue, SW., Washington, D.C. 20202. Attention: Chairman, Office of Education Task Force on Section 503. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday of each week.

Parties interested in attending the hearing should notify the Office of Education at the above address, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

(Catalog of Federal Domestic Assistance Program No. 13.449, Handicapped Preschool and School Programs)

Dated: November 15, 1973.

JOHN OTTINA,
U.S. Commission of Education.

Approved: December 18, 1973.

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

In consideration of the above mentioned, it is proposed to add Part 121a to Title 45 to read as follows:

PART 121a—ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

Subpart A—Scope and Purpose

Subpart B—State Plans

Subpart C—Programs and Projects

Subpart D—Provision of Services to Handicapped Children Enrolled in Private Schools

Subpart E—Federal Financial Participation

AUTHORITY: Secs. 611-614, Pub. L. 91-230, 84 Stat. 177, 178, 179, 181 (30 U.S.C. 1411-1414), unless otherwise noted.

Subpart A—Scope and Purpose

§ 121a.1 Scope.

(a) This part applies to programs and projects assisted under Part B of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1411)

§ 121a.2 Purpose.

Payment of Federal funds to a State under Part B of the Act shall be solely for the purpose of assisting that State in the initiation, expansion, and improvement of programs and projects for the education of handicapped children at the preschool, elementary school, and secondary school levels.

(20 U.S.C. 1411)

§ 121a.3 Department of the Interior.

For the purposes of this part, the Secretary of the Interior shall have the same duties and responsibilities with respect to funds paid to him under Part B of the Act, as he would have if the Department of the Interior were a State educational agency having responsibility for the administration of a State plan under Part B.

((20 U.S.C. 1411) Pub. L. 92-318, sec. 421(b)(2))

Subpart B—State Plans

§ 121a.4 Submission.

(a) Any State which desires to receive grants under Part B of the Act shall submit to the Commissioner, through its State educational agency, (1) a State plan (not part of any other plan) meeting the requirements of this part, and (2) the description of projected activities required under § 121a.12.

(b) Each such State plan and all amendments thereto shall be submitted to the Commissioner by a duly authorized officer of the State educational agency.

(c) Each State plan shall designate the official authorized to submit plan materials.

(20 U.S.C. 1413(a))

§ 121a.5 Amendments.

(a) The administration of the program carried out in a State under Part B of the Act shall conform to the approved State plan of that State.

(b) (1) The State educational agency shall promptly notify the Commissioner of any material change in the content or administration of its program under Part B of the Act and any change in pertinent State law or in the organization, policies, or operations of the State educational agency affecting the program. (2) The Commissioner may require that any changes be promptly reflected in appropriate amendments to the State plan.

(20 U.S.C. 1413(a))

§ 121a.6 Certificates by the State educational agency and attorney general.

Each State plan and each amendment thereto shall be accompanied by: (a) A certificate by the officer of the State educational agency authorized to submit the plan certifying that (1) the plan or amendment has been adopted by the State educational agency and (2) such plan (or plan as amended) will constitute the basis for the operation and administration of the activities to be carried out in that State under Part B of the Act; and (b) a certificate by the State Attorney General or other appropriate State legal officer that (1) the State educational agency has authority under State law to submit the plan and to administer or to supervise the administration of the plan, (2) the State educational agency has authority under State law to carry out, directly or through local educational agencies, the activities described in the State plan and (3) all State plan provisions are consistent with State law.

(20 U.S.C. 1413(a))

§ 121a.7 Publication and opportunity for comment.

(a) *Presubmission.* (1) Prior to its submission by the State educational agency to the Commissioner, each State plan shall be made public as a separate document, and a reasonable opportunity shall be given by that agency for comment thereon by interested persons. (2) The Commissioner will not approve any State plan until such publication has been made and such opportunity for comment has been given. (3) Methods of public notice of the proposed plan shall include notices and bulletins distributed by the State educational agency to local educational agencies and other agencies involved in the education of handicapped children and news releases to, or advertising in, key newspapers or other news media throughout the State.

(b) *Postsubmission.* Each State plan as finally approved by the Commissioner shall also be made public by the State educational agency in the same manner as required under paragraph (a) of this section, and shall be made readily accessible upon request to any interested person in the State.

(c) *Statement of publication.* Upon its submission to the Commissioner by the State educational agency, each State plan shall be accompanied by a statement describing the method by which, and the extent to which, the plan has been and, when approved, will be made public.

(d) *Interested persons.* For the purposes of paragraph (a) of this section, interested persons include not only public officials, public employees, and other persons involved in the education of handicapped children, but also (1) persons who are themselves handicapped, (2) parents of handicapped children, (3) private school educators who are knowledgeable in the education of handicapped children, and (4) the general public.

(20 U.S.C. 1413(c)(1))

§ 121a.8 Approval by the Commissioner.

(a) The Commissioner will approve each State plan, or amendment thereto, which he determines meets the requirements and purposes of Part B of the Act and the regulations in this part, and will notify the State educational agency of the granting, conditioning, or withholding of approval in each such case.

(b) No final action with respect to a State plan other than one of approval will be taken by the Commissioner, unless he first affords the State educational agency reasonable notice of his proposed action and, in connection therewith, affords such agency a reasonable opportunity for a hearing on whether the affected plan or amendment meets the requiremeints and purposes described in paragraph (a) of this section.

(20 U.S.C. 1413 (b) and (c))

§ 121a.9 Use of funds.

A State plan submitted in accordance with this part shall set forth such policies and procedures as will provide satisfactory assurance that funds paid to the State under this part will be expended—

(a) Either directly or through individual, or combinations of, local educational agencies (including interdistrict, intercommunity, regional, State-local and interstate arrangements), solely to initiate, expand, or improve programs and projects (including preschool programs and projects)—

(1) Which are designed to meet the special educational and related needs of handicapped children throughout the State, and

(2) Which are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs; and

(b) (1) For the proper and efficient administration of the State plan (including State leadership activities and consultative services), and

(2) For planning on the State and local level.

(20 U.S.C. 1413(a))

§ 121a.10 Special provisions and descriptions.

Each State plan shall—

(a) Set forth policies and procedures which provide satisfactory assurance that Federal funds made available under this part will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of handicapped children, and in no case supplant such State, local, and private funds;

(b) Provide that the State educational agency (as designated in such plan) will be the sole agency for administering or supervising the administration of the plan;

(c) Provide for (1) making such reports, in such form and containing such information as the Commissioner may require to carry out his functions under this part, including reports of the objective measurements required by § 121a.11(c), and (2) keeping such records and affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this part;

(d) Contain a statement of policies and procedures which will be designed to ensure that all education programs for the handicapped in the State will be properly coordinated by the persons in charge of special education programs for handicapped children in the State educational agency.

(20 U.S.C. 1413(a))

§ 121a.11 Assurances.

Each such State plan shall provide assurances satisfactory to the Commissioner—

(a) That, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private preschool programs and private elementary and secondary schools, provision will be made for participation of such children in programs assisted or carried out under this part;

(b) That the control of funds provided under this part, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property;

(c) That effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of, and providing related services for, handicapped children;

(d) That such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the State, including any such funds paid by the State to local educational agencies;

(e) That funds paid to the State under this part shall not be made available for handicapped children eligible for assistance under section 103(a)(5) of title I of the Elementary and Secondary Education Act of 1965; and

(f) That effective procedures will be adopted for acquiring and disseminating to teachers of, and administrators of programs for, handicapped children significant information derived from educational research, demonstration, and similar projects and for adopting, where appropriate, promising educational practices developed through such projects.

(20 U.S.C. 1413(a))

§ 121a.12 Description of projected activities.

A State educational agency receiving a grant under this part shall submit to the Commissioner, at such time, for such period, and in such detail as he may require, a description of the projected activities for the education of handicapped children which are proposed to be carried out in the State under this part.

(20 U.S.C. 1413(a)(7))

§ 121a.13 Maintenance of level of support.

In developing policies and procedures required to be set forth in a State plan pursuant to § 121a.10(a), the State educational agency shall take into consideration the total amount or average per capita amount of State, local, and private school funds budgeted for expenditures in the current fiscal year for the education of handicapped children as compared with the total amount of average per capita amount of State, local, and private school funds actually expended for the education of handicapped children in the two most recent fiscal years for which the information is available, with allowances made for decreases in enrollment of handicapped children, contributions of large sums of money from outside sources on a short-term basis, and unusually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of school facilities.

(20 U.S.C. 1413)

§ 121a.14 Adoption of complaint procedures.

(a) *Procedures.* Each State educational agency shall adopt effective procedures for reviewing, investigating, and acting upon any allegations of substance, which may be made by local educational agencies or private individuals or organizations of actions by State or local educational agencies contrary to the provisions of Part B of the Act or the regulations in this part.

(b) *Publication.* Such procedures shall be made public by methods designed to inform interested persons (as defined in § 121a.7(d)).

(c) *Designation of officer.* The State educational agency shall designate the officers who will receive complaints and comments, who will make initial dispositions regarding them, and who will review those dispositions. The names, office addresses, and telephone numbers of those officers shall be published together with such procedures.

(d) *Report.* (1) The State educational agency shall submit to the Commissioner, together with the description of projected activities required under § 121a.12: (i) A report disclosing any allegations of the nature described in paragraph (a) of this section, (ii) a summary of the result of any investigations made or hearings held with respect to those allegations, and (iii) a statement of the disposition by the State educational agency of those allegations.

(2) The responsibility with respect to the resolution of these matters rests, in the first instance, in the State educational agency.

(20 U.S.C. 1413)

Subpart C—Programs and Projects

§ 121a.21 Administration.

Programs and projects initiated, expanded, or improved under this part will be administered and conducted (a) directly by the State educational agency to the extent consistent with the State's assurance under § 121a.11(e), or (b) by local educational agencies with the approval and under the supervision of the State educational agency. These include joint projects or programs under § 121a.28(b).

(20 U.S.C. 1413)

§ 121a.22 Applications.

(a) Funds paid to the State under this part shall be made available for carrying out programs and projects in accordance with the State's approved plan only through an application (and any amendments to the application) approved by the State educational agency and containing such information as the State educational agency may require.

(b) An application may be submitted for a single or multiyear project. Approval of an application for a multiyear project shall not commit the Federal Government to provide financial assistance from appropriations not currently available.

(20 U.S.C. 1413)

§ 121a.23 Project amendment.

Amendments to applications approved pursuant to § 121a.22(a) shall be submitted to the State educational agency for approval in the same manner as the original applications.

(20 U.S.C. 1413)

§ 121a.24 Content of projects.

In order to meet the special educational and related needs of handicapped children, projects under Part B of the Act must provide:

(a) Educational services to handicapped children which are in addition to, distinct from, or a modification of, educational services provided to children who are not handicapped, or

(b) (1) Other services which are: (i) Directly related to the provision of educational services, (ii) designed to overcome or ameliorate the handicaps of handicapped children, and (iii) necessary to enable handicapped children to benefit from the educational services available to them. (2) The services described in this paragraph may include parent counseling and parent training, where appropriate, to enable parents to work more effectively with their handicapped children and have a greater understanding of their needs.

(20 U.S.C. 1413)

§ 121a.25 Scope of projects.

(a) Each program assisted under this part shall provide direct instructional services to handicapped children.

(b) Where essential services related to meeting the major objectives of a project for handicapped children directly served in such project cannot be secured elsewhere, such services shall be provided by the educational program which the project supplements.

(c) For the purposes of this section "program" includes the composite of all educational services provided through Federal, State, local, or other funding (1) for all of the handicapped children in a given school, or (2) for all children in a given school with a specific type or specific types of handicap.

§ 121a.26 Design of programs and projects.

Programs and projects assisted or carried out under this part shall:

(a) Be of sufficient size, scope, and quality, taking into consideration the special educational needs of handicapped children, to give reasonable promise of substantial progress toward meeting those needs;

(b) Be designed to (1) focus upon groups of children with specific types of handicaps and (2) concentrate on a limited number of handicapped children, in order to give reasonable promise of promoting to a marked degree improvement in the educational attainment, motivation, behavior, or attitudes of those children;

(c) Include objectives which are child-centered and set forth in terms of expected changes in the achievement or performance of a specified group of handicapped children;

(d) Be based upon a specific plan to achieve the objectives described in paragraph (c) of this section;

(e) (1) Include procedures which have been adopted for (i) evaluating at least annually the effectiveness of the program or project in meeting the special educational needs of, and providing related services for handicapped children, and (ii) for disseminating the results of the evaluations of handicapped children. (2) In carrying out the evaluation, in addition to an assessment of the extent to which and the manner in which other major project objectives have been met, (i) projects which provide direct instructional services shall be evaluated on the basis of appropriate objective measurements of educational achievement of the children served, and (ii) projects which do not provide direct instructional services shall be evaluated in terms of their impact on the educational program or programs which are supplemented by these projects; and

(f) Be planned in coordination with other public and private programs for the education of handicapped children or for similar purposes in the area to be served by the program or project and in the State.

(20 U.S.C. 1413)

§ 121a.27 Parental involvement.

Applications submitted pursuant to § 121a.22(a) shall:

(a) Set forth policies and procedures which will ensure that programs and projects assisted under the application have been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served by such programs and projects;

(b) Be submitted with an assurance that such parents have had an opportunity to present their views with respect to the application; and

(c) Set forth policies and procedures for adequate dissemination of program plans and evaluations to such parents and the public.

(20 U.S.C. 1413, 1231d)

§ 121a.28 Coordination.

(a) Each State educational agency shall, before approving programs and projects of local educational agencies under Part B of the Act: (1) Determine that the local educational agency has developed its program or project in coordination with other public and private programs for the education of handicapped children or for similar purposes in the area served by such local educational agency, and (2) require that the local educational agency will, in the conduct of approved programs and projects, coordinate its activities under the State plan with these other programs.

(b) State and local educational agencies may enter into cooperative arrangements with other State and local agencies, including those in another State, to carry out joint programs, projects, or activities necessary and appropriate to carry out the purposes of Part B of the Act. The cooperating agen-

cies must sign a cooperative agreement which shall: (1) Designate the administrative and fiscal agents for the cooperative arrangement, (2) indicate the number of handicapped children to be served under the arrangement, as well as the number of those children for which each cooperating agency is responsible for providing educational services, and (3) indicate the source of and the amount of funds available for the purpose of the education of those children.

(c) Local educational agencies which enter into cooperative arrangements under paragraph (b) of this section which are located in the same State shall submit, along with the project application under § 121a.22, an agreement concerning final disposition of any equipment, facilities, or other materials to be purchased with Part B funds.

(20 U.S.C. 1413)

Subpart D—Provision of Services to Handicapped Children Enrolled in Private Schools

§ 121a.35 Determinations.

Determinations with respect to the special educational and related needs of handicapped children enrolled in private preschool programs and private elementary and secondary schools, the number of such children who will participate in programs and projects under this part and the types of services which will be provided for them shall be made after consultation with persons knowledgeable as to the needs of such children, on a basis comparable to that used in providing for the participation, in programs and projects assisted or carried out under this part, of handicapped children enrolled in public preschool programs and elementary and secondary schools.

(20 U.S.C. 1413(a)(2))

§ 121a.36 Services.

Programs and projects assisted or carried out under Part B of the Act shall be designed to include, to the extent consistent with the number of eligible handicapped children enrolled in private preschool programs and private elementary and secondary schools in the geographical area served by the program or project, services which will aid in meeting the special educational and related needs of such children. Those services may be provided through such arrangements as dual enrollment, educational radio and television, and the provision of mobile equipment, and may include professional and paraprofessional services.

(20 U.S.C. 1413(a)(2))

§ 121a.37 Personnel.

(a) Public school personnel may be made available in other than public school facilities only to the extent necessary to provide the special educational and related services required by the handicapped children for whose needs those services were designed, and only when those services are not normally provided at the private school.

(b) The State or local educational agency providing educational and related services to children enrolled in private programs or schools shall maintain administrative control and direction over those services.

(c) The special educational and related services provided with funds under Part B of the Act for eligible handicapped children enrolled in private programs or schools shall not include the payment of salaries of teachers or other employees of private programs or schools except for services performed outside their regular hours of duty and under public supervision and control, nor shall such services include the use of equipment purchased with Part B funds, other than mobile or portable equipment, on private school premises or the construction of private school facilities.

(20 U.S.C. 1413(a)(2), (3))

§ 121a.38 Equipment.

(a) Equipment acquired with funds under Part B of the Act may be placed on private school premises for a limited period of time, but, the title to and administrative control over such equipment must be retained and exercised by a public agency.

(b) In exercising administrative control, the public agency shall not only keep records of, and account for the equipment but shall also assure itself that the equipment is being used solely for the purposes of the program or project, and remove the equipment from the private school premises when necessary to avoid its being used for other purposes or when it is no longer needed for the purposes of the program or project.

(c) Mobile or portable equipment may be used on private school premises only for such period of time within the life of the current program or project for which the equipment is intended to be used as is necessary for the successful participation in that program or project by eligible handicapped children enrolled in private programs or schools.

(20 U.S.C. 1413(a)(3))

§ 121a.39 Prohibition of segregation.

Programs or projects to be carried out in public facilities, and involving joint participation by eligible handicapped children enrolled in private programs or schools and handicapped children enrolled in public schools, shall not include classes that are separated on the basis of the program or school enrollment or the religious affiliations of the children.

(20 U.S.C. 1413(a)(2))

§ 121a.40 Use of Federal funds.

Use of funds provided under Part B of the Act and property derived therefrom shall not inure to the benefit of any private school.

(20 U.S.C. 1413(a)(3))

Subpart E—Federal Financial Participation

§ 121a.52 Allotments.

(a) Funds allotted to a State pursuant to section 612(a)(2) of the Act, from appropriations made pursuant to section 611 of the Act, may be used only for the initiation, expansion, and improvement of programs and projects for the education of handicapped children at the preschool, elementary school, and secondary school levels by State educational agencies pursuant to § 121a.55(a)(1) and local educational agencies pursuant to § 121a.55(b)(1), except that not more than 5 percent of the amount allotted to a State for any fiscal year or $100,000, ($35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater, may be expended by the State educational agency for planning and for proper and efficient administration of the State plan pursuant to § 121a.55(a)(2) and by the local educational agencies for planning at the local level pursuant to § 121a.55(b)(2).

(20 U.S.C. 1413(a)(1))

(b)(1) The maximum allotment which a State is eligible to receive for a given fiscal year under Part B of the Act shall be determined on the basis of the total amount appropriated under section 611(b) of the Act for payments to States, allotted on the basis of the number of children aged three to twenty-one inclusive in each State, except that no State's allotment will be less than $200,000 or 3/10 of 1 percent of the amount available for allotment to the States, whichever is greater. (2) No State or local matching funds are required. (3) For the purposes of this paragraph, the term "State" does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(20 U.S.C. 1412(a)(2))

(c)(1) Individual allotments to Guam, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, the Virgin Islands, and American Samoa, as well as to the Department of Interior, Bureau of Indian Affairs, shall be determined by the Commissioner according to the respective needs of each of the foregoing for assistance. (2) The total amount available for these areas cannot equal more than 3 percent of the total amount of funds appropriated under section 611(b) of the Act for payments to the States for a particular fiscal year.

(20 U.S.C. 1412(a)(1))

§ 121a.53 Reallotment.

(a) *General.* (1) The amount of any State's allotment under Part B of the Act for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates, during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under Part B of the Act for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions

shall be similarly reallotted among the States whose proportionate amounts were not so reduced. (2) Any amount reallotted to a State under this section during a year shall be deemed part of its allotment under Part B of the Act for that year.

(b) *Statements of anticipated need.* (1) In order to provide a basis for reallotment by the Commissioner under Part B of the Act, each State agency administering a program under Part B of the Act shall, if requested, submit to the Commissioner by such date or dates as he may specify a statement or statements showing the anticipated need during the current fiscal year for the amount previously allotted, or any amount needed to be added thereto. (2) The statement or statements shall contain such further information as the Commissioner may request for the purpose of making reallotments.

(20 U.S.C. 1412(c))

§ 121a.54 Project period.

Project funds under this part shall remain available for obligation pursuant to § 100b.55 of this chapter.

(20 U.S.C. 1413)

§ 121a.55 Allowable expenditures.

(a) *State educational agencies.* Funds under Part B of the Act may be used by the State educational agency for such expenditures as are reasonably necessary (1) for the conduct by it of programs or projects for the education of handicapped children (including evaluation and dissemination of the results thereof), and (2) subject to the limitations in § 121a.52, for (i) administration of the State plan and for planning at the State level, including planning or assisting in the planning of programs or projects for the education of handicapped children; (ii) approval, supervision, monitoring, and evaluation of local programs and projects for the education of handicapped children and their effectiveness throughout the State; (iii) technical assistance to local educational agencies with respect to the measurements of educational achievement and evaluation of the effectiveness of programs and projects pursuant to § 121a.26(e); (iv) dissemination and utilization of the results of educational research and demonstrations as well as dissemination of information relating to statewide special education activities for handicapped children and to projects assisted under Part B of the Act; (v) leadership services for the program supervision and management of special education activities for the handicapped within regions of the State where local personnel are responsible to the State educational agency, and (vi) other State leadership activities and consultative services.

(b) *Local educational agencies.* Funds made available under Part B of the Act to local educational agencies may be used by those agencies for expenditures which are reasonably necessary for activities directly related to (1) the conduct of programs and projects, for the education of handicapped children which are approved by the State educational agency (including the planning, evaluation, and dissemination of the results thereof), and (2) subject to the limitations in § 121a.52, the planning of such programs and projects.

(20 U.S.C. 1413, 1414; 45 CFR Subtitle B, Chapter I, Subchapter A, Appendix B)

§ 121.56 Title to and control over property and funds.

(a) *Incidental use.* The incidental use of property acquired with funds provided under this part for purposes other than those provided in Part B of the Act is permitted only for related educational purposes on public premises and for only so long as that use does not interfere with the use of such property in a program or project carried out under Part B of the Act.

(b) *Public agency control.* The State educational agency will obtain from each local educational agency administering a program or project under Part B of the Act a satisfactory assurance that the funds provided under Part B of the Act, and property derived therefrom, will at all times be under the control of, and be administered by, a public ageny in accordance with the provisions of the Act and the regulations in this part.

(20 U.S.C. 1404, 1413(a)(2), (3), (8))

§ 121a.57 Construction.

A program or project for the education of handicapped children under Part B of the Act may not include the construction of school facilities with funds provided under Part B unless the construction (a) is essential to assure the success of that program or project and (b) complies with other requirements of Part B of the Act and §§ 100b.155–100b.191 of this chapter with respect to construction.

(20 U.S.C. 1404, 1413)

§ 121a.58 Equipment.

(a) Funds provided under this part may not include expenditures for equipment unless (1) such equipment is essential to the provision of services to handicapped children, and (2) the recipient of the funds has a staff trained to use the requested equipment or has made provision for adequate staff training in the use of the equipment.

(b) In the purchase of equipment pursuant to this section, if a financial advantage is realized through bargains, rebates, discounts, bonuses, free pieces (not devoted to the project as approved), or other circumstances, the fair value of such financial advantage shall not be considered as an allowable expenditure under § 121a.55.

(c) Requests for funds to purchase equipment shall be included in the project application submitted pursuant to § 121a.22 or an amendment thereto.

(20 U.S.C. 1404, 1413)

§ 121a.80 Withholding of payments.

Whenever the Commissioner, after reasonable notice and opportunity for hearing, finds (a) that the State plan has been so changed that it no longer complies with the provisions of Part B of the Act or the applicable regulations in this part, or (b) that in the administration of the plan there is a failure to comply substantially with any such provisions or regulation or with any requirements set forth in the application of a local educational agency approved pursuant to such plan, the Commissioner will notify the State agency that further payments will not be made to the State under Part B of the Act (or in the Commissioner's discretion, that (1) further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or (2) the State educational agency shall not make further payments under Part B of the Act to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Commissioner will make no further payments to the State under Part B of the Act (or will limit payments to programs or projects under, or parts of, the State plan not affected by the failure, or payments by the State educational agency under Part B of the Act shall be limited to local educational agencies not affected by the failure as the case may be).

(20 U.S.C. 1413(c))

GUIDELINES

EDUCATION OF THE HANDICAPPED ACT—PART B

ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

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PART 8—PROJECTED ACTIVITIES

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8.1 Reports.

PART 1—INTRODUCTION

Section 1.1 Scope of guidelines.

(a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Education of the Handicapped Act, Part B, sections 611–614. The legal requirements include the Act itself (20 U.S.C. 1411–1414) and the regulations (45 CFR Part 121a). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 1411; 113 Cong: Rec. 5936, 5939 (daily ed. May 23, 1967); *United States v. Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline in the parentheses following the guideline. For example, if the legal authority for the guideline is section 613 of the Act (20 U.S.C. 1413), and the guideline affects § 121a.52 of the regulations (45 CFR 121a.52), the following citation will be placed on the line immediately following the guideline: ((20 U.S.C. 1413); 45 CFR 121a.52). If no particular section of the regulation is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

PART 2—OVERVIEW

Sec. 2.1 Basic goals and objectives.

(a) The planning and implementation of Part B of the Education of the Handicapped Act is intended to be carried out according to priorities based upon identified needs for handicapepd children in a State. These programs should also be cognizant of U.S. Office of Education's goals and objectives for the handicapped.

(b) The basic goal of the Federal effort in education for handicapped children is to provide for equality of educational opportunity. This goal is based on two fundamental concepts:

(1) That education for a handicapped child should be a benefit to which the child and his family are entitled; and

(2) That it is cost beneficial to society to help each handicapped child become as independent and productive as possible.

((20 U.S.C. 1411); 45 CFR 121a.2)

Sec. 2.2 Overview.

(a) Programs assisted under Part 8 of the Education of the Handicapped Act are not general support programs or construction, media, or training programs, although these latter three activities can be included as parts of projects, phases of multiyear projects, or as individual projects and supplement an existing comprehensive educational program.

(b) Part B funds have generally been used to stimulate the development of comprehensive quality programs and services, to demonstrate innovative practices and procedures, and to encourage educational reforms which will enhance the learning potential of handicapped children. These funds are used to support activities which are in addition to, or go beyond, minimal basic types of programs normally provided for through State or other funds.

(c) A wide variety of activities can be supported if such activities are designed to meet the special educational and related needs of the participating handicapped children.

((20 U.S.C. 1411, 1413); 45 CFR 121a.2, 121a.9, 121a.10(a), 121a.24, 121a.25)

PART 3—PROJECT DEVELOPMENT

Sec. 3.1 Project design.

The basic steps involved in designing a Part B project are essentially the same as those involved in developing any other type of project proposal. They include:

(a) *Identifying the needs.* Identification has two major concerns: the location and diagnosis of children who meet the definition of "handicapped," as defined in the Act, and who, by reason of such handicapping conditions are in need of special educational services, and the recognition of special learning or behavioral needs of children who have been identified as "handicapped."

(b) *Stating the objectives.* (1) An objective is an intent communicated by a statement describing a proposed change in a learner designed to meet his needs. It is a statement of what the learner is to achieve or is to be like when he has successfully completed a learning experience. Clearly stating an objective in terms of academic or performance achievement makes it possible to evaluate an activity and provides a sound basis for selecting appropriate materials, content or instructional methods. Carefully defined objectives pro ide measurements by which a participating student can evaluate his own efforts and organize them into more relevant activities. The writing of objectives may be facilitated by identifying the academic or performance achievement by name, specifying the kind of achievement that will be accepted as evidence that the learner has achieved the objective, (2) describing the important conditions under which the achievement will be expected to occur, and (3) specifying how well the learner must perform to be considered acceptable.

(c) *Developing a plan (project) to achieve the objectives.* A plan to achieve objectives of a project includes a series of specific, clearly described activities. These activities should contribute to the desired change in children that can be appropriately measured and assessed.

(d) *Implementing the plan (project).* Once a project has been approved by the State educational agency, the critical step of implementation should be taken. Such implementation includes the careful employment of project staff, judicious purchase of equipment and supplies, and the systematic establishment and continuation of the educational environment designed to directly serve the handicapped child.

((20 U.S.C. 1413(a)(1)); 45 CFR 121a.24, 121a.25)

(e) *Evaluating the effectiveness of the results.* Evaluation is inherent in all acceptable project designs. It is both ongoing and summary in scope. Ongoing project evaluation begins simultaneously with project implementation. A careful summary evaluation is meant to reveal not only whether the activity objectives and consequently the identified needs of handicapped children have been met through a project, but also to indicate the desirability of instituting subsequent projects, paralleling or modifying the one which has been completed.

(1) *Evaluation.* The steps in evaluating educational outcomes of projects can be enumerated as follows:

(i) Definition of educational objectives (preferably in terms of specific units of output) to be achieved through the experience being evaluated. These objectives should reflect the most pressing eneds of handicapped children;

(ii) Translation of the educational objectives into academic or performance achievement which will be displayed if the objectives are achieved;

(iii) Identification of situations in which the presence or absence of the achievement can be observed and recorded;

(iv) Establishment of some type of interpretative device (standard or norm) which can be used in measuring desired growth;

(v) Application of the evaluation methods derived from (iii) and (iv) above to all those participating in the program;

(vii) Statement of conclusions regarding effectiveness in terms of the extent to which objectives were achieved.

(2) The objectives of proposed projects should be related to specific characteristics possessed by pupils prior to the initiation of the project. The evaluation procedures, therefore, should involve measuring changes in pupil achievement over a period of time. This means, in most instances, that evaluation procedures will involve obtaining appropriate measurements at the start of a project, during the project period, and at the conclusion of the project. The difference between these successive measurements, if properly selected, then become an indication of change and eefictiveness of the use of project funds. Consequently, it is important that project directors gather baseline data on students when projects are initiated.

((20 U.S.C. 1413(a)(1), (a)(5)); 45 CFR 121a.24, 121a.25, 121a.26)

Sec. 3.2 Types of projects.

There are two basic categories of projects which may be conducted under Part B: Comprehensive self-contained projects and supplementary projects.

(a) *Comprehensive self-contained projects.* Comprehensive self-contained projects are those which provide within themselves the full range of services required by the participating children including project staff paid from project funds. (An example of this category would be a demonstration project to improve the communication skills of a selected group of preschool deaf children.) The project, to be complete within itself, should include all of the following:

(1) Diagnostic services (provided in concert with the health department or other appropriate agency);

(2) Employment of project staff;

(3) Inservice training of project staff;

(4) Remodeling and equipping a special room (including installation of a one-way mirror and various amplification and visual equipment);

(5) Weekly orientation and counseling sessions for parents (provided by project staff and possibly outside consultants);

(6) Individual and small group instruction with the children;

(7) Special transportation and attendant services, where necessary;

(8) Periodic followup meetings in each home to reinforce the teaching techniques which the parents have observed; and

(9) Evaluation of project outcomes.

(b) *Supplementary projects.* Supplementary projects are those which do not provide direct educational services within themselves, but which supplement existing special educational programs in which such direct services are provided. An example of a supplementary project would be one designed to increase braille reading speed and comprehension of visually handicapped children, which provided, from project funds, for the purchase of equipment (i.e. programmed learning equipment and braille writers), and inservice instruction for staff members (State or local funds being used to pay staff salaries).

((20 U.S.C. 1413); 45 CFR 121a.24, 121a.25)

Sec. 3.3 Multiyear projects.

(a) *Description.* (1) Projects may be designed to be supported by funds from more than one fiscal year period and approved in principle for the full period requested. Funding of the second and any subsequent years or phases of such projects is contingent upon satisfactory completion of the first year or phase as evaluated by the State educational agency, and upon the availability of Federal funds. (2) A multiyear project is one planned to utilize project funds from more than one fiscal year.

((20 U.S.C. 1413); 45 CFR 121a.5, 121a.22)

(b) *Components.* Multiyear projects are usually designed so that particular components are identified with each of the fiscal years from which the project is to be funded. For example, the inservice training of staff members or the purchase of equipment might be provided by funds from one fiscal year, while direct services are provided through funds from another fiscal year. Another example of a multiyear project in a school is one in which the first of two years is devoted to diagnosis and identification of mentally retarded children who could profit educationally from a behavior modification technique heretofore not utilized in the school. During the following summer, school staff might receive inservice training in this technique, and during the second year use the technique in direct service to those children identified in the first phase of the project.

(c) *Evaluation.* Each year of a multiyear project should be evaluated in terms of how its child-centered objectives have been met, or how the accomplishments of a particular phase or year of the project are anticipated to contribute to such objectives. A final, summary evaluation, following the completion of the entire project, should assess the overall impact of all the project activities on the behavior or performance of handicapped children for whom the project was designed.

(d) *Application.* The basic, overall plan of a multiyear project should be incorporated into the original application. It should specify when each project component is to occur and how each of these elements is intended to contribute to the fulfillment of project objectives. Statistical and fiscal information relevant to the first year activities should be given in detail. Approval of the multiyear project by the State educational agency constitutes the agency's commitment of funds for the first year of the project but only signifies the agency's intention to fund subsequent years of the project pending satisfactory completion or implementation of the initial project phase and the availability of the requested Federal monies. Each application for the second and each succeeding fiscal year of a multiyear project would be essentially the same as the original application, but would indicate the project components included or specific activities to be accomplished through use of funds from the stated fiscal year.

((20 U.S.C. 1413); 45 CFR 121a.5, 121a.22)

PART 4—PROJECT COMPONENTS

Sec. 4.1 Carry-over funds.

(a) Part B project funds and State administration funds, which remain available for obligation and expenditure during the fiscal year succeeding the fiscal year for which they were made available, can be expended in the following ways:

(1) For extending a project implemented and designed to terminate within the fiscal year, which would involve an amendment to the original application to extend the period of project activities beyond the fiscal year into the succeeding fiscal year;

(2) For developing a new project to be funded entirely out of the carry-over funds, and to be conducted within the year succeeding the fiscal year for which the funds are made available. The development of this project would involve the preparation of an original application with the fiscal year funding source carefully indicated;

(3) For the development of a multiyear project which would utilize project funds from more than one fiscal year. An application for a multiyear project gives overall information for the life of the project; and

(4) For designing a new project which is to be initiated within a fiscal year and is to extend into a succeeding fiscal year during which the carry-over funds are to be available, and which would involve one application with the fiscal year funding source and the project start and stop dates clearly indicated, and only one project report following the completion of the project.

(20 U.S.C. 1225(b), 1413); 45 CFR 100b.55, (121a.5, 121a.55)

Sec. 4.2 Special educational services.

(a) *Scope.* Special educational services are those services appropriately designed so as to meet the specific educational needs of handicapped children, and are in addition to or distinct from the educational services provided to non-handicapped children. They furnish educational opportunities commensurate with the handicapped child's needs, interests, and abilities which will enable him to develop his personal, social, economic, and aesthetic potentialities. Special educational services include instructional services and related services, all of which should be properly supervised by qualified staff with training and experience in the areas of special education appropriate to the handicapping conditions of the children involved.

(b) *Instructional services.* Instructional services provide for a learning environment in which a teacher can relate directly with a student. These services could include: (1) readiness programs (such as perceptual training, visual or tactual skill training, or fine-gross motor development), (2) individualized and programmed instruction, (3) diagnostic or prescriptive teaching, (4) mobility, orientation or travel training, (5) instruction in daily living skills, (6) prevocational programs, and (7) instruction utilizing special equipment, mobile classrooms, community resources, and special instructional techniques.

(c) *Related services.* (1) Related services are those services which are designed to overcome or ameliorate a child's handicap, but only to the extent necessary to enable him to benefit from the educational services available to him. The term also includes those related services which generally precede the provision of direct educational services and can only be justified to the extent to which they are required to furnish such educational services. (2) Related services would include, for example: speech pathology services, audiology services, diagnostic services, (such as psychological evaluations and medical screening), health services, food services, pupil transportation, library and media services, employment of staff supervisors, inservice training of staff, media services which are not used in direct instruction of handicapped children, and parent and community services.

(20 U.S.C. 1413(a)(1); 45 CFR 121a.24)

Sec. 4.3 Project objectives.

Project objectives should be child-centered and should be stated as precisely as possible before the projects are initiated so that evidence of change may be systematically measured or observed and recorded. The specific plan to achieve the stated objectives of the project should (a) include a detailed description of each major activity, and (b) focus on the precise resources, methods, and procedures to be employed in carrying out the activity, including staff and inservice training requirements, facilities, equipment, and materials.

(20 U.S.C. 1413; 45 CFR 121a.26)

Sec. 4.4 Project size, scope, and quality.

(a) The basic purpose of the size, scope, and quality requirement is to ensure completeness and adequacy of services and activities in terms of meeting the specified objectives of a particular project or program. A project, in many instances, is concentrated on the needs of a limited number of children. Some of the most successful projects have narrowed their focus on clearly defined objectives with manageable numbers of children for whom comprehensive services were provided. For example, a special project designed for the most severely handicapped living in one of ten cottages within a large school or hospital may have greater impact than a generalized effort to improve the quality of instruction throughout the entire school on a piecemeal basis. Thus, minimal, widely dispersed, and fragmentary projects should be discouraged in preference to more concentrated, effective projects.

(b) If a service required to obtain a stated objective of a project is not being provided, the project would not be approved unless it is expanded to include provision of the service, or unless the project application contains a plan which assures that the required service will be provided within a reasonable period of time.

(20 U.S.C. 1413; 45 CFR 121a.9)

Sec. 4.5 Coordination.

Applicants should demonstrate that in planning and conducting activities they have considered the benefits available for handicapped children from other Federal, State, and local sources. Programs or services may be carried out jointly between several agencies, or may be supported through a variety of Federal programs such as other Parts of EHA; the Vocational Education Act; Title III ESEA; etc. While there can be no commingling of funds, the various Federal resources can be used to finance identifiable portions of such combined efforts.

(20 U.S.C. 1413; 45 CFR 121a.28)

Sec. 4.6 Evaluation.

(a) *Importance.* (1) Essential to every project is the process of appraising what is

happening or has happened as a result of the expenditures of effort and money. Evaluation is important to those who conduct the project as a part of their ongoing efforts to achieve their goals and to keep educators and members of the community apprised of educational developments.

(2) In designing a project, an applicant should carefully consider how each component of the project will contribute to the overriding project objective of meeting educational needs of handicapped children. All assessments should be considered and allowed to contribute to the continued direction of project activities.

(3) Evaluation is an ongoing process, done periodically and consistently if a cause-effect relationship is to be identified between what the teacher does and how the student responds. Evaluation reinforces good teaching by identifying what teaching procedures and materials yield the greatest benefits. The greatest beneficiaries of effective evaluation are therefore the teachers and students concerned.

(b) *Assistance.* (1) Project applicants may be assisted whenever necessary in stating their objectives as precisely as possible and in selecting specific methods and instruments to be used at the end of the project to determine whether each objective has been achieved. State educational agencies are encouraged to require potential applicants to submit abstracts or prospectuses in advance for proposed programs and projects, and to employ specialists in evaluation from institutions of higher education, in regional educational laboratories, and in other appropriate agencies to serve as consultants on the program and projects. These specialists can provide assistance in the design and writing of the application, and they may be utilized throughout the term of the program or project to assure that proper records are made of changes as they occur.

(2) Provision of expert guidance during the planning stage will do much to assure that approved programs and projects comply with the spirit and intent of the Act, especially in terms of the objectives and evaluation of the impact of expenditures on the children served. The cost of providing such assistance may be paid with the State's Part B administration funds or with amounts specified in each approved program or project.

(c) *Methods.* (1) Project funds should not be used extensively for the development of new test instruments where none are currently available. The nature of the evaluation of a project will depend upon the project design and stated objectives.

(2) Where appropriate, reference should be made to evaluations of similar activities carried on with the same children during preceding years, the changes that have been made as a result of such evaluations, and the types of improved performance expected by the end of the new project year.

(d) *Projects providing direct instructional services.* Projects which provide direct instructional services should include in their evaluation an assessment of the impact of these services on the educational achievement of participating handicapped children, as well as the extent and manner in which other major project objectives have been met. For example, a project designed to introduce modern mathematics skills and understanding to deaf children, for which purpose project funds were used to provide direct instructional services (such as the employment of specially trained teachers of the deaf who have been schooled in teaching modern mathematics, or the implementation of individualized programmed instruction in this subject), should be evaluated in terms of the improvement in modern mathematics skills and understanding achieved by the deaf children in the project.

(e) *Multiyear projects.* Phases of multiyear projects which in themselves provide only related services, but which are followed in a subsequent fiscal year by another phase of the project which does provide direct instructional services, should be given a brief evaluation in terms of how the major objectives of the services have been met, and indicate how these related services are anticipated to contribute to the effectiveness of the direct instructional services which are to be provided in a subsequent project phase. The final evaluation of the multiyear project follows its last project phase, and assesses the impact of the direct instructional services component on the educational achievement of the participating handicapped children. Such evaluation should also show how other major objectives of each project phase have been met and how each has contributed to the principal child-centered instructional objectives.

(f) *Related services.* Projects which include only related services but which supplement or augment an otherwise comprehensive educational program provided by State, local, or other Federal funds may assess the impact of the project on the instructional services of the program which is supplemented by the project. Such an evaluation, however, should also explain how the major objectives of the related services of the project have been met.

(g) *Supplementary projects which modify existing programs.* Projects which provide related services to existing programs (e.g., inservice training of teachers, or the procurement of special equipment) should be evaluated in two parts, quantitative and qualitative. A quantitative evaluation would, for example, indicate the number of staff members trained and the number receiving special State certificates as a result of the coursework; or the equipment and materials ordered and the extent to which delivery of such items had been completed. A qualitative evaluation (e.g., in the case of summer projects) would be made during the school year following the end of project activities by evaluating the impact of the training or materials on the educational achievement of the participating handicapped children.

(h) *Supplementary projects that initiate new programs or extend services to additional children.* There are certain types of projects which are designed to initiate new special education programs or to include children not receiving special education in existing programs, through the provision of related services to handicapped children rather than direct instructional services. These projects (e.g., diagnostic, placement services, pupil transportation to an educational program, etc.) often lend themselves more to a "quantitative" evaluation in terms of the actual services provided, than do the projects discussed above. The educational achievement of the children involved, however, can be satisfied by a certification from the State educational agency that the children have been placed in an appropriate special education program which meets State standards for such a program.

((20 U.S.C. 1413(a)(5)); 45 CFR 121a.11, 121a.26)

Sec. 4.7 Dissemination.

(a) The best exemplary programs and projects, the best evaluation instruments and methods, and the most promising research findings may have only limited effect if they are known only to those directly involved in their discovery or application. Dissemination of information about successes and failures of project activities will increase and speed the impact of this program on special education for handicapped children. A wide variety of dissemination media should be considered, such as: newspapers, radio, television, magazines, professional journals, and newsletters.

(b) Organized and planned observations of model demonstration projects and programs, lectures, workshops, inservice education, and participation in national and regional conferences of professional organizations are other approaches to dissemination which are encouraged. Demonstrations of new instructional techniques and materials within schools and classrooms throughout the local district, region, or State, have been found very effective in encouraging replication.

(c) "Before and after" pictures, slides, and movies often help capture the spirit as well as the substantive results of many projects. Emphasis should be placed on the dissemination of information that can be related to the assessment of needs and to project design and implementation of projects.

(20 U.S.C. 1413(a)(10); 45 CFR 121a.11(e), 121a.26)

Sec. 4.8 Training.

(a) Training of project personnel may be provided. Such personnel might include teachers, teacher aides, attendants, and other personnel considered essential to the success of the project.

(b) The basic types of training are: Workshops and institutes, summer coursework, and evening and Saturday classes during the academic year. Training activities may be provided as a phase of a multiphase or multiyear project, as a component of a project which includes direct instructional services, or as a component of a project which does not include within itself direct instructional services but which supplements a program providing such services. When projects are designed and approved in principle to extend over more than a one-year period, it is possible that they may be devoted entirely to the training of personnel during one of the years.

(c) Agencies conducting projects under Part B of the Act may hire and pay personnel to carry out the training activities and may also pay trainees on the basis of the amount of time they spend in these activities. Payments to personnel on the basis of time spent in training, either during the school year or during the summer, generally should not exceed the amounts commonly paid for such training activities funded through the U.S. Office of Education.

(d) Payment may be made to trainees or on their behalf to institutions of higher education for tuition and fees for courses whether or not college credit is granted.

(e) Teachers and others who are regularly employed in private schools may receive training under Part B of the Act when they are employed or are preparing for employment in Part B projects. The payment of stipends (including tuition and fees) to employees of private schools for training for participation in Part B projects is not precluded.

(f) Projects may provide for the training of personnel in the use of equipment. Assistance in the planning, conducting, and evaluation of such training should be sought from institutions of higher education.

(20 U.S.C. 1411, 1413; 45 CFR 121a.25)

PART 5—PROJECT PARTICIPANTS

Sec. 5.1 General eligibility.

(a) State educational agencies sometimes support programs for children with a broader

range of problems that can be supported under Part B of the Act. States should differentiate carefully between the types of children and the nature of programs which are eligible for support under Part B and those which are not. One example is that of children receiving home instruction because of temporary illnesses or injury as compared to those receiving special instruction because of handicapping conditions. Another example is that of pregnant girls who would not be eligible under Part B except when they have been diagnosed and classified as handicapped under one of the categories listed in the law, such as seriously emotionally disturbed.

(b) Once a project has been approved and is under way, additional handicapped children for whose benefit the project was not originally designed may be included on a space available basis. Care should be taken to ensure that the addition of such children does not alter the basic objectives or in any way serve to dilute the project effectiveness for the children for whom the project was designed.

(c) Projects may extend or improve services to very young handicapped children prior to their school entrance and to those of school age who were not formerly included in a school program. Recent research has demonstrated that many such children respond to early stimulation and that mental retardation in infants with birth defects may be greatly reduced or even prevented with appropriate techniques.

(d) Many severely retarded children who have been offered, until recently, only custodial care are now found to benefit from such techniques as music therapy, operant conditioning, etc. These severely and profoundly retarded children, if they meet the qualifications of age and are not excluded by State law, are eligible for project participation.

(20 U.S.C. 1413; 45 CFR 121a.2, 121a.25)

Sec. 5.2 Handicapping conditions.

(a) *Mentally retarded.* Children who are classified by the State educational agency as educable (mildly) mentally retarded to trainable (moderately) mentally retarded are eligible to participate in programs and projects supported under this funding authority. Participating agencies are encouraged by the Bureau of Education for the Handicapped to include in programs—at the discretion of their State educational agency—other more severely mentally retarded children who show promise of benefiting from such programs.

(b) *Seriously emotionally disturbed.* The legislative history of Part B of the Act and other Federal programs makes a distinction between emotionally disturbed and socially maladjusted children. Those children classified by the State as seriously emotionally disturbed are eligible to participate under these programs.

(c) *Other health impaired.* Children who are learning disabled are considered handicapped to the extent they are "other health impaired." (See definitions of "children with specific learning disabilities" and "handicapped children" in 45 CFR 121.2). Children with these disabilities, if their disabilities prevent them from learning or functioning in the regular educational program and by reason thereof require special educational and related services, may be considered by a State educational agency to be eligible for participation in programs and projects funded under Part B of the Act. If these children have disabilities which are based on psychological or physiological factors (which can be medically diagnosed), rather than sociological factors, they may be classified and reported as "other health impaired." Conditions which result in such disabilities might include, for example, asthma, rheumatic fever, epilepsy, diabetes, and cardiac disease.

((20 U.S.C. 1401(1), 1413); 45 CFR 121a.2, 121a.25)

Sec. 5.3 Parental participation.

(a) Pursuant to section 121a.27 of the regulations, protests funded under Part B of the Act must be designed to provide for the involvement of parents of handicapped children. An example of this type of involvement would be the conducting of special seminars or workshops designed to acquaint parents with problems faced by their children, and the procedures planned in the project to meet the problems. Individual visits to children's homes by project staff members would provide additional supportive assistance in carrying out project objectives.

(b) Counseling and training of parents to enable them to work more effectively with their handicapped children and to have a greater understanding of their needs is permissible, where appropriate. Training or other educational materials may be provided by mail or made available through an instructional materials center, day care center, or local parents' council.

((20 U.S.C. 1231d, 1413); 45 CFR 121a.27)

PART 6—EXPENDITURES

Sec. 6.1 Instructional materials centers.

(a) The use of Part B funds for the development of instructional materials centers (IMC) within States or within regions of a State is encouraged. Ordinarily a statewide central coordinating system for IMC's could be provided through the use of Part B administrative funds.

(b) The use of Part B program funds to support media and media-related services for handicapped children is contingent upon project design.

(1) The use of program funds would be justified where a target population (such as all mentally retarded students and their teachers in one local district) is to be furnished appropriate materials.

(2) Another of the many patterns that might be followed would be to have one IMC serve a geographical region encompassing several, most, or all local educational agencies in the State. Local educational agencies (LEA's) wishing to use the central IMC could design a Part B project utilizing its services. Each could then pay its proportionate share of the operating costs of the center. All projects conducted by LEA's of course, would have to meet the usual Part B project requirements.

(3) Under some circumstances such projects conducted by LEA's could be justified if the target population for which they are designed is limited to a particular type of handicapped child and a very substantial amount of services is provided. The provision of services in such projects should be stated in child-centered terms, reflecting the intent of such a project to affect achievement. For example, in a situation where a large metropolitan area has assessed the achievement of visually handicapped children enrolled in high schools and found these students to be well below grade level in social studies and science, project funds could be expended to provide services and instructional materials, the utilization of which could accelerate the learning rate of such students. Child-centered objectives for such a project could include: (i) Increasing by a specified amount the reading rate and comprehension of blind children through training them in the proper use of compressed speech recording, providing compressed recordings of appropriate textbooks and supplementary reading materials, and portable tape recorders; (ii) improving the grades and rate of achievement of a specified number of blind students enrolled in science courses by providing them with additional individualized instruction and with programmed workbooks in braille; and (iii) increasing the achievement rate and grades of pupils in social studies courses through the use of specially prepared compressed recordings, the provision of compact tape recorders for note taking, and portable typewriters on which themes and homework are prepared.

(20 U.S.C. 1413; 45 CFR 121a.55)

Sec. 6.2 Payments to students in projects.

(a) Projects may provide for the payment of wages for work satisfactorily performed by students. An example of such a project would be one in which deaf students, being taught kitchen operations and food preparation, actually work an hour each week day in a school's cafeteria or kitchen, thereby assisting the school in its need for food services.

(b) State officials should check with their own State authorities (labor-educational) regarding State youth employment laws. They should also check with the local office of the U.S. Department of Labor regarding Federal youth employment regulations.

(c) Project funds may be used, if so provided for in the project application or design, to give monetary awards to handicapped children participating in a project to the extent that it is determined that such a disposition of funds is designed to meet the special educational needs of such children. For example, emotionally disturbed students participating in a project receiving on-the-job experience utilizing operant conditioning techniques may be given a monetary award as a reinforcement of learning when their performance in a given situation meets the requirements or expectation established in the project for such a recognition of accomplishment.

(20 U.S.C. 1413; 45 CFR 121a.55)

Sec. 6.3 Equipment.

(a) *Expenditures.* There are no regulations concerning the percentage of Part B project funds which may be expended for equipment. Since equipment is particularly important in the education of certain types of handicapped children, and because the population of schools served by Part B projects and their educational needs remain relatively constant for a period of years, State educational agencies have tended to be less restrictive with equipment purchases. Under special circumstances, considerable expenditures for equipment have been allowed, particularly where it is known that equipment purchased for a project would have many years of service in the project school for handicapped children.

(b) *Exchange.* Equipment purchased with project funds may be exchanged, in any appropriate manner, for more recent models as long as the use of the new equipment remains the same as that of the old equipment.

(c) *Replacement.* Requests for approval of replacement equipment should be kept to a minimum and should be studied just as carefully as requests for initial equipment. It is permissible to trade previously purchased equipment if the new item is to replace the one traded in.

(d) *Training of project personnel in use of equipment.* Assurance should be given by the project applicant of the participation in the project of staff members trained in the use of any equipment purchased with Part B project funds, or that arrangements for such training will be made in sufficient time so that the equipment may be effectively used during the duration of the project.

(e) *Insurance for equipment.* Where State agencies, local educational agencies, and participating schools carry insurance against theft, fire, and vandalism, items purchased with project funds normally are included automatically under the terms of such insurance. If equipment purchased is not covered by such a policy, expenditures for suitable insurance are permitted.

(20 U.S.C. 1404, 1413; 45 CFR 121a.55, 121a.58)

Sec. 6.4 Transportation.

(a) Expenditures for transportation of handicapped pupils are allowed under certain conditions. Ordinarily, the transportation involved is that of pupils from their school to such educational sites as museums, places of historical or scientific importance, or the location of off-campus project activities. State educational agencies that receive Part B allocations have considerable discretion in determining what activities may be included in a project. However, all such activities should be evaluated in terms of how they contribute to the project's child-centered objectives, and how they meet the basic project requirements.

(b) The mass transportation of children from a special school to or from their homes on weekends ordinarily does not constitute a valid project expenditure. However, a State agency may consider the merits of a project in which such an expenditure is requested, on the basis of the unique educational needs of the individual children who are to be involved in the proposed service. Transportation on a regular basis from a pupil's home to school and return, however, is usually regarded as a State or local responsibility, and would not, except under unusual circumstances, be an approvable expense.

(c) Usually pupil transportation funds are requested as components of projects, with direct services to handicapped children being provided through other project funds. It is possible, however, for a project to consist wholly of expenditures for equipment, pupil transportation, or construction, if such an expenditure is essential to the success of a given project, and providing that project supplements a program which does provide direct instructional services to handicapped children.

(20 U.S.C. 1413; 45 CFR 121a.55)

PART 7—PRIVATE SCHOOL PARTICIPATION

Sec. 7.1 Needs assessment.

In assessing the needs of nonpublic school handicapped children, provision should be made for consulting with officials in the private school for purposes of identifying the children to be served and determining the types of services to be provided for them. This assessment might also involve screening and diagnosis of individual handicapped children in the private schools, and other routine procedures which are used in identifying public school handicapped pupils.

(20 U.S.C. 1413(a)(2); 45 CFR 121a.35)

Sec. 7.2 Services based on comprehensive assessment.

(a) Assessment of the needs of all children in a State is an essential first step in planning programs for projects under Part B of the Act. In many instances, the services required by private school handicapped children will be identical to those of the public school pupils. In such instances, every effort should be made to develop a single, inclusive program in lieu of establishing separate, piecemeal services.

(b) When it is determined, however, that the needs of the private school handicapped pupils differ from those of children with similar handicaps in public schools, steps must be taken to provide appropriate services for the private school pupils. There might, for example, be a case in which public schools have an urgent need to extend and improve high school programs for mentally retarded children while the more acute need for such children in nonpublic schools is at the preschool and elementary school levels. In such cases, provision should be made to make appropriate services available to both groups of children.

(20 U.S.C. 1413(a)(2); 45 CFR 121a.36)

Sec. 7.3 Services provided through contracts.

(a) State and local public school agencies conducting Part B programs and projects may obtain part of the services provided in such programs and projects by contracts with other public or private agencies including hospitals, clinics, colleges and universities, and elementary and secondary schools.

(b) Such services must be administered by or under the supervision of the applicant agency. The public agency would not be considered to have complete administrative control and direction of a project if all of the services furnished the participating handicapped children are provided through contracts with other agencies. Therefore, the payment of tuition for a handicapped child to attend a private school would not be an allowable expenditure of Part B funds.

(20 U.S.C. 1413; 45 CFR Part 100b, Subpart I, 121a.36)

PART 8—PROJECTED ACTIVITIES

Sec. 8.1 Reports.

The description of projected activities report under 45 CFR 121a.12 has been designed for use by State educational agencies in (a) developing a comprehensive, statewide plan of appropriate special education services to all handicapped children within the State, and (b) reporting the major problems and objectives, along with specific action steps for implementation of such a plan. It provides a means of describing the relationships existing within the State among Federal, State, and local resources, and of reporting on the role that each of these resources will play in the implementation of the plan.

(20 U.S.C. 1413, 45 CFR 121a.12)

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Social Security Administration

[20 CFR Part 416]

[Reg. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Determinations of Disability or Blindness

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth below in tentative form are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments provide the criteria for use in making determinations of disability or blindness under title XVI of the Social Security Act, as amended by section 301 of the Social Security Amendments of 1972 (Pub. L. 92-603), enacted October 30, 1972. This amendment to title XVI of the Social Security Act is effective January 1, 1974.

The proposed regulations herein parallel closely those provided under the existing Disability Insurance Benefits program (20 CFR 404.1501 ff.). This approach is in accord with Congress' intent concerning the application of the provisions of title XVI of the Social Security Act as amended by section 301 of Pub. L. 92-603 (86 Stat. 1465 (42 U.S.C. 1381-1383c)). Illustrations of this intent may be found in the House Ways and Means Committee Report and the Senate Finance Committee Report on H.R. 1. For example, the House Report (House Report No. 92-231) states, on page 147), "Your committee's bill would provide that the definitions of blindness and disability which are used in the disability insurance program established under title II of the Social Security Act would be generally applicable to disabled and blind people under age 65 under the new adult assistance program. These definitions, in the opinion of your committee, provide reasonable, objective, and fair tests of disability and blindness which are appropriate for the proposed program." The Senate Report (Senate Report No. 92-1230) states, on page 384, "* * * the definitions of blindness and disability which are used in the disability insurance program established under title II of the Social Security Act would be generally applicable to disabled and blind people under the new supplemental income program."

Therefore, in light of the above Congressional expressions of intent and the fact that the definitions of disability and blindness in title XVI parallel closely those in title II, the title XVI proposed regulations for evaluating whether disability or blindness exists are, wherever possible, the same as those now in use for the social security disability program under title II, including the Listing of Impairments. However, one change has been made to clarify the regulations concerning the determination whether or not disability exists where an individual is a drug addict or alcoholic. The change makes clear what has been the Administration's policy from the beginning of the program—the presence of a condition diagnosed as addiction to alcohol or drugs will not, by itself, be the basis for a finding that the individual is or is not under a disability. As with any other condition, the determination as to disability in such instances shall be based on signs, symptoms and laboratory findings.

The Listing of Impairments is continuously reviewed in the light of developments in the field of medicine and experience gained in the administration of the title II disability insurance program, and revisions are made from time to time as appropriate. In conjunction with the foregoing, we shall consider any comments received on the Listing of Impairments being included as part of the proposed regulations in deciding whether there is need for change at this time.

The proposed regulations contained herein do not include provisions with respect to: (1) Requirements for those who must undergo appropriate, available

treatment for drug addiction or alcoholism, or (2) the conditions under which presumptive disability payments may be made. Proposed regulations setting forth such provisions will be published at a later date.

The rules set forth in the proposed regulations will be applied by the Social Security Administration in order to administer the Supplemental Security Income program during the period from January 1, 1974, when the new program becomes effective, until final regulations are adopted.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before February 11, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of 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 1102, 1614, and 1631, 49 Stat. 647 as amended, 86 Stat. 1471, 86 Stat. 1475 (42 U.S.C. 1302, 1382c, 1383).

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: December 20, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 2, 1974.

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

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding thereto new Subpart I to read as follows:

Subpart I—Determination of Disability or Blindness

Subpart I—Determination of Disability or Blindness

§ 416.901 Disability and blindness; general.

(a) *Scope of subpart.* This Subpart I establishes the standards for determining disability and blindness for purposes of determining eligibility to benefits under the Supplemental Security Income program under title XVI of the Social Security Act, as amended by Public Law 92-603.

(b) *Disability defined.* An individual is disabled for purposes of this part if:

(1) He is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months (or, in the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity); or

(2) He is permanently and totally disabled as defined under a State plan approved under title XIV or XVI of the Act as in effect for October 1972 and received aid under such plan (on the basis of disability) for December 1973, so long as he is continuously disabled as so defined.

(c) *Physical or mental impairment defined.* A physical or mental impairment is an impairment which results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques. Statements of the applicant, including his own description of his impairment (symptoms) are, alone, insufficient to establish the presence of a physical or mental impairment.

(d) *Blindness defined.* An individual is "blind" (hereafter referred to as statutory blindness) for purposes of this part if:

(1) He has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having central visual acuity of 20/200 or less; or

(2) He is blind as defined under a State plan approved under title X or title XVI of the Act as in effect for October 1972 and received aid under such plan (on the basis of blindness) for December 1973 so long as he is continuously blind as so defined.

§ 416.902 Evaluation of disability for individuals age 18 or over.

(a) Whether or not an impairment in a particular case constitutes a disability, as defined in § 416.901(b)(1), is determined from all the facts of that case. Primary consideration is given to the severity of the individual's impairment. Consideration is also given to such other factors as the individual's age, education and work experience. Medical considerations alone can justify a finding that the individual is not under a disability where the only impairment is a slight neurosis, slight impairment of sight or hearing, or other slight abnormality or a combination of slight abnormalities. On the other hand, medical considerations alone (including physiological and psychological manifestations of aging) can, except where other evidence rebuts a finding of "disability," e.g., the individual is actually engaging in substantial gainful activity, justify a finding that the individual is under a disability where his impairment is one that meets the duration requirement in § 416.901(b)(1), and is listed in the appendix to this Subpart I, or the Administration determines his impairment (or combined impairments) to be medically the equivalent of a listed impairment (see § 416.905).

(b) Conditions which constitute neither a listed impairment nor the medical equivalent thereof likewise may be found disabling if they do, in fact, prevent the individual from engaging in any substantial gainful activity. Such an individual, however, shall be determined to be under a disability only if his physical or mental impairment or impairments are the primary reason for his inability to engage in substantial gainful activity. In any such case it must be established that his physical or mental impairment or impairments are of such severity, i.e., result in such lack of ability to perform significant functions as moving about, handling objects, hearing, speaking, reasoning, and understanding, that he is not only unable to do any previous work he may have done or work commensurate with any such previous work, in the amount of earnings and utilization of capacities but cannot, considering his age, education, and work experience, if any, engage in any other kind of substantial gainful work (see § 416.934) which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work. For the purposes of the preceding sentence, work "exists in the national economy" with

respect to any individual, when such work exists in significant numbers either in the region where such individual lives or in several regions of the country. Thus, isolated jobs of a type that exist only in very limited number or in relatively few geographic locations shall not be considered to be "work which exists in the national economy" for purposes of determining whether an individual is under a disability; an individual is not denied benefits on the basis of the existence of such jobs. Accordingly, where an individual remains unemployed for a reason or reasons not due to his physical or mental impairment but because he is unsuccessful in obtaining work he could do; or because work he could do does not exist in his local area; or because of the hiring practices of employers, technological changes in the industry in which he has worked, or cyclical economic conditions; or because there are no job openings for him or he would not actually be hired to do work he could otherwise perform, the individual may not be considered under a disability as defined in § 416.901(b)(1).

(c) Where an individual with a marginal education and long work experience (e.g., 35 to 40 years or more) limited to the performance of arduous unskilled physical labor is not working and is no longer able to perform such labor because of a significant impairment or impairments and considering his age, education, and vocational background is unable to engage in lighter work, such individual may be found to be under a disability. On the other hand, a different conclusion may be reached where it is found that such individual is working or has worked despite his impairment or impairments (except where such work is sporadic or is medically contra-indicated) depending upon all the facts in the case. In addition, an individual who was doing heavy physical work at the time he suffered such impairment might not be considered unable to engage in any substantial gainful activity if the evidence shows that he has the training or past work experience which qualifies him for substantial gainful work in another occupation consistent with his impairment, either on a full-time or a reasonably regular part-time basis.

Example. A 60-year-old miner, with a fourth grade education, after a lifelong history of arduous physical labor alleged that he was disabled because of arthritis of the spine, hips, and knees and other impairments. Medical evidence shows a combination of impairments and establishes that these impairments prevent him from performing his usual work or any other type of arduous physical labor. His vocational background does not disclose either through performance or by similarly persuasive evidence that he has skills or capabilities needed to do lighter work which would be readily transferable to another work environment. Under these circumstances, he may be found to be disabled.

(d) When used in this section for evaluating "disability" as defined in § 416.901(b)(1), the term "age" refers to chronological age and the extent to which it affects the individual's capacity to engage in work in competition with others. An individual unemployed primarily because of age, however, shall not be deemed unable to engage in substantial gainful activity by reason of a medical impairment.

(e) When used in this section for evaluating "disability" as defined in § 146.901(b)(1), the term "education" is used in the following sense: Education and training are factors in determining the employment capacity of an individual. Lack of formal schooling, however, is not necessarily proof that the individual is an uneducated person. The kinds of responsibilities he carried when working may indicate ability to do more than unskilled work, even though his formal education has been limited.

§ 416.903 Evaluation of statutory blindness.

(a) To be statutorily blind, as defined in § 416.901(d), an individual need only meet the test of blindness as so defined. Such condition need not be expected to result in death or to have lasted or be expected to last for a continuous period of not less than 12 months. Also, the individual need not be unable to engage in substantial gainful activity. However, where a statutorily blind individual is engaging in substantial gainful activity, his earnings must be considered under the income and resources provisions of this part (Subparts K and L, respectively) to determine whether or not he exceeds the limitations on income or resources for benefits under this part.

(b) Where an individual has a visual impairment that is determined not to meet the definition of statutory blindness (see § 416.901(d)), such visual impairment, along with any other physical or mental impairments he may have, shall be evaluated under § 416.902 or § 416.904, as appropriate, to determine whether he is disabled as defined in § 416.901(b)(1)).

§ 416.904 Evaluation of disability of a child under age 18.

Disability shall be deemed to exist for a child under age 18 under § 416.901(b)(1) if the child is not engaging in substantial gainful activity, and if:

(a) His impairment or impairments meet the durational requirements in § 416.901(b)(1), and are listed in the appendix to this Subpart I; or

(b) His impairment or impairments are not listed in the appendix to this Subpart I but singly or in combination meet the durational requirement in § 416.901(b)(1) and are determined by the Administration, with appropriate consideration of the particular effect of disease processes in childhood, to be medically the equivalent of a listed impairment (see § 416.905).

§ 416.905 Determining medical equivalence.

(a) An individual's impairment or impairments shall be determined to be medically the equivalent of an impairment listed in the Appendix to this Subpart I, only if the medical findings with respect thereto are at least equivalent in severity and duration to the listed findings of the listed impairment.

(b) Any decision with respect to disability made under the criteria in § 416.901(b) as to whether an individual's impairment or impairments are medically the equivalent of an impairment listed in the Appendix to this Subpart I, shall be based on medical evidence demonstrated by medically acceptable clinical and laboratory diagnostic techniques, including a medical judgment furnished by one or more physicians designated by the Administration, relative to the question of medical equivalence. A "physician designated by the Administration" shall include a physician in the employ of or engaged for this purpose by the Administration or State agency authorized to make determinations of disability.

§ 416.906 Listing of Impairments in Appendix.

(a) With respect to § 416.901(b)(1), the Listing of Impairments in the Appendix to this Subpart I describes, for each of the major body systems, impairments which:

(1) Are of a level of severity which can justify a finding that the individual is disabled, except where other evidence rebuts such a finding; and

(2) Are expected to result in death or to last for a continuous period of not less than 12 months.

(b) Each section is preceded by a general introduction containing definitions of key concepts used in that section. Certain specific medical findings, some of which are identified as essential in establishing a diagnosis or in confirming the existence of an impairment for the purpose of this Listing, are also cited in the narrative introduction. Where the medical findings essential to support a diagnosis are not specified in the introduction or elsewhere in the Listing, the diagnosis must, nonetheless, be established on the basis of medically acceptable clinical and laboratory diagnostic techniques. For certain of the listed categories, only a pathophysiologic diagnosis is required. Following the introduction in each section, the requisite level of severity of impairment is specified under "Category of Impairments" by one or more sets of medical findings. The medical findings consist of symptoms, signs, and laboratory findings. For the purposes of this Subpart I, the following definitions apply:

(1) "Symptoms" are the claimant's own description of his physical or mental impairment.

(2) "Signs" are anatomical, physiological or psychological abnormalities which are demonstrable, apart from the claimant's symptoms, by medically acceptable clinical and diagnostic techniques. Psychiatric signs are medically demonstrable phenomena apart from the claimant's symptoms, indicating specific abnormalities of behavior, affect, thought, memory, orientation and contact with reality.

(3) "Laboratory findings" are manifestations of anatomical, physiological,

or psychological phenomena which are demonstrable by the use of medically acceptable laboratory diagnostic techniques which extend or replace the perceptiveness of the senses, including chemical tests, electrophysiologic or roentgenologic studies and psychological tests.

(c) An impairment shall not be considered to be one listed in the appendix to this Subpart I solely because it has the name of a listed impairment. To be considered a listed impairment, it must also have such attendant findings as are recited in the Listing for the impairment.

(d) The presence of a condition diagnosed or defined as addiction to alcohol or drugs will not by itself be the basis for a finding that an individual is or is not under a disability. As with any other condition, the determination as to disability in such instances shall be based on symptoms, signs and laboratory findings.

§ 416.907 Failure to follow prescribed treatment

(a) For purposes of determining whether disability under § 416.901(b)(1) exists, an individual's impairment must also be expected to result in death or to have lasted or be expected to last for a continuous period of not less that 12 months. However, for purposes of determining whether statutory blindness exists under § 416.910(d)(1), duration is not a requirement of eligibility.

(b) An individual with a disabling impairment under § 416.901(b)(1) which is amenable to treatment that could be expected to restore his ability to work shall be deemed to be under a disability if he is undergoing therapy prescribed by his treatment sources but his impairment has nevertheless continued to be disabling or can be expected to be disabling for at least 12 months.

(c) An individual who meets the requirement for statutory blindness under § 416.901(d)(1) which is amenable to treatment that could be expected to restore his sight to a condition which no longer meets this definition shall be deemed statutorily blind if he is undergoing therapy prescribed by his treatment sources but his blindness nevertheless continues.

(d) An individual disabled or statutorily blind who willfully fails to follow such prescribed treatment cannot by virtue of such failure be found to be disabled or statutorily blind under the provisions of this Subpart I. Willful failure does not exist where there is justifiable cause for the failure to follow prescribed treatment.

§ 416.920 Determinations of disability or statutory blindness.

(a) *By State agencies.* In any State which has entered into an agreement with the Administration providing therefor, determinations as to whether an individual is under a disability or is blind (as defined in § 416.901), as to the date the disability or statutory blindness began, and as to the date the disability or statutory blindness ceases, shall be made by the State agency or agencies designated in such agreement on behalf of the Secretary with respect to all individuals in such State, or with respect to such class or classes of individuals in the State as may be designated in the agreement.

(b) *By the Administration.* Determinations as to whether an individual is under a disability, as to the date disability or statutory blindness began (as defined in § 416.901), and as to the date disability or statutory blindness ceases, shall be made by the Administration on behalf of the Secretary with respect to individuals in any State which has not entered into an agreement, or any class or classes of individuals not designated in such an agreement.

(c) *Review by Administration of State agency determination.* The Administration may review a State agency determination and/or redetermination that an individual is disabled or blind in accordance with §§ 416.901(b)(1) and 416.901(d)(1) and/or as provided by the definition of the applicable State plan (see §§ 416.901(b)(2) and 416.901(d)(2)). As a result of such review, the Administration may revise the State's determination and/or redetermination so as to make it more or less favorable, as appropriate.

§ 416.923 Evidence of disability or statutory blindness.

An individual who has filed application for benefits under this Part 416 on the basis of disability or statutory blindness shall submit medical or other evidence showing the nature and extent of such individual's impairment or impairments during the time he alleges he was under a disability or statutorily blind. Statements of the individual, including his own description of his impairment (symptoms), are alone insufficient to establish the existence or severity of a physical or mental impairment. Upon request, the applicant shall also submit evidence as to his education and training, work experience, daily activities both prior to and after the alleged date of onset of disability, efforts to engage in gainful employment or self-employment, and any other pertinent evidence showing the effect of his impairment or impairments on his ability to engage in any substantial gainful activity during the time he alleges he was under a disability.

§ 416.924 Medical and other evidence.

(a) Medical evidence of an individual's mental or physical impairment shall include:

(1) A report signed by a duly licensed physician; or

(2) A copy of, or abstract from, the medical records, if any, of a hospital, clinic, institution or sanatorium, or public or private agency, duly certified by the custodian of such record or by any employee of the Social Security Administration or the Veterans' Administration authorized to make certifications of any such evidence, or any employee of a State agency authorized to make such certifications; or

(3) Other evidence of probative value. Medical reports, copies of medical records or other medical evidence submitted to substantiate an allegation that an individual is under a disability or is statutorily blind shall include reports of clinical findings (such as the individual's medical history, physical or mental status examinations or both), laboratory findings, diagnoses, and treatment prescribed and response; in cases involving visual impairments, evidence shall include the measurement of visual acuity and visual fields reported by a physician skilled in diseases of the eye or an optometrist whichever the individual may select.

(b) Except where the claim is based on statutory blindness, evidence specified in paragraph (a) of this section shall also describe the individual's capacity to perform significant functions such as the capacity to sit, stand, or move about, travel, handle objects, hear or speak, and, in cases of mental impairment, the ability to reason or to make occupational, personal or social adjustments. The clinical and laboratory findings shall be sufficiently comprehensive and detailed to permit the making of independent determinations by the Administration or by a State agency as to the nature and limiting effects of the individual's physical or mental impairment or impairments for the period in question, his ability to engage in physical and mental activities, and the probable duration of such impairment.

§ 416.925 Determination of disability or blindness by nongovernmental organization or other governmental agency.

The decision of any nongovernmental organization or any other governmental agency that an individual is, or is not, disabled or blind for purposes of any contract, schedule, regulation, or law shall not be determinative of the question of whether or not an individual is under a disability or is statutorily blind for the purposes of this part.

§ 416.926 Conclusion by physician or other person regarding individual's disability or statutory blindness.

The function of deciding whether or not an individual is under a disability or is statutorily blind for purposes of this Part 416 is the responsibility of the Administration. A statement by a physician or other person that an individual is, or is not, "disabled" or "blind," "permanently disabled or blind," "totally disabled," or "totally blind," "totally and permanently disabled or blind," "unable to work," or a statement of similar import, being a conclusion upon the ultimate issue to be decided by the Administration, shall not be determinative of the question of whether or not an individual is under a disability or is statutorily blind. The weight to be given such person's statement depends on the extent to which it is supported by specific and complete clinical findings and is consistent with other evidence as to the severity and, where pertinent, probable duration of the individual's impairment or impairments.

§ 416.927 Consultative examinations.

Upon reasonable notice of the time and place thereof, any individual applying for or in receipt of benefits under this part on the basis of disability or statutory blindness shall present himself for and submit to physicial or mental examinations or tests, at the expense of other professional or technical source the Administration, by a physician or designated by the Administration or the State agency authorized to make determinations as to disability or statutory blindness. If any such individual fails or refuses to present himself for any examination or tests, such failure or refusal, unless the Administration determines that there is good cause therefor, shall be a basis for determining that such individual is not under a disability or is not statutorily blind. Religious or personal scruples against medical examination or test shall not excuse an individual from presenting himself for a medical examination or test.

§ 416.928 Evidence of continuation of disability or statutory blindness.

An individual who has been determined to be disabled or statutorily blind under this part, upon reasonable notice, shall, if requested to do so, present himself for and submit to examinations or tests in accordance with § 416.927 and shall submit medical and other evidence necessary for the purpose of determining whether such individual continues to be under a disability or statutorily blind.

§ 416.929 Place and manner of submitting evidence.

Evidence in support of an application for benefits on the basis of disability or statutory blindness under this part, shall be filed in the manner and at the place or places prescribed in Subpart C of this part, or where appropriate, at the office of a State agency authorized under agreement with the Administration to make determinations as to disability or statutory blindness, or with an employee of such State agency authorized to accept such evidence at a place other than such office.

§ 416.930 Furnishing of medical evidence.

An individual shall not be determined to be under a disability or statutorily blind unless he cooperates in furnishing available medical evidence which is pertinent to his claim and which would assist the Administration in the processing of his application for benefits under this part.

§ 416.931 Responsibility to give notice of event which may effect a change in disability or blindness status.

An individual who is entitled to benefits under this part on the basis of disability or blindness shall notify the Administration promptly (see Subpart G of this part) if:

(a) His condition improves; or

(b) If disabled, he engages in any work activity or there is an increase in the amount of such activity or his earnings therefrom.

§ 416.932 Evaluation of work activities.

(a) *In general.* If an individual, who is not statutorily blind, performed work during any period in which he alleges that he was under a disability as defined in § 416.901(b), the work performed may demonstrate that such individual has ability to engage in substantial gainful activity. If the work performed establishes that an individual is able to engage in substantial gainful activity, he is not under a disability. However, any services rendered during a trial work period (see § 416.936) shall be deemed not to have been rendered by an individual in determining whether his disability has ceased in a month during such period. Work which does not in itself constitute substantial gainful activity, may nevertheless indicate the existence of a residual capacity of such individual to engage in substantial gainful activity. Thus, an individual who utilizes work skills or abilities on a limited basis may not be under a disability if he is capable of increased utilization of such work skills or abilities.

(b) *Substantial gainful activity defined.* Substantial gainful activity refers to work activity that is both substantial and gainful. Substantial work activity involves the performance of significant physical or mental duties, or a combination of both, productive in nature. Gainful work activity is activity for remuneration or profit (or intended for profit, whether or not a profit is realized) to the individual performing it or to the persons, if any, for whom it is performed, or of a nature generally performed for remuneration or profit. In order for work activity to be substantial, it is not necessary that it be performed on a full-time basis; work activity performed on a part-time basis may also be substantial. It is immaterial that the work activity of an individual may be less, or less responsible, or less gainful, than that in which he was engaged before the onset of his impairment.

(c) *Nature of the work.* The performance of duties involving skill, experience or responsibility, or contributing substantially to the operation of an enterprise, is evidence tending to show that an individual has the ability to engage in substantial gainful activity.

(d) *Adequacy of performance.* The adequacy of an individual's performance of assigned work is also evidence as to whether or not he has ability to engage in substantial gainful activity. The satisfactory performance of assignments may demonstrate ability to engage in substantial gainful activity, while an individual's failure, because of his impairment, to perform ordinary or simple tasks satisfactorily without supervision or assistance beyond that usually given other individuals performing similar work, may constitute evidence of an inability to engage in substantial gainful activity. "Made work," that is, work involving the performance of minimal or trifling duties which make little or no demand on the individual and are of little or no utility to his employer, or to the operation of a business, if self-employed, does not demonstrate ability to engage in substantial gainful activity.

(e) *Special employment conditions.* Work performed under special conditions of employment which take account of the employee's impairment (for example, work in a sheltered workshop or in a hospital by a patient) may, nonetheless, provide evidence of skills and abilities that demonstrate an ability to engage in a substantial gainful activity, whether or not such work in itself constitutes substantial gainful activity.

(f) *Activities in carrying on a trade or business.* Supervisory, managerial, advisory or other significant personal services rendered by a self-employed individual demonstrate an ability to engage in substantial gainful activity.

(g) *Other considerations of work activities.* Earnings from work activities discussed in this section, including earnings from activities performed during a period of trial work, must also be considered under the income and resource provisions of this part (Subparts K and L of this part) to determine whether or not an individual exceeds the limitations on income or resources for benefits under this part.

§ 416.933 Time spent in work.

If the time that an individual spends in work activities is comparable to the time customarily spent by individuals without impairment in similar work activities as a regular means of livelihood, his ability to work for such periods constitutes evidence tending to show an ability to engage in substantial gainful activity. Moreover, where an individual, because of his impairment, is unable to spend as much time in work activities as is customarily spent by individuals without impairment in similar work, but such individual is able to perform significant duties on a part-time basis, his ability to work on a part-time basis also tends to show an ability to engage in substantial gainful activity.

§ 416.934 Evaluation of earnings from work.

(a) *General.* Where an individual who claims to be disabled engages in work activities, the amount of his earnings from such activities may establish that the individual has the ability to engage in substantial gainful activity. Generally, activities which result in substantial earnings would establish ability to engage in substantial gainful activity; however, the fact that an individual's activities result in earnings which are not substantial does not establish the individual's inability to engage in substantial gainful activity. Where an individual is forced to discontinue his work activities after a short time because his impairment precludes continuing such activities, his earnings would not demonstrate ability to engage in substantial gainful activity. Also a mentally handicapped

individual who performs simple tasks subject to close and continuous supervision would not have demonstrated ability to engage in substantial gainful activity solely on the basis of the rate of his remuneration for such activity. Extraordinary expenses incurred by an individual in connection with his employment and because of his impairment (e.g., the nature of the impairment requires special transportation) shall be deducted, to the extent that such expenses exceed what would be his work-related expenses if he were not impaired, in computing the value of his earnings for the purpose of determining his ability to engage in substantial gainful activity. Expenses for medication or equipment which the individual requires whether or not he works would not, of course, be work-related. Earnings received by an employee which are not attributable to his work activity are not considered in determining his ability to engage in substantial gainful activity. Thus, where an individual engages in work activity as an employee under special conditions (see § 416.932), only earnings attributable to the individual's productivity, as distinguished from a subsidy related to other factors (e.g., his financial needs), are considered in determining his ability to perform substantial gainful activity. The fact, however, that a sheltered workshop or comparable facility may operate at a deficit and receive some charitable contributions or governmental aid would not necessarily establish that a particular employee of the workshop is not earning the amounts paid to him. An individual's earnings, including any amounts which are excluded under this subsection for the purpose of determining his ability to engage in substantial gainful activity, may also be further considered under the income eligibility provisions of §§ 416.215ff.

(b) *Earnings at a monthly rate in excess of $140.* An individual's earnings from work activities averaging in excess of $140 a month shall be deemed to demonstrate his ability to engage in substantial gainful activity in the absence of evidence to the contrary.

(c) *Earnings at a rate of $90 to $140 a month.* Where an individual's earnings from work activities average between $90 and $140 a month, consideration of the amount of his earnings together with the other circumstances relating to his work activities (see §§ 416.932 and 416.933), the medical evidence relating to his impairment or impairments, and other factors (see § 416.902) shall determine whether such individual is able to engage in substantial gainful activity. However, in the case of an individual working in a sheltered workshop (such as a workshop especially organized for disabled individuals) or comparable facility, whose activities are limited by his impairment so that his earnings average $140 a month or less, such activities and such earnings ordinarily would not establish the ability to engage in substantial gainful activity.

(d) *Earnings at a monthly rate of less than $90.* Earnings from work activities as an employee which average less than $90 a month do not show that the individual is able to engage in substantial gainful activity. However, an evaluation of the work performed (see § 416.932) may establish that the individual is able to engage in substantial gainful activity, regardless of the amount of his average monthly earnings.

(e) *Factors considered where individual is self-employed.* The earnings or losses of a self-employed individual often reflect factors other than the individual's work activities in carrying on his trade or business. For example, a business may have a small income or may even operate at a loss even though the individual performs sufficient work to constitute substantial gainful activity. Thus, less weight is given to such small income or losses in determining a self-employed individual's ability to engage in substantial gainful activity, and greater weight is given to such factors as the extent of his activities and the supervisory, managerial, or advisory services rendered by him (see § 416.932).

§ 416.936 Period of trial work.

(a) *General.* Any services rendered by a disabled individual entitled to benefits under this Part 416 during a period of trial work shall, nevertheless, be deemed not to have been rendered for the purpose of determining whether such individual's disability ceased during such period of trial work (see § 416.938). Services rendered within a period of trial work may be considered, however, in determining whether an individual's disability ceased at any time after the expiration of such period of trial work.

(b) *Duration.* A period of trial work for any individual shall begin with the month in which the individual becomes eligible for benefits under this Part 416 based on a disability as defined in § 416.901(b): *Provided,* That such period (see § 416.937) shall not begin earlier than January 1974 or before the month in which application is filed for such benefits, and shall end with the close of whichever of the following calendar months is earlier:

(1) The ninth month (whether or not consecutive), beginning on or after the first day of such period, in which the individual renders any services, or

(2) The month in which the individual's disability (as defined in § 416.901(b)) ceases, as determined without regard to work performed during the period of trial work.

(c) *Meaning of "services".* When used in this section, "services" means any activity, even though not substantial gainful activity, which is performed by an individual in employment during a period of trial work for remuneration or gain, or which is determined to be of a type normally performed for remuneration or gain. Work performed without remuneration merely as a therapeutic measure or purely as a matter of training, or work usually performed in daily routine around the home or in self-care, is not considered "services."

(d) *Effects of ineligibility for Supplemental Security Income cash benefits where a disabled person fails to meet other eligibility factors during a period of trial work.* Services performed by an individual who, although still disabled, may become ineligible for Supplemental Security Income cash benefits for other reasons shall nevertheless be counted towards his period of trial work, if he should reapply for benefits. In instances of this nature, the months of ineligibility will be evaluated for trial work period purposes upon reestablishment of eligibility for cash benefits under this part as though said eligibility had not been interrupted.

(e) *Blind recipients.* The trial work period provision described in this section is not applicable in the case of eligibility based on statutory blindness as defined in § 416.901(d).

§ 416.937 Limitations on eligibility to period of trial work.

An individual is not eligible for more than one period of trial work in any one period of eligibility which is based on disability. However, an individual will be granted a trial work period for each period of eligibility which is based on disability unless he has had a previous period of trial work while eligible for benefits on the basis of the same disability. For the purposes of this section, a period of eligibility which is based on disability is the time elapsing from an individual's first month of eligibility for benefits under this part based on a disability through the second month following the month in which disability was determined to have ceased.

§ 416.938 Recovery from impairment while working.

An individual's disability may be found to have ceased at any time within a period of trial work (see § 416.936) if it is determined on the basis of evidence (other than evidence that the individual performed services during such time) that the individual has recovered from his physical or mental impairment to the extent that he is no longer prevented by his impairment or impairments from engaging in substantial gainful activity.

§ 416.939 Cessation of disability or statutory blindness.

(a) In the case of an individual entitled to benefits on the basis of disability, as defined in § 416.901(b)(1), disability shall be determined to have ceased in the earlier of the following:

(1) the month in which the impairment, as established by the medical or other evidence, is no longer of such severity as to prevent him from engaging in any substantial gainful activity, or

(2) the month in which the individual's earnings from work activities demonstrate that he has regained his ability to engage in substantial gainful activity.

(b) In the case of an individual entitled to benefits on the basis of blindness, as defined in § 416.901(d)(1), blindness shall be determined to have ceased in the month in which such individual's impairment improves to the point where it

no longer constitutes statutory blindness as defined in § 416.901(d)(1).

(c) In the case of an individual entitled to benefits on the basis of disability or blindness as defined in §§ 416.901(b)(2) and 416.901(d)(2), respectively, disability and blindness shall be determined to have ceased in the month in which such disability or blindness is determined to have ceased under the criteria that apply in the appropriate State plan, or the month in which disability or blindness is determined to have ceased under paragraph (a) or (b) of this section, as appropriate, whichever is later.

(d) In any case, where the individual is requested to furnish necessary medical or other evidence or to present himself for a necessary physical or mental examination by a date specified in the request, and the individual fails to comply with such request, disability or statutory blindness shall be found to have ceased in the month within which the date for compliance falls, unless the Administration determines that there is good cause for such failure.

APPENDIX

LISTING OF IMPAIRMENTS

1.00 MUSCULOSKELETAL SYSTEM

A. Functional loss may be due to an anatomical loss or to a loss of use of a part due to deformity, adhesions, defective innervation, or other pathology. Pain may be an important factor in causing functional loss, but it must be associated with relevant abnormal findings. Evaluations of musculoskeletal impairments should be supported where applicable by detailed descriptions of ranges of motion, status of the musculature and any sensory, reflex or circulatory deficits and pertinent X-ray findings.

B. Major joints as used herein refer to hip, knee, ankle, shoulder, elbow or wrist and hand. (Wrist and hand considered together as one major joint.)

C. The measurements of restricted motion and ankylosis are based on the technic of measurements described in "Guides to the Evaluation of Permanent Impairment Extremities and Back" by the Committee on Rating of Mental and Physical Impairment, Special Edition, JAMA, February 15, 1958.

1.01 CATEGORY OF IMPAIRMENTS, MUSCULOSKELETAL

1.02 *Rheumatoid arthritis.* With:

A. History of joint pain and swelling in two or more major joints and morning stiffness persistent on activity; and

B. Signs of joint enlargement or effusion, and motion limitation with periarticular muscle wasting in two or more major joints; and

C. X-ray evidence of abnormality of a major joint (i.e., osteoporosis or decalcification or narrowing of joint space) and one of the following:

1. Anatomical deformity in one major joint, such as joint subluxation, contracture, bony or fibrous ankylosis, joint instability, ulnar deviation, or hyperextension, with resultant limitation of motion; or

2. Positive serologic test for rheumatoid factor; or

3. Elevated sedimentation rate (Wintrobe) greater than 20 mm. per hour in females or 10 mm. per hour in males; or

4. Positive C-reactive protein; or

5. Polymorphonuclear leukocytosis in synovial fluid aspirate; or

6. Characteristic histologic changes in biopsy of synovial membrane or subcutaneous nodule.

1.03 *Neurogenic arthropathy (e.g., Charcot) affecting at least one major weight-bearing joint or one major joint in each of the upper extremities.* With:

A. Instability or subluxation; and

B. Associated loss of sensory modalities in appropriate distribution.

1.04 *Hypertrophic (osteo or degenerative), gouty, infectious or traumatic arthritis.* With:

A. History of pain and stiffness in the involved joints; and

B. X-ray evidence of joint space narrowing with osteophytosis (exostosis) or bony destruction with erosions and cysts, or subluxation, or ankylosis of involved joints and one of the following:

1. Abduction of both arms at shoulders restricted to less than 90 degrees; or

2. Ankylosis (fibrous or bony consolidation or fixation) of hip at less than 20 degrees or more than 30 degrees of flexion, measured from neutral position; or

3. Ankylosis or fixation of knee at more than 10 degrees from neutral position; or

4. Limitation of flexion of both hips to 50 degrees or less from neutral position (including ankylosis of both hips at any angle); or

5. Limitation of flexion of both knees to 30 degrees or less from the neutral position (including ankylosis of both knees at any angle); or

6. Combined involvement of single hip and knee in contralateral extremity, with impairment in each as in 4 or 5 above; or

7. Reconstructive surgery or surgical arthrodesis of a major weight-bearing joint (hip, knee, ankle, or tarsal region) and return to full weight-bearing status did not occur, or is not expected to occur within 12 months of onset of disability; or

8. X-ray evidence of lumbar spine abnormalities as in B above with motion of dorsolumbar spine limited to 5 degrees or less from neutral position and impairment of single hip or knee as in 4 or 5 above.

1.05 *Disorders of spine.* With:

A. Fracture of vertebra, residuals of. With cord involvement with appropriate sensory and motor loss; or

B. Generalized osteoporosis with pain, limitation of back motion, paravertebral muscle spasm, and compression fracture of a vertebra; or

C. Ankylosis or fixation of cervical or dorsolumbar spine at 30 degrees or more of flexion measured from the neutral position and one of the following:

1. Calcification of the anterior and lateral ligaments as shown by X-ray; or

2. Bilateral ankylosis of sacroiliac joints and abnormal apophyseal articulations as shown by X-ray.

1.06 *Tuberculosis of the spine or any major joint.* Active.

1.07 *Nerve root compression syndrome (due to any cause).* With:

A. Pain and motion limitation in back or neck; and

B. Cervical or lumbar nerve root compression as evidenced by appropriate radicular distribution of sensory, motor, and reflex abnormalities.

1.08 *Osteomyelitis (demonstrated by X-ray).* A. Pelvis, vertebra, femur, tibia or a major joint of an upper or lower extremity, with persistent activity or occurrence of at least 2 episodes in the 6 months since onset of disability manifested by local or systemic signs or laboratory findings (e.g., heat, redness, swelling, drainage, leucocytosis, or increased sedimentation rate); or

B. With multiple localizations and systemic manifestations such as anemia (hematocrit of 30 percent or less) or amyloid changes.

1.09 *Amputation of; or anatomical deformity of (i.e., loss of major function due to degenerative changes associated with vascular or neurological deficits, traumatic loss of muscle mass or tendons and X-ray evidence of bony or fibrous ankylosis at an unfavorable angle, joint subluxation or instability).* A. Both hands; or

B. Both feet; or

C. One hand and one foot.

1.10 *Amputation of lower extremity (at or above the tarsal region).* A. Hemipelvectomy or hip disarticulation; or

B. Evaluate an amputation associated with peripheral vascular disease or diabetes mellitus under the criteria in § 4.13 or § 9.08; or

C. Inability to use prosthesis effectively, without other assistive devices, due to:

1. Vascular disease; or

2. Neurological complications (e.g., loss of position sense); or

3. Stump complications persisting, or expected to persist, for at least 12 months from onset of disability; or

4. Disorder of contralateral lower extremity causing mobility restriction.

1.11 *Fracture of femur, tibia, tarsal bone or pelvis.* With solid union not evident on X-ray and return to full weight-bearing status did not occur, or is not expected to occur, within 12 months of onset.

1.12 *Fractures and/or soft tissue injuries of an upper extremity.* A. With non-union of a fracture of the shaft of the humerus, radius, or ulna under continuing surgical management directed toward restoration of functional use of the extremity and such function was not restored or expected to be restored within 12 months after onset; or

B. Requiring a series of staged surgical procedures within 12 months after onset for salvage and/or restoration of major function of the extremity, and such major function was not restored or expected to be restored within 12 months after onset; or

C. After maximum benefit from surgical therapy has been achieved (i.e., there have been no significant changes in physical findings and/or X-ray findings for any 6-month period after the last definitive surgical procedure), the residual of fractures and/or soft tissue injuries of an upper extremity should be evaluated under the criteria in § 1.09 when associated with residual impairment of another extremity.

2.00 SPECIAL SENSE ORGANS

A. *Causes of disability.* Disease or injury of the special sense organs may produce disability by reduction of the ability to see or hear. Loss of central vision results in inability to distinguish detail and prevents reading and fine work. Loss of peripheral vision restricts the ability of an individual to move about freely. Loss of hearing impairs ability to communicate with others by misinterpretation of ideas and orders and results in lack of awareness to danger. The extent of impairment of sight or hearing should be determined by visual or auditory testing.

B. *Central visual acuity.* A loss of central visual acuity may be caused by impaired

distant and/or near vision. However, for an individual to meet the level of severity described in § 2.02 and 2.04 only the remaining central visual acuity for distance of the better eye with best correction using the Snellen test chart may be used. Correction obtained by special visual aids (e.g., contact lenses) will be considered only if the individual has the ability to wear such aids.

C. *Field of vision.* Disability due to loss of peripheral vision may result if there is contraction of the visual fields. The contraction may be either symmetrical or irregular. For the phakic eye (the eye with a lens), the extent of the remaining visual field will be determined by usual perimetric methods, utilizing a 3 mm. white disc target at a distance of 330 mm. under illumination of not less than 7 foot-candles. For the aphakic eye (the eye without a lens), the visual field must be determined by utilizing a 6 mm. white disc at a distance of 330 mm. without corrective lenses.

Field measurements must be accompanied by notated field charts, a description of the type and size of the target and the test distance. If corrective lenses have been used, this fact must be stated.

D. *Muscle function.* Paralysis of the third cranial nerve producing ptosis, paralysis of accommodation, and dilation and immobility of the pupil may cause significant visual impairment. When all the muscles of the eye are paralyzed, including the iris and ciliary body (total ophthalmoplegia), the condition is disabling provided it is bilateral. A finding of disability based primarily on impaired muscle function must be supported by a report of an actual measurement of ocular motility.

E. *Visual efficiency.* Loss of visual efficiency may be caused by disease or injury resulting in a reduction of central visual acuity and/or visual field. The visual efficiency of one eye is the product of the percentage of central visual efficiency and the percentage of visual field efficiency. (See Tables No. 1 and 2, § 2.09).

F. *Special situations.* Aphakia represents a visual handicap in addition to the loss of central visual acuity. The term monocular aphakia would apply to an individual who has had the lens removed from one eye, and who still retains the lens in his other eye or to an individual who has only one eye which is aphakic. The terms binocular aphakia would apply to an individual who has had both lenses removed. In cases of binocular aphakia, the central visual efficiency of the better eye will be accepted as 75 percent of its value. In cases of monocular aphakia, where the better eye is aphakic, the central visual efficiency will be accepted as 50 percent of its value. (If an individual has binocular aphakia, and the central visual acuity in the poorer eye can be corrected only to 20/200, or less, the central visual efficiency of the better eye will be accepted as 50 percent of its value.)

Ocular symptoms of systemic disease may or may not produce a disabling visual impairment. These manifestations should be evaluated as part of the underlying disease entity by reference to the particular body system involved.

G. *Deafness.* Deafness should be evaluated in terms of the person's ability to hear and distinguish speech. The degree of functional hearing loss is that loss of hearing and discrimination for speech which is not restorable by a hearing aid. Loss of hearing may be determined with an audiometer or by other appropriate auditory testing. Discrimination for speech may be determined with a speech audiometer or a hearing aid and the use of phonetically balanced word lists (e.g., the PB–50's prepared at Harvard University or the W–22 recordings developed by the Central Institute for the Deaf). These special test lists consist of words selected so that the frequency of speech sounds in the group is the same as the frequency of the same sounds in an average vocabulary of conventional American English.

2.01 Category of Impairments, Special Sense Organs

2.02 *Impairment of central visual acuity.* Remaining vision in the better eye after best correction is 20/200 or less.

2.03 *Contraction of visual fields.* A. To 10 degrees or less from the point of fixation; or

B. So the widest diameter subtends an angle no greater than 20 degrees; or

C. To 20 percent or less visual field efficiency.

2.04 *Loss of visual efficiency.* Visual efficiency of better eye after best correction, 20 percent or less. (The percent of remaining visual efficiency=the product of the percent of remaining central visual efficiency and the percent of remaining visual field efficiency.)

2.05 *Complete homonymous hemianopsia.*

2.06 *Total bilateral ophthalmoplegia.*

2.07 *Meniere's Syndrome. Severe,* with frequent and typical attacks, vertigo, deafness, and cerebellar gait.

2.08 *Hearing impairments (not correctible by a hearing aid).* Manifested by:

A. Absence of air and bone conduction in both ears (auditory perception of not more than one pure tone at high volume will be considered as absence of air and bone conduction); or

B. No more than 40 percent discrimination for speech (ability to hear and understand no more than 40 out of 100 words of special test lists of words using a speech audiometer or hearing aid).

2.09 *Tables*

Table No. 1—Percentage of Central Visual Efficiency Corresponding to Central Visual Aquity Notations for Distance in the Phakic and Aphakic Eye (Better Eye)

Snellen		Percent central visual efficiency		
English	Metric	Phakic [1]	Aphakic Monocular [2]	Aphakic Binocular [3]
20/16	6/5	100	50	75
20/20	6/6	100	50	75
20/25	6/7.5	95	47	71
20/32	6/10	90	45	67
20/40	6/12	85	42	64
20/50	6/15	75	37	56
20/64	6/20	65	32	49
20/80	6/24	60	30	45
20/100	6/30	50	25	37
20/125	6/38	40	20	30
20/160	6/48	30	----------	22
20/200	6/60	20	----------	----------

Column	*Use*
[1] Phakic	1. A lens is present in both eyes. 2. A lens is present in the better eye and absent in the poorer eye. 3. A lens is present in one eye and the other eye is enucleated.
[2] Monocular	1. A lens is absent in the better eye and present in the poorer eye. 2. The lenses are absent in both eyes however, the central visual acuity in the poorer eye after best correction is 20/200 or less. 3. A lens is absent from one eye and the other eye is enucleated.
[3] Binocular	1. The lenses are absent from both eyes and the central visual acuity in the poorer eye after best correction is greater than 20/200.

Table No. 2—Chart of Visual Field Showing Extent of Normal Field and Method of Computing % of Visual Field Efficiency

1. Diagram of right eye illustrates extent of normal visual field as tested on standard perimeter at 3/330 (3 mm. white disc at a distance of 330 mm.) under 7 foot-candles illumination. The sum of the eight principal meridians of this field total 500 degrees.

2. The percent of visual field efficiency is obtained by adding the number of degrees of the eight principal meridians of the contracted field and dividing by 500. Diagram of left eye illustrates visual field contracted to 30 degrees in the temporal and down and out meridians and to 20 degrees in the remaining six meridians. The percent of visual field efficiency of this field is: $6\times20+2\times30=180\div500=0.36$ or 36 percent remaining visual field efficiency, or 64 percent loss.

3.00 Respiratory System

A. Cause of disability: The disability produced by respiratory disease usually results from chronic recurrent infection, communicability or from pulmonary insufficiency or a combination of these factors.

B. Pulmonary tuberculosis is a communicable disease and disability is determined primarily on the basis of activity of the disease. Individuals with "inactive" or "quiescent" disease are not considered to be under a disability on the basis of tuberculosis, whereas individuals with "active" tuberculosis are considered to be under a disability.

Those individuals who meet the criteria described in § 3.08 for pulmonary tuberculosis will be found to have a disabling impairment which is expected to last for a period of at least 12 months. Proposed or accomplished surgery will not militate against such a finding. Impairment of pulmonary function due to extensive pulmonary tuberculosis should be evaluated under the appropriate listing.

Documentation. The clinical activity of pulmonary tuberculosis (i.e., active, inactive, or quiescent) and the criteria which describe the extent of the pulmonary lesion on roentgenogram (i.e., minimal, moderate, or far advanced) are defined in the National Tuberculosis Association's publication, "Diagnostic Standards and Classification of Tuberculosis." Tuberculosis will be considered to be present only when Mycobacterium tuberculosis has been demonstrated by a culture, or by guinea pig inoculation, of a specimen(s) from sputum, gastric aspirate, pleural fluid, or lung tissue. A "positive" culture is a culture in which colonies of M. tuberculosis are present. The date of a culture is the date of specimen collection. If the date of collection is unknown, it will be assumed that the specimen was collected 6 weeks prior to the date of the report of the culture. Where specimens have not been cultured or reported monthly, the intervening specimen(s) will be considered to have been negative, if a current specimen is negative. Suspected or questionable cavitary disease identified on the basis of a conventional PA 14 x 17 film will be considered to be non-cavitary.

C. *Pathological atypical mycobacteria.* Pulmonary infection caused by these organisms will be considered under the same criteria as for M. tuberculosis except that specimens obtained by gastric aspiration are not acceptable. The pathogenic atypical mycobacteria are contained in Runyon Groups I, III, and IV. The scotochromogens in Group II are not considered pathogens. A report of one to

10 colonies on culture will not be considered as a "positive" culture. The presence of sporadic positive cultures of atypical mycobacteria occurring after disease caused by M. tuberculosis has been established does not denote reactivation of pulmonary tuberculosis.

D. *When a respiratory impairment is episodic in nature*, as may occur in complications of bronchiectasis and mycotic infections of the lung, the frequency of severe episodes is the criterion for determining level of impairment.

E. *Cor pulmonale.* Chronic cor pulmonale as used in § 3.11 refers to a condition in which the right ventricle is enlarged as a consequence of a primary respiratory disease. Therefore, the clinical diagnosis of the respiratory disorder must be established by history, physical findings and chest X-ray. Right ventricular enlargement or outflow tract prominence may be difficult to detect on routine PA film, particularly in the presence of chronic obstructive airway disease. Consequently, lateral and oblique films or chest fluoroscopy should be obtained, unless cardiac enlargement is established by the PA film as per § 4.02.

F. *Documentation of pulmonary insufficiency.* Spirometric studies for evaluation under Tables I, II, and IV must be expressed in liters or liters per minute. The reported maximum voluntary ventilation (MVV) or maximum breathing capacity (MBC) and one second forced expiratory volume (FEV_1) should represent the largest of at least three attempts. The MVV or the MBC reported should represent the observed value and should not be calculated from FEV_1. The appropriately labeled spirometric tracing, showing distance per second on the abscissa and the distance per liter on the ordinate, must be incorporated in the file. The paper speed to record the FEV_1 should be sufficiently fast for measurement of volume to the nearest 0.1 liter. The height of the individual must be recorded. Studies should not be performed during or soon after an acute respiratory illness. If wheezing is present on auscultation of the chest, studies must be performed following administration of nebulized bronchodilator. A statement should be made as to the individual's ability to understand the directions, and cooperate in performing the test.

3.01 CATEGORY OF IMPAIRMENTS, RESPIRATORY

3.02 *Chronic obstructive airway disease (chronic bronchitis, chronic asthmatic bronchitis or pulmonary emphysema with or without abnormal X-ray findings).* With:

Spirometric evidence of airway obstruction demonstrated by MVV and FEV_1 both equal to, or less than, the values specified in Table I, corresponding to the applicant's height.

TABLE I

Height (inches)	MVV (MBC) equal to or less than	and	FEV_1 equal to or less than
	L./Min.		*L.*
57 or less	32		1.0
58	33		1.0
59	34		1.0
60	35		1.1
61	36		1.1
62	37		1.1
63	38		1.1
64	39		1.2
65	40		1.2
66	41		1.2
67	42		1.3
68	43		1.3
69	44		1.3
70	45		1.4
71	46		1.4
72	47		1.4
73 or more	48		1.4

3.03 *Bronchial asthma, allergic or atopic (not due primarily to heart disease or bronchial infection).* Evaluate under the criteria in § 3.02.

3.04 *Diffuse pulmonary fibrosis (sarcoidosis, Hamman-Rich Syndrome, idiopathic interstitial fibrosis, and similar diffuse fibroses substantiated by chest X-ray or tissue diagnosis. This category does not include cases of bronchitis or emphysema with incidental scarring or scattered parenchymal fibrosis on X-ray).* With:

A. Total vital capacity equal to, or less than, values specified in Table II below corresponding to the applicant's height.

TABLE II

Height (inches)	*V.C. equal to or less than (L.)*
57 or less	1.2
58	1.3
59	1.3
60	1.4
61	1.4
62	1.5
63	1.5
64	1.6
65	1.6
66	1.7
67	1.7
68	1.8
69	1.8
70	1.9
71	1.9
72	2.0
73 or more	2.0

or

B. Diffusing capacity of the lungs for carbon monoxide less than 6 ml./mm. Hg./min. (steady-state methods) or less than 9 ml./mm. Hg./min. (single-breath methods) or less than 30 percent of predicted normal. (All methods-actual values and predicted normal for the method used should be reported); or

C. Arterial oxygen saturation at rest and simultaneously determined arterial pCO_2 equal to, or less than, the values specified in Table III.

TABLE III

Arterial pCO_2 and	*Arterial O_2 saturation equal to or less than (percent)*
30 mm. Hg. or below	93
31 mm. Hg	93
32 mm. Hg	92
33 mm. Hg	92
34 mm. Hg	91
35 mm. Hg	91
36 mm. Hg	90
37 mm. Hg	89
38 mm. Hg	88
39 mm. Hg	88
40 mm. Hg. or above	87

3.05 *Other restrictive ventilatory disorders (e.g., kyphoscoliosis, thoracoplasty, pulmonary resection).* With:

Total vital capacity equal to, or less than, values specified in Table IV corresponding to the applicant's height.

TABLE IV

Height (inches)	*V.C. equal to or less than (L.)*
59 or less	1.0
60	1.1
61	1.1
62	1.1
63	1.1
64	1.2
65	1.2
66	1.2
67	1.3
68	1.3
69	1.3
70 or more	1.4

3.06 *Pneumoconiosis (demonstrated by X-ray evidence).* With:

A. Nodular or focal fibrosis (non-conglomerative). Evaluate under the criteria for chronic obstructive airway disease in § 3.02; or

B. Interstitial or disseminated fibrosis or conglomerative disease. Evaluate under the criteria for pulmonary fibrosis in § 3.04; or

C. Where A and B are mixed or cannot be differentiated—evaluate under the criteria in § 3.02 or § 3.04.

3.07 *Bronchiectasis (demonstrated by radio-opaque material).* With:

A. Episodes of acute bronchitis or pneumonia or hemoptysis (more than blood-streaked sputum) occurring at least once every 2 months; or

B. Impairment of pulmonary function due to extensive disease should be evaluated under the criteria for chronic obstructive airway disease in § 3.02 or where extensive fibrosis is evident on chest film, under the criteria for pulmonary fibrosis in § 3.04.

3.08 *Pulmonary tuberculosis (caused by M. tuberculosis or pathogenic atypical mycobacteria).* With:

A. Positive culture (or positive guinea pig inoculation) of specimen obtained more than 3 months following onset of disability; or

B. Serial X-ray evidence of increasing extent of lesion more than 3 months following onset of disability; or

C. Far-advanced disease with cavitation and positive culture (or positive guinea pig inoculation) of specimen obtained at any time following onset of disability; or

D. Impairment of pulmonary function due to extensive disease should be evaluated under the criteria in § 3.02, § 3.04, or § 3.05.

3.09 *Mycotic infection of lung.* With:

A. Culture of specific organisms from sputa and serial X-ray evidence of increasing or decreasing extent of lesion, both occurring more than 3 months following onset of disability; or

B. Culture of specific organisms from sputa at any time following onset of disability and current X-ray evidence of a lesion and episodes of hemoptysis occurring at least once every 2 months; or

C. Impairment of pulmonary function due to extensive disease should be evaluated under the criteria in § 3.02, § 3.04, or § 3.05.

3.10 *Organic loss of speech.* With:

A. Laryngectomy or stenosis of the larynx or paralytic aphonia provided there is inability to produce, by the use of some other anatomical part, speech which can be heard, understood, and sustained; or

B. Central nervous system lesion resulting in severe sensory or motor aphasia paralleling the speech impairment under A above.

3.11 *Cor pulmonale.* With:

A. Congestive heart failure. Evaluate under the criteria in § 4.02; or

B. Right-sided congestive failure as evidenced by peripheral edema and liver enlargement and right ventricular enlargement or outflow tract prominence on X-ray or fluoroscopy.

3.12 *Bronchopleural fistula (persistent).* With empyema.

4.00 CARDIOVASCULAR SYSTEM

A. *Regardless of the cause of heart disease,* disability results from one of two principal consequences of the disease. One is congestive heart failure and the other is ischemia or death of heart muscle. In diseases of the arteries and veins, disability may result from impairment of the vasculature in the central nervous system, eyes, kidneys and extremities. The criteria for evaluating both heart and vascular disorders are expressed in terms of symptoms, signs and laboratory findings.

B. *Congestive heart failure* is considered in the listing under one category regardless of the etiology producing the heart failure (e.g., arteriosclerotic, hypertensive, rheumatic, pulmonary, congenital, or syphilitic

heart disease). Congestive heart failure is not considered to be established for the purpose of § 4.02 unless there is evidence at some point in time of signs of vascular congestion such as hepatomegaly, peripheral or pulmonary edema as well as other appropriate findings.

C. *Hypertensive vascular disease* produces disability when it causes complications in one or more of the four main end organs; i.e., the heart, the brain, the kidneys, and the eyes (retinas). This may occur singly or in combination and to varying degrees in the different end organs.

D. *Angina pectoris.* The complaint of chest pain, which is considered to be of cardiac origin, must be associated with abnormal laboratory findings. Thus chest pain, by itself, in the absence of corroborative evidence is insufficient to warrant a finding of disability. Angina pectoris, as used herein, is considered to be subsfernal pain precipitated by effort and relieved by rest or nitroglycerin, described as crushing, squeezing burning, pressing, or an equivalent thereof. Excluded are sharp, sticking, or ryhthmic pains.

E. *Electrocardiographic evidence* is best presented in the form of the actual tracings. Where an electrocardiogram (ECG) is obtained at the expense of the Administration, the tracing must be incorporated in the file. In those cases where an ECG has not been obtained at the expense of the Administration, an interpretation alone is not sufficient and a detailed description of the ECG abnormalities must be given.

When a resting ECG is normal and an ECG exercise test is indicated, it should be performed according to a technique such as the one described in Master, A.M., and Rosenfeld, I.: "Exercise Electrocardigraphy as an Estimate of Cardiac Function", *Diseases of the Chest*, 51:347, 1967. The criteria in § 4.07 are based upon the Master and Rosenfeld technique are not determinative. However when the Master and Rosenfeld techniques will be used to determine that the criteria in § 4.07 are not met. Negative results from techniques other than the Master and Rosenfeld technique are not determinatve. However when some other standardized ECG exercise test has been performed, adequately described abnormal test results will be considered equivalent to meeting the criteria described in § 4.07. Where the ECG exercise test is obtained at the expense of the Administration, the tracings must be made a part of the file and must be adequately marked as to the lead and duration of time elapsed from performance of the exercise. The report should contain the number of trips indicated, the number of trips actually completed, and the time spent doing the exercise. If the exercise test could not be completed in the required period of time, the circumstances should be described.

F. *Surgical procedures in heart disorders.* The amount of function restored and the time required to effect improvement in an individual treated by heart surgery varies considerably with the nature and extent of the disorder prior to surgery, the type of surgery involved and many other individual factors. If the criteria described for heart disease are met, proposed heart surgery will not militate against a finding of disability. If insufficient time has elapsed to assess whether impairment of requisite severity persists after surgery, severity of the impairment will be determined by preoperative findings.

4.01 CATEGORY OF IMPAIRMENTS, CARDIOVASCULAR SYSTEM

4.02. *Congestive heart failure* (see § 4.00B) with:

A. Cardio-thoracic ratio of 55 percent or greater, or equivalent enlargement of the transverse diameter of the heart, as shown on teleroentgenogram (6-foot film); or

B. Extension of the cardiac shadow (left-ventricle) to the vertebral column on lateral chest roentgenogram and total of S in V_1 or V_2 and R in V_5 or V_6 of 35 mm. or more on ECG; or

C. ECG showing QRS duration less than 0.12 second and R or 5 mm. or more in V_1 and R/S of 1.0 or more in V_1 and transition zone (decreasing R/S) left of V_1 with one of the following:

1. Enlargement of the left atrium as evidenced by a double shadow on a PA chest roentgenogram; or

2. Distortion of the barium-filled esophagus.

4.03 *Hypertensive vascular disease (apply this section if diastolic pressure are consistently in excess of 100 mm. Hg.).* With:

A. Hypertensive retinopathy evidenced by hemorrhages, or cotton wool patches, with reduction in the caliber of the arterioles and arteriovenous crossing defects (or papilledema); or

B. Impaired renal function as described under the criteria in § 6.02; or

C. Cerebrovascular damages as described under the critera in § 11.04; or

D. Congestive heart failure as described under the criteria in § 4.02; or

E. Angina pectoris as described under the criteria in § 4.06, § 4.07, or § 4.08.

4.04 *Myocardial infarction associated with consistent ECG abnormalities (or consistent abnormalities of serum enzymes).* And one of the following:

A. Chest discomfort on effort, relieved by rest or nitroglycerin; or

B. Another documented myocardinal infarction within 6 months following the previous infarction.

4.05 *Persistent heart block or recurrent arrhythmia, as evidenced by ECG (in absence of digitalis) with cardiac syncope.*

4.06 *Angina pectoris (as defined in § 4.00D), associated with resting ECG abnormalities, in the absence of digitalis (in the presence of digitalis, the predigitalis ECG should be evaluated).* Showing one of the following:

A. Depression of the ST segment to more than 0.5-mm. in any of leads I, II, aVL, aVI, V_1 to V_6; or

B. Elevation of ST segment to 2 mm. or more in any of leads I, II, III, V_4, V_5, or V_6; or

C. Inversion of T-wave to 5.0 mm. or more in any 2 leads except leads III, aVR, V_1 and and V_2; or

D. Inversion of T-wave to 1.0 mm. or more in any of leads I, II, aVL, V_2, to V_6, AND R-wave of 5.0 mm. or more in lead aVL and R-wave greater than S-wave in lead aVF; or

E. Second or third degree heart block; or

F. Left bundle branch block as evidenced by QRS duration of 0.12 second or more in leads I, II, or III and R peak duration 0.06 second or more (in absence of myocardial infarction) in leads I, AVL, V_5, or V_6.

4.07 *Angina pectoris (as defined in § 4.00D) associated with standardized ECG exercise test abnormalities (see § 4.00E) in the absence of digitalis (in the presence of digitalis, the predigitalis ECG should be evaluated),* showing one of the following:

A. Development of depression of ST segment to more than 0.5 mm. which lasts for at least 0.12 seconds and appears in at least 2 consecutive complexes in any lead; or

B. Development of bundle branch block.

4.08 *Chest discomfort on effort relieved by rest or nitroglycerin.* With:

A. Obstruction or narrowing of coronary vessels observed on angiography obtained independent of social security disability evaluation; or

B. Heart enlargement as described under the criteria in § 4.02.

4.09 *Rheumatic or syphilitic heart disease.* With:

A. Congestive heart failure as described under the criteria in § 4.02; or

B. Chest discomfort on effort relieved by rest or nitroglycerin as described under the criteria in § 4.08; or

C. Chest discomfort on effort, relieved by rest or nitroglycerin, and one of the ECG abnormalities described under the criteria in § 4.06 or § 4.07; or

D. Heart block or recurrent arrhythmias as described under the criteria in § 4.05; or

E. Cerebrovascular damage as described under the criteria in § 11.04.

4.10 *Cor pulmonale.* With:

A. Heart enlargement as described under the criteria in § 4.02; or

B. Right sided congestive failure as evidenced by peripheral edema and liver enlargement and right ventricular enlargement, or outflow tract prominence, on X-ray or fluoroscopy.

4.11 *Aneurysm of aorta or branches (demonstrated by X-ray evidence).* With:

A. Congestive heart failure as described under the criteria in § 4.02; or

B. Chest discomfort (with or without effort); or

C. Repeated bleeding due to aneurysmal erosion; or

D. Syncope.

4.12 *Chronic venous insufficiency, lower extremity.* With chronic obstruction of the deep venous return, superficial varicosities, recurrent ulceration, and extensive brawny edema.

4.13 *Arteriosclerosis obliterans or thrombo-angiitis obliterans.* With:

A. Intermittent claudication with absence of peripheral arterial pulsations below the femoral artery or failure of visualization of a major peripheral artery on arteriogram; or

B. Amputation at or above the tarsal region due to peripheral vascular disease.

5.00 DIGESTIVE SYSTEM

A. *Diseases and disorders of the digestive system* resulting in disability usually do so because of interference with nutrition, multiple recurrent inflammatory lesions, or complications of disease; such as, fistulae, abscesses, or recurrent obstruction.

B. *Malnutrition or weight loss from gastrointestinal disorders.* When the primary disorder of the digestive tract has been established (e.g., entero-colitis, chronic pancreatitis, post gastrointestinal resection, etc.), the resultant interference with nutrition will be considered under the criteria in § 5.08. This will apply whether the weight loss is due to a primary or secondary malabsorption or malassimilation syndrome or due to decreased caloric intake. However, weight loss not due to disease of the divestive tract but associated with psychiatric disorders should be evaluated under the appropriate listing for the underlying psychiatric disorder.

C. A colostomy or ileostomy does not impose marked restriction of activity if the individual is able to maintain adequate nutrition and function of the stoma.

5.01 CATEGORY OF IMPAIRMENTS, DIGESTIVE SYSTEM

5.02 *Loss of tongue (whole or part).* With:

A. Weight loss or malnutrition as described under the criteria in § 5.08; or

B. Inability to communicate by speech.

5.03 *Stricture, stenosis, or obstruction of the esophagus (demonstrated by X-ray or endoscopy).* With weight loss or malnutrition as described under the criteria in § 5.08.

5.04 *Peptic ulcer including residuals or complications (demonstrated by X-ray).* With:

A. Postoperative recurrent ulceration; or

B. Fistula formation; or

C. Recurrent obstruction demonstrated by X-ray; or

D. Weight loss or malnutrition as described under the criteria in § 5.08.

5.05 *Cirrhosis of liver.* With:

A. Ascites, not attributable to other causes, which has been demonstrated by abdominal paracentesis or is associated with serum albumin of 3.0 Gm./100 ml. or less; or

B. Serum bilirubin of 2.5 mg./100 ml. or greater or bile in urine (either finding on repeated examinations); or

C. Esophageal varices, demonstrated by X-ray or endoscopy, with a documented history of bleeding attributed to these varices or performance of either a shunt operation or application of varices; or

D. Hepatic coma documented by findings from hospital records.

5.06 *Ulcerative colitis (demonstrated by*

5.06 *Ulcerative colitis (demonstrated by endoscopy or barium enema study).* With:

A. Recurrent bloody stools on repeated examinations and complicated by systemic manifestations; e.g., arthritis, iritis, recurrent fever, or jaundice; or

B. Bowel perforation with abscess or fistula formation; or

C. Recurrent enteritis after total colectomy; or

D. Weight loss or malnutrition as described under the criteria in § 5.08.

5.07 *Regional enteritis (demonstrated by operative findings or small bowel study).* With:

A. Partial intestinal obstruction; or

B. Abscess or fistula formation; or

C. Weight loss or malnutrition as described under the criteria in § 5.08.

5.08 *Malnutrition (caused by a gastrointestinal impairment resulting from malabsorption, malassimilation, or decreased caloric intake).* With:

A. Weight equal to or less than the values specified in Tables I or II; or

B. Weight greater than the values specified in Tables I or II but equal to or less than the values specified in Tables III or IV and one of the following abnormal test findings:

1. Fat in stool of 7 Gm. or greater per 24-hour stool specimen or decreased absorption of radioactive iodine-labeled fat; or

2. Nitrogen in stool of 3 Gm. or greater per 24-hour stool specimen or decreased absorption of radioactive labeled protein; or

3. Abnormally low D-xylose tolerance test in absence of impaired renal function; or

4. Serum carotene of 45 mcg./100 ml. or less; or

5. Serum calcium of 8.5 mg./100 ml. or less; or

6. Serum albumin of 3.0 Gm./100 ml. or less; or

7. Hematocrit of 34 percent or below in males or 30 percent or below in females.

Tables of weight reflecting malnutrition scaled according to height and sex—To be used only in connection with § 5.08.

TABLE I—MEN

Height (in.) [1]	*Weight (lbs.)*
61	90
62	92
63	94
64	97
65	99
66	102
67	106
68	109
69	112
70	115
71	118
72	122
73	125
74	128
75	131
76	134

TABLE II—WOMEN

Height (in.) [1]	*Weight (lbs.)*
58	77
59	79
60	82
61	84
62	86
63	89
64	91
65	94
66	98
67	101
68	104
69	107
70	110
71	114
72	117
73	120

TABLE III—MEN

Height (in.) [1]	*Weight (lbs.)*
61	95
62	98
63	100
64	103
65	106
66	109
67	112
68	116
69	119
70	122
71	126
72	129
73	133
74	136
75	139
76	143

TABLE IV—WOMEN

Height (in.) [1]	*Weight (lbs.)*
58	82
59	84
60	87
61	89
62	92
63	94
64	97
65	100
66	104
67	107
68	111
69	114
70	117
71	121
72	124
73	128

[1] Height measured without shoes.

6.00 GENITO-URINARY SYSTEM

A. *Cardiac or other complications* associated with renal disorders may be evaluated according to the appropriate body system listing.

B. *Permanent urinary diversion.* It may be necessary to permanently alter the normal course of outflow of urine when disease or trauma destroys portions of the urinary tract. In these cases, evaluation should take into consideration the underlying medical condition as well as the method used in establishing urinary diversion. Significant complications that might result after permanent urinary diversion are in the area of renal impairment such as progressive hydronephrosis.

6.01 CATEGORY OF IMPAIRMENTS, GENITO-URINARY SYSTEM

6.02 *Impairment of renal function, due to any cause (e.g., hypertensive vascular disease, nephritis, nephrolithiasis, polycystic disease, ureteral obstruction, etc.).* With repeated abnormal renal function tests showing:

A. BUN of 30 mg./100 ml. or greater (or equivalent elevation of NPN, blood urea, or creatinine); or

B. Creatinine clearance equal to or less than 60 liters/24 hours (42 ml./min.).

6.03 *Removal or functional loss of one kidney.* Evaluate existing disease in the remaining kidney under the criteria in § 6.02.

6.04 *Permanent urinary diversion (e.g., suprapubic cystostomy (uretero-intestinal diversion, cutaneous ureterostomy, etc.).* With progressive bilateral hydronephrosis.

6.05 *Tuberculosis of the genito-urinary tract.* With:

A. Positive culture of M. tuberculosis more than 3 months following onset of disability; or

B. Increasing extent of lesion on cystoscopy or serial pyelography more than 3 months following onset of disability.

7.00 HEMIC AND LYMPHATIC SYSTEM

A. *Cause of disability.* Disability based upon anemia results from inadequate oxygenation of tissues caused by a reduction of the oxygen-carrying capacity of the blood. Hematologic defects can also result in defective hemostatic mechanisms with hemorrhage into such functional components as the brain or major joints or thrombosis of the vascular supply of vital organs. Formation of tumors may cause compression of vital structures or erosion of bone. Deposits of breakdown products of the blood cells may cause impairment of hepatic or renal function, joint deformity, or formation of cholelithiasis with subsequent bile duct obstruction. Where involvment of other organ systems has occurred as a result of hematologic disease, these impairments should be evaluated under the criteria for the appropriate sections.

Red blood cells may be replaced by blood transfusion, but in some diseases this elevation of hematocrit is only transient. A contemplated splenectomy should not, in itself, militate against a finding of disability expected to last at least 12 months.

The level of laboratory findings cited in the categories; i.e., hematocrit, serum bilirubin, reticulocyte and blood platelet count, should reflect the values reported on more than one examination. A single laboratory finding will not suffice to meet the level described.

7.01 CATEGORY OF IMPAIRMENTS, HEMIC AND LYMPHATIC SYSTEM

7.02 *Chronic anemia (manifested by hematocrit of 30 percent or less).* Evaluate the resulting impairment or the primary disorder under the criteria for the affected body system.

7.03 *Hemolytic anemia (due to any cause).* Manifested by hematocrit of 30 percent or less with:

A. Serum bilirubin of 1.5 mg/100 ml. or greater; or

B. Reticulocyte count of 4 percent or greater.

7.04 *Paroxysmal nocturnal hemoglobinuria.* With hematocrit of 30 percent or less and persistent hemolysis or recurrent crisis.

7.05 *Hemoglobinopathies (e.g., sickle cell disease, thalassemia).* With hematocrit of 30 percent or less and at least one major hemolytic crisis within the 6 months following the onset of disability with a further recorded drop in hematocrit.

7.06 *Purpuras (e.g., idiopathic thrombocytopenic purpuras).* With:

A. Persistent purpura and at least one major spontaneous hemorrhage from a body orifice within the 6 months following the onset of disability; or

B. Blood platelet count of 40,000/cu. mm. or less.

7.07 *Hereditary telangiectasia.* With frequent major hemorrhages from body orifices.

7.08 *Coagulation defects (e.g., deficiency of antihemophilic factor (AHF), plasma thromboplastic component (PTC), plasma thromboplastin antecedent (PTA) or of fibrinogen).* With frequent episodes of spontaneous hemorrhage and hemarthrosis of one major joint with deformity.

7.09 *Polycythemia (secondary and primary manifested by hematocrit of 55 percent or more in males or 50 percent or more in females).* Evaluate the resulting impairment under the criteria for the affected body system.

7.10 *Chronic bone marrow failure (aplastic anemia, myelofibrosis, myeloid metaplasia, myelopthisic anemia, etc.).* With:

A. Persistant hematocrit 30 percent or less; or

B. Recurrent hemorrhagic manifestations; or

C. Blood platelet count of 40,000/cu. mm. or less; or

D. Spleen enlarged to iliac crest.

7.11 *Acute leukemias.* With appropriate findings on peripheral blood smear or bone marrow examination.

7.12 *Chronic leukemias.* With:

A. Persistent hematocrit of 30 percent or less; or

B. Recurrent hemorrhagic manifestations; or

C. Blood platelet count of 40,000/cu. mm. or less; or

D. Massive organ enlargement (e.g., nodes, spleen, or liver) unreduced by prescribed therapy; or

E. Recurrent fever (100° F. or above orally).

7.13 *Lymphomas and multiple myeloma.* Evaluate under the criteria for neoplastic diseases in § 13.00.

7.14 *Macroglobulinemia (diagnosis confirmed by ultracentrifugation or immunoelectrophoresis).* With frequent hemorrhages from body orifices.

8.00 Skin

Conditions of the skin, including disfiguring scars and repugnant skin disease, will not ordinarily be found in themselves to be disabling. Some skin conditions, such as the ulcerations and eczemas associated with severe varicose veins, or the disfiguring and repugnant skin lesions of certain types of dermatitis, are significant as manifestations of the underlying condition. Large areas of skin surface are sometimes destroyed by severe burns with consequent scarring and disfigurement. Eventually, factors of contractures and deformities play a significant role in determining functional capacities, and these, in turn, should be evaluated under the criteria in the Musculoskeletal System. (§ 1.00ff.)

8.01 CATEGORY OF IMPAIRMENTS, THE SKIN

8.02 *Exfoliative dermatitis (generalized).* In grave and protractive types.

8.03 *Pemphigus.* Evaluate under the criteria in § 8.02.

9.00 Endocrine System

A. *Cause of disability.* Disability is caused by overproduction or underproduction of hormones resulting in strctural and/or functional changes in the body. Where involvement of other organ systems has occurred as a result of a primary endocrine disorder, these impairments should be evaluated according to the criteria under the appropriate sections.

9.01 CATEGORY OF IMPAIRMENTS, ENDOCRINE

9.02 *Thyroid disorders.* With:

A. Progressive exophthalmos as measured by exophthalmometry; or

B. Evaluate the resulting impairment under the criteria for the affected body system.

9.03 *Hyperparathyroidism.* With:

A. Generalized decalcification of bone on X-ray study and elevation of plasma calcium to 11 mg./100 ml. or greater; or

B. Evaluate the resulting impairment according to the listing under the affected body system.

9.04 *Hypoparathyroidism.* With:

A. Severe recurrent tetany; or

B. Recurrent generalized convulsions; or

C. Evaluate lenticular cataracts under the criteria in § 2.00ff.

9.05 *Neurohypophyseal insufficiency (diabetes insipidus).* With persistent urine specific gravity of 1.005 or below and dehydration.

9.06 *Hyperfunction of the adrenal cortex.* Evaluate the resulting impairment under the criteria for the affected body system.

9.07 *Adrenal cortical insufficiency (Addison's disease).* With recurrent episodes of circulatory collapse manifested by hypotensive episodes.

9.08 *Diabetes mellitus.* A. When diabetes exists with other physical or mental impairments, evaluate under the criteria for the appropriate body systems; or

B. Diabetes with one of the following (not covered under existing body system listing):

1. Neuropathy with moderate motor deficit in two extremities; or

2. Acidosis occurring at least on the average of once every two months, documented by appropriate blood chemical tests (pH or pCO_2 or bicarbonate levels); or

3. Amputation at, or above, the tarsal region due to diabetic necrosis or peripheral vascular disease; or

4. Opthamologic findings of:

a. Retinitis proliferans; or

b. Rubeosis iridis; or

c. Venous distention and capillary pattern distortion with hemorrhages or exudates.

10.00 Multiple Body Systems

Introduction. The impairments included in this section usually involve more than a single body system. For the categories of miliary tuberculosis and tuberculous adenitis, the existence of tubercle bacilli must be established in accordance with the criteria in § 3.00B.

10.01 Category of Impairments, Multiple Body Systems

10.02 *Hansen's disease (leprosy).* As active disease or consider as "under a disability" while hospitalized.

10.03 *Polyarteritis or periateritis nodosa (established by biopsy).* With signs of generalized arterial involvement.

10.04 *Disseminated lupus erythematosus (established by a positive LE preparation or biopsy).* With frequent exacerbations demonstrating involvement of renal or cardiac or pulmonary or gastrointestinal or central nervous systems.

10.05 *Scleroderma or progressive systemic sclerosis (the diffuse or generalized form).* With:

A. Advanced limitation of use of hands due to sclerodactylia or limitation in other joints; or

B. Visceral manifestations of digestive, cardiac, or pulmonary impairment.

10.06 *Miliary tuberculosis.* With:

A. Demonstration of tubercle bacilli—more than 3 months following the onset of disability; or

B. Evaluate the residual impairment under the criteria for the affected body system.

10.07 *Tuberculous adenitis* With:

A. Demonstration of tubercle bacilli more than 3 months following the onset of disability; or

B. Other evidence of increasing extent of lesion more than 3 months following the onset of disability.

11.00 Neurological

A. *Epilepsy.* Epilepsy must be substantiated by at least one detailed description of a typical seizure, preferably one observed and reported by a physician. Testimony of reliable lay persons may be acceptable for description of seizures only if professional observation is not available. Documentation of epilepsy should include an electroencephalogram (EEG). The severity of the impairment will be determined according to the frequency, duration, and sequelae of seizures. Where adequate seizure control is obtained only with unusually large doses of medication, consideration will be given to any impairment resulting from the side effects of this medication.

B. *Brain tumors.* The diagnosis in malignant brain tumor should be established under the criteria described in § 13.00B, for Neoplastic Diseases.

11.01 Category of Impairments, Neurological

11.02 *Epilepsy—major motor seizures (grand mal or psychomotor) substantiated by EEG, occurring more frequently than once a month in spite of prescribed treatment.* With:

A. Diurnal episodes (loss of consciousness and convulsive seizure); or

B. Nocturnal episodes which show residuals interfering with activity during the day.

11.03 *Epilepsy—minor motor seizures (petit mal or psychomotor) substantiated by EEG, occurring more frequently than once weekly in spite of prescribed treatment.* With:

A. Alteration of awareness or loss of consciousness; and

B. Transient postical manifestations of unconventional or antisocial behavior.

11.04 *Cerebrovascular accident.* With one of the following more than 4 months Post-OVA:

A. Sensory or motor asphasia resulting in ineffective speech or communication; or

B. Pseudobulbar palsy; or

C. Moderate motor deficit in two extremities; or

D. Ataxia affecting two extremities substantiated by appropriate cerebellar signs or proprioceptive loss.

11.05 *Brain tumors.* A. Malignant gliomas (astrocytoma—Grades III and IV, glioblastoma multiforme), medulloblastoma, ependymoblastoma, or primary sarcoma; or

B. Evaluate astrocytoma (Grades I and II), pituitary tumors, oligodendroglioma, ependymoma, clivus chordoma, and benign tumors under the criteria in § 11.02, § 11.03, or § 11.04A, C or D.

11.06 *Paralysis agitans (Parkinson's disease).* With tremor, rigidity, and impairment of mobility (e.g., festination).

11.07 *Cerebral palsy.* With:

A. IQ of 69 or less; or

B. Abnormal behavior patterns, such as destructiveness or emotional instability; or

C. Significant interference in communication due to speech, hearing, or visual defect; or

D. Moderate motor deficit in two extremities.

11.08 *Spinal cord lesions, due to any cause. With modeate motor loss in two* extremities.

11.09 *Multiple sclerosis.* With:

A. Moderate motor deficits in two extremities; or

B. Atayia substantiated by approprite cerebellar signs or proprioceptive loss.

11.10 *Amyotrophic lateral sclerosis or syringomyelia.* With:

A. Bulbar signs; or

B. Moderate motor (or sensory, if applicable) deficit in two extremities.

11.11 *Anterio poliomyelitis.* With:

A. Flexion contractures as described under the criteria in § 1.09; or

B. Respiratory distress or dysphagia; or

C. Moderate motor weakness in two extremities.

11.12 *Myasthenia gravis.* With:

A. Difficulty in speaking or swallowing while on prescribed therapy; or

B. Motor weakness of muscles of extremities on repetitive activity against resistance while on prescribed therapy.

11.13 *Muscular dystrophy.* With:

A. Waddling or incoordinate gait; or

B. Flexion deformities of both lower extremities; or

C. Weakness or paralysis of muscles of shoulder girdle or of neck, with abduction of both arms at shoulder restricted to less than 90 degrees.

11.14 *Peripheral neuropathies.* With moderate motor deficit in two extremities.

11.15 *Tables dorsalis.* With:

A. Tabetic crises occurring more frequently than once monthly; or

B. Unsteady, broad-based, or ataxic gait substantiated by appropriate posterior column signs; or

C. Charcot joint as described under the criteria in § 1.03.

11.16 *Subacute combined cord degeneration (pernicious anemia).* With:

A. Moderate motor deficit in two extremities; or

B. Unsteady, broad-based, or ataxic gait substantiated by appropriate posterior column signs.

11.17 *Degenerative diseases (Huntington's chorea, Friedreich's ataxia, spino-cerebellar degenerations).*

12.00 Mental Disorders

Introduction. For the purpose of the social security program, mental disorders will be considered in three group entities: organic brain syndromes, functional disorders, and mental deficiency.

Discussion of Mental Disorders

A. *Organic brain syndromes* are disorders caused by, or associated with, impairment of brain tissue.

Acute brain syndromes are mentioned for explanatory purposes only since their duration is too short to assume adjudicative significance. They are temporary and reversible conditions with favorable prognosis and no significant residuals. They are short-lived and self-limited. Occasionally, an acute brain syndrome may progress into a chronic brain syndrome.

Chronic brain syndromes result from persistent, more or less irreversible diffuse impairment of cerebral tissue function. They are usually permanent and may be progressive. They may be accompanied by psychotic or neurotic reactions superimposed on the organic brain pathology. The degree of impairment may range from mild to severe.

The individual's personal appearance and behavior at the time of the examination, his daily activities, interests, and habits generally reflect the severity of the impairment and are, therefore, very important in the evaluation process.

B. *Functional mental disorders* are characterized by demonstrable mental abnormalities without demonstrable structural changes in the brain tissue.

Psychotic disorders. Mood disorders (involutional psychotic, manic-depressive, psychotic depressive reactions) and thought disorders (schizophrenic and paranoid reactions) are characterized by varying degrees of personality disorganization and accompanied by a corresponding degree of inability to maintain contact with reality (e.g., hallucinations, delusions).

Nonpsychotic disorders (psychophysiologic, psychoneurotic and personality disorders).

Psychophysiologic autonomic and visceral disorders (e.g., cardiovascular, gastrointestinal, genitourinary, musculoskeletal, respiratory). In these disorders, the normal psysiological expression of emotions is exaggerated by chronic emotional tensions, eventually leading to a disruption of the autonomic regulatory system, resulting in various visceral disorders. If the condition persists, it may lead to demonstrable structural changes (e.g., peptic ulcer, bronchial asthma, dermatitis).

Psychoneurotic disorders (anxiety reaction, neurotic-depressive reaction, conversion reaction, dissociative reaction, obsessive-comgross falsifications of reality such as observed pusive reaction, phobias). There are no in the psychoses in the form of hallucinations or delusions. Psychoneuroses are characterized by reactions to deep-seated conflicts and are classified by the defense mechanisms the individual employs to stave off the threat of emotional decompensation (e.g., anxiety, depression, conversion, obsessive-compulsive or phobic mechanisms). Anxiety or depression occurring in connection with overwhelming external situations (i.e., situational reactions) are self-limited, and the symptoms generally recede when the situational stress diminishes.

Personality disorders (inadequate, schizoid, cyclothymic, paranoid personalities, emotional instability, passive-aggressive and passive-dependent behavior; compulsive personality; antisocial behavior, sexual deviations, addictions). These disorders or defects in personality structure are often characterized by lifelong patterns of inadequate or socially unacceptable behavior.

C. *Mental deficiency* denotes a lifelong disorder characterized by below-average intellectual endowment as measured by standard intelligence (IQ) tests and associated with impairment in one or more of the following areas: learning, maturation, and social adjustment.

The following paragraphs discuss evidence required in cases involving mental deficiency:

1. In mental deficiency, the degree of impairment should be determined primarily on the basis of the IQ and the medical report. Intelligence tests should be administered and interpreted by a qualified psychologist or psychiatrist using standardized intelligence tests such as the Wechsler Adult Intelligence Scale (WAIS). In special circumstances, nonverbal performance tests, such as the Raven Progressive Matrices or the Arthur Point Scale, may be substituted. However, identical IQ scores obtained from different tests do not always reflect a similar degree of intellectual function. Therefore, it may be necessary to convert the IQ to the percentile rank of the general population in order to determine the actual degree of impairment reflected by the IQ score. In communities where a qualified psychologist or psychiatrist is not readily available, an intelligence test administered by a vocational rehabilitation counselor or a specially trained person associated with a local school system may be accepted, particularly when other findings are also consistent with extremely low intellectual capacity.

2. In cases where, in the opinion of the psychological examiner, the nature of the individual's performance is such that testing, as described above, is precluded or cannot otherwise be obtained, medical reports specifically describing the level of intellectual, social, and physical function should be obtained. Actual observations by district office or State agency personnel, reports from educational institutions, information furnished by public welfare agencies or other reliable, objective sources should be considered as additional evidence.

D. *Documentation.* The severity of a mental psychiatric disorder should be evaluated on the basis of psychiatrists' reports, hospital reports, psychologists' reports and descriptions of daily activities.

Confinement in an institution does not establish that an impairment is severe. Also, release from an institution does not establish improvement. The severity and duration of the impairment is determined by the medical evidence.

In some cases, the results of standard psychological tests, such as the Wechsler Adult Intelligence Scale (WAIS) and the Minnesota Multiphasic Personality Inventory (MMPI), may be of considerable value in making a differential diagnosis and in establishing the severity of the impairment. To provide full documentation, the psychological report should include key data on which the report was based, such as MMPI profiles, WAIS subtest scores, etc.

12.01 Category of Impairments, Mental

12.02 *Chronic brain syndromes.* Documented by mental status examination (supported, if necessary, by the results of appropriate, standardized psychological tests) establishing deterioration in intellectual functioning and manifested by marked restriction of daily activities and constriction of interests and deterioration in personal habits and seriously impaired ability to relate to other people and persistence of one of the following:

A. Marked memory defect for recent events; or

B. Impoverished, slowed, perseverative thinking, with confusion or disorientation; or

C. Labile, shallow, or coarse affect.

12.03 *Functional psychotic disorders (mood disorders, schizophrenic reactions, paranoid reactions).* Manifested by marked restrictions of daily activities and constriction of interests and seriously impaired ability to relate to other people, and persistence of one of the following:

A. Depression (or elation); or

B. Agitation; or

C. Psychomotor disturbances; or

D. Hallucinations or delusions; or

E. Autistic or other regressive behavior; or

F. Inappropriateness of affect; or

G. Illogical association of ideas.

12.04 *Functional nonpsychotic disorders (psychophysiologic, psychoneurotic and personality disorders, drug addiction and alcoholism).* Manifested by marked restriction of daily activities and constriction of interests and deterioration in personal habits and seriously impaired ability to relate to other people and persistence of one of the following:

A. Demonstrable structural changes mediated through psychophysiological channels (e.g., duodenal ulcer); or

B. Recurrent and persistent periods of anxiety, with tension, apprehension, and interference with concentration and memory; or

C. Persistent depressive affect with insomnia, loss of weight, and suicidal ideation; or

D. Phobic or obsessive ruminations with inappropriate, bizarre or disruptive behavior; or

E. Compulsive, ritualistic behavior; or

F. Persistent functional disturbance of vision, speech, hearing or use of a limb with demonstrable structural or trophic changes; or

G. Long-lasting, habitual, and inappropriate patterns of behavior manifested by one of the following:

1. Seclusiveness and autistic thinking; or

2. Antisocial or amoral behavior (including pathologic sexuality) manifested by: (a) inability to learn from experience and inability to conform with accepted social standards, leading to repeated conflicts with society or authority and (b) by psychopathology documented by mental status examination and the results of appropriate, standardized psychological tests; or

3. Pathologically inappropriate suspiciousness or hostility manifested by psychopathology documented by mental status examination and the results of appropriate, standardized psychological tests.

12.05 *Mental deficiency.* As manifested by:

A. Severe mental and social incapacity as evidenced by marked dependence upon others for personal needs (e.g., bathing, washing, dressing, etc.) and inability to understand the spoken word and inability to avoid physical danger (fire, cars, etc.) and inability to follow simple directions and inability to read, write, and perform simple calculations; or

B. IQ of 49 or less (see § 12.00C1); or

C. IQ of 50 to 69, inclusive (see § 12.00C1) and:

1. Inability to perform routine, repetitive tasks; or

2. A physical or other mental impairment resulting in restriction of function.

13.00 NEOPLASTIC DISEASES—MALIGNANT

A. *Introduction.* The determination of the level of severity resulting from cancer is made from a consideration of the site of the lesion, the histogenesis of the tumor, the extent of involvement, the apparent adequacy and response to therapy (surgery, irradiation, hormones, chemotherapy), and the magnitude of the posttherapeutic residuals.

Significant posttherapeutic residuals, not specifically included in the category of impairments for malignant neoplasms, should be evaluated according to the affected body system.

B. *Documentation.* The diagnosis of cancer should be established on the basis of symptoms, signs and laboratory findings. The site of the primary, recurrent and metastatic lesion must be specified in all cases of malignant neoplastic diseases. If an operative procedure has been performed, the evidence should include a copy of the operative note and the report of the gross and microscopic examination of the surgical specimen. The evidence should include also a recent report directed especially at revealing evidence of local or regional recurrence, soft part of skeletal metastasis and significant posttherapeutic residuals.

C. *Evaluation.* Usually, when the cancer consists only of a local lesion with metastasis to the regional lymph nodes which apparently has been completely excised, imminent recurrence or metastasis is not anticipated. Exceptions are noted in sections 13.03, 13.05B, 13.09D, 13.10A, 13.11A–F, 13.17C, 13.22A–B, and 13.24A.

Local or regional recurrence after radical surgery or pathological evidence of incomplete excision by radical surgery are to be equated with unresectable lesions and, for the purpose of our program may be evaluated as "inoperable." These situations are usually followed by severe impairment within 6 months to 1 year. A severe impairment may usually be determined to exist, because the curtailment of activities is imminent.

Local or regional recurrence after incomplete excision of a localized, completely resectable tumor is not to be equated with recurrence after radical surgery.

When a cancer has metastasized beyond the regional lymph nodes the impairment is severe and usually terminates fatally within a short time despite palliative therapy. Exceptions are partially hormone-dependent tumors; isotope-sensitive metastases; or remote retastases which have not been apparent for 5 or more years.

13.01 CATEGORY OF IMPAIRMENTS, NEOPLASTIC DISEASES—MALIGNANT

13.02 *Epidermoid carcinoma (including lympho-epithelioma of base of tongue, pharynx and tonsil).* A. Inoperable or recurrent after radical surgery; or

B. Remote metastasis.

13.03 *Sarcoma of skin—Angiosarcoma or mycosis fungoides with metatastasis to regional lymph nodes or beyond.*

13.04 *Sarcoma of soft parts.* A. Not controlled by prescribed therapy; or

B. Cellular sarcoma with remote metastasis.

13.05 *Malignant melanoma.* A. Recurrent after excision; or

B. With metastasis to adjacent skin or regional lymph nodes or elsewhere.

13.06 *Lymph nodes.* A. Hodgkins disease, lymphosarcoma or giant follicular lymphoblastoma—not controlled by prescribed therapy or with evidence of mediastinal, pelvic, abdominal, retroperitoneal or skeletal extension from peripheral lymph nodes; or

B. Metastasis from distant carcinoma; or

C. Lymph nodes site of unresectable carcinoma.

13.07 *Salivary glands—carcinoma or sarcoma with metastasis beyond the regional lymph nodes.*

13.08 *Thyroid gland—carcinoma with metastasis beyond the regional lymph nodes not controlled by prescribed therapy.*

13.09 *Breast.* A. Inoperable carcinoma including acute (inflammatory) carcinoma; or

B. Recurrent carcinoma; or

C. Remote metastasis from breast carcinoma (Bilateral breast carcinoma, synchronous or metachronous, is usually primary in each breast.); or

D. Sarcoma with metastasis anywhere.

13.10 *Skeletal system. (exclusive of the jaw).* A. Osteogenic sarcoma, Edwin's tumor, reticulum cell sarcoma with evidence of metastasis; or

B. Multiple or diffuse myeloma; or

C. Metastatic carcinoma to bone (except those originating in thyroid or prostate, evaluate under the criteria in § 13.08 or § 13.23).

13.11 *Mandible, maxilla, orbit, or temporal fossa.* A. Sarcoma of any type with metastasis; or

B. Carcinoma of the antrum with extension into the orbit, or ethmoid of sphenoid sinus, or with regional or remote metastasis; or

C. Orbital tumors with intracranial extension; or

D. Tumors of the temporal fossa with perforation of skull and meningeal involvement; or

E. Adamantinoma with orbital or intracranial infiltration; or

F. Tumors of Rathke's pouch with infiltration of the base of the skull or bilateral metastasis to the cervical lymph nodes or remote metastasis.

13.12 *Brain or spinal cord.* A. Metastatic carcinoma to brain or spinal cord.

B. Evaluate other tumors under the criteria described in § 11.05 and § 11.08.

13.13 *Lungs—bronchogenic carcinoma or adenocarcinoma.* A. Unresectable; or

B. Recurrent after resection; or

C. Incomplete excision; or

D. Infiltration of the chest wall or preoperative pleural effusion or remote metastasis; or

E. Metastatic carcinoma or sarcoma to the lungs (except metastasis from thyroid, evaluate under the criteria in § 13.08).

13.14 *Pleura or mediastinum.* A. Pleural mesothelioma, with pleural effusion or remote metastasis; or

B. All primary or metastatic tumors of the anterior mediastinum (except thyroid or parathyroid tumors and benign thymoma and primary Hodgkins disease); or

C. Metastatic carcinoma or sarcoma to the pleura or mediastinum (except metastasis from thyroid, evaluate under the criteria in § 13.08).

13.15 *Abdomen.* A. Generalized carcinomatosis; or

B. Retroperitoneal cellular sarcoma; or

C. Unresectable benign fibromyxoma of nerve sheath.

13.16 *Esophagus or stomach.* A. Carcinoma or sarcoma of the upper two-thirds of the esophagus; or

B. Carcinoma or sarcoma, of the distal one-third of the esophagus with metastasis beyond the regional lymph nodes; or

C. Carcinoma of the stomach with either metastasis beyond the regional lypmh nodes or extension into the colon, pancreas or liver; or

D. Inoperable carcinoma; or

E. Recurrence or metastasis after resection; or

F. Multiple sarcomas.

13.17 *Small intestine.* A. Carcinoma or carsinoid tumor with metastasis beyond the regional lymph nodes; or

B. Multiple sarcomas; or

C. Sarcoma with metastasis.

13.18 *Large intestine (from ileocecal valve to and including anal canal)—carcinoma or sarcoma.* A. Unresectable; or

B. Metastasis beyond the regional lymph nodes; or

C. Recurrence, or remote metastasis, after resection.

13.19 *Liver or Gallbladder.* A. Primary or metastatic carcinoma, carcinoid tumor or sarcoma of the liver; or

B. Carcinoma of the gallbladder or bile duct when unresectable or there is direct extension into the liver.

13.20 *Pancreas.* Carcinoma in any location.

13.21 *Kidneys, adrenal glands, or ureters—carcinoma.* A. Unresectable or with metastasis; or

B. Metastatic carcinoma to a kidney, adrenal gland, or ureter.

13.22 *Urinary bladder—carcinoma.* With:

A. Infiltration beyond the bladder wall; or

B. Metastasis; or

C. Unresectable; or

D. Recurrence after total cystectomy: or

E. Evaluate urinary diversion after total cystectomy under the criteria in § 6.04.

13.23 *Prostate gland.* Carcinoma not controlled by prescribed therapy.

13.24 *Testicles.* A. Choriocarcinoma with metastasis even to regional lymph nodes; or

B. Other malignant tumors with metastasis beyond the para-aortic lymph nodes or when metastasis to the para-aortic lymph nodes are unresectable or not controlled by prescribed therapy.

13.25 *Uterus—carcinoma or sarcoma (fundus orcervix).* A. Inoperable and not controlled by prescribed therapy; or

B. Recurrent, after total hysterectomy; or

C. Total pelvic exenteration.

13.26 *Ovary or fallopian tubes—all malignant primary or recurrent tumors.* With:

A. Ascites; or

B. Unresectable infiltration; or

C. Unresectable metastasis to omentum or elsewhere in the peritoneal cavity; or

D. Remote metastasis; or

E. All metastatic tumors to ovary or Fallopian tubes.

13.27 *Leukemia.* Evaluate under the criteria in § 7.00ff, Hemic and Lymphatic System.

[FR Doc.74-581 Filed 1-10-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 74-6]

HENDERSON HARBOR, NEW YORK

Proposed Special Anchorage Area

The Coast Guard published in the FEDERAL REGISTER issue of June 28, 1972 (37 FR 12728), a notice of proposed rule making concerning the establishment of a special anchorage area in Henderson Harbor, New York, adjacent to the Henderson Harbor Yacht Club.

Twelve comments were received in response to this notice of proposed rulemaking. Ten of these comments objected to parts of the proposal. The objections were that—

(1) The proposed anchorage would unreasonably prevent access by an owner of shoreline property to the water directly in front of his property;

(2) The proposed anchorage would be or might eventually be reserved for the exclusive use of specific groups; and

(3) Unlighted boats in the proposed anchorage would be a hazard to navigation.

Because of these objections the original proposal has been withdrawn. A new proposal is presented in this notice of proposed rulemaking.

The new proposal moves the southern boundary of the anchorage in the original proposal further away from the shoreline. The boundary as altered should allow greater access to the harbor from shoreline properties, and thus should alleviate objection #1. The proposal also enlarges the anchorage in the original proposal and locates a second anchorage north of Graham Creek Entrance Light. The increased, total anchorage area should be able to accommodate all of the boats expected to anchor in Henderson Harbor.

With respect to objection #2 it is emphasized that special anchorages are for the general use of the public and that vessels may not be unreasonably denied use of these areas. By allowing the Town of Henderson Harbormaster to administer the proposed anchorages, access to the anchorages by the public can be assured.

The hazard of unlighted boats, which is the basis of objection #3, will be kept at a minimum by positioning buoys at the corners of the anchorages and by marking their boundaries on the appropriate charts. However, boats will still have to exercise caution when maneuvering into and out of the anchorages.

Interested persons may participate in this notice of proposed rulemaking by submitting written data, views or arguments to the Commander, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199. Each person submitting comments should include his name and address, identify the notice (CGD 74-6__), and give reasons for any recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the Office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District will forward any comments received before February 15, 1974, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on the proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 110 of Title 33 of the Code of Federal Regulations be amended by adding a new § 110.87 to read as follows:

§ 110.87 Henderson Harbor, New York.

(a) *Area A.* The area in the southern portion of Henderson Harbor west of the Henderson Harbor Yacht Club bounded by a line beginning at the point of land, approximately 150 feet west of the Graham Creek Range Rear Light; thence 180°, 50 feet; thence 275°, 810 feet; thence 000°, 1,500 feet; thence 090°, 700 feet; thence 177°, 1,250 feet to the point of land approximately 160 feet west of the Graham Creek Range Forward Light; thence along the shoreline to the point of beginning.

(b) *Area B.* The area in the southern portion of Henderson Harbor north of Graham Creek Entrance Light bounded by a line beginning at a point 000°, 700 feet from Graham Creek Entrance Light; thence 357°, 1,200 feet; thence 090°, 500 feet; thence 177°, 1,200 feet; thence 270°, 500 feet to the point of beginning.

NOTE: Permission must be obtained from the Town of Henderson Harbormaster before any vessel is moored or anchored in this special anchorage area.

(Sec. 1, 28 Stat. 647, as amended (33 U.S.C. 258); sec. 6(g)(1)(C), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(C); 49 CFR 1.46(c)(3)))

Dated: January 7, 1974

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-833 Filed 1-10-74;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 73-SW-78]

BELL MODEL 47 SERIES HELICOPTERS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 47 Series helicopters. There have been several fatigue failures of the stabilizer bar tube and both the tube and its mating tie rod on Bell Model 47 Series helicopters. Failure of the tube assembly only causes the stabilizer bar weight load to be taken by the tie rod with some increase of flexibility in the bar assembly, however, this feature will only permit continued safe flight for a limited time. Failure of both the tube assembly and the tie rod results in excessive vibration and possible loss of control of the helicopter.

The fatigue failures of the stabilizer bar tube have been attributed to several possible factors, such as internal and external corrosion of the tube and possible excessive preload at the stabilizer bar core and other poor maintenance practices. The fatigue failures of the mating tie rod have been generally attributed to the stabilizer bar weight centrifugal loads imposed on tie rods for a significant number of cycles after the tube had failed. The tie rod is normally installed with a .010 inch minimum gap, to become loaded only after failure of the tube. This feature permits continued safe flight after failure of the tube.

The reports of tube failures concern Model 47 series helicopters equipped with Lycoming engines. However, the agency believes the reported tube failures are not related to any engine characteristic and may also occur on the Franklin engine equipped helicopters as well. The reports also indicate stabilizer bar tube failures are not related to total time in service. One helicopter was equipped with an unauthorized stabilizer bar tube, P/N 204-010-380-1, which failed.

Since excessive preload at the stabilizer core and improper installation of the tie rod are likely to exist or occur in other helicopters of the Bell Model 47 series type design, the proposed airworthiness directive would require an inspection and adjustment to assure a proper gap between the tie rod nut and stabilizer bar tube and would require an inspection to assure the existence of proper preload at the stabilizer bar core. The proposed A.D. would also require a daily check of the stabilizer bar tube for looseness (failure), and would require replacement of tubes, P/N 204-010-380-1. The manufacturer and the agency have not been able to isolate a specific cause for the stabilizer bar tube failures.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before February 18, 1974 will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before

and after the closing date for comments, in the office of Regional Counsel for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Bell Model 47 Series helicopters equipped with Mast Control Stabilizer Bar Assemblies, P/N 47-140-248, certificated in all categories.

Compliance required as indicated.

To detect possible failures of a stabilizer bar tube assembly and prevent possible loss of a stabilizer bar tube and weight, accomplish the following inspections:

(a) Before the first flight of each day after the effective date of this A.D., check the stabilizer bar tube assembly for looseness and cracks in accordance with the following procedures.

(1) Move each stabilizer bar tube assembly fore and aft in the horizontal plane by hand and visually check the tube assembly for cracks in area extending outboard six inches from the tube retaining nut, P/N 47-140-114-1.

(2) If looseness is found between a stabilizer bar tube assembly and the stabilizer bar frame, or if a crack is found in a tube, remove the loose or cracked tube assembly prior to flight and install a replacement tube assembly in accordance with (c)(2) and (c)(3) of this A.D.

(3) Looseness between the stabilizer bar frame and main rotor mast is a normal occurrence and is not an indication of a failed tube and is not cause for replacement of the bar tube assembly.

(4) The checks in (a)(1) may be performed by the pilot.

NOTE: For the requirements regarding the listing of compliance and method of compliance with this A.D. in the aircraft permanent maintenance record, see FAR 91.173.

(b) Within 10 hours time in service after the effective date of this A.D., unless already accomplished, inspect, one time, the rod assembly nut, P/N 47-140-119-1 for looseness as follows:

(1) Push up the inboard end of each tie rod and nut and determine that they move freely or readily.

(2) If the tie rod and nut do not move freely or readily, remove the stabilizer bar assembly before further flight and inspect each tie rod and tube assembly in accordance with Section I, 1200 hour inspection, of the appropirate Model 47 maintenance and overhaul information manual.

(3) Assemble and install a serviceable stabilizer bar assembly as specified in paragraph (c)(2) and (c)(3) of this A.D.

(c) Inspect the gap between the face of each nut, P/N 47-140-119-1, and the inboard end of each stabilizer bar tube at intervals not to exceed 1200 hours time in service from the last inspection, after compliance with paragraph (b), in accordance with the following procedures:

(1) Remove the mast control stabilizer bar assembly from the helicopter and remove both tube and weight assemblies from the stabilizer bar assembly in accordance with Section III of the appropriate model maintenance and overhaul instruction manual.

(2) Assemble the stabilizer bar weight and taper pin on the tube assembly and adjust the gap, if necessary, between the face of each nut, P/N 47-140-119-1, and its mating tube assembly end to measure .010 to .024 inch clearance.

(3) Assemble and install the mast control stabilizer bar assembly on the helicopter in accordance with Section III of the appropriate Model 47 maintenance and overhaul manual. In addition adjust the stabilizer core bearing as specified in item 1, Bell Helicopter Co. Technical Bulletin No. 47-(04-2)-73-2 or later FAA approved revision.

(d) Within 10 hours time in service after the effective date of this A.D. inspect each tube assembly to determine that P/N 47-140-124-1, 47-140-125-1 or 47-140-125-3 is installed. If tube assembly, P/N 204-010-380-1 is installed, replace this tube before further flight in accordance with paragraphs (c)(2) and (c)(3) of this A.D.

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 Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Region Office in Fort Worth, Texas.

(Bell Technical Bulletin No. 47-(04-2)-73-2, pertains to the adjustment of the bearing and Service Bulletin No. 47-(04-2)-73-1 pertains to stabilizer bar tube and tie rod.)

Issued in Fort Worth, Texas on January 2, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74-844 Filed 1-10-74;8:45 am]

[14 CFR Part 39]

[Docket No. 73-SW-80]

BELL MODEL 212 HELICOPTERS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 212 helicopters. There have been six cracks reported from five different operators in the vertical fin forward spar cap angle and in the tail boom skin adjacent to the vertical fin spars on Model 212 helicopters that could result in loss of the vertical tail fin. Since this condition is likely to exist or develop in other helicopters of the Model 212 type design, the proposed airworthiness directive would require a repetitive inspection each twenty-five hours and a modification within 100 hours time in service after the effective date of the A.D. The modification would preclude the necessity for further inspections of the tail fin.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Federal Aviation Administration, Regional Counsel, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before February 17, 1974 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of the Regional Counsel, Southwest Region, Fort Worth, Texas, for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Bell Model 212 helicopters, S/N 30504 through 30593, certificated in all categories.

Compliance required as indicated.

To detect and prevent possible cracks in the tail fin forward spar cap angle and in the tail boom skin adjacent to the fin accomplish the following repetitive inspections and modification.

(a) Within 25 hours time in service after the effective date of this A.D. and thereafter at intervals not to exceed 25 hours time in service from the last inspection, accomplish the following inspections until the modification of paragraph (b) is completed.

(1) Remove the 42° gear box cover from the tail boom.

(2) Remove and do not reinstall the first rivet above the tail boom on the left side of the vertical fin forward spar cap angle and remove the paint finish and clean the area around the rivet hole, inboard and outboard sides of the spar cap angle, using cloth and Methyl Ethyl Ketone or equivalent.

(3) Inspect the rivet hole and clear area of the spar for cracks using a three power or higher magnifying glass or a dye penetrant or equivalent inspection method.

(4) If no cracks are found, protect the clear area of the spar and rivet hole using a clear laquer or light film of clear grease or equivalent transparent protection and install the gear box cover.

(5) If cracks are found, remove the tail boom and replace with an uncracked tail boom in accordance with the procedures specified in the Bell Model 212 maintenance manual.

(b) Within 100 hours time in service after the effective date of this A.D., modify the tail fin and tail boom in accordance with Part III, Bell Helicopter Co., Service Bulletin No. 212-01-73-1, Rev. B, dated October 9, 1973 or later FAA approved revision.

Issued in Fort Worth, Texas on December 28, 1973.

A. H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-843 Filed 1-10-74;8:45 am]

[14 CFR Part 39]

[Docket No. 73-NW-15-AD]

BOEING MODEL 727-200 AIRPLANES

Airworthiness Directives; Notice of Proposed Rule Making

Amendment 39-1627 (38 FR 9990), AD 73-9-4, as amended by Amendment 39-1643 (38 FR 13549), requires inspection and interim modification of the forward entry door upper hinge assembly spigot, P/N 65-29996-1, on all affected Boeing Model 707, 727-100, and 737 series airplanes, after accumulation of 8,000 or more landing cycles. After issuing Amendment 39-1643, several reports of cracks of the spigot on Boeing Model 727-200 airplanes have been reported. These cracks were found by the x-ray inspection procedures specified in Boeing Service Bulletin 727-52-83. Since this condition is likely to exist or develop in other 727-200 airplanes, the proposed amendment to AD 73-9-4 would be issued to include these airplanes as being applicable to the inspection and interim modification requirements.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Attention: Regional Counsel, Airworthiness Rule Docket, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received on or before March 20, 1974, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to further amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1627 (38 FR 9990), AD 73-9-4, as amended by Amendment 39-1643 (38 FR 13549), by amending the applicability to read:

BOEING: Applies to all Model 707, 727, and 737 series airplanes incorporating spigot, P/N 65-29996-1, in the forward entry door upper hinge assembly. Compliance required as indicated.

Issued in Seattle, Washington on December 28, 1973.

J. H. TANNER,
Acting Director, Northwest Region.

[FR Doc.74-842 Filed 1-10-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-NW-9]

EXTENSION OF VOR FEDERAL AIRWAY

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal Airway No. 122 from Lakeview, Oreg., direct to Rome, Oreg.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before 11 February will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would extend V-122 from Lakeview, Oreg., direct to Rome, Oreg. This airway extension would provide a route between Southern Oregon, and Boise, Idaho. Also, it would increase safety, simplify flight planning and improve air traffic control procedures.

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

Issued in Washington, D.C. on January 3, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-841 Filed 1-10-74;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 73-GL-58]

JET ROUTE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would extend Jet Route No. 554, between South Bend, Ind., and Carleton, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before February 11, 1974 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign the portion of Jet Route No. 554 which lies west of Carleton, Mich. The present alignment of Jet Route No. 554, from Knox, Ind., via Carleton, to Jamestown, N.Y., was originally established as a transition route for traffic en route from the southwest and west to the northeast area. The FAA has determined that flights seldom use this route. A traffic survey indicates that the routing usually assigned is from South Bend via Carleton to Jamestown rather than from Knox via Carleton to Jamestown. This amendment would establish a Jet Route along the path normally used for radar vectors, and flight planning and air traffic control procedures would thereby be improved.

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

Issued in Washington, D.C., on January 4, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-840 Filed 1-10-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 250]

[Docket No. 26253; Order 74-1-47; EDR 260A]

EMERGENCY RESERVATIONS PRACTICES INVESTIGATION

Order Regarding Denied Boarding Compensation Tariffs and Reports of Unaccommodated Passengers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of January, 1974.

In the matter of amendments to 14 CFR Part 250—priority rules, denied boarding compensation tariffs and reports of unaccommodated passengers.

On January 2, 1974, Pan American World Airways, Inc. (Pan Am) filed a petition for reconsideration of Order 73-12-93, dated December 21, 1973. Pan American requests reconsideration of that order only insofar as it fails to include overseas air transportation be-

tween the U.S. Mainland, on the one hand, and Puerto Rico and the U.S. Virgin Islands, on the other hand, within the geographic scope of the investigation.

In support of the application, Pan Am states that no shows have been a continuing problem in these markets, particularly during peak travel periods; the impact of the fuel allocation program upon these markets will be at least as serious as the impact upon domestic interstate markets; and the inclusion of these few overseas markets will be only a minimal addition to the proceeding, requiring no additional carrier parties.

Upon consideration of the matters presented, and in light of the emergency nature of this investigation and the tight procedural schedule established by Order 73–12–93, we have decided to grant Pan Am's petition for reconsideration without waiting for answers to be filed.

Pan Am has made a persuasive showing that the requested action will serve not only the needs of the carriers affected, but those of the traveling public as well. In light of this showing, and the considerations set forth in Order 73–12–93, we find that the inclusion of U.S. Mainland-Puerto Rico/U.S. Virgin Island markets in this investigation will be in the public interest. Further, we do not believe that our action herein will require any change in the existing procedural schedule established in Order 73–12–93.

Through inadvertence, Order 73–12–93/EDR 260 indicated that interested persons might participate in the proposed rulemaking through submission of 10 copies of written data, etc. The correct figure should be twenty (20) copies. The Order/EDR will be amended to reflect this correction. (See ordering paragraph 3 below.)

Accordingly, it is ordered That:

1. The petition of Pan American World Airways, Inc., for reconsideration of Order 73–12–93 be and it hereby is granted. Upon such consideration the findings, conclusions, and ordering language of 73–12–93 be and they hereby are amended with the amendment set forth in ordering paragraph "2" hereof;

2. Ordering paragraph "1" of Order 73–12–93 be and it hereby is amended to read as follows:

1. An investigation be instituted to determine whether, in light of the fuel allocation program: (a) The present rules, regulations, or practices of all domestic certificated scheduled air carriers (except all-cargo carriers) pertaining to ticketing, reservations (including reconfirmation), and denied boarding compensation, in interstate air transportation, and in overseas air transportation between the U.S. Mainland, on the one hand, and Puerto Rico and the U.S. Virgin Islands, on the other hand, are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rules, regulations, and practices; and (b) the Board should adopt rules to amend Part 250 of the Board's Economic Regulations (14 CFR Part 250) or any other Part of the Board's Economic Regulations;

3. The last paragraph on page 9 of Order 73–12–93/EDR 260 be and it hereby is amended to read as follows:

Interested persons may participate in the proposed rulemaking through submission of twenty (20) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matters in communications received on or before January 24, 1974 will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., upon request therefor; and

4. This order should be served upon those persons named in ordering paragraph "3" of Order 73–12–93.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–907 Filed 1–10–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

DISTRICT OF COLUMBIA

Proposed Approval and Promulgation of Implementation Plans

On September 4, 1973, the District of Columbia City Council passed an amendment to sections 8–2;709(e) and 8–2;724(a)(2) of the District of Columbia Air Quality Control Regulations. This revision, which was subjected to a public hearing held in the District of Columbia on August 24, 1973, would allow the operation of Incinerator No. 5, located in the District of Columbia, to continue until June 30, 1974.

This change constitutes a proposed revision to the control strategy, for particulate matter of the District of Columbia Implementation Plan. This notice is issued to advise the public of the receipt of this proposed change and to request public comment on it. The Administrator's decision to approve or disapprove revisions to a plan is based on whether they meet the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. Only comments received on or before February 11, 1974, will be considered. Copies of the proposed revision to the District of Columbia Implementation Plan are available for public inspection during normal business hours at the Offices of EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106; the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C.; and at the District of Columbia Department of Environmental Services, Bureau of Air and Water Quality Control, Presidential Building, 412 12th Street, NW., Washington, D.C. 20004.

(42 U.S.C. 1857c–5(a))

Dated: January 4, 1974.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.74–805 Filed 1–10–74;8:45 am]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Proposed Compliance Schedules for South Carolina

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of South Carolina's State Implementation Plan.

On February 16, 1973, pursuant to 40 CFR 51.6, the State of South Carolina submitted for the Environmental Protection Agency's approval revisions to the compliance schedule portion of its plan. This publication proposes that certain of the revisions be approved. Each proposed revision establishes a new date by which an individual air pollution source must attain compliance with an emission limitation of the State implementation plan. This date is indicated in the succeeding table under the heading Final Compliance Date. In many cases the schedule includes incremental steps toward compliance, with interim dates for achieving those steps. While the table below does not list those interim dates, the actual compliance schedules do. All of the compliance schedules listed here are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
Region IV
1421 Peachtree Street, N.E.
Atlanta, Georgia 30309

Bureau of Air Quality Control
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

Each compliance schedule has been adopted by the South Carolina Pollution Control Authority and submitted to EPA after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51. Each also satisfies the substantive requirements of 40 CFR Part 51 pertaining to compliance

schedules, and has been determined to be consistent with the approved control strategies for the State of South Carolina.

An evaluation of the South Carolina compliance schedule submittal is available for public inspection at the Atlanta location listed above.

All interested parties are encouraged to submit written comments on the proposed plan revisions. These comments will be weighed carefully by EPA before the agency decides to approve or disapprove these changes in the South Carolina plan. Comments will be accepted on or before February 11, 1974. These should be addressed to the Director, Air and Water Programs Division, Environmental Protection Agency, Region IV, 1421 Peachtree Street, NE., Atlanta, Georgia 30309, Attention: Mr. Thomas Strickland. Receipt of comments will be acknowledged, but no substantive response will be made. (42 U.S.C. 1857c–5)

Dated: January 4, 1974.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart PP—South Carolina

1. In § 52.2123, a new paragraph (c) is added as follows:

§ 52.2123 Compliance schedules.

* * * * *

(c) The compliance schedules for the sources identified below are approved as meeting the requirements of §§ 51.6 and 51.15 of this chapter. All regulations cited are air pollution control regulations of the State.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
W. R. Grace and Co., Kearney Expanding Plant, Expanding Furnaces.	Enoree, S.C.	S5A-VII R4A	Feb. 15, 1973	Immediately	Nov. 5, 1973
W. R. Grace and Co., Kearney Expanding Plant, Rotary Kiln.	do	S5A-VII R4A	do	do	Mar. 1, 1974
W. R. Grace and Co., Travelers Rest Plant.	Travelers Rest, S.C.	S5A-VII	do	do	Dec. 1, 1974
J. M. Huber Corp., Graniteville Plant.	Graniteville, S.C.	S5A-VII R4A-II R4A-III	Jan. 4, 1973	do	July 12, 1973
J. M. Huber Corp., Langley Plant	Langley, S.C.	S5A-VII R4A-II R4A-III	do	do	Do.
National Kaolin Products Co.	Aiken, S.C.	S5A-VII R4A-II R4A-III	Jan. 2, 1973	do	Do.
Patterson Vermiculite Co.	Enoree, S.C.	S5A-VII R4A-II R4A-III	do	do	Do.
U.S. Plywood, Catawba Manufacturing Division.	Catawba, S.C.	S5A-VII R4A	Feb. 15, 1973	do	Mar. 1, 1974

[FR Doc.74–802 Filed 1–10–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2 and 89]

[Docket No. 19880]

COMMUNICATIONS FOR EMERGENCY MEDICAL SERVICES

Order Extending Time for Filing Comments

In the matter of amendment of parts 2 and 89 of the Commission's rules and regulations relating to communications for Emergency Medical Services.

1. A request for an extension of time for filing comments to the notice of inquiry and proposed rule making (FCC 73–1238) (38 FR 33617), adopted November 28, 1973, in the above-entitled matter has been submitted by the Communications and Industrial Electronics Division, Electronic Industries Association (EIA). The present periods for filing comments and reply comments expire January 10, 1974 and January 25, 1974, respectively, and request is made for thirty-day extensions.

2. Petitioner notes that the complex issues raised in the notice require its technical staff to coordinate a major effort for preparation of appropriate comments for which an additional period is required.

3. In consideration of these factors, as have been similarly indicated on an informal basis by other parties who anticipate submitting extensive comments, and for other good cause shown, it is determined that an extension of the comment periods is warranted. However, the urgency of matters under consideration in this proceeding dictates a more limited extension that has been requested and require that no further extension be granted.

4. *Accordingly, it is ordered,* That the request from EIA for an extension of time for filing comments is granted in part and that the time for filing comments and reply comments is extended until January 31, 1974, and February 15, 1974, respectively.

Adopted: January 2, 1974.

Released: January 4, 1974.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.74–860 Filed 1–10–74;8:45 am]

[47 CFR Part 73]

[Docket No. 19840]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Order Extending Time for Filing Supplemental Information and Reply Comments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Bath, Auburn, and Saco, Maine).

1. On December 10, 1973, a request for supplemental information and extension of time in which to file reply comments was issued by the Commission (published in the FEDERAL REGISTER on December 28, 1973 (38 FR 35495)), seeking further information concerning the comments and counterproposal filed by Andy Valley Broadcasting System, Inc., Auburn, Maine, in the above entitled proceeding (FCC 73–1032, 38 FR 28305). The date for filing the supplemental information was set as December 21, 1973, and the date for filing reply comments as January 2, 1974.

2. On January 2, 1974, counsel for Andy Valley Broadcasting System, Inc. filed a motion for additional time to file supplemental information to January 10, 1974. Counsel states that he noted the January 2 date for filing reply comments but failed to note the December 21, 1973 date for the supplemental information. The oversight was called to his attention by the president of Andy Valley on December 28, 1973. Counsel further states that even if the December 21 date had been noted, an extension of time would have been necessary. He further states his support of any extension of time requested by Porter Broadcasting Services, Inc., in which to file reply comments.

3. It appears that the requested extension is warranted. *Accordingly, it is ordered,* That the date for filing supplemental information is extended to and including January 10, 1974, and the date for filing reply comments is extended to January 21, 1974.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules.

Adopted: January 4, 1974.

Released: January 8, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74–861 Filed 1–10–74;8:45 am]

[47 CFR Part 87]

[Docket No. 18134; FCC 74–4]

AERONAUTICAL ADVISORY STATIONS

Hours of Operation; Order Terminating Proceeding

In the matter of amendment of Part 87—Aviation Service—to specify hours

of operation for aeronautical advisory stations.

1. The Commission has under consideration a Notice of Proposed Rule Making adopted April 17, 1968 (Docket No. 18134), in the above-entitled matter and comments filed relative thereto.

2. Comments were filed by the Aircraft Owners and Pilots Association, National Aviation Trade Association, Mr. David Scott, the Federal Aviation Administration (FAA), and a reply comment by Narco Avionics. All commentators were opposed to the proposed amendment for the same basic reason; namely, that the requirement of maintaining fixed hours of operation would result in a number of licensees relinquishing their licenses for cancellation rather than incurring the additional expenses of keeping their business operations open and operational during hours when the landing area is relatively inactive. It is the opinion of the various commentators that this would reduce the availability of advisory service, especially at smaller landing areas where the economic situation would not warrant the additional expenses involved.

3. In light of the comments received, the Commission's staff undertook a study of the problem and it has been determined that the advisory stations remain open and operative during the normal busy hours of the airport and are available at other times when suitable arrangements have been made. In addition, the general aviation public is usually aware of the hours of operation of the advisory station located on the landing areas which they generally utilize. Further, it does appear that if certain specific mandatory hours of operation were established and such hours did not coincide with airport busy hours or the normal hours of operation of the fixed-base operator who operates the UNICOM, that the UNICOM operators at the smaller airports would submit their licenses for cancellation. It appears, therefore, desirable to terminate the proceeding in Docket No. 18134 by withdrawing the Notice of Proposed Rulemaking.

4. In view of the above, *It is ordered*, That pursuant to the authority contained in section 4(i) of the Communications Act of 1934, as amended, the proceeding in Docket No. 18134 is terminated.

Adopted: January 3, 1974.

Released: January 7, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-857 Filed 1-10-74;8:45 am]

[47 CFR Part 97]

[Docket No. 19852]

AMATEUR SATELLITE SERVICE

Order Extending Time for Comments

In the matter of inquiry into provisions for the amateur-satellite service in Part 97 of the rules.

1. The American Radio Relay League, Incorporated (ARRL) requests an extension of time for filing comments in the above-entitled proceeding. The prescribed time for filing comments expires on January 7, 1974. The petitioner has requested that this time be extended to July 8, 1974.

2. In support of its request, the ARRL states that the additional time is required because the Notice of Inquiry inviting comments was not reported fully in the December issue of the ARRL's journal QST, and publication of the complete notice was not possible until release of the January 1974 issue. Further, positive control of amateur-satellites requires coordination among amateurs of a number of countries. ARRL's Amateur Satellite Service Committee (ASSC) and member societies of the International Amateur Radio Union (IARU) were supplied with copies of the Notice and requested to submit comments to ARRL's headquarters. ARRL further states that the complexity of the problems raised in the notice require several months of study and cooperation before meaningful comments can be completed.

3. A period of more than 60 days is normally sufficient time to apprise amateurs. The Commission is not unmindful of the problems associated with preparing comments where, as in this case, the notice covers complex proposals requiring detailed examination by amateurs. A six-month extension would unduly delay the proceeding; however, some additional time appears warranted, and it will not have an adverse affect on these proceedings. The Commission is concerned that all interested amateurs be informed and have an opportunity to contribute their comments. It is also interested in the reasoned comments of the ARRL.

In view of the foregoing, *It is ordered*, Pursuant to §§ 0.331(b)(4) and 1.46 of the Commission's rules, that the time for filing comments in the above-captioned proceeding is extended from January 7, 1974, to April 8, 1974.

Adopted: January 2, 1974.

Released: January 4, 1974.

[SEAL] CHARLES A. HIGGENBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.74-858 Filed 1-10-74;8:45 am]

[47 CFR Part 74]

[Docket No. 19917]

FM BROADCAST TRANSLATOR STATIONS

Notice of Proposed Rulemaking

In the matter of: amendment of Part 74, Subpart L of the Commission's rules pertaining to polarization of transmitting antennas of FM broadcast translator stations.

1. On September 29, 1970, the Commission released its Report and Order in Docket No. 17159 (FCC 70-1042, 20 RR 2d 1538), creating a new subpart L in part 74 of the Commission's rules, providing for FM broadcast translator stations and FM booster stations. Experience in the administration of rules relating to this relatively new service has indicated that those rules originally adopted have not necessarily been applied in practice in accord with the Commission's intentions. Accordingly, it is necessary that a reexamination of certain portions of those rules be made.

2. The FM translator rules §§ 74.1235 (a) and 74.1250(i) provide that no limit is placed on effective radiated power which may be obtained by the use of horizontally or vertically directive transmitting antennas; the latter section provides that the transmitting antenna may be designed to produce either horizontal or vertical polarization. The rules do not provide for the use of both horizontal and vertical polarization and it is this oversight which we seek to correct in this proceeding.

3. Pursuant to this notice and the authority contained in section 4(i) 303, and 307(b) of the Communications Act of 1934, as amendd, the Commission proposes the adoption of the rules and revisions set out in the appendix hereto.

4. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before February 19, 1974, and reply comments on or before February 28, 1974. All relevant and timely comments will be considered before final action is taken in this proceeding. The Commission, additionally, in reaching a decision in this proceeding, may also take into account other relevant information before it.

5. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: January 3, 1974.

Released: January 7, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

1. In § 74.1235, paragraph (a) is amended to read as follows:

§ 74.1235 Power limitations.

(a) * * *

(1) Each such amplifier shall be used to serve a different community or area. More than one final radio frequency amplifier shall not be authorized to provide service to all or part of the same community or area, except as provided in subpargraph (2) of this paragraph.

(2) The transmitting antennas or antenna arrays shall be so designed and installed that the radiated fields from the separate antennas shall not combine in any direction in any single plane of polarization to achieve the effect of radiated power in excess of that which would be produced by a single antenna or

antenna array fed by a radio frequency amplifier with power output no greater than that authorized pursuant to paragraph (a) of this section. Two radio frequency amplifiers may be used to serve the same community if one is used to feed an antenna designed to produce a horizontally polarized signal, and the other a vertically polarized signal.

* * * * *

(4) No limit is placed upon the effective radiated power which may be obtained by the use of horizontally or vertically or horizontally and vertically polarized directive transmitting antennas.

* * * * *

2. In § 74.1250, paragraph (i) is amended to read as follows:

§ 74.1250 Equipment and installation.

* * * * *

(i) The transmitting antenna may be designed to produce either horizontal or vertical polarization, or a combination of horizontal and vertical polarization. Separate transmitting antennas are permitted if both horizontal and vertical polarization is to be provided.

[FR Doc.74-855 Filed 1-10-74;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

EDUCATIONAL BENEFITS

Institutional Training

These proposed changes to § 21.4275 are intended to provide that students receiving clinical training in a dentist's office in an approved course shall be institutional trainees and that students training pursuant to section 206, Pub. L. 93-82 (87 Stat. 179) shall be considered in institutional training.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (27H), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before February 11, 1974 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make § 21.4275(c)(1) effective the date of final approval and § 21.4275(d) effective September 1, 1973.

In § 21.4275, paragraph (c)(1) is amended and paragraph (d) is added so that the amended and added material reads as follows:

§ 21.4275 Professional Courses.

* * * * *

(c) *Medical and dental specialty courses.* (1) Medical and dental specialty courses such as X-ray technician, medical technician, medical records librarian, physical therapist, and dental technician courses whether accredited or nonaccredited offered by a school will be measured on the basis of credit hours or clock hours of attendance, whichever is appropriate. Required clinical training given in an affiliated hospital, clinic, laboratory or medical center will be assessed as institutional training when it is an integral part of the course, the completion thereof is a prerequisite to the successful completion of the course, the student remains enrolled in the course during the clinical training period and the training is under the direction and supervision of the school. Clinical training given in a physician's office or a dentist's office, also called externship, will be recognized as part of the institutional training if the course is accredited by the Council on Medical Education, American Medical Association, or the Council on Dental Education, American Dental Association. If the course is not so accredited such practical or on-the-job training or experience in a physician's office may not be included unless the program is approved as a cooperative course.

* * * * *

(d) *Medical and dental assistants courses.* Programs offered by an institution to qualify a person for the position of full-time physician's assistant or dentist's assistant will be regarded as institutional training. These programs will be measured on a credit hour or clock hour basis as appropriate. Programs including classroom and on-the-job training, will be considered full-time if 30 clock hours of attendance per week are required. Part time measurement shall be in accordance with the provisions of § 21.4270 (a) or (c) as appropriate.

Approved: January 2, 1974.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.74-900 Filed 1-10-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

SUPPLEMENT TO APPROVED NEW YORK PLAN

Notice of Revised Developmental Schedule; Correction

The document proposing an amendment to Part 1952 of Chapter XVII of Title 29, Code of Federal Regulations, published on December 13, 1973, at 38 FR 34328 is corrected by changing the month in § 1952.183(h) and (i) to August instead of May. As corrected, those sections should read as follows:

§ 1952.183 Developmental schedule.

* * * * *

(h) Review of existing variations and approvals completed in August 1976;

(i) All new and revised standards promulgated in August 1976.

Signed at Washington, D.C., this 8th day of Jan. 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-917 Filed 1-10-74;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 74-16]

B. R. ANDERSON & CO. AND ROBERT O. WESSELER, SEATTLE, WASHINGTON

Reprimand of Customhouse Brokers

JANUARY 3, 1974.

Notice is hereby given that in a decision dated December 6, 1973, the Acting Assistant Secretary of the Treasury, pursuant to section 641, Tariff Act of 1930, as amended, severely reprimanded Customhouse Brokers B. R. Anderson & Company and Robert O. Wesseler for their continued failure to comply with the requirements of the regulations governing the conduct of a customhouse broker.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.74-924 Filed 1-10-74;8:45 am]

Office of the Secretary

[Order No. 228]

COMPLIANCE AND ENFORCEMENT FUNCTIONS ON BEHALF OF THE FEDERAL ENERGY OFFICE

Delegation of Authority to Commissioner of Internal Revenue

1. Pursuant to the authority vested in me as Secretary of the Treasury and the authority delegated to me by Federal Energy Office Delegation Order No. 3 there is hereby redelegated to the Commissioner of Internal Revenue the authority to perform compliance and enforcement functions on behalf of the Federal Energy Office. This authority is to be exercised subject to the general policy guidance and direction of the Administrator of the Federal Energy Office.

2. The authority hereby delegated includes, but is not limited to, the following:

The authority to:

(a) Conduct investigations to determine compliance with the Federal Energy Office's regulations and orders issued pursuant to such regulations.

(b) Notify persons and/or business entities of probable violations of the regulations and orders of FEO, issue remedial orders, monitor remedial activities and approve compliance actions with respect thereto.

(c) Sign and enforce subpoenas for the attendance and testimony of witnesses and the production of relevant documents, including books and papers, and to administer oaths, all in accordance with section 206 of the Economic Stabilization Act of 1970, as amended, with respect to functions delegated by this order and, subject to the concurrence of the General Counsel of FEO, seek judicial enforcement of such subpoenas.

(d) Collect civil penalties and compromise or settle cases involving civil penalties for violations of the regulations and orders of FEO. This authority is subject to review by the Administrator, FEO.

3. The Commissioner may redelegate to any official of the Internal Revenue Service any authority included in this order which may be necessary to carry out the functions delegated by this order.

4. This order is effective as of December 26, 1973.

Dated: January 8, 1974.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.74-977 Filed 1-10-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Notice of Meetings

JANUARY 7, 1974.

The USAF Scientific Advisory Board Committee on B-1 Structures will hold closed meetings on February 8, 1974, from 8 a.m. until 5 p.m., and on February 9, 1974, from 8 a.m. until noon, at the Rockwell International Plant, Los Angeles, California.

The Committee will receive classified briefings on the structural aspects of the B-1 aircraft development program.

The USAF Scientific Advisory Board Geophysics Panel Task Group on Meteorological Effects on Microwave Propagation will hold closed meetings on February 21, 1974, from 8 a.m. until 5 p.m., and on February 22, 1974, from 8 a.m. until noon, at Scott Air Force Base, Illinois.

The Group will receive classified briefings on meteorological effects on microwave propagation.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-824 Filed 1-10-74;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Notice of Meeting; Correction

JANUARY 10, 1974.

Reference FR Doc. 74-282, as published in the FEDERAL REGISTER, 39 FR 1079, January 4, 1974. The USAF Scientific Advisory Board Space and Missile Systems Organization Advisory Group meeting which was scheduled for January 10 and 11, 1974 has been changed to January 15 and 16, 1974.

STANLEY L. ROBERTS,
Colonel USAF, Chief, Legislation Division, Office of The Judge Advocate General.

[FR Doc.74-1047 Filed 1-10-74;11:42 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Competitive Lease Offer of Oil Shale Lands

Notice is hereby given that on February 12, 1974, Colorado TRACT C-b, as hereafter described in paragraph 1, will be offered for oil shale lease by sealed bids to the qualified bidder submitting the highest amount per acre as bonus for the privilege of leasing the lands in accordance with the provisions of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended (30 U.S.C. 181-263), and the general Notice of Sale of Oil Shale Leases published in the FEDERAL REGISTER of November 30, 1973.

1. *TRACT C-b:*

T. 3 S., R. 96 W., 6th P.M.,
Sec. 5, W½SE¼, SW¼;
Sec. 6, lots 6 and 7, E½SW¼, SE¼;
Sec. 7, lots 1, 2, 3, and 4, E½W½, E½;
Sec. 8, W½NE¼, NW¼, S½;
Sec. 9, SW¼;
Sec. 16, NW¼, W½SW¼;
Sec. 17, All;
Sec. 18, lots 1, 2, 3, and 4, E½W½, E½.
T. 3 S., R. 97 W., 6th P.M.,
Sec. 1, S½;
Sec. 2, SE¼;
Sec. 11, E½;
Sec. 12, All;
Sec. 13, N½;
Sec. 14, N½NE¼.

The area described aggregates 5,093.90 acres.

2. *Lease terms.* The lease will be issued on a form the full text of which is published as Appendix "A" to the general Notice of Sale published in the FEDERAL REGISTER on November 30, 1973. The lease will be issued for a period of 20 years and so long thereafter as production is had in commercial quantities, subject to readjustment of terms at the end of each 20-year period. The lessee will be required to pay royalty on production in the amount and manner prescribed in section 7 of the lease, and to maintain a bond as provided in section 9. The terms of the lease as published in the FEDERAL REGISTER are solely for leases issued under the prototype oil shale leasing program and will

not necessarily be included in any oil shale leases not issued pursuant to that program.

3. *Minimum royalty.* Section (7) (e) (1) of the lease form requires the payment of a minimum royalty for the sixth and each succeeding year which shall for this tract be based upon the following production rate and oil shale grade:

Tract	Shale grade	6th year production rate	15th year production rate
	Gallon/ton	1,000's ton/year	1,000's ton/year
Tract C-b	30	1,130	11,300

4. *Bidding procedures.* The lease will be offered competitively through sealed bidding. A lease will be issued only to the qualified bidder submitting the highest amount per acre as a bonus for the privilege of leasing the lands. No specific form of bid is required but all bids must identify the lease sale and must show the total amount bid, the amount bid per acre, and the amount submitted with the bid. Oil and Gas Bid Form No. 3120–17 may be adapted for this purpose. No telephonic or telegraphic bids will be accepted, and no oil payment, overriding royalty, logarithmic, or sliding scale bid will be considered. Bids shall not be modified after they have been submitted. Bids must be for the full tract described in this Notice of Sale. Bids must be submitted in sealed envelopes plainly marked "Sealed Bid for Oil Shale Lease. Not to be opened before 10 a.m., local time on February 12, 1974." Bids may be mailed or delivered in person until 10 a.m., local time, February 12, 1974, to the State Director, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. Bids received after that time will be returned unopened. Bidders are warned against violation of section 1860 in Title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders.

5. *Payment of bonus and advance rental.* All bids must be accompanied by a certified check, cashier's check, bank draft, money order, or cash for one-fifth of the bonus bid payable to the Bureau of Land Management, which amount shall be returned to the bidder after the lease sale should he be an unsuccessful bidder. If the bidder, after being notified that his bid has been accepted and that he will be awarded a lease, fails to comply with the applicable regulations or the terms of this notice, or if he fails to execute the lease within 15 days after receiving the lease form, his deposit will be forfeited.

Each bid must also be accompanied by a certified check, cashier's check, bank draft, money order, or cash for the first year's annual rental of $2,547.00. This amount shall be returned to all unsuccessful bidders after the lease sale.

6. *Evidence of qualifications:* Each bid must be accompanied by a statement over the bider's signature or that of his authorized agent with respect to his qualifications. The statement shall contain the following information:

(a) If the bidder is an individual, a statement as to whether native born or naturalized; if an association, it must submit a certified copy of the articles of association and a statement by its members as to their citizenship. If the bidder is a corporation, it must submit statements showing: (i) The State in which it is incorporated; (ii) that it is authorized to hold leases for oil shale deposits, and the names of the officers authorized to act in such matters in behalf of the corporation; (iii) the percentage of the corporate voting stock and of all the stock owned by aliens or those having addresses outside the United States; and (iv) the name, address, and citizenship of any stockholder owning or controlling 20 percent or more of the corporate stock of any class. If more than 10 percent of the stock is owned or controlled by or in behalf of aliens, or persons who have addresses outside the United States, the corporation must give their names and addresses, the amount and class of stock held by each, and to the extent known to the corporation or which reasonably can be ascertained by it, the facts as to the citizenship of each. The bid of a corporation also shall be accompanied by a copy either of the minutes of the meeting of the board of directors or of the by-laws indicating that the person signing the bid has authority to do so, or, in lieu of such a copy, a certificate by the Secretary of the corporation to that effect, over the corporate seal, or appropriate reference to the record of the Bureau of Land Management in connection with which such articles and authority have been furnished previously; and

(b) The certification required by 41 CFR 60–1.7(b) and Executive Order No. 11375, on Form 1140–8 (November 1973) and Form 1140–7 (December 1971).

7. *Bid opening.* The bids will be opened at 10 a.m., local time, February 12, 1974, at the Colorado State Office, Bureau of Land Management. The opening of bids is for the purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, local time, February 12, 1974, that bid will be returned unopened to the bidder as soon thereafter as possible.

8. *Acceptance or rejection of bids.* No bid for this tract will be accepted and no lease for this tract will be awarded to any bidder unless the bidder has complied with all requirements of this Notice, his bid is the highest for the offered tract, and the amount of the bonus bid has been determined to be adequate by the United States. The Government reserves the right to reject any or all bids. Any cash, checks, drafts, or money orders submitted with the bid may be deposited in an unearned escrow account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bids on behalf of the United States.

9. *Preliminary development plan.* Within forty-eight hours after being informed that his bid has been accepted and that a lease will be issued to him, the successful bidder must transmit a preliminary development plan, in duplicate, to the Officer conducting the lease sale. This plan will be made public upon issuance of the lease, and, therefore, confidential information relative to the lessee's operations should not be included in the submission. Confidential information should be submitted in the same manner, but under separate cover. The submission or acceptance of these plans will not be binding on the lessee or lessor and will not authorize any action by the lessee, but the plan is required for the lessor's guidance in establishing initial supervision of the lessee's activities. The preliminary development plan should include the method of development, the proposed location of on and off-site facilities, the schedule for development, and monitoring programs to determine environmental criteria.

10. *Further information.* Information concerning this oil shale lease sale may be obtained from the Oil Shale Coordinator, Room 5623, Interior Building, Washington, D.C. 20240; the Deputy Oil Shale Coordinator, Building 56, Denver Federal Center, Denver, Colorado; the Chief, Division of Upland Minerals, Bureau of Land Management, Room 7146, Interior Building, 18th & C Streets, NW., Washington, D.C. 20240; and the State Director, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

GEORGE L. TURCOTT,
Associate Director,
Bureau of Land Management.

[FR Doc.74-996 Filed 1-10-74;8:45 am]

Bureau of Reclamation

REGULATIONS FOR SALE OF LANDS

Riverton Unit, Pick-Sloan Missouri Basin Program, Wyoming

1. *Statutory Authority.* Twelve federally owned parcels of land located in the Cottonwood Bench area of the Third Division of the Riverton Unit, Fremont County, Wyoming, acquired by the United States, in whole or in part, under the authority of the act of August 15, 1953 (67 Stat. 592), will be disposed of in accordance with the Act of September 25, 1970 (84 Stat. 861). A map designated Exhibit A, showing the locations of the parcels, can be obtained from the Project Manager, Bureau of Reclamation, P.O. Box 31, Riverton, Wyoming 82501, or the Regional Director, Bureau of Reclamation, 316 North 26th Street, Billings, Montana 59103.

2. *Public Sale.* On March 13, 1974, at 9 a.m. in the office of the Bureau of Reclamation, 521 North 12th Street, Riverton, Wyoming, said parcels will be offered at Public Auction to qualified resident landowners, contract purchasers or entrymen on the Unit who have a prior right of purchase, as provided in

section 5 of the Act of September 25, 1970, and sold to the highest bidder at not less than the appraised fair market value. Any parcels not sold to individuals having a prior right of purchase will be offered to the general public and sold to the highest bidder at not less than the appraised fair market value immediately following the sale to individuals having a prior right of purchase. The sale will be from 9 a.m. to 12 noon and from 1 p.m. to 5 p.m. on March 13, 1974, and on succeeding days until all parcels have been offered to individuals with prior rights of purchase and to the general public.

3. A. *Qualified Resident Landowner, Contract Purchaser or Entryman With Prior Right of Purchase.* For the purpose of having a prior right of purchase at this sale, a qualified resident landowner is defined as an individual who:

(1) Owns farmland on the Riverton Unit, Pick-Sloan Missouri Basin Program, Wyoming, in fee simple; is the contract purchaser of such farmland; or is an entryman who has entered land in the Riverton Unit under the Homestead or Desert Land Acts administered by the Bureau of Land Management and is still the holder thereof;

(2) Did not obtain relief under the Act of March 10, 1964, as amended;

(3) Is a citizen of the United States; and

(4) Actually resides on farmland on the Riverton Unit on the date of the first publication of notice in the local paper.

B. *Relief under the Act of March 10, 1964, as amended,* is defined as: The sale of lands by owners or entrymen on the Third Division, Riverton Project, Wyoming, to the United States under the Act of March 10, 1964, as amended.

C. *Acreage Limitation.* No parcel included under this notice may be disposed of in a manner which will result in total ownership within the Riverton Unit by any one owner in excess of one hundred and sixty acres of Class 1 land or the equivalent thereof in other land classes, as determined by the Secretary of the Interior. The limitation of lands held in beneficial ownership which are eligible to receive project water, as established in section 4 of the Act of September 25, 1970, is three hundred and twenty acres of Class 1 land or the equivalent thereof in other land classes when held in joint ownership by a husband and wife.

D. *Land Class Equivalent.* The relative equivalent acreage of irrigable land classes of the Riverton Unit shall be calculated in accordance with the following ratio factors: Class 1=1.00; Class 2=.67; Class 3=.50; Class 4=.25.

Any individual who owns irrigable land on the Riverton Unit who wishes to bid for one or more of the land parcels should establish the Land Class 1 equivalent of their present holdings for the purpose of determining the size of parcel they are eligible to buy. Land classification records of the Riverton Unit are on file at the office of the Midvale Irrigation District, Pavillion, Wyoming.

E. *Suspended Lands.* Certain lands within the parcels offered for sale which have previously been classified as irrigable have been suspended from the status of irrigable lands. Water rights held by the United States in trust for irrigable lands of the Riverton Unit do not extend to these or other non-irrigable lands.

F. *Affidavit of Eligibility and Qualification for Prior Right of Purchase.* No person will be eligible to bid unless he has obtained a bidder's identification number by signing and delivering to the office of the Bureau of Reclamation, 521 North 12th Street, Riverton, Wyoming, on or before March 13, 1974, the following documents:

(1) Affidavit of Eligibility. Every purchaser must affirm that:

a. He is a citizen of the United States;

b. The parcel is being purchased for his own benefit and use; and

c. No one else, except his immediate family, is acquiring an interest therein; and

d. That he meets the acreage limitations set forth in article 3(c) above.

(2) *Affidavit of Qualification for Prior Right of Purchase.* In addition to signing the Affidavit of Eligibility, an individual claiming prior right of purchase under the Act of September 25, 1970, and must meet the qualifications set forth in article 3(a) above and sign an affidavit thereto.

(3) Both forms will be furnished by the Bureau of Reclamation and will be available at the office of the Bureau of Reclamation, 521 North 12th Street, Riverton, Wyoming, or the Regional Office, Bureau of Reclamation, Billings, Montana. Copies of both forms are attached to Exhibit "B" which is a land sale contract and which may be obtained from the Riverton Office or the Regional Office, Bureau of Reclamation, Billings, Montana.

4. A. *Superintendent.* A representative of the Division of Water and Land Operations, Regional Office, Bureau of Reclamation, Billings, Montana, will be designated as the Superintendent of sale and as auctioneer.

B. *Authority of Superintendent.* The Superintendent conducting the sale is authorized to refuse any and all bids for any parcel and to suspend, adjourn, and postpone the sale of any parcel to such time and place as he may deem proper. Immediately after all the parcels have been offered to qualified resident landowners of the Riverton Unit who have a prior right of purchase, the Superintendent will offer all remaining parcels for sale to the general public in accordance with article 2 of these regulations above. Any parcel remaining unsold will be subject to private sale at any time by the Regional Director, Bureau of Reclamation, Billings, Montana, or his delegated representative, in accordance with existing law.

5. *Minimum Acceptable Bids.* The parcels may not be sold at less than the fair market value at the time of sale. These values will be established by qualified professional appraisers. The appraised values will be published in the notice of sale and will be made available in advance of the sale to any interested prospective bidder upon inquiry at the office of the Project Manager, Bureau of Reclamation, 521 North 12th Street, Riverton, Wyoming, after February 10, 1974.

6. *Terms and Conditions of Sale.*

A. *Down Payment.* Five percent of the sale price will be paid to the United States by a successful bidder as a down payment, in cash or check, at the time of execution of the land sale contract.

B. *Sale Agreement.* A land sale contract will be executed by every successful bidder within fifteen (15) days of the auction sale. A copy of a sample sale agreement is designated as Exhibit B and can be obtained from the Riverton or Regional Office of the Bureau of Reclamation.

C. *Balance.* The balance of the sale price will be paid in full on or before December 31, 1974, together with interest accumulated at the rate of one-half of one percent per month from the date of execution of the sale agreement.

D. *Forfeiture.* Any successful bidder who fails to comply with articles 6(B) and 6(C) above will forfeit his down payment made in accordance with 6(A) above. In addition, he will forfeit any and all payments made to the Midvale Irrigation District which are required by these regulations and under 6(E) and 6(F) below. He will have 60 days to remove any improvements which he has made and must leave the premises in like condition to when he entered.

E. *Inclusion in Midvale Irrigation District.* The successful bidder for any parcel of land sold under these regulations will be required at the time of execution of a land sale contract to petition for the inclusion of the parcel into the Midvale Irrigation District at his own expense, and to be obligated by the terms of repayment contract No. 14-06-600-444A and such future amendatory repayment contracts as may be entered into between the United States and the Midvale Irrigation District. Proceedings for inclusion of lands sold hereunder into the Midvale Irrigation District shall be completed not later than December 31, 1974.

F. *Irrigation Assessment.* As a condition to obtaining water delivery for the 1974 and 1975 irrigation seasons, the successful bidders will pay to the Midvale Irrigation District, in advance of each year's delivery of water, their share of the operation and maintenance costs of the irrigation system as evidenced by individual water service contracts executed by the successful bidders with the Irrigation District on the basis of irrigated acres in the same amounts as assessed to irrigable lands of the other farm units in the Irrigation District. The final determination of irrigated acreages for each of the years 1974 and 1975 will be subject to the approval of the Midvale Irrigation District. Thereafter, such assessments will be computed on an irrigable acreage basis and otherwise treated in the same manner as the other irrigated lands in the Midvale Irrigation District.

7. *Restrictions in Deeds.* Upon receipt of full payment for a parcel of land sold under these regulations, a quitclaim deed will be issued to the purchaser.

All deeds will be subject to the following reservations, limitations and conditions:

A. Reservation of right-of-way for ditches or canals constructed by authority of the United States.

B. Reservation of coal, oil, gas and other minerals to the United States for the benefit of the Shoshone and Arapahoe Tribes of the Wind River Reservation, Wyoming, pursuant to 72 Stat. 935, August 27, 1958.

C. All non-irrigable lands are subject to sections 41, (permanently unproductive lands) and 43, (temporarily unproductive lands), of the Act of May 25, 1926 (44 Stat. 644), as amended April 23, 1930 (46 Stat. 249), copies of which are available at the Riverton Office of the Bureau of Reclamation or at the Midvale Irrigation District office.

D. Irrigation water shall be available only for those lands in Classes 1–4, upon payment of the appropriate annual District assessments for construction and operation and maintenance.

E. Subject to existing rights-of-way held by third persons, including but not limited to public utilities, drains, roads, oil pipelines, and so on of record or in use, including reasonable access for purposes of operation and maintenance.

F. If future drains are required, landowners whose title is derived from this sale will donate rights-of-way for any closed drains which will be constructed.

G. Parcels sold under these regulations are not entitled to drainage or other rehabilitation and betterment work under the provisions of the Act of September 25, 1970.

8. *Assignments.* No assignment of a sale agreement or of any right arising out of these regulations shall be effective without the written approval of the Regional Director of the Bureau of Reclamation, or his delegated representative.

9. *Employees of the Department of the Interior.* Employees of the Department of the Interior, persons who are not citizens of the United States, and stockholding corporations other than family farming corporations, are not eligible to bid for or acquire land under these regulations.

10. *Notice of Sale.*

A. A notice of sale will be published in a newspaper of general distribution published in Fremont County, at least once a week for at least five (5) consecutive weeks prior to the auction sale. Such notice will also be posted in at least three (3) public places within such county, posted upon the land, and also posted at Midvale Irrigation District Headquarters and the Riverton Project Office, United States Bureau of Reclamation. Said notice will also be released to the newspaper in press releases and posted elsewhere as the Regional Information Officer sees fit.

B. The notice will contain the time and place of sale, authority for sale, description of parcels to be sold and terms of sale.

C. The notice of sale, a copy of these regulations, Exhibits A and B, and such other information as may be deemed necessary by the Bureau of Reclamation will be mailed to qualified resident landowners on the Riverton Unit, Pick-Sloan Missouri Basin Program, Wyoming, and made available to any interested prospective bidders.

11. *Warning.* All persons are warned against forming any combination or agreement which will prevent any parcel from selling advantageously or which will in any way hinder or embarrass the sale Any person so offending will be prosecuted under (18 U.S.C. 1860).

Dated: January 4, 1974.

R. W. FLOYD,
Acting Regional Director,
Upper Missouri Region.

[FR Doc.74-870 Filed 1-10-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation Number AO36]

LA MOURE, NORTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in North Dakota:

La Moure

The Secretary has further found that such general need for agricultural credit existing in this area cannot be met temporarily by private, cooperative, or other responsible sources at reasonable rates and terms for loans for similar purposes and periods of time, and that the need for such credit in such area is the result of natural disasters consisting of drought April 1, 1973, through September 1, 1973, and eight hailstorms between June 15, 1973, and August 6, 1973.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–24, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for Emergency loans must be received by this Department prior to February 25, 1974, for physical losses and prior to September 27, 1974, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 3rd day of January, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-834 Filed 1-10-74;8:45 am]

Forest Service

CIBOLA NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Cibola National Forest Multiple Use Advisory Committee will meet on January 17, 1974, at the Supervisor's Headquarters at 10308 Candelaria NE., Albuquerque, New Mexico 87112 at 1:30 p.m. The agenda of this meeting is as follows:

1:30–3:30 p.m.	Lloyd to discuss and answer questions about the Draft Environmental Statement on the Sandia Land Use Plan. Council to make its recommendations to Lloyd.
3:30–4:30 p.m.	Discussion of Mt. Taylor Area.
4:30–5:00 p.m.	Determine if special rules are needed for input by guests at Council meeting.

The meeting will be open to the public. Persons who wish to attend should notify Supervisor Lloyd through telephone number 766–2185 or at 10308 Candelaria NE., Albuquerque, New Mexico 87112. Written statements may be filed with the committee before or after the meeting.

Dated: January 2, 1974.

W. L. LLOYD,
Forest Supervisor.

[FR Doc.74-825 Filed 1-10-74;8:45 am]

Packers and Stockyards Administration

FORT PAYNE STOCKYARD, FORT PAYNE, ALABAMA, ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	*and date of posting*
AL—124	Fort Payne Stockyard, Fort Payne, Alabama, June 11, 1965.
AR—109	Major Lewis Livestock Auction Sales, Conway, Arkansas, February 16, 1959.
CT—100	Madow Sales Stables, East Canaan, Connecticut, January 14, 1969.
IL—153	Savanna Livestock Sales Barn, Savanna, Illinois, November 25, 1959.
KY—152	Washington County Stock Yards, Company, Inc., Springfield, Kentucky, December 29, 1959.
SC—117	Pickens Livestock Auction Market, Pickens, South Carolina, February 3, 1960.
TX—135	Carrollton Livestock Commission Co., Carrollton, Texas, March 6, 1959.
TX—184	Hamilton Commission Company, Hamilton, Texas, February 28, 1957.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective January 11, 1974.

(42 Stat. 159, as amended and supplemented; (7 U.S.C. 181 et seq.)).

Done at Washington, D.C. this 7th day of January, 1974.

JOHN R. BRANNIGAN,
Acting Chief, Registrations, Bonds, and Reports Branch Livestock Marketing Division.

[FR Doc. 74-920 Filed 1-10-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[Order No. 47-1]

DEPUTY ASSISTANT SECRETARY FOR INTERNATIONAL ECONOMIC POLICY AND RESEARCH

Organization and Function

This order effective November 12, 1973 supplements the material appearing at 38 FR 33624 of December 6, 1973.

SECTION 1. *Purpose.* This order prescribes the scope of authority of the Deputy Assistant Secretary for International Economic Policy and Research and the functions of the organizations reporting to the Deputy Assistant Secretary.

SEC. 2. *Delegations.* .01 Pursuant to Section 5.03 of Department Organization Order 10-3 of November 11, 1973, the following authorities delegated to the Assistant Secretary, DIB by the Secretary of Commerce are hereby delegated to the Deputy Assistant Secretary for International Economic Policy and Research:

a. Such provisions of the Act of February 13, 1903, (15 U.S.C. 1512 et seq.; 15 U.S.C. 171 et seq.) as amended, to foster, promote and develop the foreign and domestic commerce of the United States as are necessary to the performance of his functions.

.02 The Deputy Assistant Secretary for International Economic Policy and Research may redelegate his authority to an appropriate officer or agency of the Government subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 3. *Organization and Line of Authority.* .01 The Deputy Assistant Secretary for International Economic Policy and Research shall report and be responsible to the Assistant Secretary for Domestic and International Business. The Deputy Assistant Secretary shall be assisted by a Deputy Director, International Economic Policy and Research staff who shall also perform the functions of the Deputy Assistant Secretary during the latter's absence. A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

.02 The Deputy Assistant Secretary shall head the following principal organizational elements:

Office of the Deputy Assistant Secretary
Office of International Trade Policy
Office of International Finance and Investment
Office of Competitive Assessment
Office of Economic Research

SEC. 4. *Office of the Deputy Assistant Secretary.* .01 The Deputy Assistant Secretary for International Economic Policy and Research shall assist and advise the Assistant Secretary in the research, analysis and formulation of international economic and commercial programs and policies relating to trade, finance and investment, and competitive assessment. He shall initiate and review research studies on developments affecting U.S. trade and commercial interests abroad and provide statistical information and analysis on the foreign trade of the U.S. and of foreign countries. He shall be responsible for development and coordination of policy formulation within DIBA, represent the Department in international trade and other negotiations, and supervise the department's interagency policy role in such organizations as the National Security Council, the CIEP, STR, and the NAC.

.02 The Deputy Director, International Economic Policy and Research staff shall assist in the direction of the organization and shall perform the functions of the Deputy Assistant Secretary in his absence.

.03 The International Trade Analysis Staff shall provide statistical information and analysis on the foreign trade of the United States and of foreign countries. This includes analysis of past and projected trends in U.S. and world trade based on econometric, questionnaire, and other techniques; preparation of special analyses on subjects related to foreign trade flows for the use of policy officials; evaluation of shifts in U.S. shares of foreign markets, principally for manufactured goods; analysis of developments in world trade; compilation and publication of data on trade between the free world and socialist nations for government-wide use, and preparation of reports on trends in this trade; provision of service to businessmen and government officials for foreign trade data of the United States and of other countries; and collection and publication of information on factors influencing U.S. and world trade.

SEC. 5. *The Office of International Trade Policy.* .01 The Office of the Director includes: The Director who shall plan and direct the execution of the policies and programs of the office and shall coordinate international trade policy issues among the DIBA components including consultations with U.S. industry in support of multilateral trade negotiations, and two Assistant Directors who shall assist in the direction of the Office and either one of whom, at the discretion of the Director, shall perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

.02 The Industrialized Nations Division shall develop and coordinate the Department's position on trade and commercial policy issues regarding the following countries and regions which are particularly important to U.S. commercial interests: Canada, Japan, the European Economic Community and the other countries of western Europe; develop recommendations on problems relating to the trade of the United States with these major trading partners arising from negotiations under the General Agreement on Tariffs and Trade (GATT), the Organization for Economic Cooperation and Development (OECD), or other agreements or treaties; prepare and clear position papers for U.S. delegations to meetings of those organizations and represent the Department at such meetings; undertake special studies related to the formulation of U.S. trade policy toward Japan, Canada, the European Economic Community and the other countries of western Europe; represent the Department at interagency meetings dealing with the trade policy issues of the United States vis-a-vis these important trading areas; and carry out similar functions with respect to other areas or projects as may be assigned.

.03 The Developing Nations Division shall develop and coordinate the Department's position on trade and commercial policy issues regarding all individual countries and regions other than those specifically handled within the Industrialized Nations Division, including those arising from U.S. participation in the GATT, and United Nations Conference on Trade and Development (UNCTAD); prepare and clear position papers for U.S. delegations to meetings of those organizations and represent the Department at such meetings; undertake special studies related to the formulation of U.S. trade policy; and represent the Department at interagency meetings and task forces dealing with the various issues of U.S. trade policy.

.04 The Legislative and Tariff Policy Division shall develop and coordinate the Department's position on proposed legislation affecting U.S. tariffs and trade measures; represent DIBA and, as directed, the Department at interagency meetings and congressional committee hearings dealing with U.S. trade and tariff legislation; develop proposals on new trade measures for executive or legislative branch action and review such proposals of other agencies; prepare positions of the Department on all reports of the Tariff Commission to the President; and develop and coordinate the Department's position on international aspects of the impact of environmental controls on international trade.

.05 The Trade Negotiations and Agreements Division shall develop, coordinate and supervise the Department's

surveillance of, preparations for, and participation in, international trade negotiations arising from U.S. participation in the GATT, OEC, and existing bilateral trade agreements; formulate basic negotiating positions and tactics; monitor the obligations of other countries to the U.S.; initiate action necessary to assure compliance with those obligations; represent the Department at interagency meetings and at international conferences dealing with these aspects of trade policy; and identify and evaluate foreign impediments to U.S. trade and commercial interests and take appropriate action to eliminate or alleviate their adverse impact.

.06 The Transportation and Insurance Division shall provide information to policy officials of the Department and to the U.S. business community regarding insurance and transportation abroad; serve as the insurance industry's point of contact with the Department; develop recommendations with respect to foreign insurance and transportation laws and practices as they affect U.S. export trade, and with respect to transportation and insurance programs of international organizations; develop recommendations for easing the burden of U.S. business interests engaged in international transportation by eliminating or simplifying procedural requirements; and process requests for exemption from taxes and import duties on supplies and equipment for aircraft.

SEC. 6. *Office of International Finance and Investment.* .01 The Office of the Director includes: The *Director* who shall plan and direct the execution of the policies and programs of the Office; the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence; and the Assistant Director who shall provide policy coordination and perform the functions of the Director in the absence of both the Director and the Deputy Director. The Director shall supervise and direct the following organizational components:

.02 The International Finance Division shall represent the Department in matters relating to international finance, including those developed within the National Advisory Council on International Monetary and Financial Policies (NAC), and particularly those relating to export financing, export guarantees and credit insurance, foreign lending and assistance activities of U.S. and international agencies, and balance of payments measures; provide the analyses and staff support necessary to execute the Secretary's responsibility as Chairman of the Export Expansion Advisory Committee in the financing of export transactions and formulation of export finance policy for the Export Expansion Facility which is administered by the Export-Import Bank; act as the Department's principal liaison with banks and other private institutions engaged in international financing activities as well as with U.S. Government and multilateral agencies lending abroad; formulate policy and program recommendations relating to the administration of government-financed procurement programs, including foreign aid; formulate policy and program recommendations and appraise trends and developments in the U.S. balance of payments, including analytical and staff support for the Secretary in his role as a member of the Cabinet Committee on Balance of Payments; and provide advice to firms on financing mechanisms available in private institutions, the U.S. Government, and international agencies.

.03 The Investment Policy Division shall represent the Department in matters relating to the development of international direct investment, including the operations and impact of U.S. based multinational corporations; formulate recommendations with respect to the Department's position on programs, policies, and legislation affecting investment abroad by U.S. citizens and investment in the U.S. by foreign citizens; and analyze U.S. investment overseas and foreign investment in this country, including the nature, trends and economic impact of such investments, particularly relative to the U.S. balance of payments and trade and the role of the U.S. Government.

.04 The Foreign Business Practices Division shall formulate policy and program recommendations relating to international commercial and investment operations of American firms, specifically with reference to restrictive business practices, patents, trademarks, copyrights, standardization, commercial law, arbitration, State-trading, expropriation, and U.S. and foreign tax measures; develop Departmental policy and programs recommendations for the protection of American property rights abroad, and with respect to drafting and negotiation of treaties, conventions, and agreements bearing on the international operations of American business; and provide information and advice to U.S. firms on such matters.

.05 The International Monetary Affairs Division shall develop the Department's views, policies, and positions on international monetary issues, including exchange rates, gold prices, Special Drawing Rights (SDR's) and related questions, particularly as they relate to the ability of the international monetary system to support an expanding volume of U.S. international commerce; represent the Department on staff-level consideration of international monetary affairs by the National Advisory Council on International Monetary and Financial Policies; and participate in interagency formulation of U.S. policy regarding the reform of the international monetary system by the Group of Twenty countries.

SEC. 7. *Office of Competitive Assessment.* .01 The Office of the Director includes: The Director who shall plan and direct the execution of policies and programs of the Office, and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

.02 The Competitive Studies Division will conduct and/or direct the conduct of studies of competitive factors and conditions within and between industries and industry sectors of the U.S. economy, and their competitiveness in domestic and international markets; and will also prepare policy options for improving competitiveness of U.S. industries at home and abroad.

.03 The Competitive Information Division shall develop and maintain a surveillance system to provide a continuous monitoring of factors affecting the competitiveness of American industries; and perform continuing analyses of key factors in industry competitiveness.

SEC. 8. *Office of Economic Research.* .01 The Office of the Director includes the Director, who shall plan and direct the execution of policies and programs of the Office, and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence.

.02 The Office shall conduct research studies on developments affecting U.S. trade and commercial interests abroad; shall be responsible for the development and coordination of econometric models concerned with longer-term U.S. trade and investment projections; and shall serve as liaison with U.S. Government research and intelligence agencies as well as with private research groups.

SEC. 9. *Administrative, Public Affairs and Field Support.* .01 The Office of Public Affairs for DIBA shall furnish public affairs and information services.

.02 The Directorate of Administrative Management for DIBA shall furnish management, budget, personnel, travel and administrative services. The Directorate will also serve as liaison with Departmental elements providing other administrative services.

.03 Necessary field support will be provided by the district offices of the Office of Field Operations.

Effective date: November 12, 1973.

TILTON H. DOBBIN,
Assistant Secretary for Domestic and International Business.

[FR Doc. 74-823 Filed 1-10-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

SAFETY AND OCCUPATIONAL HEALTH STUDY SECTION

Notice of Meeting

The Director, Center for Disease Control, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble during the month of January 1974.

Committee name	Date, time, place	Type of meeting and/or contact person
Safety and Occupational Health Study Section.	January 24–25, 1974, 9:00 a.m., Dean's Conference Room, Med-Surg I—Room 108, University of California, at Irvine, Irvine, Calif.	Open—9:00 a.m.–2:35 p.m., on January 24, Closed—remainder of meeting. Contact Dr. John F. Bester, Parklawn Bldg., Room 3-44, 5600 Fishers Lane, Rockville, Md. Code: 301–443–4498.

Purpose. The committee is charged with the initial review of research, training, demonstration, and fellowship grant applications for Federal assistance in program areas administered by the National Institute for Occupational Safety and Health, and with advising the Institute staff on training and research needs.

Agenda. From 9:00 a.m. to 2:35 p.m. on January 24, the Study Section will be open for administrative and staff reports; an agricultural worker safety and health conference including "Work Environment Produced by Pesticide Residue on Crop Foliage," "Worker Exposure and Response to Pesticide Residue," "Trauma and Injuries Occurring among Agricultural Workers," with open discussion on subject topics; and a report of the training work group. From 2:35 p.m. on January 24 through the end of the meeting, the Study Section will be reviewing research and demonstration grant applications and will not be open to the public, in accordance with the determination by the Director, Center for Disease Control, pursuant to the provisions of Pub. L. 92–463, section 10(d).

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: January 4, 1974.

WILLIAM C. WATSON,
Acting Director for Disease Control.

[FR Doc.74–832 Filed 1–10–74;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776; (5 U.S.C. App.)), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Surgical Drugs Advisory Committee.	Jan. 14, 8:30 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 8:30 a.m. to 9:30 a.m., closed after 9:30 a.m., Margaret Clark, M.D., Room 12B–25, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3560.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in surgery.

Agenda. Open session: comments and presentations by interested persons. Closed session: review of protocol and case reports on Chymopapain.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Cardiovascular Devices.	Jan. 14, 9:30 a.m., Room 1400, FB–8, 200 C St. SW., Washington, D.C.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m. Glenn A. Rahmoeller (HFM–120), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–2376.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of cardiovascular devices currently in use.

Agenda. Open session: comments and presentations by interested persons. Closed session: review of all cardiovascular devices in the scientific review category, specifying explicitly why each device is in that category (i.e., potential electrical hazards, mechanical hazards, biocompatibility hazards, or hazards related to device performance).

Committee name	Date, time, place	Type of meeting and contact person
3. Radioactive Pharmaceuticals Advisory Committee.	Jan. 25, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. Earl L. Meyers, Ph.D., Room 11B–20, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4250.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in nuclear medicine.

Agenda. Open session: comments and presentations by interested persons; discussion of exemption for labeled chemicals used as research tools. Closed session: discussion of package insert for gallium radiopharmaceuticals.

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on Review of Gastroenterology and Urological Devices.	Jan. 28, 9:30 a.m., Room 6321, FB–8, 200 C St. SW., Washington, D.C.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m. Thomas L Anderson, M.D., (HFM–120), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3550.

Purpose. Reviews and evaluates all available data concerning the safety, effectiveness, and reliability of gastroenterology and urological devices currently in use.

Agenda. Open session: presentations by FDA staff on procedural guidelines and panel organization and discussion of panel's responsibilities and classification system. Closed session: initiate review and classification of gastroenterology-urology medical devices.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug

Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552 (b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: January 7, 1974.

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

[FR Doc.74-811 Filed 1-10-74;8:45 am]

Office of Education

NEW TRAINING GRANTS

Extension of Closing Date for Receipt of Applications

Notice is hereby given that the U.S. Commissioner of Education has extended the October 1, 1973 closing date for receipt of applications for new training grants to State educational agencies under section 632 of the Education of the Handicapped Act (20 U.S.C. 1432), previously published in the FEDERAL REGISTER at 38 FR 22997 on August 28, 1973, and to institutions of higher education and other appropriate nonprofit institutions or agencies under sections 631 and 634 of the Education of the Handicapped Act (20 U.S.C. 1431 and 1434), previously published in the FEDERAL REGISTER at 38 FR 23545 on August 31, 1973.

A notice of proposed rulemaking published in the FEDERAL REGISTER on October 11, 1973, at 38 FR 28230, sets forth the rules (under Part 121f thereof) for the administration of the new training grants program. The rules which are proposed for adoption, together with the General Provisions Regulations (45 CFR Part 100a) published in the FEDERAL REGISTER on November 6, 1973 (38 FR 30654, 30622), would be applicable to these grants.

Applications must be received by the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202 (mailing address: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW.; Washington, D.C. 20202, Attention: 13.451 or 13.448), on or before February 18, 1974.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

(Catalog of Federal Domestic Assistance No. 13.451, Handicapped Teacher Education and No. 13.448, Handicapped Physical Education and Recreation Training)

Dated: January 7, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74-881 Filed 1-10-74;8:45 am]

Office of the Secretary

ASSISTANT SECRETARY FOR PLANNING AND EVALUATION

Statement of Organization, Functions and Delegations of Authority

Part I (Assistant Secretary for Planning and Evaluation) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (35 FR 6720, April 28, 1970) is hereby amended with regard to Section 1-G.00 Mission, as follows:

The Assistant Secretary for Planning and Evaluation serves as the principal advisor to the Secretary on economic, social, and program analysis matters. He oversees Department-wide program planning and evaluation activities, and he directs the functions of the Office of Telecommunications Policy and the Office of Special Concerns.

Part I (Assistant Secretary for Planning and Evaluation of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (35 FR 6720, 4/28/70; 36 FR 7991, 4/28/71; 38 FR 13577, 5/23/73; and 38 FR 22997, 8/28/73) is hereby amended with regard to Section 1-G.10 Organization, as follows:

1. Office of Planning and Evaluation/Health.
2. Office of Planning and Evaluation/Education.
3. Office of Social Services and Human Development.
4. Office of Income Security Policy.
5. Office of Telecommunications Policy.

6. Office of Program Systems.
7. Office of Special Concerns.
a. Office of Spanish Surnamed Americans.
b. Office of Women's Action Program.
c. Office of Black American Affairs.
d. Office for Asian American Affairs.
e. Division of Analysis and Evaluation.

Part I (Assistant Secretary for Planning and Evaluation) of the Statement of Organization, Functions, and Delegations of Authority for The Department of Health, Education, and Welfare (35 FR 6720, 4/28/70; 38 FR 7991; 4/28/71; 38 FR 13577; 5/23/73, and 38 FR 22997, 8/28/73) is hereby amended with regard to section 1-G.20 Functions, as follows:

a. The Office of Planning and Evaluation/Health is responsible for developing short-range objectives in the health area and conducting analyses and program evaluations so as to construct alternative health strategies. He is further responsible for the development of a Department-wide system for the evaluation of health programs, and the preparation of the Department's Five Year Program and Financial Plan and Program Memorandum for health activities.

b. The Office of Planning and Evaluation/Education is responsible for developing short-range and long-range objectives in the education so as to construct alternative health strategies. He is further responsible for the development and implementation of a Department-wide system for the evaluation of education programs, and the preparation of the Department's Five Year Program and Financial Plan and Program Memorandum for education activities.

c. The Office of Social Services and Human Development is responsible for planning, analysis, and evaluation of policy in the areas of social services and human development. Specific functions include overseeing and assisting in the development of forward planning and R&D and evaluation in SRS and HD; providing policy coordination on the development of legislative, regulatory, and programmatic proposals for SRS and HD; performing and overseeing HD and SRS performance of evaluations of specific program operations and effectiveness; evaluation and analysis of program structure and functions, such as interrelationships of social services policy change with income maintenance, health and education policy; the incentive structures in current and potential social services policy which would affect state, community and individual behavior; examination of broad range of Federal subsidies for social services—e.g., including examination of the cumulative impact of Federal and other programs on specified target groups, comparison of program to date on needs, and inductive development of policy recommendations; and development of dynamic models of changes in target populations, and interaction effects with Federal program policies.

d. The Office of Income Security Policy is responsible for developing long-range objectives in the income maintenance and employment related areas and conducting the necessary program and policy analyses to provide information on the implications of alternative strategies to meet objectives. Is responsible for carrying out a research and evaluation effort designed to add to the body of knowledge in income security areas and overseeing similar agency efforts.

e. The Office of Telecommunications Policy is responsible for advising the Department of all telecommunications technology matters within the areas of Health, Education, and Welfare. Serves as the Department's liaison with Federal and local agencies with responsibility in technology policy and with the technical community, contributes technical and professional expertise on technology legislation, and makes long-range projections on technology planning.

f. The Office of Program Systems is responsible for the coordination, development and operation of the Department's policy planning and coordination activities; the planning and coordination of Departmental research, evaluation, program analysis and statistical activities; and the design of mechanisms to strengthen the capacity of subnational units of government to plan and manage effectively their human resources programs. Supervises the collection, storage, retrieval, and dissemination of information required for planning and evaluation. Provides the required computer systems support for the Office of the Assistant Secretary (Planning and Evaluation).

g. The Office of Special Concerns has Department-aide responsibility for the coordination and development of long-range plans and objectives in areas of concern to minorities and other groups of special concerns. He is further responsible for conducting program analysis and alternative strategies in these areas. He will conduct studies of the costs and benefits of the Department's programs and alternatives to these programs and provide staff leadership to Department operating agencies and staff offices in these areas.

1. The Office of Spanish Surnamed Americans serves as the principal advisor on Spanish Surnamed American affairs for the Office of the Secretary; is responsible to the Assistant Secretary (Planning and Evaluation) for participation in the development of Department policies and programs pertaining to Spanish Surnamed Americans; seeks coordinated achievement of Departmental goal by operating agencies, through such mechanisms as DHEW's Program.

Reviews current legislative authorities to determine which Department programs should be of assistance to the Spanish Surnamed American population in the areas of education, health, and social welfare; makes recommendations to various Departmental authorities in the formulation of legislation which impacts upon Spanish Surnamed Americans; provides a central information resource to collect and disseminate materials related to Spanish Surnamed Americans; reflects responsibly the special needs of the Spanish Surnamed American community in operational decisions within the Department by advising the Secretary on ways for building and sustaining effective communication with the Spanish Surnamed American community, and by insuring an appropriate degree of community participation in the implementation and evaluation of DHEW programs.

2. The Women's Action Program is responsible for advising the Secretary on the coordination, development, and implementation of Department policies and programs as they pertain to the status of women in society.

The Women's Action Program serves as the principal advisor for the Office of the Secretary on Department policies and programs as they pertain to the status of women in society; is responsible to the Assistant Secretary/Planning and Evaluation for participation in the development of Department policies pertaining to the needs of women; seeks coordinated achievement of Departmental goals by operating agencies, through such mechanisms as DHEW's Program Guidance Memorandum and the Operational Planning System; makes recommendations for strengthening the Department's enforcement of legislation and Executive Orders prohibiting discrimination on the basis of sex in federally funded programs; formulates plans for assessing progress towards meeting designated objectives regarding Department services to women; makes recommendations to various Departmental authorities in the formulation of legislation which impacts upon women; maintains liaison with the offices within the Department whose programs most directly impact on women's concerns.

3. Division of Analysis and Evaluation is responsible for providing the analysis of crosscutting issues for the Office of Special Concerns, to develop and direct relevant evaluations, and to assist other components of OSC in followup activities.

4. The Office for Black American Affairs serves as the principal staff adviser on black American Affairs for the Office of the Secretary; is responsible to the Assistant Secretary (Planning and Evaluation) for participation in the development of Department policies and programs pertaining to black Americans; develops Department goals and policy in the provision of services to black Americans; seeks coordinated achievement of these goals by operating agencies, through such mechanisms as DHEW's Program Guidance Memorandum and the Operational Planning System; for assessing the progress in meeting designated objectives regarding black Americans;

Reviews current legislative authorities to determine which Department programs should be of assistance to the black American population in the areas of education, health, and social welfare; makes recommendations to various departmental authorities in the formulation of legislation which impacts upon

black Americans; provides a central information resource to collect and disseminate materials related to black Americans; reflects responsibly the special needs of the black American community in operational decisions within the Department by advising the Secretary on ways for building and sustaining effective communication with the black American community, and by insuring an appropriate degree of community participation in the implementation and evaluation of DHEW programs.

5. The Office for Asian American Affairs serves as the principal staff adviser on Asian American affairs for the Office of the Secretary; is responsible to the Assistant Secretary (Planning and Evaluation) for participation in the development of Department policies and programs pertaining to Asian Americans; develops Department goals and policy in the provision of services to Asian Americans; seeks coordinated achievement of these goals by operating agencies, through such mechanisms as DHEW's Program Guidance Memorandum and the Operational Planning System; formulates concepts, plans, and methods for assessing the progress in meeting designated objectives regarding Asian Americans;

Reviews current legislative authorities to determine which Department programs should be of assistance to the Asian American population in the areas of education, health, and social welfare; makes recommendations to various departmental authorities in the formulation of legislation which impacts upon Asian Americans; provides a central information resource to collect and disseminate materials related to Asian Americans; reflects responsibly the special needs of the Asian American community in operational decisions within the Department by advising the Secretary on ways for building and sustaining effective communication with the Asian American community, and by insuring an appropriate degree of community participation in the implementation and evaluation of DHEW programs.

Date: January 7, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74-899 Filed 1-10-74;8:45 am]

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

This amendment to the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, reflects the implementation of the Reorganization Order, effective September 25, 1973, signed by The Secretary (38 FR 27316, October 2, 1973), with respect to the organization of the Alcohol, Drug Abuse, and Mental Health Administration as an operating agency of the Department. There is hereby established a new Part C, Alcohol, Drug Abuse, and Mental Health Administration, as set forth below.

SEC. C-A *MISSION.* The mission of the Alcohol, Drug Abuse, and Mental Health Administration is to provide leadership in the Federal effort to reduce, and eliminate where possible, health problems caused to the people of the United States by the abuse of alcohol and drugs, and to improve the mental health of the people of the United States generally.

This mission is accomplished through programs of research, manpower and services development, and information and education.

SECTION C-B *ORGANIZATION AND FUNCTIONS.*

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION (COOO)

Provides leadership, policies, and goals for the Federal effort designed to assure the treatment and rehabilitation of persons with alcohol, drug abuse, and mental health problems and to prevent such problems. In carrying out these responsibilities the Administration: (1) Conducts and supports research on the biological, psychological, sociological, and epidemiological aspects of alcoholism, drug abuse, and mental health and illness; (2) supports the training of professional and paraprofessional personnel in the prevention, treatment and control of alcoholism and drug abuse; and in the promotion of mental health and the prevention and treatment of mental illness; (3) conducts and supports research and development on the delivery of alcoholism, drug abuse, and mental health services and supports services programs and projects, including facilities construction as appropriate; (4) collaborates with and provides technical assistance to State authorities and Regional Offices, and supports State and community efforts in planning, establishing, maintaining, coordinating and evaluating more effective alcoholism, drug abuse, and mental health programs; (5) encourages the inclusion of alcoholism, drug abuse, and mental health services as part of the basic range of health services and their eligibility under Federal and other health financing programs; (6) facilitates linkages of alcohol, drug abuse, and mental health services with social, law enforcement, and other human services; (7) collaborates with, provides assistance to, and encourages other Federal agencies, national, foreign, State and local organizations, hospitals, and voluntary groups to facilitate and expand programs for the prevention of alcohol, drug abuse, and mental health problems, and for the care, treatment, and rehabilitation of persons with these problems; (8) provides information on alcoholism, drug abuse and mental health to the public and to the scientific community.

Office of the Administrator (CAOO)

(1) Provides leadership and direction in the development of programs concerned with the prevention, treatment, and control of alcoholism and drug abuse; and the promotion of mental health and the prevention and treatment of mental illness; (2) administers ADAMHA program activities; (3) carries out such ADAMHA-wide functions as coordination of international activities, provision of executive secretariat services, coordination of EEO activities, development of extramural program policy, analysis of legislative issues and development of related policy and position papers, referral of grant applications, and committee management; (4) maintains liaison with the Office of the Assistant Secretary for Health on matters related to program activities of regional interest and such other activities as may be required.

Office of Program Planning and Evaluation (1) Directs and coordinates the Administration's program planning, analytical, and evaluation activities and the development of program standards; (2) develops and implements the ADAMHA's forward plans with the participation of the Office of Administrative Management and the Office of Program Coordination; (3) analyzes policy issues having Administration-wide implications and provides related resource analyses; (4) provides a continuing assessment of ADAMHA research, resources development and service programs, including the analysis of program trends and developments and the derivation of long-term projections; (5) collects and maintains programmatic data on ADAMHA grant and contract activities.

Office of Program Coordination. (1) Coordinates ADAMHA program activities with other components of the Department, other Federal agencies and States, including a state program development effort to demonstrate how combined Federal, Regional, and State technical assistance and consultative resources can be more effectively coordinated to improve the alcoholism, drug abuse and mental health delivery system within a given state; (2) serves as central liaison and coordinating point between the three ADAMHA Institutes and the Regional Health Offices; (3) facilitates coordination and collaboration between components of ADAMHA and professional and citizen organizations and groups with common interests in preventing and reducing mental illness, alcoholism, and drug abuse, and improving mental health; (4) promotes the internal integration of alcohol, drug abuse, and mental health program activities at the operational level; (5) coordinates and provides operational planning and analysis activities for the Administration; (6) collaborates with the Office of Program Planning and Evaluation in the development of the ADAMHA's forward plan as they impinge upon program coordination matters.

Office of Administrative Management. (1) Develops policies, guidelines, and procedures concerning ADAMHA administrative management; (2) provides administrative services to the ADAMHA in such areas as (a) financial management, including budget, accounting, and audit services, (b) management policy,

(c) grants and contracts policy and review including cost advisory services, (d) computer systems, (e) personnel management, and (f) general services; (3) advises the Office of Program Planning and Evaluation and other ADAMHA components regarding the implications of administrative policy on program planning and operations; (4) participates in the development of the Administration's forward and operational plans; (5) maintains liaison and coordination with the appropriate staff elements in the Office of the Assistant Secretary for Health.

Division of Financial Management. (1) Plans and coordinates the Administration's financial management activities; (2) provides financial data input for the Administration's forward and operational plans; (3) develops the ADAMHA's annual budget and participates in budget hearings; (4) develops policies and procedures for the provision of accounting, auditing, and other resources control systems; (5) provides accounting and other fiscal services to the ADAMHA; (6) develops financial-management reporting systems to meet the needs of ADAMHA planning and decision making.

Division of Management Policy. (1) Develops and recommends plans, policies, organizational patterns, systems, methods, and procedures for the general management of ADAMHA activities; (2) provides advice and assistance to improve management and coordinates the implementation of policies, systems, methods, and procedures; (3) performs or coordinates studies and surveys of the management of ADAMHA activities, including those related to manpower utilization, cost of operations, and effectiveness; (4) insures the integration of program and management planning; (5) maintains a management issuance system; (6) negotiates solutions to intra-agency problems of organization, functions, policy, procedures, and coordination; (7) furnishes forms and records management services for the ADAMHA.

Division of General Services. (1) Plans and coordinates the provision of general services for the Administration including supply, space, safety, mail, facilities acquisition and utilization, and printing and publications management; (2) advises ADAMHA management on policy, procedures, and other requirements in connection with these services; (3) establishes and coordinates arrangements with other agencies to provide supplies, equipment, and services; (4) provides general services for those components of the Administration located in Headquarters offices.

Division of Grants and Contracts Management. (1) Develops and issues policies, standards, procedures, forms, and guides for the management of ADAMHA grants and negotiated contracts, and monitors their application or use; (2) serves as focal point for interpreting regulations, policies, and procedures concerning ADAMHA grants and contracts; (3) develops and operates a system for gathering, analyzing, and reporting management data; (4) provides grants and contracts cost advisory services to ADAMHA; (5) administers the ADAMHA system of informal grantee appeal on adverse actions; (6) coordinates Administration actions on audit reports and determines final resolution; (7) receives and distributes grant applications administered at Headquarters and performs other selected central processing services; (8) reviews proposals for ADAMHA contracts in excess of stipulated dollar levels and negotiates contracts for the Office of the Administrator.

Division of Computer Systems. (1) Develops policies, standards, and procedures for Administration ADP activities including the ADAMHA's annual ADP plan; (2) participates in establishing ADAMHA requirements for computer-based data processing systems in both program and administrative areas; (3) develops computer systems for the ADAMHA, including systems analysis, programming, and related activities; (4) provides mathematical and statistical data processing capability and consultation to Administration components; (5) operates automatic data processing equipment; (6) initiates and/or coordinates the acquisition of data processing equipment and outside services for the Administration; (7) provides technical assistance and clearance to ADAMHA components on grants and contracts where ADP elements are involved; (8) conducts research on ADP systems and equipment for application to present and future operations.

Division of Personnel Management. (1) Plans, directs and coordinates personnel management activities for the Administration; (2) provides policy guidance in such areas as manpower planning, employee development, employee-management relations, position and pay management, and personnel management effectiveness; (3) evaluates Administration personnel management, programs, systems, and activities; (4) represents the ADAMHA regarding personnel management support services provided by the Office of the Assistant Secretary for Health.

Office of Public Affairs. (1) Provides for the public affairs aspects of the Administration's programs through relationships with the media and sponsorship of special events; (2) reviews and clears publications, press releases, and other material of a public affairs nature; (3) advises the Administrator on policy matters related to ADAMHA public affairs activities; (4) operates an information center for the ADAMHA to insure the availability of information to the public.

National Institute on Alcohol Abuse and Alcoholism (CEOO). Provides leadership, policies, and goals for the Federal effort in the prevention, control, and treatment of alcohol abuse and alcoholism and the rehabilitation of affected individuals. In carrying out these responsibilities the Institute: (1) Conducts and supports research on the biological, psychological, sociological, and epidemiological aspects of alcohol abuse and alcoholism; (2) supports the training of professional and paraprofessional personnel in prevention, treatment and control of alcoholism; (3) conducts and supports research on the development and improvement of alcoholism services delivery, administration, and financing, and supports alcoholism services programs and projects, including facilities construction as appropriate; (4) collaborates with and provides technical assistance to State authorities and Regional Offices and supports State and community efforts in planning, establishing, maintaining, coordinating and evaluating more effective alcohol abuse and alcoholism programs; (5) collaborates with, provides assistance to, and encourages other Federal agencies, national, foreign, State and local organizations, hospitals, and voluntary groups to facilitate and expand programs for the prevention of alcohol abuse and alcoholism, and for the care, treatment, and rehabilitation of alcoholic persons; (6) develops, implements, and administers an alcoholism detection, referral, and treatment program for Federal civilian employees within the Department of Health, Education, and Welfare; (7) provides information on alcohol abuse and alcoholism to the public and to the scientific community.

Office of the Director. (1) Provides leadership, direction and policy in the development of Institute goals, priorities, policies, and programs; and serves as a focal point for the Department's efforts on alcoholism; (2) provides overall program coordination; (3) conducts and coordinates Institute interagency, intergovernmental, international activities, including liaison with the Regional offices; (4) assesses the impact of Institute programs; (5) provides support to the Institute in various areas of administrative management and in program development, policy analysis, and legislative analysis.

Office of Program Development and Analysis. (1) Develops program plans and objectives and monitors progress towards their achievement; (2) analyzes policy issues and ongoing activities to determine program progress and define program needs; (3) initiates proposals for and participates in program evaluation; (4) develops data requirements pertinent to planning and evaluating program activities; and (5) conducts surveillance activities to measure the impact of Institute programs on national and international trends.

Office of Program Support. Provides support to the Institute in various areas of administrative management such as the following: awarding and administering Institute-sponsored grants, contracts, and interagency agreements; developing Institute budget proposals and establishing and maintaining controls to assure maximum utilization of Institute funds, facilities and manpower; administering committee management activities and providing correspondence control services for the Institute; providing general logistical support for the Institute; and maintaining liaison with management staff of

the Office of the Administrator, and implementing within the NIAAA general management policies prescribed by ADAMHA.

Division of Research. (1) Plans, directs, and evaluates programs of basic and clinical research on the multiple determinants of alcoholism and on the treatment and rehabilitation of alcoholic persons and alcohol abusers; (2) stimulates, supports, and conducts biological, pharmacological, behavioral, and sociological research in alcoholism through grants and contracts and an intramural research program in the areas; (3) conducts and supports programs of training to increase the number and improve the utilization of research manpower; (4) coordinates and stimulates statistical and biometric programs necessary for the epidemiological and longitudinal studies of problems of alcohol usage and alcoholic persons.

Division of Prevention. (1) Plans, develops, supports and evaluates programs of training and public education for the prevention and control of alcoholism in such areas as school curricula and community education; (2) collaborates with and assists Federal, State, and local agencies and non-profit organizations in the development of such prevention and control programs; (3) stimulates and supports the communication of appropriate information and educational material through conferences, committees, publications, and other means.

Division of State and Community Assistance. (1) Plans, directs, and evaluates programs for the support of nationwide services for the prevention of alcoholism and the treatment and rehabilitation of alcoholics; (2) develops the policy and regulatory framework for comprehensive State plans for the establishment and delivery of alcoholism services; (3) collaborates with regional offices in providing assistance to, and encouraging national, State, and local organizations, State and local governments, private health insurers, hospitals, and voluntary groups to facilitate and extend programs for the care, treatment, and rehabilitation of alcoholic persons.

Division of Special Treatment and Rehabilitation. (1) Plans, directs and evaluates innovative programs directed toward the solution of alcohol abuse and alcoholism problems among special groups such as Federal, State, and local government employees, employees in private industry, Indians, public intoxicants, and drinking drivers; (2) develops and supports the training of professional and paraprofessional personnel to provide services to special groups afflicted with alcoholism; (3) coordinates and integrates these programs with other pertinent components of the NIAAA.

National Institute on Drug Abuse (CCOO). Provides leadership, policies, and goals for the Federal effort in the prevention, control, and treatment of narcotic addiction and drug abuse, and the rehabilitation of affected individuals. In carrying out these responsibilities the Institute: (1) Conducts and supports research on the biological, psychological, sociological, and epidemiological aspects of narcotic addiction and drug abuse; (2) supports the training of professional and paraprofessional personnel in prevention, treatment and control of drug abuse; (3) conducts and supports research on the development and improvement of drug abuse services delivery, administration, and financing and supports services programs and projects including facilities construction as appropriate; (4) collaborates with and provides technical assistance to State authorities and Regional Offices, and supports State and community efforts in planning, establishing, maintaining, coordinating and evaluating more effective narcotic addiction and drug abuse programs; (5) collaborates with, provides assistance to, and encourages other Federal agencies, national, foreign, State and local organizations, hospitals, and volunteer groups to facilitate and extend programs for the prevention of narcotic addiction, and for the care, treatment, and rehabilitation of addicted persons; (6) provides information on narcotic addiction and drug abuse to the public and to the scientific community.

Office of the Director. (1) Provides leadership, direction, and policy in the development of Institute goals, priorities, policies, and programs; and serves as the focal point for the Department's efforts on drug abuse; (2) provides overall program coordination; (3) conducts and coordinates Institute interagency, intergovernmental, and international activities, including liaison with the Special Action Office for Drug Abuse Prevention and the Regional offices; (4) provides legal advice and guidance on legislation, statutes and regulations related to all aspects of drug abuse treatment and prevention; (5) assesses the impact of Institute programs; (6) provides support to the Institute in various areas of administrative management and in program development, policy analysis, and legislative analysis.

Office of Program Development and Analysis. (1) Develops program plans and objectives and monitors progress towards their achievement; (2) analyzes policy issues and ongoing activities to determine program progress and define program needs; (3) initiates proposals for and participates in program evaluation; (4) develops data requirements pertinent to planning and evaluating program activities; and (5) conducts surveillance activities to measure the impact of Institute programs on national and international trends.

Office of Program Support. Provides support to the Institute in various areas of administrative management such as the following: awarding and administering Institute-sponsored grants, contracts, and interagency agreements; developing Institute budget proposals and establishing and maintaining controls to assure maximum utilization of Institute funds, facilities, and manpower; administering committee management activities and providing correspondence control services for the Institute; providing general logistical support for the Institute; and maintaining liaison with management staff of the Office of the Administrator, and implementing within the NIDA general management policies prescribed by ADAMHA.

Division of Research. (1) Plans, develops and administers a broad program of biomedical and psychosocial drug abuse research involving both intramural and extramural activities; (2) collaborates with the Division of Community Assistance and organizations outside the Institute including State and local agencies to facilitate research program development; (3) stimulates communication of appropriate information through consultation and the development of conferences, committees, and publications; (4) conducts studies to develop recommendations to the Secretary, DHEW on the scheduling of drugs having abuse potential.

Division of Resource Development. (1) Plans, develops and supports programs designed to insure the training and availability of qualified and competent manpower in the drug abuse field; (2) conducts and supports educational programs directed at reducing the incidence of drug abuse; (3) designs and develops innovative programs of drug abuse treatment and rehabilitation; (4) plans, develops and carries out programs to identify changing patterns and predict future problem areas of drug abuse; (5) collaborates with the Division of Community Assistance in assisting States and communities in developing drug abuse prevention and control programs.

Division of Community Assistance. (1) Plans, develops and administers the Institute's treatment and rehabilitation programs; (2) assumes primary Institute responsibility for the rendering of technical assistance to States in collaboration with Regional Offices; (3) insures the development, implementation and compliance with quality treatment standards at reasonable cost; (4) initiates and administers programs for the treatment and rehabilitation of drug dependent persons within the criminal justice system.

Division of Scientific and Program Information. (1) Maintains program and management information emanating from Federal and State drug abuse prevention efforts and provides periodic and special reports and analyses for operational and planning purposes; (2) develops drug abuse information systems for the Institute; (3) in collaboration with the Division of Community Assistance, provides consultation to and liaison with other Federal, State and private agencies concerned with information programs on drug abuse; (4) operates the National Clearinghouse for Drug Abuse Information which (a) collects and disseminates information on Federal and State drug abuse programs utilizing as source material publications, community action programs, and reports of Federal, State and local agencies; (b) classifies, processes and stores information in both computerized and printed form; and (c) distributes program information to the

lay and professional public and other Federal and non-Federal agencies.

National Institute of Mental Health (CHOO). Provides leadership, policies, and goals for the Federal effort in the promotion of mental health, the prevention and treatment of mental illness, and the rehabilitation of affected individuals. In carrying out these responsibilities the Institute: (1) Conducts and supports research on the biological, psychological, sociological, and epidemiological aspects of mental health and illness; (2) supports the training of professional and paraprofessional personnel in the promotion of mental health and the prevention and treatment of mental illness; (3) conducts and supports research on the development and improvement of mental health services delivery, administration, and financing and supports mental health services programs and projects including facilities construction as appropriate; (4) collaborates with and provides technical assistance to State authorities and Regional Offices, and supports State and community efforts in planning, establishing, maintaining, coordinating and evaluating more effective mental health programs; (5) collaborates with, provides assistance to, and encourages other Federal agencies, national, foreign, State and local organizations, hospitals, and volunteer groups to facilitate and extend programs to promote mental health and prevent mental illness, and for the care, treatment, and rehabilitation of mentally ill persons; (6) provides information on mental health and illness to the public and to the scientific community.

Office of the Director. (1) Provides leadership, direction, and policy in the development of Institute goals, priorities, policies and programs; and serves as the focal point for the Department's efforts in mental health and illness; (2) provides overall program coordination; (3) conducts and coordinates Institute interagency, intergovernmental, and international activities, including liaison with the Regional offices; (4) assesses the impact of Institute programs; (5) provides support to the Institute in various areas of administrative management and in program development, policy analysis, and legislative analysis.

Office of Research Coordination. Under the direction of the Associate Director for Research Coordination, plans, administers, and coordinates a comprehensive program of clinical and behavioral, biological and biochemical, and special research dealing with the causes, diagnosis, treatment, and prevention of mental disorders and the biological and psychosocial factors that determine human behavior and development.

Office of Program Development and Analysis. (1) Develops program plans and objectives and monitors their implementation; (2) analyzes policy issues and ongoing activities to determine program progress and define program needs; (3) initiates proposals for and participates in program evaluation (4) develops data requirements pertinent to planning and evaluating program activities; and (5) conducts surveillance activities to measure the impact of Institute programs on national and international trends.

Office of Program Support. Provides support to the Institute in various areas of administrative management such as the following: awarding and administering Institute-sponsored grants, contracts, and interagency agreements; developing Institute budget proposals and establishing and maintaining controls to assure maximum utilization of Institute funds, facilities, and manpower; administering committee management activities and providing correspondence control services for the Institute; providing general logistical support for the Institute; and maintaining liaison with management staff of the Office of the Administrator, and implementing within the NIMH general management policies prescribed by ADAMHA.

Division of Manpower and Training Programs. (1) Plans, administers, and supports programs in the planning, development, training, and utilization of mental health manpower to meet mental health service delivery system and research needs including: (a) Manpower research and demonstration projects; (b) training in the mental health core disciplines and related fields; and (c) technical and related financial assistance, in collaboration with regional offices, to States, local governments, service agencies, and training institutions; (2) collects and analyzes data and conducts studies related to nationwide perspectives and needs regarding mental health manpower planning, training, development, and utilization.

Division of Mental Health Service Programs. (1) Plans, develops, and administers programs to improve the organization and delivery of mental health services responsive to changing national needs; (2) coordinates activities concerned with the mental health aspects of health insurance and other service payment programs, and the relationship between the organization and delivery of mental health services and fiscal resources; (3) provides advice and consultation to national, regional, State, and community agencies; (4) plans and administers programs for improved services delivery methods in a community context; (5) conducts research on, evaluates, and implements methods for improvement of mental health services through identification of new and innovative services models and practices; (6) fosters the dissemination and adoption of new knowledge obtained through the convergence of research and operational experience.

Division of Special Mental Health Programs. (1) Plans and administers integrated programs of research, training, and related activities directed toward the meeting of critical national needs in social problem areas such as child and family mental health, crime and delinquency, metropolitan mental health, minority group mental health, mental health emergencies, and mental health of the aged; (2) reviews and evaluates such programs in terms of performance in relation to stated goals and objectives and changing national needs; (3) coordinates and integrates these programs with other pertinent components of the Institute, ADAMHA, DHEW, and the Federal Government.

Division of Scientific and Technical Information. (1) Plans and directs the acquisition and dissemination of scientific and technical information related to mental health; the preparation of papers, reports, and other scientific information materials; the development of health education materials; and the preparation of special program reports; (2) provides services to other ADAMHA components in the above areas; (3) operates a mental health technical library; (4) prepares responses to public inquiries.

Saint Elizabeths Hospital-Division of Clinical and Community Services. (1) Provides treatment, care, and rehabilitation services for psychiatric patients including a security treatment facility; (2) operates a model comprehensive community mental health center; (3) conducts and coordinates Hospital training and research programs; (4) provides administrative and logistical support to other ADAMHA research activities located in the facilities of the Hospital.

Division of Biometry. (1) Advises and assists in the development of biostatistical and other statistical analysis programs in the operating components of the Institute and recommends policies and standards for their operation; (2) conducts research on a pilot basis and develops methods and standards for data collection and analysis in the areas of biometric and epidemiologic significance; (3) carries out a national reporting program and stimulates the development of projects for the collection and analysis of data on a national or geographic level; (4) develops problem-solving and quantitative models for research and operational activities; (5) provides mathematical and statistical services to other ADAMHA Institutes as requested.

Division of Extramural Research Programs. Under the direction of the Office of Research Coordination, (1) plans and administers programs of support for research into the causes, prevention, diagnosis and treatment of mental diseases, including behavioral, clinical, applied, biological, and psychopharmacological research; (2) conducts and supports epidemiological research; (3) coordinates NIMH programs in schizophrenia.

Division of Special Mental Health Research. Under the direction of the Office of Research Coordination, (1) plans and conducts a program of intramural research on special mental health problems, such as psychopharmacology, neuropharmacology, memory, human behavior, and biochemistry of learning; (2) performs clinical evaluation and follow-up activities in connection with research patients.

Division of Clinical and Behavorial Research. Under the direction of the Office of Research Coordination, plans and conducts a coordinated program of clinical and behavioral research dealing with the

causes, diagnosis, treatment, and prevention of mental disease.

Division of Biological and Biochemical Research. Under the direction of the Office of Research Coordination, plans and conducts a coordinated program of biological and biochemical research dealing with the basic biological processes that determine both adaptive and maladaptive behavior.

SECTION C–C *ORDER OF SUCCESSION.* During the absence or disability of the ADAMHA Administrator, or in the event of a vacancy in that office, the first official listed below who is available shall act as Administrator, except that during a planned period of absence, the Administrator may specify a different order of succession: (1) Deputy Administrator; (2) Associate Administrator for Planning and Evaluation.

SECTION C–D *DELEGATIONS OF AUTHORITIES.* The Administrator shall continue to exercise all authorities given to him under the Reorganization Order, effective September 25, 1973 (38 FR 27316, October 2, 1973), and under the Redelegation by the Assistant Secretary for Health, effective July 1, 1973 (38 FR 18260, July 9, 1973). All delegations or redelegations to any other officer or employee of the Alcohol, Drug Abuse, and Mental Health Administration which were in effect immediately prior to September 25, 1973 continue to effect in them or their successors, pending issuances of redelegations.

Dated: December 26, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.74–898 Filed 1–10–74;8:45 am]

REGIONAL DIRECTORS

Delegation of Authority

I hereby delegate to the Regional Directors the authority to perform the functions for which the Secretary is responsible under section 246(b)(3) of Pub. L. 92–603, which added section 1861(j)(13) to the Social Security Amendments of 1972, namely:

The Secretary may waive for such periods as he deems appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as are applicable to nursing homes which if rigidly applied would result in unreasonable hardship upon a nursing home, but only if such waiver will not adversely affect the health and safety of the patients; except that the provisions of such Code shall not apply in any State if the Secretary finds that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects patients in nursing facilities.

Dated: January 2, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74–896 Filed 1–10–74;8:45 am]

REGIONAL DIRECTORS

Delegation of Authority

I hereby delegate to the Regional Directors the authority to perform the functions for which the Secretary is responsible under section 249A of Pub. L. 92–603, which added section 1861(j)(13) of the Social Security Amendments of 1972. These functions include the certification and approval of skilled nursing facilities, approval and termination of provider agreements, and determination of the term of such agreements as specifically authorized by section 249A for facilities participating under either Title XVIII only or both Title XVIII and Title XIX.

Dated: January 2, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74–897 Filed 1–10–74;8:45 am]

Office of the Secretary

SUPPLEMENTARY MEDICAL INSURANCE FOR THE AGED AND DISABLED

Adequate Actuarial and Premium Rates

Pursuant to authority contained in sections 1839(c)(1) and (4) of the Social Security Act (42 U.S.C. 1395r(c)(1) and (4)) as amended by Pub. L. 92–603, the Secretary of Health, Education, and Welfare is required to promulgate two adequate actuarial rates for the Medicare Supplementary Medical Insurance program for fiscal year 1975. One rate is equivalent to one-half of the estimated incurred cost of the program per aged enrollee, and the other is equivalent to one-half of the estimated incurred cost for each disabled enrollee. Pursuant to authority contained in section 1839(c)(3) of the Social Security Act (42 U.S.C. 1395r(c)(3)) as amended by Pub. L. 92–603, the Secretary is also required to promulgate a single premium rate for both aged and disabled enrollees which is derived from the adequate actuarial rate for the aged enrollees. Any difference between the premium paid by enrollees and total incurred per capita costs is met from the general revenues of the Federal Government. The notices of these promulgations for fiscal year 1975 are as follows:

NOTICE OF ADEQUATE ACTUARIAL RATES

On the basis of the accompanying statement of actuarial assumptions and bases pursuant to section 1839(c)(1) and (4) of the Social Security Act (42 U.S.C. 1395r(c)(1) and (4)) as amended by Pub. L. 92–603, I hereby determine that the adequate actuarial rates which shall be applicable for the 12-month period commencing July 1, 1974, are $6.70 for enrollees age 65 and over and $18 for disabled enrollees under age 65.

NOTICE OF PREMIUM RATE

Pursuant to authority contained in section 1839(c)(3) of the Social Security Act (42 U.S.C. 1395r(c)(3)), as amended by Pub. L. 92–603, I hereby determine and announce that the dollar amount which shall be applicable for premiums for purposes of section 1839(c)(3) of the Act, as amended, shall be $6.70 monthly in the 12-month period beginning July 1974 and ending June 1975.

Dated: December 31, 1973.

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

STATEMENT OF ACTUARIAL ASSUMPTIONS AND BASES EMPLOYED IN DETERMINING THE ADEQUATE RATES AND THE STANDARD PREMIUM RATE FOR THE SUPPLEMENTARY MEDICAL INSURANCE PROGRAM BEGINNING JULY 1974

This is a statement of actuarial assumptions and bases employed in determining the adequate actuarial rates and the standard monthly premium rate for the Supplementary Medical Insurance Program for the period July 1974 through June 1975. The adequate actuarial rate for enrollees age 65 and over is $6.70. The adequate actuarial rate for disabled enrollees is $18. The standard premium rate for both types of enrollees is $6.70.

I. ADEQUATE ACTUARIAL RATE FOR ENROLLEES AGE 65 AND OLDER

The determination of an adequate actuarial rate for the aged has been made on the basis of the actual operating experience under the program, projected through the year beginning July 1974. Virtually complete operating experience figures through July 30, 1973, are now available as to the cash income and disbursements under the program, and some data are available for the early months of fiscal 1974. The adequate actuarial rate, however, must be sufficient to cover benefits and related administrative costs for all services performed during the period from July 1974 through June 1975 (fiscal 1975). Experience on such a basis (hereafter called an "incurred" basis) is available for most components of the program through calendar 1972; that for the other components must be estimated.

ANALYSIS OF SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

The balance of the SMI Trust Fund at the end of each of the last three fiscal years, the liability outstanding for benefits and related administrative costs for services performed prior to the end of that fiscal year but not yet paid for at the end of that fiscal year ("liability for incurred but unpaid services"), and the monthly premium rate in effect for each of these fiscal years are as follows:

Period ending June 30	Monthly premium rate	Fund at end of period	Liability for incurred but unpaid services
		In millions	*In millions*
1971	$5.30	$290	$822
1972	5.60	481	848
1973	5.80	746	967

Due to past deficiencies in the premium rate, the fund on June 30, 1973, was about 77 percent of the liability then outstanding. The liabilities outstanding on June 30, 1973, for incurred but unpaid services, are estimated to have been $967 million, while the balance in the trust fund on the same date amounted to $746 million.

It is expected that the trust fund balance will increase during fiscal year 1974. By the

end of June 1974 the trust fund balance is estimated to be about $1,097 million, about 88 percent of the liability for incurred but unpaid services then outstanding.

Analysis of Past Experience

Estimates of the basic premium that would have financed both benefit payments and administrative expenses are shown below, on both a cash and an incurred basis. Cash figures must be adjusted for the estimated increase in liability for incurred but unpaid services. Monthly premium rates on both cash and incurred bases are compared below for the three most recent fiscal years with the premium rate actually charged.

Fiscal year ending June 30	Premium rate charged	Premium rate required for benefits and administrative expenses	
		Cash basis	Incurred basis
1971	$5.30	$4.82	$4.92
1972	5.60	5.28	5.36
1973	5.80	5.38	5.71

Basic Estimates for Future Experience on an Incurred Basis

In estimating the cost of the program for July 1974 through June 1975, it is first necessary to project incurred results for fiscal year 1974, and then to continue the projection for 1 more year. The actuarial assumptions used for the purpose of these projections are shown below:

AVERAGE INCREASE ASSUMED OVER PREVIOUS YEAR

Fiscal Year	Physicians' services		Institutional services	
	Fees [1]	Number and mix [2]	Unit costs	Number and mix [2]
	Percent	*Percent*	*Percent*	*Percent*
1973	2.50	2.50	7.0	10.0
1974	2.50	2.50	7.0	10.0
1975	4.75	2.25	7.0	10.0

[1] As recognized by the program.
[2] Increase in the number of services received per capita and greater relative use of more expensive services.

The Cost of Living Council has published proposed revised rules that limit the increase in any physician's average fee to a rate of 4 percent per year, effective after January 1, 1974. Previous rulings of the Price Commission have set the precedent that the customary and prevailing charges (which comprise the "fee screens") used by the program in determining reimbursements to physicians and other providers are prices subject to such limit. These fee screens are revised annually at the beginning of each fiscal year. To allow physicians an average increase in reasonable charges of 4 percent per year beginning January 1974, the fee screens would be raised on July 1 by 4.75 percent over those currently in effect: (i) 4 percent to allow for the rate of increase permitted from fiscal year 1974 to fiscal year 1975, and (ii) .75 percent to allow for the higher screens that would have been in effect in fiscal year 1974 if the 4 percent rate of increase allowed during the last half of that year had been anticipated in setting the fiscal 1974 fee screens. Consequently, the customary and prevailing charges used by the program during fiscal year 1975 will be limited to a level 4.75 percent higher than that of fiscal year 1974.

Administrative expenses incurred for the aged and disabled in fiscal 1974 will be 12.3 percent of total incurred benefits paid under the program, based on the amounts in the fiscal 1975 budget, adjusted to an incurred basis.

On the basis of the foregoing assumptions, it is now estimated that, prior to adjustment for interest earnings and a contingency margin, the rate necessary so that income would cover both benefit payments and administrative expenses for aged enrollees on an incurred basis is $6.77 for fiscal 1975. The projection of the adequate actuarial rate of $6.70 which takes into account interest and provides a margin for contingencies, is summarized as follows:

DERIVATION OF SMI PREMIUM RATE REQUIRED IN FISCAL YEARS 1972-1975

	1972	1973	1974	1975
Covered Services (at level recognized):				
Physicians' reasonable charges	$6.27	$6.59	$6.92	$7.41
Radiology and pathology	.28	.31	.34	.37
Group practice plans	.10	.11	.11	.12
Other practitioners		.03	.14	.15
Home health agencies	.08	.09	.10	.11
Outpatient hospital and other insitutions	.55	.65	.77	.90
Total services	7.28	7.78	8.38	9.06
Cost sharing:				
Deductible	−1.43	−1.56	−1.68	−1.69
Coinsurance	−1.11	−1.17	−1.25	−1.38
Total benefits	4.74	5.05	5.45	5.99
Administrative expenses	.62	.66	.71	.78
Incurred expenditures	5.36	5.71	6.16	6.77
Value of interest on fund	−.06	−.09	−.11	−.12
Margin for contingencies and to amortize unfunded liabilities	.30	.18	.25	.05
Promulgated premium	5.60	5.80	6.30	6.70

Calculation of Actuarially Adequate Rate

The $6.77 rate for fiscal year 1975 is decreased by $.12 to allow for interest earnings on the trust fund, and increased by $.05 to provide a margin for contingencies, resulting in an adequate actuarial rate of $6.70. If all assumptions as to fiscal year 1974 were to be exactly met, the margin for contingencies would be sufficient to reduce the unfunded liability for incurred but unpaid services for the aged by approximately $25 million.

II. ADEQUATE ACTUARIAL RATE FOR THE DISABLED

An adequate actuarial rate for disabled enrollees must take into account (i) enrollees eligible because they have been entitled to Disability Insurance for not less than 24 months, and (ii) enrollees meeting the chronic kidney disease provision. No adequate statistics were available for either portion of the estimate. Eventually program experience will become available, and the potential errors of estimation will be reduced.

The resulting adequate actuarial rate, recognizing the relative number of enrollees in each of the two groups, the $60 deductible and 20 percent coinsurance, the provision of the law that the rate is computed on an incurred basis, and with a margin of $.15 for contingencies, is $18.

If all assumptions were exactly realized in fiscal year 1975, the $.15 margin would reduce the program's unfunded liability by $6 million.

In total, the margins in the two rates would produce a reduction of $31 million in the incurred but unfunded liability as shown in the following table:

Period ending June 30	Monthly premium rate	Fund at end of period	Liability for incurred but unpaid services
		In millions	*In millions*
1973	$5.80	$746	$967
1974	6.30	1097	1249
1975	6.70	1313	1434

III. STANDARD MONTHLY PREMIUM RATE FOR ALL ENROLLEES

The law provides that the standard monthly premium rate, promulgated in December to apply for both aged and disabled enrollees under the Supplementary Medical Insurance Program, shall be the adequate actuarial rate for enrollees age 65 and older; but not greater than the standard monthly premium rate for the fiscal year in which the promulgation is made, increased by the percent that the old-age, survivors, and disability insurance benefit level increased between June first of the year in which the promulgation is made and June first of the succeeding year (according to the law in effect at the time of promulgation).

The standard monthly premium rate promulgated in December 1972 for fiscal year 1974 was $6.30.

Pub. L. 93-66 increased the OASDI benefit table by 5.9 percent effective for June 1974. Since 105.9 percent of $6.30 is $6.70 (rounded to the nearest $.10), the limitation does not apply and the standard monthly premium rate is $6.70.

[FR Doc.74-761 Filed 1-10-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Equal Opportunity

[Docket No. N-74-212]

OFF-BASE HOUSING FOR MINORITY SERVICEMEN AND THEIR FAMILIES

Notice of Public Meeting

Pursuant to § 106.3 of the Department of Housing and Urban Development regulations establishing procedures for the scheduling of fair housing public meetings (24 CFR 106.3 (1972); 37 FR 24420 (11-17-72)), notice is hereby given of a public fact-finding meeting conducted by the Assistant Secretary for Equal Opportunity. The meeting will be open to the public and shall convene Thursday, February 14, 1974, at 6:00 p.m. in the GSA Auditorium, Regional Office Building III, General Services Administration, 7th and D Streets, S.W., Washington, D.C. The meeting will reconvene Friday, February 15, 1974, at 9:00 a.m. in the same meeting place. The subject of this meeting will be the problems of minority servicemen and their families in locating suitable housing in off-base locations without regard to race, color, religion or national origin.

Persons desiring to submit information concerning the subject of the meeting, should address such information to Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, Department of

Housing and Urban Development, Attention: Mr. Kenneth F. Holbert, 451 7th Street, S.W., Washington, D.C. 20410. Such information should be postmarked no later than midnight January 30, 1974.

Dated at Washington, D.C., January 9, 1974.

GLORIA E. A. TOOTE,
Assistant Secretary for Equal Opportunity.

[FR Doc.74-989 Filed 1-10-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-74-8N]

FUEL AND ELECTRICAL SYSTEMS PANEL, BOATING SAFETY ADVISORY COUNCIL

Notice of Open Meeting

A Technical Panel of the Boating Safety Advisory Council will hold its second meeting on Tuesday and Wednesday, January 22 and 23, 1974, in Room 4117, Buzzards Point Building, 2100 Second Street SW., Washington, D.C. beginning at 9:00 A.M.

The panel, as authorized by the Federal Boat Safety Act of 1971, was established to review proposed standards for fuel and electrical systems on recreational boats and to make technical recommendations to the Council. The panel will consist of both BSAC members and persons with expertise in the field. The meeting is open to the public.

Dated: January 7, 1974.

JOHN F. THOMPSON,
Rear Admiral, U.S. Coast Guard Chief, Office of Boating Safety.

[FR Doc.74-837 Filed 1-10-74;8:45 am]

Federal Aviation Administration

ADVISORY COMMITTEE FOR RADIATION BIOLOGY ASPECTS OF THE SST

Notice of Meeting

Pursuant to section 10(a)(2) of Pub. L. 92-463, notice is hereby given that the FAA Advisory Committee for Radiation Biology Aspects of the SST will hold a meeting at 9:00 a.m., d.s.t., January 21-22, 1974, in Room No. 7C, Federal Aviation Administration, FOB 10A, 800 Independence Avenue SW., Washington, D.C. The following agenda items are scheduled for this meeting:

1. *Briefing*—a. Status report on the work performed by members of the panel on radiation levels at conventional flight altitudes (Dr. V. P. Bond).

b. Status report on Contract FA-72-WAI-320; Rapid Warnings of Solar Flare Radiation Hazards to Aircraft (Dr. H. Sauer).

2. *Discussion*—Comments by the panel members on the 3rd draft of the Committee's Final Report on the High Altitude Radiation Environment Study and approval of the report for publication.

All those interested in attending the meeting should contact Dr. S. J. Gerathewohl, Chief, Research Planning Branch, Office of Aviation Medicine, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone 202-426-3433. The meeting will be open to the public.

Issued in Washington, D.C., on December 26, 1973.

S. J. GERATHEWOHL,
Executive Director, Advisory Committee for Radiation Biology Aspects of the SST.

[FR Doc.74-839 Filed 1-10-74;8:45 am]

Federal Highway Administration

NATIONAL ADVISORY COMMITTEE ON UNIFORM TRAFFIC CONTROL DEVICES

Notice of Open Meeting

Pursuant to Executive Order 11686, the Federal Highway Administration announces the meeting dates and relevant information for the Annual Meeting of the National Advisory Committee on Uniform Traffic Control Devices. The meeting will be held January 18-19, 1974, at the Twin Bridges Marriott Motel Hotel, Washington, D.C. General sessions will begin at 9:00 a.m. For further information including roster of Committee members contact the Office of Traffic Operations, Federal Highway Administration, 400 7th Street SW., Washington, D.C. Code 202/426-0411. Attendance by the public will be limited to space available.

Purpose. This Committee reviews currently approved standards, guides and warrants for traffic control devices contained in the Manual on Uniform Traffic Control Devices, the national standard for all classes of highways. Revisions and proposed new standards to meet new developments and improvements are developed as needed.

The Committee makes studies, conducts investigations, prepares reports, develops recommendations and advice to assist the Federal Highway Administrator in developing appropriate standards as authorized in 23 U.S.C. 109(d) and 402(a).

Agenda. Agenda items will include annual reports of the chairmen of the technical subcommittees on signs, signals, pavement markings and traffic controls for construction and maintenance areas. Recommendations from the subcommittees for proposed additions to or revisions in current traffic control device standards will be discussed and action taken relative to providing advice to the Federal Highway Administration on these matters. Work sessions by each technical subcommittee will be held January 18 at 1:00 p.m.

JAMES J. CROWLEY,
Director, Office of Traffic Operations, Federal Highway Administration.

[FR Doc.74-868 Filed 1-10-74;8:45 am]

Office of the Secretary

URBAN TRANSPORTATION ADVISORY COUNCIL

Notice of Public Meeting

JANUARY 4, 1974.

On January 17-18, 1974, the Urban Transportation Advisory Council will meet at the Dallas-Fort Worth Airport. The charter for the Urban Transportation Advisory Council was forwarded to the FEDERAL REGISTER for publication on February 9, 1973.

The Urban Transportation Advisory Council is composed of 25 members and not more than 10 Ex Officio members appointed by the Secretary of Transportation in accordance with DOT Order 1120.26. The Council consists of recognized urban and transportation authorities in their respective public, private, and academic fields.

The objective of the Council is to identify the requirements for, and improvements in, urban transportation systems. Specifically, the Council maintains contact and coordination with appropriate state, local and city officials and key members of private industry and other interested groups:

a. To insure that they are advised of, and have an opportunity to comment on, all significant DOT urban transportation programs and proposals;

b. To obtain meaningful information regarding the urban transportation needs of the nation.

The Council agenda is as follows:

THURSDAY, JANUARY 17TH

2:00 p.m. to 5:00 p.m.—Board Room, Administration Building, Dallas-Fort Worth Airport. Briefing and inspection of airport, including internal transportation system.

FRIDAY, JANUARY 18TH

9:00 a.m. to 5:00 p.m.—Urban Transportation Advisory Council quarterly meeting. Secretary Claude S. Brinegar will preside. Skylab Room, Airport Marina Hotel, Dallas-Fort Worth Airport.

The meeting of the Council will be open to the public.

This notice is given pursuant to section 10 of Pub. L. 92-463.

C. CARROLL CARTER,
Special Assistant to the Secretary.

[FR Doc.74-799 Filed 1-10-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-440, 50-441]

DUQUESNE LIGHT CO., ET AL.

Notice and Order for Prehearing Conference

In the matter of Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company (Perry Nuclear Power Plant, Units 1 and 2).

Take notice, that with agreement of the parties, a prehearing conference will be held in the above captioned proceeding on January 29, 1974, at 10:00 a.m. local time in Courtroom No. 3, Lake County Courthouse, Park Place, Painesville, Ohio 44077.

This conference will deal with progress made on

(1) A joint statement of issues.
(2) Progress on discovery.
(3) Agreement on stipulations of fact.
(4) Possibility of settlement on issues.
(5) Proposed schedule.

All members of the public are entitled to attend this prehearing conference as well as the subsequent evidentiary sessions to be held at a later date.

It is so ordered.

Issued at Washington, D.C., this 8th day of January, 1974.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-903 Filed 1-10-74;8:45 am]

[Docket Nos. 50-466, 50-467]

HOUSTON LIGHTING AND POWER CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report

Houston Lighting and Power Company (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed on December 7, 1973 for authorization to construct and operate two single cycle boiling water nuclear reactors. The application was tendered on August 24, 1973. Following a preliminary review for completeness, it was rejected on September 25, 1973 for lack of sufficient information. The applicant submitted additional information on November 13, 1973 and the application was found to be acceptable for docketing. Docket Nos. 50-466 and 50-467 have been assigned to the application and it should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicant as the Allens Creek Nuclear Generating Station, Units 1 & 2 are to be located in southern Austin County, Texas, west of the Brazos River, and about 45 miles west of the center of Houston and are designed for initial operation at approximately 3579 megawatts (thermal), with a net electrical output of approximately 1200 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before February 27, 1974. The request should be filed in connection with Docket Nos. 50-466-A and 50-467-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Sealy Public Library, 415 Main Street, Sealy, Texas 77474.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report dated August 24, 1973. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations and at the Division of Planning Coordination, Office of the Governor, P.O. Box 12428, Capitol Station, Austin, Texas 78711 and at the Houston-Galveston Area Council, 3311 Richmond Avenue, Houston, Texas 77006.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 10th day of December 1973.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Boiling Water Reactors Branch 1, Directorate of Licensing.

[FR Doc.73-27098 Filed 12-27-73;8:45 am]

[Docket No. 50-460]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Hearing on Application for Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, rules of practice, notice is hereby given that a hearing will be held by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Washington Public Power Supply System (the applicant), for a construction permit for a pressurized water nuclear reactor designated as the WPPSS Nuclear Project No. 1 (the facility), which will be designed for operation at approximately 3619 thermal megawatts with a net electric output of approximately 1206 megawatts. The proposed facility is to be located in Benton County, Washington.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facility, will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Dr. Donald P. deSylva, Dr. Marvin M. Mann, and Daniel M. Head, Esquire, Chairman.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review, and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of a construction permit to the applicant:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for construction of the facility will be inimical to the common defense and security, or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permit should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine: (1) Without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's regulatory staff has been adequate to support the proposed findings to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permit proposed by the Director of Regulation; and (2) whether the review conducted by the Commission pursuant to NEPA has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether a construction permit should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50:

(1) Determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding;

(2) Independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and

(3) Determine whether a construction permit should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1–5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, and others in the manner specified below.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by January 21, 1974. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant by January 10, 1974.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of any petition for intervention or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Richard Q. Quigley, Esquire, Washington Public Power Supply System, P.O. Box 968, Richland, Washington 99352, attorney for the applicant.

For further details, see the application for a construction permit dated October 15, 1973, and amendments thereto, and the applicant's environmental report dated October 15, 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents are also available at the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352, for inspection by members of the public between the hours of 10 a.m. and 9 p.m., Monday through Friday and 10 a.m. to 5:30 p.m. on Saturday. As they become available, a copy of the safety evaluation report by the Commission's Directorate of Licensing, the Commission's draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permit, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation report, the Commission's final environmental statement, the proposed construction permit, and the ACRS report, may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Dated at Washington, D.C., this 14th day of December 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-26839 Filed 12-20-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25866, Agreements C.A.B. 23757–R2 and R3; Order 74–1–22]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Relating to Carriage of Live Animals; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of January, 1974.

By filing on July 2, 1973, the International Air Transport Association (IATA) proposes to revalidate and revise an existing recommended practice relating to acceptance and handling of live animals. The recommended practice is set forth in a publication entitled IATA Manual for the Carriage of Live Animals by Air (Third Edition). The agreement is marked for intended effectiveness October 1, 1973.

The Pet Industry Joint Advisory Council (PIJAC) has filed a timely petition requesting that certain conditions be attached to the Board's approval of the agreement so that (1) procedures would be established and set forth in the Manual whereby new packaging methods could be submitted by shippers directly to the IATA Live Animal Board for evaluation, and (2) that such Manual be filed as a tariff.

The carriers have not answered PIJAC's complaint.

PIJAC's contentions have merit, but we cannot find that so conditioning the agreement at this moment is required in the public interest. The manual, which is comprised of "* * * guidelines * * *" only, is not a binding IATA agreement,[1] although its new characterization as a mandatory but non-binding Resolution apparently enhances its status. It therefore appears that IATA is moving towards a more binding Resolution, and possibly for ultimate filing in tariff form, and we believe the carriers should have the opportunity to study these points further prior to our summarily conditioning their agreement as petitioner requests.

With respect to a more direct shipper liaison with IATA, we understand that the manual was developed through the joint efforts of the carriers, and other interested persons, and there is no reason to believe that the carriers will not continue to solicit and welcome comments.[2] In this regard, and as previously noted by the Board in Order 69–6–150, the carriers in due course might well want to consider procedures for the evaluation of animal containers similar to the IATA procedures which have been established for the evaluation of unit-load devices under Resolution 520 (Containers Board).

In summary, the Board believes the proper course of action at this time—prior to any conditioning of the carriers' agreement when, as, and if such is deemed necessary—is to ask the carriers to study these issues further and to move in that direction. In the interim, and to insure early action by IATA, we will approve the agreements for only one year instead of two as sought.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find that the following resolutions, incorporated in Agreement C.A.B. 23757 as indicated, are adverse to the public interest or in violation of the Act:

AGREEMENT C.A.B. 23757

R–2 -------	105 (CTPC) 003
	205 (CTPC) 003
	305 (CTPC) 003
R–3 -------	105 (CTPC) 511a
	205 (CTPC) 511a
	305 (CTPC) 511a

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 102, 204(a), and 412 thereof,

It is ordered, That:

1. Agreements 23757–R2 and R3 be and hereby are approved for a period of one year from the date hereof, provided that such approval shall not constitute a waiver of the Board's Economic Regulations governing the publication and filing of tariffs; and

2. The petition of the Pet Industry Joint Advisory Council in Docket 25866 is dismissed.

This Order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–910 Filed 1–10–74;8:45 am]

[Docket Nos. 26265 and 22859; Order 73–12–116]

UNITED AIR LINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of December, 1973.

By tariff revision[1] bearing the posting date of November 16, 1973, and marked to become effective January 1, 1974, United Air Lines, Inc. (United) proposes to establish a surcharge of $3.00 per shipment of articles subject to the Restricted Articles Tariff, C.A.B. No. 82.

United asserts, in support of its proposal and in answer to the complaints, inter alia, that the proposed charge will serve to offset the additional handling and administrative costs associated with the acceptance of shipments of restricted articles as compared with shipments of general traffic; that total additional station labor costs per restricted article shipment are estimated to be $2.88; that other management and overhead costs, such as the Hazardous Materials Training Program, are conservatively estimated to increase the added cost per shipment to $3.00; that the Board has previously stated that each class of traffic should bear its full share of the cost of carriage except to the extent that it would prevent the movement of particular commodities; that United expects the increase will generate an additional $180,000 in revenue annually; and that, due to the price inelasticity of restricted article shipments, the carrier expects no traffic loss due to this proposal.

Shulman Air Freight, Inc. (Shulman) filed a complaint requesting suspension and investigation, and the Council for Safe Transportation of Hazardous Articles (COSTHA) has complained requesting rejection, or in the alternative, suspension and investigation.[2]

The COSTHA complaint was untimely as a request for suspension and will be considered only as a request for rejection or investigation.[3] The complainants allege, inter alia, that restricted article shipments already pay a premium since, due to aircraft quantity restrictions, they must move as several smaller shipments at higher charges; that there is no known precedent for any similar charge in entire transportation industry, and thus the proposal is a departure from transportation practice and precedent; that the cost figures offered are based upon unknown assumptions and measures, and, in addition, are not shown to be different from those existing when the current rate structure was established; that the costs presented are not identifiable as to source, method of computation, or basis of estimation; that no additional regulations or other administrative burdens have been established beyond those which have been in effect for years; that the proposal is tantamount to an embargo of restricted articles contrary to the obligations of United's cer-

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[1] Although the revised agreement would revise the "* * * recommended practices * * *" character of the Manual, in favor of treating the criteria therein as "* * * normal * * *" practices by Member-carriers, the agreement further states that "* * * nothing * * * shall obligate any Member to comply with these principles * * *."

[2] PIJAC acknowledges IATA's acceptance of numerous shipper suggestions on the packaging of live animals, but contends that such indirect contact via a member-carrier is too slow, time-consuming, and frustrating.

[1] Revision to Airline Tariff Publishers, Inc., Agent, C.A.B. No. 96.

[2] COSTHA is a non-profit inter-industry group of trade associations and traffic conferences having a mutual interest in small package shipments of articles classed as hazardous materials under the governing regulations of the Department of Transportation.

[3] The late-filed complaint was accompanied by a motion for leave to file an otherwise unauthorized document stating essentially that, due to the short time within which to respond to the United tariff revision, the delays of the holidays, and press of regulatory action in other areas, COSTHA did not become aware of the revision until the day after complaints could be filed. The Board's regulations, 14 CFR 302.505(b), provide that a complaint requesting suspension of any tariff filed under the Act ordinarily will not be considered in the event a posting date is printed on the tariff, unless the complaint is filed within twelve days after said posting date. The instant tariff was posted November 16, and complaints were due November 28. COSTHA's complaint was received December 3, and we cannot find that COSTHA has provided adequate basis for consideration of its complaint with respect to the suspension issue. The motion is denied.

tificate; that the surcharge will result in substantial diversion to other modes; and that the proposal is discriminatory and a denial of needed air service at a reasonable rate.

Upon consideration of the complaints and all other relevant matters, the Board finds that United's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that this proposal should be suspended pending investigation. We shall not reject this proposal because the filing conforms to the Board's tariff regulations.

In support of its assertion that restricted articles require services additional to those required for other general commodity shipments, United submits a man-minute study designed to quantify the costs of such services. We believe that this submission has significant defects. Thus, United relies upon costs classified by labor type such as telephone sales agents, air freight agents, ramp servicemen, etc., but makes not attempt to indicate the additional functions, procedures, or other required special services for each labor type shown. Furthermore, certain of United's costs appear prima facie excessive. For example, the carrier claims that restricted articles require additional telephone sales agent expenses averaging almost $.43 per shipment, attributable to the necessity for detailed explanations of various restrictions and packaging requirements. Shulman questions the validity of this expense and it does not appear likely that regular shippers would require these explanations more than once.

Moreover, we believe that terminal handling costs for restricted article shipments may vary not only by the number of shipments but also by the number of pieces per shipment. United's "Restricted Articles Acceptance Check List" submitted in its answer includes certain procedures which apparently differ by number of pieces tendered, such as verification that the labels used on the packages are as specified in the tariff, and that the quantity per package does not exceed legal limits. Consequently, United's submission raises a serious question as to whether a surcharge applied on a per-shipment basis, regardless of the number of pieces per shipment, is reasonable or discriminatory.[4]

United asserts that restricted article shipments are price-inelastic and will not be diverted, although the complainants state that substantial amounts will be diverted to other modes. According to United, these shipments are generally relatively small, averaging only 47 pounds and consequently, the applicable charge is the minimum charge, involving the highest rate per pound for any shipment, indicating that shippers have been willing to pay high rates. Although United asserts that the proposed increase can be passed on to direct shippers by Shulman, the issue is, in our opinion, whether this additional burden upon consumers is reasonable and otherwise lawful.

The general commodity rates under which restricted articles typically move are under investigation in the Domestic Air Freight Rate Investigation, Docket 22859, although the proposed surcharge is not. We will accordingly consolidate the investigation of the surcharge, initiated herein, into Docket 22859.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the charge and provisions in Rule No. 51 on 43rd Revised Page 18 of Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 96, and rules, regulations, or practices affecting such charge and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charge and provisions, and rules, regulations, or practices affecting such charge and provisions;

2. Pending hearing and decision by the Board, the charge and provisions in Rule No. 51 on 43rd Revised Page 18 of Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 96, are suspended and their use deferred to and including March 31, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation initiated herein, designated Docket 26265, is hereby consolidated into the *Domestic Air Freight Rate Investigation*, Docket 22859;

4. The motion of the Council for Safe Transportation of Hazardous Articles for leave to file an otherwise unauthorized document is denied;

5. Except to the extent granted herein, the complaints of Shulman Air Freight, Inc., in Docket 26148 and the Council for Safe Transportation of Hazardous Articles in Docket 26173, are dismissed; and

6. Copies of this order shall be filed with the tariff and served upon United Air Lines, Inc., Shulman Air Freight, Inc., and the Council for Safe Transportation of Hazardous Articles, which are hereby made parties to Docket.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-908 Filed 1-10-74;8:45 am]

[4] For instance, under the proposal, from New York to Los Angeles, a 20-pound shipment of one piece would incur a 21.4 percent increase; a "typical" 47-pound shipment, a 13.2 percent increase; a 100-pound shipment of 3 pieces, a 9.1 percent increase; and a 200-pound shipment of 6 pieces, a 4.6 percent increase.

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE AIR FORCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Air Force to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary (International Affairs), Office, Under Secretary of the Air Force, Office, Secretary of the Air Force.

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

[FR Doc.74-882 Filed 1-10-74;8:45 am]

DEPARTMENT OF THE AIR FORCE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Air Force to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary (International Affairs), Office, Secretary of the Air Force.

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

[FR Doc.74-883 Filed 1-10-74;8:45 am]

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for East-West Trade, Office of the Director, Bureau of East-West Trade, Domestic and International Business Administration.

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

[FR Doc.74-884 Filed 1-10-74;8:45 am]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in

the excepted service the position of Deputy Assistant Secretary and Executive Director, National Business Council for Consumer Affairs.

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

[FR Doc.74-885 Filed 1-10-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

NOTICE OF REVOCATION OF AUTHORITY TO MAKE NONCAREER EXECUTIVE ASSIGNMENTS

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education and Welfare to fill by noncareer executive assignment in the excepted service the position of Confidential Assistant to the Under Secretary, Office of the Secretary.

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

[FR Doc.74-887 Filed 1-10-74;8:45 am]

DEPARTMENT OF THE TREASURY

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Tax Council to the Assistant Secretary for Tax Policy, Office of the Assistant Secretary for Tax Policy, Legal Division, Office of the Secretary.

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

[FR Doc.74-886 Filed 1-10-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator, Office of the Administrator.

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

[FR Doc.74-879 Filed 1-10-74;8:45 am]

Notice of Grant of Authority To Make Noncareer Executive Assignment

ENVIRONMENTAL PROTECTION AGENCY

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator (Executive Secretary), Office of the Administrator.

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

[FR Doc.74-880 Filed 1-10-74;8:45 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

CLOSED MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under the authority of Pub. L. 91-452, Part D, Secs. 804-808 of the Organized Crime Control Act of 1970, will meet on January 30, 1974, at 9:30 a.m. in room S. 146, U.S. Capitol, Washington, D.C.

The agenda will include proposed future activities of the Commission, budgetary matters, proposals submitted to the Commission and internal organization of Commission staff.

Since the above stated meeting will consist solely of confidential and internal matters relating to Commission activities, I have determined that the above stated meeting would fall within the exemptions of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

CHARLES H. MORIN,
Chairman.

[FR Doc.74-869 Filed 1-10-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

CERTAIN PESTICIDES

Notice of Intent To Cancel Registration

Pursuant to section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 984-5), the Environmental Protection Agency is issuing notices of intent to cancel the registration of thirty-two (32) pesticides listed below.

The registrants have not submitted material necessary for continued registration as specified therein, and therefore have not fully complied with the provisions of the Act.

Cancellation of registration of these pesticides shall be effective at the end of 30 days from the receipt of a copy of the notice by the registrant or from the date of publication of this notice in the FEDERAL REGISTER, whichever occurs later. Within that period of time, the registrants have the opportunity to make the necessary corrections or to request a hearing.

707-Warfarin Mouse and Rat Killer, EPA Reg. No. 1193-48, 707 Co., 1530 Stillwell Ave., Bronx, N.Y. 10461. *Reasons:* Failure to submit efficacy data; failure to submit corrected, finished labels.

707-X Kills—Controls Rats—Mice, EPA Reg. No. 1193-17 707 Co., 1530 Stillwell Ave., Bronx, N.Y. 10461. *Reasons:* Failure to submit efficacy data, failure to submit corrected, finished labels.

Butcher's Quest Germicide, EPA Reg. No. 7176-1, The Butcher Polish Co., 183 Commercial St., Malden, Mass. 02148. *Reasons:* Lack of product efficacy data; labeling and directions not in compliance with the Act.

Butcher's Surface Spray Disinfectant, EPA Reg. No. 7176-5, The Butcher Polish Co., 183 Commercial St., Malden, Mass. 02148. *Reasons:* Lack of product efficacy data; labeling and directions not in compliance with the Act.

Catonex Cat Repellant—Indoor and Outdoor Spray, EPA Reg. No. § 8-13, Hydroponic Chemical Co., Inc., P.O. Box 97-C, Copley, Ohio 44321. *Reason:* Failure to submit efficacy data.

Colonial 40 Prolin Concentrate, EPA Reg. No. 3314-25, Colonial Products, Inc., 1830 Tenth Ave., North, Lake Worth, Fla. 33460. *Reasons:* Failure to submit efficacy data; failure to submit corrected, finished labels.

Cornell Chlordane E-S, EPA Reg. No. 2666-45, Cornell Chemical & Equipment Co., Inc., 1115 North Rolling Rd., Baltimore, Md. 21228. *Reason:* Failure to submit corrected, finished labels.

Co-Rol Pour-on Cattle Insecticide, EPA Reg. No. 602-115, Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63102. *Reason:* Failure to submit corrected, finished labels.

Cossman Fly Cake, EPA Reg. No. 5481-45, Alco Chemical Co., 19220 Pioneer Blvd., Artesia, Calif. 90701. *Reason:* Failure to submit corrected, finished labels.

Demert Daisy Fresh Disinfectant Spray, EPA Reg. No. 2337-58, Demert & Dougherty, Inc., P.O. Box 112, Chicago, Ill. 60650. *Reasons:* Lack of product efficacy data; labeling and directions not in compliance with the Act.

Eaton's All-weather Bait Blocks Rodenticide, EPA Reg. No. 56-18, J. T. Eaton & Co., Inc., 3110 W. 65th St., Cleveland, Ohio 44102. *Reasons:* Failure to submit efficacy data; failure to supply information regarding product formulation.

Eaton's Poison Mouse-Bait, EPA Reg. No. 56-25, J. T. Eaton & Co., Inc., 3110 W. 65th St., Cleveland, Ohio 44102. *Reasons:* Failure to submit information regarding product formulation; failure to supply efficacy data.

Freen Mint Odored Disinfectant, EPA Reg. No. 1190-21, Peck's Products Co., 610 E. Clarence Ave., St. Louis, Mo. 63147. *Reasons:* Lack of product efficacy data; labeling and directions not in compliance with the Act.

Greenfield Spring Time Triple Action, EPA Reg. No. 1471-49, Elanco Products Division of Eli Lilly, P.O. Box 1750, Indianapolis, Ind. 46206. *Reason:* Failure to submit corrected, finished labels.

H–34 Insect Powder, EPA Reg. No. 9088–1, Piefer Co., 2268 Amsterdam Ave., New York, N.Y. 10032. *Reasons:* Failure to submit formulation information; failure to submit corrected, finished labels.

H–K Water Soluble, EPA Reg. No. 3536–5, The Pipestone Products Co., Pipestone, Minn. 56164. *Reason:* Failure to submit corrected, finished labels.

Hexol Spray Disinfectant Germicide Deodorant, EPA Reg. No. 1776–4, Hexol, Inc., 1500 17th St., San Francisco, Calif. 94107. *Reasons:* Lack of product efficacy data; labeling and directions not in compliance with the Act.

Holiday Automatic Cleanout Fogger, EPA Reg. No. 4758–83, Pet Chemicals, Inc., P.O. Box 656, Miami Springs, Fla. 33166. *Reason:* Failure to submit corrected, finished labels.

Indoor Outdoor Insect Killer, EPA Reg. No. 6658–14, Midco Products Co., Division of Sigma International, Ltd., 11697 Fairgrove Industrial Blvd., Maryland Heights, Mo. 63042. *Reason:* Failure to submit corrected, finished labels.

Lasus Cheese-O-Rat Contains Prolin, EPA Reg. No. 209–18, Lasus Brothers Chemical Co., 2936 Monroe St., Toledo, Ohio 43606. *Reasons:* Failure to submit efficacy data; failure to submit corrected, finished labels.

N/S Pesticide, EPA Reg. No. 1948–8, Northern States Laboratories, 517 E. 23rd St., Fremont, Nebr. 68025. *Reason:* Failure to submit corrected, finished labels.

No Ro, EPA Reg. No. 854–5, Theodore Meyer, 213 S. Tenth St., Philadelphia, Pa. 19107. *Reason:* Failure to submit corrected, finished labels.

Pepco-DC Germicidal Cleaner, EPA Reg. No. 1190–28, Peck's Products Co., 610 E. Clarence Ave., St. Louis, Mo. 63147. *Reasons:* Lack of product efficacy data; labeling and directions not in compliance with the Act.

Professional Phosphorus Paste, EPA Reg. No. 401–27, Common Sense Manufacturing Co., Inc., 1392 Niagara St., Buffalo, N.Y. 14213. *Reason:* Failure to submit required information concerning packaging.

Rat Feast, EPA Reg. No. 561–7, Terminix International, Inc., 1125 N. 3rd St., Milwaukee, Wis. 53203. *Reasons:* Failure to submit efficacy data; failure to submit corrected, finished labels.

Ratchek Prolin Pellets, EPA Reg. No. 8344–2, Progress Chemical Co., Canton, Ga. 30114. *Reason:* Failure to submit corrected, finished labels.

Raticate Common Brown Rat Killer With Shoxin Norbormide, EPA Reg. No. 5602–55, Hub States Corp., 2002 N. Illinois St., Indianapolis, Ind. 46202. *Reasons:* Failure to submit efficacy data; failure to submit corrected, finished labels.

Roost No More Bird Repellent Liquid, EPA Reg. No. 7765–1, National Bird Control Laboratories, P.O. Box 1, Skokie, Ill. 60076. *Reasons:* Failure to submit required efficacy, toxicity and wildlife data.

Sneaky Pete Rat Bait With Prolin, EPA Reg. No. 9076–1, Flying W Enterprises, P.O. Box 366, Harlan, Iowa 51537. *Reasons:* Failure to submit efficacy data; failure to submit corrected, finished labels.

Stanhome "D–D–G" Disinfectant Deodorant Germicide, EPA Reg. No. 1574–25, Stanley Home Products, Inc., 333 Western Ave., Westfield, Mass. 01085. *Reasons:* Lack of product efficacy data; labeling and directions not in compliance with the Act.

Super Mint Disinfectant, EPA Reg. No. 6811–16, Research Products Co., Inc., 2423 Merrell Rd., Dallas, Tex. 75229. *Reasons:* Lack of product efficacy data; labeling and directions not in compliance with the Act.

Tox Industrial Roach and Fly Spray, EPA Reg. No. 7481–5, B & L Supply Co., 2327 Beatrice St., Dallas, Tex. 75206. *Reason:* Failure to submit corrected, finished labels.

Dated: December 28, 1973.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.74–803 Filed 1–10–74;8:45 am]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Notice of Meeting and Agenda

Notice is hereby given of a meeting of the Effluent Standards and Water Quality Information Advisory Committee, established under section 515 of the Federal Water Pollution Control Act ("the Act") 33 U.S.C. 1374; Pub. L. 92–500, to be held in room 1112 (conference room), Bldg. No. 2, Crystal Mall, Arlington, Virginia, January 31, 1974, 9 a.m. This is a regularly scheduled meeting of the committee.

The agenda for this meeting will include workshops for the following industries: pulp and paper (all except unbleached kraft and semi-chemical pulp and paper mills); builders paper and board mills (rigid building board); meat products (poultry processing); grain mills (blended flour, pet food, prepared feed, cereals); seafood processing (oyster, clam, anchovy, menhaden and bottom fish). Workshops will be from 10 a.m.–12 Noon. Executive session of the committee meeting will be held from 2–4 p.m.

The meeting will be open to the public and under the direction of the committee chairman. Any member of the public wishing to attend or participate should contact Dr. Martha Sager, Chairman, Effluent Standards and Water Quality Information Advisory Committee, Environmental Protection Agency, Room 821, CM#2, Washington, D.C. 20460 (Tel: 703–557–7390).

Dated: December 18, 1973.

MARTHA SAGER,
Chairman, Effluent Standards and Water Quality Information Advisory Committee.

[FR Doc.74–804 Filed 1–10–74;8:45 am]

NATIONAL AIR POLLUTION MANPOWER DEVELOPMENT ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that the National Air Pollution Manpower Development Advisory Committee Meeting will be held at 1:00 p.m., January 18 and 8:00 a.m., January 19, 1974. The meeting will be held in the Georgia Suite of the Sheraton-Biltmore Hotel, 817 W. Peachtree Street, Atlanta, Georgia 30383.

This is the regular quarterly meeting of the Advisory Committee. Primarily the meeting will be devoted to Committee review of fellowship applications and the current status of manpower development programs in air pollution control.

The meeting will be open to the public. Any member of the public wishing to attend or participate should contact Mr. Ronnie E. Townsend, Executive Secretary, National Air Pollution Manpower Development Advisory Committee, Research Triangle Park, North Carolina, (919) 549–8411, extension 2492.

Dated: January 8, 1974.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

[FR Doc.74–1013 Filed 1–10–74;8:45 am]

PESTICIDES

Notice of Intent To Hold Public Hearings; Change in Previously Announced Schedule

On December 27, 1973, the Environmental Protection Agency announced in the FEDERAL REGISTER (38 FR 35349) its intention to hold public hearings under section 21(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 996), in connection with anticipated requests for permission to use DDT for control of the Douglas-fir tussock moth in certain areas of the Northwest during 1974. Background on this issue was provided in that notice.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, in consultation with the Bureau of Land Management and Bureau of Indian Affairs, Department of the Interior, the Oregon State Department of Forestry, the Washington State Department of Natural Resources and the Idaho State Department of Public Lands, published a draft environmental statement for the 1974 Cooperative Douglas-Fir Tussock Moth Pest Management Plan. (See FEDERAL REGISTER of January 7, 1974, 39 FR 1290.) Certain parties who intend to submit evidence or make their views known on the issue before the Environmental Protection Agency during the forthcoming hearings have requested that the hearings be rescheduled so that time can be afforded to review the environmental statement.

The Environmental Protection Agency agrees that this document may provide additional scientific evidence which may impact on the evidence and views to be presented and has rescheduled the hearings to provide time for review of the environmental statement. Please note that an additional hearing has also been scheduled:

UNCHANGED

Monday, January 14, 1974, 8:30 a.m.
Lloyd Center Community Auditorium
2201 Lloyd Center
Portland, Oreg

UNCHANGED

Wednesday, January 16, 1974, 8:30 a.m.
Stuart Anderson's Black Angus Restaurant
107 North 2nd Street
Walla Walla, Washington

RESCHEDULED

Friday, January 18, 1974, 8:30 a.m.
North Shore Motor Hotel
115 South 2nd Street
Coeur D'Alene, Idaho

NEW DATE

Monday, January 28, 1974, 8:30 a.m.
North Shore Motor Hotel
115 South 2nd Street
Coeur D'Alene, Idaho

NEW SCHEDULED HEARING

Wednesday, January 30, 1974, 8:30 a.m.
The Civic Center
Nisqually Room
305 Harrison Street
Seattle, Washington

RESCHEDULED

Monday, January 21, 1974, 8:30 a.m.
Environmental Protection Agency
401 M Street, S.W.
Room 3906
Washington, D.C.

NEW DATE

Friday, February 1, 1974, 8:30 a.m.
Departmental Auditorium
Conference Room B
14th & Constitution Avenue, N.W.
Washington, D.C.

The Agency intends to hold these hearings so that all interested parties may express their views on the question of whether the Administrator should permit the use of DDT in limited areas of the Northwest to control the Douglas-fir tussock moth (and, if so, upon what conditions). USDA has requested a decision on this request by March 1, 1974. EPA expects to be able to meet this date for a decision even with the revised hearing schedule.

Persons wishing to submit evidence or make their views known on this issue are invited to participate by pre-registering and requesting to testify. Pre-registration requests should be directed to the Hearing Officer, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Room 545, Mail Code HM-566, Washington, D.C. 20460, or Chief, Pesticides Branch, Hazardous Materials Control Division, Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101, and should be received no later than January 25, 1974. Such requests should bear a prominent reference to "FR Notice—Tussock Moth" on the envelope. Oral statements will be limited to a reasonable period of time; however, written statements may be filed at the hearing site for the record. Four copies of written statements will be required.

In addition to participation in the hearings by presentation of oral testimony or written statements, interested persons may submit their written views on or before February 4, 1974, to the Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Room 545, Mail Code HM-566, Washington, D.C. 20460. Four copies of such statements are requested. Such written submissions should bear a prominent reference to "FR Notice—Tussock Moth" on the envelope. After February 13, 1974, the hearing record and all submissions will be made available for public inspection at the Office of Pesticide Programs, Room 545—East Tower, Waterside Mall, 401 M Street SW., Washington, D.C., and at the Hazardous Materials Control Division, Pesticide Branch, Room 11A, 1200 6th Avenue, Seattle, Washington.

Dated: January 9, 1974.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.74-1024 Filed 1-10-74;10:17 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19903 and 19904; File Nos. 398-M-L-120 and 520-M-L-111; FCC 73-1331]

SOUTHERN BELL TELEPHONE AND TELEGRAPH CO. AND AUTOPHONE OF GAINESVILLE, INC.

Memorandum Opinion and Order on Applications for Radiotelephone Station

1. The above-captioned applications seek authority for a new Class III-B Public Coast station to be located in the vicinity of Cummings, Georgia. This class of station provides a ship-shore radiotelephone common carrier service, primarily of a local character, on VHF channels. The applicants seek authority to serve the Lake Sidney Lanier, Georgia area.

2. Southern Bell Telephone and Telegraph Company (hereinafter called Southern Bell) presently operates a Public Coast II-B station (call sign WAN) which serves the Lake Sidney Lanier, Georgia area on the frequency 2540 kHz and has now filed an application to provide service in the very high frequency band (Class III-B service) in addition to its Class II-B service. The Autophone of Gainesville, Inc. (hereinafter called Autophone) has filed an application for new Class III-B facilities to serve the same area.

3. Southern Bell, a licensee of station WAN, has urged a grant of its application without regard to the application of Autophone based on the Commission policy enunciated in paragraph 45 of its First Report and Order in Docket No. 18207 (23 F.C.C. 2d 553) which provided, in effect, preferential status to applications by licensees of Class II stations for VHF authority as against other applications for VHF authority in the same area. This policy was modified by the Commission in its Report and Order in Docket No. 19719, released July 12, 1973, which, among other things, deleted the requirement that Class II-B stations also provide Class III-B service by January 1, 1977, thereby eliminating any preferential status to Class II-B licensees as against other new applications for Class III-B service in the same area. The Commission further stated that the new rules in Docket No. 19719 would be applicable to all pending applications on file and, therefore, the subject applications are of equal status.

4. The Commission's rules do not authorize the establishment of two new VHF stations of this class to serve the same geographical area. It is evident from an analysis of the applications that 100 percent overlap in service area would exist if both applications were granted. Therefore, the applications are mutually exclusive and a hearing is needed to determine which of the applications should be granted.

5. Except for the issues otherwise specified herein, the applicants are quanlified to become licensees of the Commission. The Safety and Special Radio Services Bureau and the Common Carrier Bureau of the Federal Communications Commission are parties to this proceeding.

6. *Accordingly, it is ordered,* That the above-entitled applications of Southern Bell and Autophone of Gainesville, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

a. To determine comparatively which applicant will provide the public with the bettef public coast station service based on the following considerations:

(1) Coverage area and its relation to the greatest number of potential users;

(2) Hours of operation;

(3) Qualifications of management, operators, and other personnel;

(4) Interconnection with landline facilities;

(5) Proposed rates and charges;

(6) Reliability and efficiency of service; and

(7) Ability to provide radio communications assistance to vessels in distress.

b. To determine in light of the evidence adduced on all the foregoing issues, which application should be granted.

7. *It is further ordered,* That the burden of proof and the burden of proceeding with the introduction of evidence on issue (a) is placed on each applicant insofar as the respective items pertain to each of these parties. Issue (b) is conclusory.

8. *It is further ordered,* That coverage areas will be computed on the basis of the criteria shown in Subpart R of Part 81 of the Commission's rules.

9. *It is further ordered,* That to avail themselves of an opportunity to be heard, Southern Bell and Autophone of Gainesville, Inc., pursuant to § 1.221(c) of the rules, in person or by attorney, shall within twenty days of the mailing of this order, file with the Commission in triplicate a written appearance stating its intention to appear on the date set for hearing and present evidence on the issues specified in this order.

Adopted: December 19, 1973.

Released: December 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-856 Filed 1-10-74;8:45 am]

FEDERAL MARITIME COMMISSION

COORDINATED CARIBBEAN TRANSPORT, INC. AND FLOMERICA TRAILER SERVICE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 31, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Jeremy Chester, Chester, Blackburn & Roder, Inc., P.O. Box 1470, Miami, Florida 33101.

Agreement No. 10105, between Coordinated Caribbean Transport, Inc. and Flomerca Trailer Service, common carriers by water operating regular services in the trade between Florida ports and ports in Guatemala, El Salvador and Honduras, provides for the establishment of a rate agreement whereby the parties will agree on various rates, charges, classifications, practices, and related tariff matters, to be charged or observed by them respectively in the specified trade, but with the reservation of the right by each of them to alter for itself any rate, charge, classification, practice or related tariff matter thus agreed upon or theretofore in force upon first giving the other parties at least forty-eight (48) hours' advance notice thereof.

By Order of the Federal Maritime Commission.

Dated: January 4, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-892 Filed 1-10-74;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Notice of Meeting and Agenda

There will be a meeting of the Executive Advisory Committee to be held at the Federal Power Commission Offices 825 North Capitol Street, NE., Washington, D.C., January 16, 1974, at 9:30 a.m. in Hearing Room A (Room 2200).

1. Call to order and opening remarks by FPC Chairman John N. Nassikas.

2. Comments on objectives and purposes of meeting by EAC Chairman Shearon Harris.

3. Report on short-term fuel supply by TAC on Fuels Chairman Paul Martinka.

4. Discussion of national energy problems and EAC's role in conservation and self-sufficiency problems by FPC Chairman John N. Nassikas.

5. Comments by EAC Chairman, Members and TAC Chairmen on steps toward a national objective of optimum self-sufficiency in energy.

6. Other Business.

7. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-813 Filed 1-10-74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Notice of Meeting and Agenda

There will be a meeting of the Technical Advisory Committee on Conservation of Energy to be held at the Federal Power Commission Offices, 825 North Capitol Street NE., Washington, D.C. at 9:30 a.m. on January 22 and 23, 1974 in Room 5200.

1. Meeting called to order by FPC Staff Representative.

2. Objectives and purposes of meeting.

A. Review of draft Committee Report.

B. Other business.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-812 Filed 1-10-74;8:45 am]

[Docket No. CS71-127]

BETTIS, BOYLE AND STOVAL

Notice of Petition for Waiver of Regulations

DECEMBER 28, 1973.

Take notice by letter filed December 3, 1973, Bettis, Boyle ar. Stoval (Petitioner), P.O. Box 1168, Graham, Texas 76046, small producer certificate holder in Docket No. CS71-127, requests that the Commission waive in part paragraph (c) of § 157.40 of the regulations under the Natural Gas Act (18 CFR 157.40(c)) so as to permit the sale of natural gas under its small producer certificate from reserves acquired in place from Sun Oil Company, a large producer, and from others.

Paragraph (c) of § 157.40 provides in part that sales may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer. Petitioner states that it has acquired from Sun Oil Company and others a gas well in Jack County, Texas, the productivity of which had dropped to the point at which it was not economical for the assignors to operate. Petitioner proposes to continue the sale of gas from said well to Natural Gas Pipeline Company of America.

Petitioner's letter is being construed as a petition for waiver of Commission regulations under paragraph (b) of § 1.7 of the Commission's Rules of Practice and Procedure (18 CFR 1.7(b)). Any person desiring to be heard or to make any protest with reference to said petition should on or before January 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action 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.74-815 Filed 1-10-74;8:45 am]

[Docket No. CP73-340]

COLORADO INTERSTATE GAS CO.

Notice of Extension of Time and Postponement of Hearing

JANUARY 3, 1974.

On December 21, 1973, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation, filed a motion for an extension of the procedural dates. At an informal conference held on December 20, 1973, all parties, except Staff Counsel who took no position,

agreed to the proposed procedural dates.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Prehearing Conference (unchanged), January 17, 1974 (9:30 a.m., e.d.t.).
CIG and Supporting Intervenors' Testimony and Exhibits, February 11, 1974.
Staff and opposing Intervenors' Prepared Direct Testimony and Exhibits[1], March 15, 1974.
Answering Testimony, April 1, 1974.
Hearing, April 16, 1974 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-816 Filed 1-10-74;8:45 am]

[Docket No. E-8543]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Application

JANUARY 3, 1974.

Take notice that on December 10, 1973, Iowa-Illinois Gas and Electric Company (Applicant) tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, a Facilities Agreement dated August 15, 1973 with Iowa Electric Light and Power Company (Iowa Electric) whereby Applicant will serve a remote part of Iowa Electric's load within the Town of Walcott, Iowa from Applicant's existing Substation 65 near Davenport, Iowa.

Iowa Electric will accordingly provide Applicant sufficient energy to service Walcott over a 69-kv transmission line from the Walcott limits to be constructed by Iowa Electric and conveyed to Applicant, who will concurrently install a 69-kv line terminal at Substation 65. Iowa Electric will pay therefor monthly those fixed charges associated with the line terminal, costs of the line and other facilities needed for load service, operation and maintenance expenses and overheads as incurred and billed. Service is anticipated to begin in January, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-821 Filed 1-10-74;8:45 am]

[1] It is understood that the timing of Staff's case respecting environmental matters, if any, is dependent upon the timing of circulation of a draft environmental impact statement for comments, which comments may not be received in time for Staff to file environmental testimony by March 15, 1974.

[Docket No. T-8553]

IOWA SOUTHERN UTILITIES CO.

Notice of Application

JANUARY 3, 1974.

Take notice that on December 14, 1973, the Iowa Southern Utilities Company (Applicant), filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $20,000,000 aggregate principal amount of unsecured short term promissory notes and commercial paper.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa and is engaged in the electric utility business in 24 counties in Iowa.

Applicant proposes to issue notes to both commercial banks and to commercial paper dealers. The notes issued to commercial banks will not exceed $20,000,000 and the notes to be issued to commercial paper dealers will not exceed 25 percent of the Applicant's most recent twelve months' revenue from the sale of electricity and gas, which would presently permit the issuance of $9,800,000.

The interest rate on the notes issued to commercial banks will not exceed the prime interest rate. It is anticipated that the interest rate on commercial paper at the time of issuance will, in general, average from ¼ percent to 1 percent below the prime rate; however, on occasions it is possible the interest rate could exceed the prime rate.

Notes issued to commercial banks will mature no later than 92 days from the date of issue. Commercial paper will mature no later than 270 days from the date of issue. Notes will be issued from time to time prior to January 1, 1975.

The proceeds from the issuance of the securities will be added to the general funds of the Company, which general funds will be used, among other things, to provide in part, interim funds for construction expenditures to be made in 1974 and 1975.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-819 Filed 1-10-74;8:45 am]

[Docket No. ID-1671]

DAVID N. MERRILL

Notice of Application

JANUARY 3, 1974.

Take notice that on November 19, 1973, David N. Merrill (Applicant), filed a supplemental application pursuant to section 305(b) of the Federal Power Act, seeking authority to hold the positions of Executive Vice-President and Director of the Public Service Company of New Hampshire, a public utility engaged in the generation, transmission and sale of electric energy in New Hampshire and the contiguous areas of Maine and Vermont.

In a previous order, issued by the Commission on February 22, 1972, Applicant was authorized to hold the position of Vice President of Public Service Company of New Hampshire and Director of Vermont Yankee Nuclear Power Corporation.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests to intervene 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-820 Filed 1-10-74;8:45 am]

[Docket No. CP74-156]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

DECEMBER 28, 1973.

Take notice that on November 28, 1973, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-156 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to exchange natural gas with Arkansas Louisiana Gas Company

(Arkla) and to construct and operate facilities therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to exchange up to 15,000 Mcf of natural gas per day with Arkla in Beckham and Woodward Counties, Oklahoma, pursuant to a gas exchange agreement between said parties dated August 21, 1973. Applicant states that Arkla will purchase gas from Arkansas Western Production Company (Arkansas Western) in Northwest Mooreland Field, Harper County, Oklahoma. Arkla does not have nearby existing facilities to connect this source of gas supply to its system and therefore proposes to connect the gas to Applicant's existing facilities in Woodward County, Oklahoma. Under the terms of said exchange agreement Arkla will deliver volumes of exchange gas to Applicant in Woodward County and Applicant will redeliver thermally equivalent volumes of gas to Arkla in Beckham County.

The application states that in addition to the exchange agreement with Arkla, Applicant has entered into a companion gas purchase contract with Arkansas Western. Under the terms of this purchase agreement dated July 26, 1973, Applicant has the right to purchase twenty-five percent or 4,000 Mcf per day, whichever is less, of the natural gas delivered by Arkansas Western to Arkla. Applicant states that said purchases will be commingled with the gas delivered to Applicant for exchange by Arkla at the Woodward County delivery point. The application states that Arkansas Western proposes to sell such purchase volumes of gas to Applicant at an initial price of 50 cents per Mcf, adjusted for heat content.

Applicant states that Applicant proposes to utilize an additional point of interconnection of its system with Arkla's system in Grady County, Oklahoma, as an exchange point when a balance of exchange gas cannot be achieved at the Woodward and Beckham Counties delivery points.

Applicant states that the subject gas exchange is beneficial in that the companion gas purchase contract will provide additional gas to augment Applicant's overall gas reserves to the benefit of its customers.

To accomplish the proposed gas exchange and purchase arrangements Applicant requests authorization to construct and operate a tap connection in Woodward County and a measuring facility in Beckham County, for the receipt and redelivery of gas. Applicant estimates the cost of constructing the proposed facilities is $25,150, which cost will be met with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-822 Filed 1-10-74;8:45 am]

[Project 2105]

PACIFIC GAS & ELECTRIC CO.

Notice of Application for Amendment of License

JANUARY 3, 1974.

Public notice is hereby given that application was filed April 22, 1971, under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas & Electric Company (Applicant) (Correspondence to: Mr. J. F. Roberts, Jr., Vice President—Rates and Valuation, Pacific Gas & Electric Company, 77 Beale Street, San Francisco, California 94106) for amendment of license to put Applicant in compliance with Article 10 of its Major License (14 F.P.C. 518) for Project No. 2105, located on the Butt Creek tributary of the Upper North Fork Feather River in Plumas County, California. The project affects lands of the United States in Plumas and Lassen National Forests.

Presently, Article 10 requires Applicant to clear all lands in the bottoms and margins of its reservoirs up to high water level, such clearing to be done with due diligence and to the satisfaction of the authorized representative of the Federal Power Commission.

According to the application, at the request of the United States Forest Service, the California Department of Fish and Game, and local sportsmens' groups, some areas of snags in the Butt Valley Reservoir were left uncleared to enhance the fish and wildlife habitat. Licensee states that these uncleared areas are used for nesting of the osprey, cormorant, and bald eagle, and that the areas also create excellent shelter and food areas for fish and provide sheltered areas for fishermen.

In view of the above, Applicant requests that certain areas be left uncleared, and that the Commission approve its actions by ratifying the proposed amendment.

Any person desiring to be heard or to make protest with reference to said application should on or before February 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-818 Filed 1-10-74;8:45 am]

[Project 637]

PUBLIC UTILITY DISTRICT NO. 1, CHELAN COUNTY, WASHINGTON

Notice of Application for Change In Land Rights

JANUARY 3, 1974.

Public notice is hereby given that application was filed August 27, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by Public Utility District No. 1 of Chelan County, Washington (Correspondence to: Mr. Howard C. Elmore, Manager, Public Utility District No. 1 of Chelan County, Wenatchee, Washington 98801) for change in land rights for constructed Project No. 637, located on the Chelan River, Chelan County, Washington. The project land to be conveyed is located in the Town of Chelan, Washington. The project affects lands of the United States.

Public Utility District No. 1, Licensee for the Chelan Hydroelectric Project No. 637, requests Commission approval to sell approximately four acres of project lands to the State of Washington, which, through its Highway Commission, would construct a highway and bridge across the Chelan River, to be known as State Route 97.

According to the application, the Washington State Department of Highways would construct lighted walkways under the bridge and build new access roads to an existing public boat launching site. Applicant states that these actions would retain the recreational values of the Project.

Any person desiring to be heard or to make protest with reference to said application should on or before February 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426,

petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-817 Filed 1-10-74;8:45 am]

TENNESSEE GAS PIPELINE CO.

[Docket No. CP74-161]

Notice of Application

DECEMBER 26, 1973.

Take notice that on November 30, 1973, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), filed in Docket No. CP74-161 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 40.7 miles of 36-inch main line loop, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate three sections of loop pipeline totalling 40.7 miles of pipeline looping its existing main transmission line in Clarke and Lauderdale Counties, Mississippi, Lamar County, Alabama, and Wayne and Lewis Counties, Tennessee. Applicant states that such facilities are needed to allow Applicant to continue to deliver within presently authorized contract quantities the estimated requirements of its customers in 1975. Applicant states that no increase in peak day service is proposed or offered to any customer and that the maximum contract quantity available to all customers will remain as presently authorized. Applicant states that the facilities proposed herein will result in an increase in its system design capacity by 76,662 Mcf of gas per day and an increase in its total system capacity to 3,924,000 Mcf of gas per day.

Applicant states that the total estimated cost of the proposed facilities is $12,373,100 which cost will be initially financed from general funds of the company and/or from borrowings under Applicant's revolving credit agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commissions' Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-814 Filed 1-10-74;8:45 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Barnett Bank of South Orlando, Orlando, Florida. The factors that are considered in acting on the application are set forth in section 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 Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 31, 1974.

Board of Governors of the Federal Reserve System, January 2, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-828 Filed 1-10-74;8:45 am]

CITIZENS AND SOUTHERN NATIONAL BANK AND CITIZENS AND SOUTHERN HOLDING CO.

Order Denying Acquisition of Ison Finance Corp.

The Citizens and Southern National Bank and Citizens and Southern Holding Company, its subsidiary, both of Atlanta, Georgia, and both bank holding companies within the meaning of the Bank Holding Company Act, have applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire shares of Ison Finance Corporation ("Company"), Atlanta, Georgia.

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 22826). The time for filing comments and views has expired, and none has been timely received.

The Citizens and Southern National Bank ("Bank") is the largest banking organization in the State of Georgia and in the Atlanta market area, with total market deposits of $1.3 billion.[1]

Company is engaged in the consumer finance and consumer sales finance business, operating seven offices in Florida, seven in Alabama, two in North Carolina, two in Georgia, one in South Carolina, and one in Louisiana. It had outstandings amounting to $12.6 million as of year-end 1972. Company's activities are of the type determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)).

Company maintains an office in Fulton County which is part of the Atlanta market.[2] That office had $0.4 million in loans outstanding as of December 31, 1972, representing only 0.37 percent of total direct consumer finance company loans outstanding in that area on that date. Bank and its subsidiaries held direct consumer loans and consumer paper outstanding of $66.5 million deriving from the Atlanta area at year-end 1972, representing approximately 44 percent of bank consumer credit in the Atlanta market. However, if consumer loans by consumer finance companies and credit unions are considered as well as those by banks, Bank's market share roughly approximates 17 percent, and Company's 0.1 percent.[3] Hence, consummation of the proposed transaction would not significantly increase Applicants' market share in the Atlanta area.

Applicants state that the Georgia consumer finance company licensing authority is unlikely in the near future to grant licenses to new consumer finance offices due to a backlog of license applications and contend that therefore their ability to expand their consumer loan activities through de novo means is restricted. Applicants' contention notwithstanding, Bank and its indirect banking subsidiaries are already present in the Atlanta market and have substantial means available to increase their consumer

[1] Banking data are as of December 31, 1972. Included in these figures are the deposits of Bank and subsidiaries, including "five percent affiliates" of Citizens and Southern Holding Company.

[2] The Atlanta market is approximated by Fulton, DeKalb, Gwinnett, Clayton, and Cobb Counties.

[3] These market shares are computed from a total that includes bank purchases of consumer paper but does not include consumer finance company purchases of consumer paper, data for which is unavailable.

lending activities in that area. However, any adverse effect consummation of the proposed transaction may have on future competition in consumer lending in the area would not be significant in view of the fact that individual borrowers in the Atlanta area may seek consumer loans from more than 80 consumer finance companies with 249 offices, 68 State-chartered credit unions, and 56 commercial banks in the area.

The Macon office of Company held $1.3 million in outstandings at year-end 1972. Only $0.4 million of that total represented direct consumer loans, and the remainder consisted of purchased consumer paper. Company originated approximately 2 percent of total direct consumer loans outstanding held by consumer finance companies in the Macon area at year-end 1972 (roughly 1 percent[4] of total consumer credit[5] outstanding in the area). Seven branches of Bank located in Bibb County, in which the City of Macon is located, held $9.8 million in consumer credit outstanding as of that date, representing 49 percent of bank consumer credit in that County and approximately 24 percent[4] of total consumer credit outstanding in that County. Bank apparently ranks thereby as the largest consumer lender in the Macon area. It is estimated that the aggregate market shares of the four largest consumer lenders in the Macon area amount to 51 percent.[4] Although in another context the amount of existing competition that would be eliminated by approval of the applications may not be considered significant, where, as here, an applicant is already dominant in a concentrated market, its elimination of any independent competitive alternative is viewed as a significant adverse effect.[6]

As Applicants presently do not compete in any geographic market in which Company competes outside the State of Georgia, consummation of the proposed transaction would not adversely affect existing competition in those markets; nor would future competition in those markets be adversely affected as a substantial number of competitors are represented in each of those markets, and the proposed transaction may properly be characterized as a "foothold entry" into those markets.

In its consideration of these applications, the Board has examined certain convenants contained in five-year employment agreements that, if the transaction is consummated, would be entered into with certain principal executives who are also shareholders, but apparently not the sole shareholders, of Company. The covenants are to the effect that the respective executives refrain from competing with Applicants during the terms of their employment. The Board has found that such covenants are reasonable in scope, duration, and geographic area. Two employment agreements, however, contain additional convenants to the effect that the respective executives would refrain from competing with Applicants for an additional seven years after termination of employment. The record does not suggest that the executives who would enter into such convenants would be privy to information that could be characterized as trade or business secrets of Company; nor does it suggest that the duration of such covenants would be necessary to protect the good will of Company. Courts have repeatedly refused to enforce such post-employment covenants entered into by employees of consumer finance companies where such covenants are of greater duration than is necessary to protect a legitimate interest of the employer.[7] In addition, where a post-employment covenant binds a management employee whose duties are not such as to bring him into substantial contact with its customers, the covenant, in the absence of protection of trade or business secrets, would not be enforced by the courts.[8] Further, even if the covenants are viewed as ancillary to the proposed purchase of shares of Company by Applicant, the Board finds that the durations of the covenants are longer than necessary to protect the good will proposed to be acquired. Since the Board finds that the respective post-employment convenants in the instant case are not necessary to protect a legitimate interest of Applicants as purchasers or as employers, the Board concludes that such covenants are in restraint of trade and therefore constitute a significant adverse factor in its consideration of the applications.

There is no evidence in the record indicating that consummation of the proposed transaction would result in any unfair competition, conflicts of interests, or unsound banking practices. It is anticipated that Company's affiliation with Applicants would result in the removal of certain limitations that the management of Company has imposed upon the amounts that may be loaned to individual consumers in single transactions and upon the types of loans made by Company. Applicants have stated that, as their subsidiary, Company would make loans to individual credit-worthy customers up to the legal limits permitted by State law and would provide mobile home, small appliance, and second mortgage loans, in addition to the types of consumer loans presently made by Company. These increases in service and the indirect increase in competition that would result therefrom, as well as the increased availability of financial resources and thereby lendable funds that the proposed affiliation is expected to provide, constitute benefits to the public. However, in the Board's judgment, these expected benefits do not outweigh the adverse effects upon competition noted above.

Accordingly, the applications are hereby denied.

By order of the Board of Governors,[9] effective January 2, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-829 Filed 1-10-74;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisitions of Banks

First City Bancorporation of Texas, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successors by merger to (1) The First National Bank of San Angelo, San Angelo, Texas ("San Angelo Bank"); and (2) The First National Bank of Paris, Paris, Texas ("Paris Bank"). The banks into which San Angelo Bank and Paris

[4] This market share is computed from a total that includes bank purchases of consumer paper, but does not include consumer finance company purchases of consumer paper, data for which is unavailable.

[5] The phrase "total consumer credit" as used herein includes only direct consumer loans originated by banks, consumer finance companies, and credit unions, and retail consumer installment paper purchased and held by banks.

[6] See *The Stanley Works* v. *Federal Trade Commission*, 469 F. 2d 498 (2d Cir. 1972), *cert. denied*, 412 U.S. 928 (1973). The Conference Report accompanying the 1970 Amendments to the Bank Holding Company Act states: "Where a bank holding company seeks to engage in related activities through acquisition, in whole or in part, of a going concern, the elimination of existing competition will be an important negative factor, for other subsidiaries of the bank holding company, or the company itself, may already be providing the products and services in the market served by the company to be acquired. In such circumstances, where the possible benefits to the public of bank holding company activity are already being provided, the elimination of an independent competitive alternative will weigh heavily in the balance against approval." H.R. Rep. No. 91-1747, 91st Cong., 2d Sess., 17 (1970).

[7] See *United Loan Corporation of Tampa* v. *Weddle*, 77 So. 2d 629 (Fla. 1955); *Tawney* v. *Mutual System of Maryland*, 47 S. 2d 327 (Md. 1946); *Securities Acceptance Corporation* v. *Brown*, 106 N.W. 2d 456 (Neb. 1960); *Personal Finance Co. of Lincoln* v. *Hynes*, 265 N.W. 541 (Neb. 1936); *Household Finance Corporation* v. *Sutton*, 43 S.E. 2d 144 (W. Va. 1947).

[8] *Harry Livingston, Inc.* v. *Macher*, 54 A. 2d 169 (Del. 1947); *Menter Co.* v. *Brock*, 180 N.W. 553 (Minn. 1920); *Milwaukee Linen Supply Co.* v. *Ring*, 246 N.W. 567 (Wisc. 1933); *Mutual Loan Co.* v. *Piece*, 65 N.W. 2d 405 (Ia. 1954).

[9] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governor Daane. Concurring Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

Bank are to be merged have no significance except as a means to facilitate the acquisition of the voting share of San Angelo Bank and Paris Bank. Accordingly, the proposed acquisitions of the shares of the successor organizations are treated herein as the proposed acquisitions of the shares of San Angelo Bank and Paris Bank.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the applications in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant control 18 banks with aggregate deposits of $2.4 billion representing approximately 7 percent of total deposits in commercial banks in Texas.[1] Acquisition of San Angelo Bank (deposits of $53.4 million) and of Paris Bank (deposits of $31.9 million) by Applicant would not significantly increase the concentration of banking resources in Texas.

San Angelo Bank ranks as the third largest bank in its relevant banking market with approximately 22.5 percent of deposits in the market.[2] There is no substantial existing competition between any of Applicant's banking subsidiaries and San Angelo Bank, nor is there a reasonable probability of substantial future competition developing between any of Applicant's banking subsidiaries and San Angelo Bank due to the distances involved and Texas branching laws. Affiliation of San Angelo Bank with Applicant may enable the former to become a more vigorous competitor of the largest bank which controls approximately 36 percent of deposits in the market and is presently affiliated with a large Texas bank holding company.

The Board, in its opinion on the application by First International Bancshares, Dallas, to acquire the Citizens First National Bank of Tyler, indicated a concern with the trend toward acquisitions by the largest holding companies in Texas of leading banks in secondary SMSA's. The acquisition of San Angelo Bank is a marginal case but does not warrant denial. San Angelo Bank is not of such an absolute size that the proposed acquisition will significantly contribute to an imbalance in state structure; nor will the acquisition retard the development of the smaller holding companies by removing those larger size banks in secondary SMSA markets which could serve as principal members of such smaller organizations.

Paris Bank is the largest bank in its relevant banking market controlling about 40.5 percent of deposits in the market.[3] There is no substantial existing competition between any of Applicant's banking subsidiaries and Paris Bank, nor is there a reasonable probability of future competition developing between Applicant's banking subsidiaries and Paris Bank due to the distances involved and Texas branching law. Nor is there any substantial existing competition or probability of substantial competition developing between San Angelo and Paris Bank due to the distance between the two. Further, Applicant cannot be considered a probable future entrant into the Lamar County market since the market is relatively unattractive as measured by the population and deposits per banking office ratios, which are considerably lower than the comparable Statewide averages, and also due to the low population growth from 1960 to 1970 of Lamar County compared to the population growth of the State as a whole during that period. Based on these and other facts of record, the Board concludes that the competitive considerations of both applications are consistent with approval.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and San Angelo Bank and Paris Bank are generally satisfactory particularly in view of Applicant's commitment to add capital to San Angelo Bank, Paris Bank, and one of its other banking subsidiaries. This factor weighs in support of approval of both applications. Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the applications. The Board concludes that both applications are in the public interest and should be approved.

On the basis of the record,[4] the applications are approved for the reasons summarized above. The transactions 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 Dallas pursuant to delegated authority.

By order of the Board of Governors,[5] effective January 2, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-831 Filed 1-10-74;8:45 am]

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved by the Board through November 30, 1973.

[2] The relevant banking market for analysis of the acquisition of the San Angelo Bank is approximated by the San Angelo SMSA.

[3] The relevant banking market for analysis of the acquisition of the Paris Bank is approximated by Lamar County. Lamar County is not classified as a secondary SMSA.

[4] Concurring Statement of Governor Daane filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

[5] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, and Holland. Absent and not voting: Chairman Burns and Governors Sheehan and Bucher.

TENNESSEE VALLEY BANCORP, INC.

Order Approving Acquisition of Bank

Tennessee Valley Bancorp, Inc., Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of Commerce Union Bank Chattanooga, Chattanooga, Tennessee ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls four banks in Tennessee which have aggregate deposits of $794.8 million representing about 7.5 percent of deposits in commercial banks in the State and is the fourth largest banking organization in Tennessee. (All banking data are as of June 30, 1973, and reflect acquisitions and formations approved by the Board through November 30, 1973.) Applicant's acquisition of Bank would not presently increase Applicant's share of deposits in Tennessee and would not change Applicant's rank in size since Bank is a proposed new bank.

Applicant is seeking to make its initial entry into the Chattanooga banking market, which is approximated by Hamilton County, Tennessee, and Walker County, Georgia. There are eight commercial banks in the market with the two largest banks controlling approximately 80 percent of the deposits in the market. Applicant's closest subsidiary bank is located about 80 miles north of Bank and in a separate market so that Applicant's acquisition of Bank would not have substantially adverse effects on existing competition in commercial banking. Nor would consummation of the transaction have a substantially adverse effect on future competition between any of Applicant's banking subsidiaries and Bank based on the facts of record including the distances involved and the Tennessee branching laws. Moreover, Applicant's acquisition of Bank could enhance competition in the relevant market by enabling Bank to become a vigorous competitor of the two dominant organizations in the market. Based on the facts of record, the Board concludes that the competitive consequences of the transaction are consistent with approval of the application.

The financial and managerial resources and prospects of Applicant, its subsidiary banks, and Bank are generally satisfactory. These considerations are consistent with approval of the application. Bank's formation and acquisition by Applicant will provide an additional

source of banking services in the market so that considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be executed (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date and (c) Commerce Union Bank Chattanooga, Chattanooga, Tennessee, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors[1] effective January 2, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-830 Filed 1-10-74;8:45 am]

WEST LIBERTY HOLDING CO.

Formation of Bank Holding Company

West Liberty Holding Company, West Liberty, 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)) to become a bank holding company through acquisition of 95.75 percent or more of the voting shares of West Liberty State Bank, West Liberty, Iowa. The factors that are considered in acting on the application are set forth in section 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 Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than January 24, 1974.

Board of Governors of the Federal Reserve System, January 2, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-827 Filed 1-10-74;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

EDUCATION PANEL

Notice of Meeting

JANUARY 7, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Education Panel will meet at Washington, D.C., on January 23 and 24, 1974.

The purpose of the meeting is to review planning and Development applications submitted to the National Endowment for the Humanities for grants to educational institutions.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee,
Management Officer.

[FR Doc.74-878 Filed 1-10-74;8:45 am]

FELLOWSHIPS PANEL

Notice of Meeting

JANUARY 4, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Fellowships Panel will meet at Washington, D.C. on January 30, 1974.

The purpose of the meeting is to review Junior College Teacher Fellowship and Summer Stipend applications submitted to the National Endowment for the Humanities for Individual Fellowship grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.74-871 Filed 1-10-74;8:45 am]

FELLOWSHIPS PANEL

Notice of Meeting

JANUARY 4, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Fellowships Panel will meet at Fort Worth, Texas on January 23, 1974.

The purpose of the meeting is to review Junior College Teacher Fellowship and Summer Stipend applications submitted to the National Endowment for the Humanities for Individual Fellowship grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.74-873 Filed 1-10-74;8:45 am]

FELLOWSHIPS PANEL

Notice of Meeting

JANUARY 4, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Fellowships Panel will meet at Washington, D.C. on January 25, 1974.

The purpose of the meeting is to review Junior College Teacher Fellowship and Summer Stipend applications submitted to the National Endowment for the Humanities for Individual Fellowship grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552 (b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Offi-

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, and Holland. Absent and not voting: Governors Sheehan and Bucher.

cer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee,
Management Officer.

[FR Doc.74–874 Filed 1–10–74;8:45 am]

FELLOWSHIPS PANEL

Notice of Meeting

JANUARY 4, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Fellowships Panel will meet at Fort Myers, Florida on January 18, 1974.

The purpose of the meeting is to review Junior College Teacher Fellowship and Summer Stipend applications submitted to the National Endowment for the Humanities for Individual Fellowship grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee,
Management Officer.

[FR Doc.74–872 Filed 1–10–74;8:45 am]

FELLOWSHIPS PANEL

Notice of Meeting

JANUARY 4, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Fellowships Panel will meet at Chicago, Illinois on January 25, 1974.

The purpose of the meeting is to review Junior College Teacher Fellowship and Summer Stipend applications submitted to the National Endowment for the Humanities for Individual Fellowship grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee,
Management Officer.

[FR Doc.74–875 Filed 1–10–74;8:45 am]

FELLOWSHIPS PANEL

Notice of Meeting

JANUARY 7, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Fellowships Panel will meet at Washington, D.C. on January 24 and 25, 1974.

The purpose of the meeting is to review applications submitted under the Fellowships in Selected Fields Program in the field of Historical, Social, and Cultural Studies of U.S. Ethnic Minorities to the National Endowment for the Humanities for Individual Fellowship grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, NW, Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee,
Management Officer.

[FR Doc.74–876 Filed 1–10–74;8:45 am]

FELLOWSHIPS PANEL

Notice of Meeting

JANUARY 7, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Fellowships Panel will meet at Washington, D.C. on January 25 and 26, 1974.

The purpose of the meeting is to review Younger Humanist Fellowship applications submitted to the National Endowment for the Humanities for Individual Fellowship grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.74–877 Filed 1–10–74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR RESEARCH

Notice of Ad Hoc Task Group Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Ad Hoc Task Group No. 2 of the Advisory Committee for Research to be held at 9 a.m. on January 24 and 25, 1974, in Room 511 at 1800 G Street, NW., Washington, D.C. 20550.

The purpose of the Committee is to provide advice and counsel concerning research activities and potential in the United States and to consult on problems in the administration of research support. This informal subgroup of the Committee is meeting to consider and discuss specific topics of interest to the full Committee.

The agenda for this meeting shall include discussion of means of identifying the impact of NSF Research Project Support on the advancement of scientific knowledge.

This meeting shall be open to the public. Individuals who wish to attend should inform Mr. Leonard F. Gardner, Special Assistant, Directorate for Research, by telephone (202–632–4278) or by mail (Room 320, 1800 G Street, NW., Washington, D.C. 20550) prior to the meeting. Persons requiring further information concerning the Committee or this Task Group should contact Mr. Leonard F. Gardner at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K–720, 1800 G Street, NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director
for Administration.

JANUARY 2, 1974.

[FR Doc.74–862 Filed 1–10–74;8:45 am]

OVERSEAS PRIVATE INVESTMENT CORPORATION

EXECUTIVE VICE PRESIDENT

Redelegation of Authority A–73–5

Pursuant to the authority delegated to me by the Board of Directors of the Overseas Private Investment Corporation ("OPIC") through its duly adopted bylaws, I hereby redelegate to the Executive Vice President, OPIC, to the extent consistent with the law, all the authority now or hereafter delegated to or conferred upon me as President of OPIC, either by the bylaws, by any resolution duly adopted by the Board of Directors of OPIC, or otherwise. Paragraph (1) of OPIC Redelegation of Authority A–71–1, 36 FR No. 137, Friday, July 16, 1971 is hereby revoked. The remainder of OPIC Redelegation of Authority A–71–1 shall remain in full force in effect. This redelegation of authority shall be effective immediately.

Dated: December 26, 1973.

MARSHALL T. MAYS,
President.

[FR Doc.74–866 Filed 1–10–74;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM–100]

STUDY GROUP 8 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 8 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on January 18, 1974, at 9:30 a.m. in Room 856, Federal Communications Commission, 1919 M Street NW., Washington, D.C.

Study Group 8 studies matters relating to systems of radiocommunications and radiodetermination for the mobile services. The purpose of the meeting on January 18 will be to consider the Foreign contributions to the final meeting of Study Group 8 in 1974.

Members of the general public who desire to attend the meeting on January 18 will be admitted up to the limits of the capacity of the meeting room.

Dated: January 2, 1974.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.74–1032 Filed 1–10–74;11:16 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. E–27]

Mandatory Middle Distillate Fuels Allocation Program

1. *Purpose.* This regulation provides revised policy and procedures regarding the submission of agency requirements for fuels (diesel and burner) and kerosene to the Defense Fuel Supply Center (DFSC) under the provisions of FPMR 101–26.602–3.

2. *Effective date.* This regulation is effective January 11, 1974.

3. *Expiration date.* This regulation expires June 30, 1974, unless sooner revised or superseded. Prior to the expiration date, this regulation will be codified in the permanent regulations of the General Services Administration appearing in Title 41, CFR, Public Contracts and Property Management.

4. *Applicability.* The provisions of this regulation apply to all executive agencies and to those other Federal agencies that have been voluntarily participating in the program established in FPMR 101–26.602–3.

5. *Background.* a. The Energy Policy Office (EPO) published EPO Reg. 1—Mandatory Allocation Program for Middle Distillate Fuels, in 38 FR 28660, dated October 16, 1973, establishing a national mandatory fuels allocation program. Essentially, the regulation provides that, for its duration, fuel suppliers of record in calendar year 1972 must furnish to each of the activities supplied by them in 1972, such quantities as were supplied to those activities in the like month of 1972, or a pro-rata share of the product available to the suppliers. Further, under the allocation program it is the responsibility of the activity to notify its supplier(s) within 30 days if the quantity offered differs from the purchaser's records of 1972 deliveries.

b. Because of the direct relationship required between agencies and their suppliers to determine quantities (like or pro rata) to be delivered, th DFSC will not contract centrally for items covered by the mandatory middle distillate fuels allocation program for the duration of the program.

6. *Revised policy.* The policy and procedures in FPMR 101–26.602–3 setting forth agency actions required to obtain from DFSC their requirements for fuel are hereby suspended to the extent such policy and procedures pertain to the acquisition of numbers 1 and 2 fuel oils, kerosene, and all diesel fuels. Each agency shall contact its 1972 supplier(s) and arrange for future delivery of the aforementioned fuels in such quantities as equal those provided for the like month in 1972 or a pro rata share of the product available to the supplier(s) if the applicable 1972 quantities are not available.

7. *Assistance available from DFSC.* a. If the quantity available from the 1972 supplier is insufficient or if the agency did not have a supplier in 1972, a request for assistance shall be submitted to DFSC on Department of the Interior, Office of Oil and Gas Form OOG–PAP–17–11–73–25M. Copies of this form are available from regional offices of the Office of Oil and Gas listed in attachment. A. All information required by the form shall be furnished and only essential requireemnts submitted. DFSC will process such requests to the appropriate regional office of the Office of Oil and Gas.

b. When there is an existing DFSC contract, agencies should continue to place orders for delivery under the contract. oCntractors that were 1972 suppliers are required to continue deliveries subject to the allocation provisions of the program.

c. If the contractor was not the 1972 supplier and cannot deliver pursuant to orders placed because of his obligations under the mandatory middle distillate fuels allocation program, under provisions of the mandatory program the contractor is relieved without penalty for those items for which he was not the 1972 supplier. If the foregoing circumstances prevail, agencies shall follow the provisions in a, above.

d. The DFSC is preparing a listing of 1972 suppliers which will be mailed to those suppliers and the using activities. In addition, DFSC will provide recipients of contract bulletins with suppleemnts thereto containuing additional information concerning the mandatory middle distillate fuels allocation program.

8. *Effect on other issuances.* This regulation modifies that portion of the policy and procedures in FPMR 101–26.602–3 pertaining to executive agency acquisition of items referenced in paragraph 6.

DECEMBER 20, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

DEPARTMENT OF THE INTERIOR

OFFICE OF OIL AND GAS REGIONAL OFFICES

Address	*Areas served*
REGION 1	
Regional Director, Office of Oil and Gas, Room 607, 150 Causeway St., Boston, MA 02114.	Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut.
REGION 2	
Regional Director, Office of Oil and Gas, 252 7th Avenue, Fourth Floor, New York, NY 10011.	New York, New Jersey, Virgin Islands, Puerto Rico.
REGION 3	
Regional Director, Office of Oil and Gas, Federal Office Bldg., Room 7248, 600 Arch Street, Philadelphia, PA 19106.	Pennsylvania, Delaware, Virginia, West Virginia, Maryland, District of Columbia.
REGION 4	
Regional Director, Office of Oil and Gas, Room 924, 1718 Peachtree Street NE, Atlanta, GA 30309.	North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Canal Zone.

REGION 5

Regional Director, Office of Oil and Gas, Federal Office Bldg., Room 218, 536 South Clark Street, Chicago, IL 60605. Michigan, Illinois, Wisconsin, Minnesota, Indiana, Ohio.

REGION 6

Regional Director, Office of Oil and Gas, Room 2104, 2320 La Branch Street, Houston, TX 77004. Texas, Louisiana, Oklahoma, New Mexico, Arkansas.

or

Regional Director, Office of Oil and Gas, Federal Office Bldg., 600 South Street, New Orleans, LA 70130.

REGION 7

Regional Director, Office of Oil and Gas, Federal Office Bldg., Room 2511, 911 Walnut St., Kansas City, MO 64106. Iowa, Nebraska, Missouri, Kansas.

REGION 8

Regional Director, Office of Oil and Gas, Denver Federal Center, Room 1470, Building 67, Denver, CO 80225. Montana, Wyoming, North Dakota, South Dakota, Colorado, Utah.

REGION 9

Regional Director, Office of Oil and Gas, Federal Office Bldg., 450 Office Bldg., Box 36032, San Francisco, CA 94102. California, Nevada, Arizona, Hawaii, American Samoa, Guam, Trust Territory of the Pacific Islands.

REGION 10

Regional Director, Office of Oil and Gas, Federal Office Bldg., 909 First Ave., Room 3098, Seattle, WA 98104. Washington, Alaska, Oregon, Idaho.

[FR Doc.74-1030 Filed 1-10-74;11:29 am]

VETERANS ADMINISTRATION

CHIEF MEDICAL DIRECTOR'S AD HOC ADVISORY COMMITTEE ON SPINAL CORD INJURY

Notice of Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Chief Medical Director's Ad Hoc Advisory Committee on Spinal Cord Injury will be held at the Veterans Administration Central Office, Washington, D.C. on January 15-16, 1974 at 9:00 a.m. The meeting will be for the purpose of receiving consumer advice on program plans, specialized facilities and equipment for the treatment of the spinal cord injured patients in Veterans Administration hospitals.

The meeting will be opened to the public up to the seating capacity of the room. Because of the limited seating capacity of the room, those who plan to attend should contact Dr. Peter C. Hofstra, Director of Spinal Cord Injury Service, VA Central Office, Washington, D.C. (202-389-3032) prior to January 14, 1974.

Minutes of the meeting and a roster of committee members may be obtained from Howard L. Bennett, Staff Assistant to Director, Spinal Cord Injury Service, Veterans Administration, Washington, D.C. 20420 (phone 202-389-2076).

Dated: January 7, 1974.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.74-911 Filed 1-10-74;8:45 am]

COOPERATIVE STUDIES EVALUATION COMMITTEE

Notice of Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 USC 4101, will be held in Room 119 of the main VA building, 810 Vermont Avenue NW, Washington, D.C. on February 5, 1974. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the VA on the relevance and feasibility of the studies, the adequacy of the protocols, the scientific validity and the propriety of technical details, including involvement of human subjects. The Committee advises the Assistant Chief Medical Director for Research and Development through the Chief, Cooperative Studies Program on its findings.

The meeting will be open to the public up to the seating capacity of the room from 8 to 9 a.m. to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. James A. Hagans, Coordinator of the Committee, VA Central Office, Washington, D.C. (202-389-3702) prior to January 15.

The meeting will be closed from 9 a.m. to 5 p.m. for consideration of specific proposals. During this portion of the meeting, discussion and decisions will deal with qualifications of personnel conducting the studies and to medical records of patients who are study subjects, the disclosure of which would constitute an invasion of personal privacy.

Dated: January 7, 1974.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.74-913 Filed 1-10-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-74-2]

FISHER MILLS, INC.

Grant of Variance

I. *Background.* Fisher Mills, Inc., 3235 16th Avenue SW., Seattle, Washington 98134, made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; (29 U.S.C. 655)) and 29 CFR 1905.11 for a variance from 29 CFR 1910.176(f), concerning the use of derail and/or bumper blocks to prevent rolling railroad cars from contacting other cars being worked on, or entering a building, work, or traffic area. Notice of the application was published in the FEDERAL REGISTER on February 8, 1973 (38 FR 3645). The notice invited interested persons to submit written data, views and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application. No written comments were received, nor was there any request for a hearing.

II. *Facts.* The place of employment affected by this variance is Fisher Mills, Inc., 3235 16th Avenue SW., Seattle, Washington 98134. All switching of railroad cars from the main track to the spur track of the applicant is planned and follows a set procedure. A gate providing entrance for railroad cars to the applicant's facility is locked at all times, except during the switching operation. At such a time a switchman contacts the foreman from outside the gate by phone, requesting the foreman to unlock the gate in order to move the railroad cars into the plant. The foreman unlocks the gate, and the cars are moved onto the spur track while connected to, and under the control of, a switch engine. The cars are not allowed to move freely at any time. After the switch is completed, the foreman places a stanchion containing a blue flag on the last car, then closes and locks the gate. Employees are not allowed to work on any cars on the spur track during the switching operation. Where power industrial trucks are used to load or unload railroad cars, wheel stops are used to prevent the cars from rolling during loading and unloading. When a car is being manually loaded or unloaded, or is being repaired, wheel stops and/or the handbrake of the car are used to prevent the car from rolling.

III. *Decision.* The standard in question provides that "derails and/or bumper blocks shall be provided on spur railroad tracks where a rolling car could contact

other cars being worked, enter a building, work or traffic area." A rolling car is a car moving freely and it is to such a situation that the standard is addressed. In the case of the applicant, a switching operation is controlled by an attached power unit. Once the railroad car has been detached from the control engine, measures are taken to prevent the car from accidentally rolling, by means of wheel stops and/or the use of the handbrake. Furthermore, the gate is locked at all times except during the switching operation, to preclude the possibility of a stray car from accidentally entering the work area.

It appears that the switching procedure and the safety measures used by Fisher Mills, Inc., in connection with railroad cars on its spur track assure as safe a place of employment as this would be if derails or bumper blocks were used.

IV. *Order—It is ordered,* Pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and Secretary of Labor's Order No. 12–71 (36 FR 8754), that Fisher Mills, Inc., be, and it is hereby, authorized to use railroad cars on its spur track without complying with the requirements in § 1910.176(f), provided that:

(i) When railroad cars are moved onto the spur track, they are connected to, and are under the control of, a switch engine, and are not permitted to move freely at any time;

(ii) The gate, through which the railroad cars pass to enter the applicant's facility, are closed and locked at all times except during switching;

(iii) The "blue flag" rule is adhered to during the switching operation;

(iv) No persons are allowed to work on any railroad cars on the spur track during a switching operation;

(v) Wheel stops and handbrakes are used to prevent the cars from rolling once they have been detached from the control engine; and

(vi) As soon as possible, affected employees are to be notified of this order by the same means required to be used to inform them of the application for the variance.

Effective date. This order shall become effective on January 11, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 8th day of January, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–915 Filed 1–10–74;8:45 am]

[V–74–3]

HARRIS CONSTRUCTION CO., INC.

Application for Variance and Interim Order; Denial of Interim Order

I. *Notice of application.* Notice is hereby given that Harris Construction Company, Inc., 1505 N. Chestnut Avenue, Fresno, California 93702 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; (29 U.S.C. 655)) and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1926.451(a) (6) and (10) concerning scaffolding, and adopted by 29 CFR 1910.12.

Places of employment that will be affected by the application are all construction jobs on which the applicant acts as owner, general contractor, or subcontractor.

The applicant certifies that employees who would be affected by the variance have been notified of the application by its giving a copy of it to all project supervisors and superintendents, and by its posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary of Labor for a hearing. Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1926.451(a) (6) and (10), which sets certain requirements for scaffolds.

The applicant states that the No. 18 gauge U.S. Standard wire ½ inch mesh screening required by 29 CFR 1926.451 (a) (6) is not available as a standard item. It also contends that the closest equivalent, No. 19 gauge ½ inch mesh, is very stiff, weighs 116 pounds per 100 feet, and is unwieldly on the scaffold. Therefore, the applicant proposes to use No. 20 gauge U.S. Standard wire, 1 inch mesh, which it contends is of sufficient strength and dimension to prevent equipment and material normally used on scaffold from falling, possibly, on employees below.

The applicant further states that its tubular welded frame scaffolds are designed for 10 foot spans of scaffold plank. It proposes to use nominal 2 x 10 inch Select Structural Grade Douglas Fir in spans of 10 feet, rather than the 8 foot maximum spans allowed by 29 CFR 1926.451(a) (10). It states that all planks are rodded and corners chamfered, and they are regularly inspected and discarded when damaged or weakened.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Room 508, Washington, D.C. 20210, and at the following Regional and Area Offices:

REGIONAL OFFICE

U.S. Department of Labor, Occupational Safety and Health Administration, 9470 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, California 94102.

AREA OFFICE

U.S. Department of Labor, Occupational Safety and Health Administration, 100 McAllister Street, Room 1706, San Francisco, California 94102.

Interested persons, including affected employers and employees, are invited to submit written data, views and arguments regarding the application for a variance by February 11, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application for a variance on or before February 11, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing shall be in quadruplicate, and shall be addressed to the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Room 508, Washington, D.C. 20210.

ii. *Denial of interim order.* Harris Construction Company, Inc., has also requested an interim order to be effective pending a decision on its application for a variance. The request is denied because it appears unlikely that the company will be able to support its contention that No. 20 gauge U.S. Standard wire, 1 inch mesh, will provide as safe a place of employment as No. 18 gauge U.S. Standard wire, ½ inch mesh, as required by § 1920.451(a) (6). It would appear that more things would slip through a 1 inch mesh than through a ½ inch mesh. For instance, a brick chisel would fit through 1 inch mesh wire, but not through a ½ inch mesh wire. Nor does it appear likely that the company will be able to show that the 2 x 10 inch nominal thickness lumber it proposes to use with 10 foot spans would provide as safe a place of employment as the same lumber used with 8 foot spans, which is the maximum allowed by § 1926.451(a) (10). The maximum spans allowed by the standard already provide only a minimum safety factor.

Moreover, there is no showing that the denial of the interim order would cause irreparable injury to the company, while a lowering of the safety protection might result in irreparable injury to workers.

For these reasons, the request of Harris Construction Company, Inc., for an interim order is denied, without prejudice to its application for a variance.

Signed at Washington, D.C. this 8th day of January, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–916 Filed 1–10–74;8:45 am]

[V–74–1]

SWANSON BOAT OAR FACTORY

Grant of Variance

1. *Background.* Swanson Boat Oar Factory made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596 (29 U.S.C. 655)) and 29 CFR 1905.11 for a variance from the standard prescribed in 29 CFR 1910.213 (c) (1), concerning hoodguards. Notice of the application was published in the FEDERAL REGISTER on December 7, 1972 (37 FR 26069). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to

request a hearing on the application. No written comments were received, nor was there a request for a hearing.

2. *Facts.* The address of the place of employment affected by the application is Swanson Boat Oar Factory, 58 Bradish Avenue, Albion, Pennsylvania 16401. The applicant asserts that it is unable to comply with § 1910.213(c)(1), which required a completely enclosed hoodguard over that portion of a saw above the table (allowing for the thickness of the material being cut), because of the nature of the work being performed. The operation performed with its looming saws requires that the material be hand-fed, because it must be cut only part way and then pulled back. At times, it is necessary that material ripped part way be raised over the top of the saw.

The applicant has provided the following safety measures:

(i) Saws are equipped with a spreader in accordance with § 1910.213(c)(2) to prevent material from being thrown back at the operator. The spreader is made of hard tempered steel and is thinner than the saw kerf. It is stiff and rigid enough to resist any reasonable side thrust or blow tending to bend or throw it out of position. The spreader is attached so that it remains in true alignment with the saw and there is no more than ½ inch space between it and the saw;

(ii) Saws are mounted on large tables so as to keep the operators as far away from the point of operation as possible;

(iii) The operators are thoroughly trained; and

(iv) Overhead guards which will not shatter when broken and are nonexplosive are mounted slightly above the saws.

3. *Decision.* Although the applicant is not complying with the requirements in § 1910.213(c)(1), its alternative devices do appear to provide the same type and degree of protection for which the standard was developed. The purpose of § 1910.213(c)(1) is to prevent an operator from accidentally placing his hands in the region of the blades, and to protect him from flying splinters and broken saw teeth. The spreader and the table mounting used by the applicant effectively prevent an operator from accidentally placing a hand in the cutting area of the saw, and also prevent material from being thrown back at the operator. The overhead guard mounted slightly above the saw also prevents material from being thrown back at the operator.

The committee which developed the standard from which § 1910.213(c) was derived (ANSI 01.1–1954 (Reaffirmed 1961), Safety Code for Woodworking Machinery), recognized that the standard could not be applied to every saw, and that adequate protection could be provided with alternative devices. A note to section 4 of the ANSI standard states as follows:

NOTE: It is recognized that the standards for saw guards in 4.1 are not perfectly applicable to all operations for which saws are used. The standards given are those which woodworkers have agreed are most generally useful. Since there are a considerable number of cases not satisfactorily met by these standards, the enforcing authority should exercise rather wide latitude in allowing the use of other devices which give promise of affording adequate protection. It may be expected that by doing so further progress in saw guarding will be encouraged.

4. *Order—It is ordered,* pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and Secretary of Labor's Order No. 12–71 (36 FR 8754), that the Swanson Boat Oar Factory be, and it is hereby, authorized to use its looming saws without fully complying with § 1910.213(c)(1), provided that:

(i) The saws are equipped with spreaders in accordance with § 1910.213(c)(2);

(ii) The saws are mounted on tables of sufficient size to keep the operators as far away from the point of operation as possible while still being able to perform their tasks;

(iii) All employees using the saws are thoroughly trained;

(iv) Overhead guards which will not shatter when broken and are nonexplosive are mounted slightly above the saws; and

(v) As soon as possible, Swanson Boat Oar Factory gives notice to affected employees of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on January 11, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 8th day of January, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–918 Filed 1–10–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 421]

ASSIGNMENT OF HEARINGS

JANUARY 8, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 117574 Sub 202, Daily Express, Inc., now assigned February 25, 1974, at Dallas, Tex., is canceled and application dismissed.

MC 126305 Sub 52, Boyd Brothers Transportation Co., Inc., now assigned January 23, 1974, at Birmingham, Ala., is postponed indefinitely.

MC–138947, C. P. Transport, Inc., now assigned January 15, 1974, at Boston, Mass., is postponed indefinitely.

MC 138814, William A. Addison and L. O. McCullough, doing business as AD–Mac Trucking Company, now assigned January 16, 1974, at Washington, D.C., is canceled and application dismissed.

MC–F–11857, Carolina East Furniture Transport, Inc.—Control—UFT Transport, Company, FD 27397, Carolina East Furniture Transport, Inc., now being assigned hearing February 25, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35888, Albemarle Paper Company V. Norfolk and Western Railway Company, Et Al, now assigned January 29, 1974, at Washington, D.C., is postponed to April 23, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 110525 Sub 1024, Chemical Leaman Tank Lines, Inc., Extension Chattanooga, Tenn., MC 116459 Sub 42, Russ Transport, Inc., Extension-Chattanooga, Tenn., MC 124078 Sub 503, Schwerman Trucking Co., Extension-Chattanooga, Tenn., and MC 136903 Sub 7, Intermodal Transport, Inc., now assigned hearing January 14, 1974, at Atlanta, Ga., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–931 Filed 1–10–74;8:45 am]

[No. AB–48 (Sub-No. 2) and No. AB–5 (Sub-No. 160)]

ERIE LACKAWANNA RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Abandonment of Trackage Rights Between Lawrenceville and Blossburg, Pa.

JANUARY 4, 1974.

Present: Kenneth H. Tuggle, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceedings and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing that no environmental impact statement need be issued in these proceedings, because these proceedings do 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. 4321, et seq.); and good cause appearing therefore:

It is ordered, That applicants be, and they are hereby, directed to publish the appended notice in a newspaper of general circulation in Tioga County, Pa., within 15 days of the date of service of this order, and certify to this 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 3rd day of January, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated January 3, 1974 it has been determined that the proposed abandonment of the line of Erie Lackawanna Railway Company between Lawrenceville and Blossburg, Pa., a distance of approximately 26.94 miles, and the proposed abandonment of the trackage rights of the Penn Central Transportation Company over the Erie Lackawanna tracks between Lawrenceville and Blossburg, Pa., a distance of 26.54 miles, if approved by the Commission, would 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 inasmuch as no traffic has moved over this line since June, 1972, and nearby alternative rail access is available, there will be a minimal impact on the area's total transportation scheme. Furthermore, approval of the abandonments will facilitate the sale of an 8.31-mile segment of the line to the United States, thereby permitting the construction of the Tioga-Hammond Lakes Project by the Army Corps of Engineers. This project, when completed, will not only provide flood control measures for the Tioga River Valley, but it will also enhance the area's potential for recreational uses. The right-of-way of the rail line, if the abandonment is approved, is ideally suited for such recreational uses as a public bike and hiking trail. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before January 28, 1974.

[FR Doc.74-929 Filed 1-10-74;8:45 am]

[MC-C-8200]

SUNKIST GROWERS INC.
Petition for Declaratory Order

JANUARY 8, 1974.

In the matter of Petitioner: Sunkist Growers, Inc., P.O. Box 7888, Valley Annex, Van Nuys, Calif. 91409. Petitioner's representative: Dirkson R. Loos, Pope, Ballard & Loos 888 17th Street, NW., Washington, D.C. 20006. Notice of this petition was published in the FEDERAL REGISTER issue of December 28, 1973. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before February 11, 1974.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-930 Filed 1-10-74;8:45 am]

[Notice 3]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 31, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74891. By order entered January 7, 1974, the Motor Carrier Board approved the transfer to Roger L. Hansen, doing business as Roger Hansen Trucking, Kranzburg, South Dakota, of the operating rights set forth in Certificate No. MC-125697, issued August 15, 1973, to Lester Hansen Elevator, Inc., Kranzburg, South Dakota, authorizing the transportation of feed and fertilizer, fencing supplies, twine, and agricultural chemicals, from Gluek and Minneapolis, Minn., to Castlewood, Kranzburg, and Watertown, S. Dak., and feed ingredients, in bulk, from Minneapolis, Minn., to Clear Lake, S. Dak. Irving A. Hinderaker, 25 First Ave. SW., P.O. Box 766, Watertown, S. Dak. 57201, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-927 Filed 1-10-74;8:45 am]

[Notice 1]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 4, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) and 311(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before January 28, 1974. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 61396 (Sub-No. 262 TA) (CORRECTION), filed December 3, 1973, published in the FEDERAL REGISTER issue of December 21, 1973, and republished as corrected this issue. Applicant: HERMAN BROS., INC., P.O. Box 189, Downtown Station, 2501 N. 11th Street, Omaha, Nebr. 68110. Applicant's representative: J. R. Chesney (same address as above).

NOTE.—The purpose of this partial republication is to correct the Sub number to No. MC 61396 (Sub-No. 262 TA) in lieu of No. MC 61396 (Sub-No. 260 TA), which was published in the Federal Register in error. The rest of the application will remain the same.

No. MC 109397 Sub 289 TA, filed December 14, 1973. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, East on Interstate Business Route 44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of Skyland Foods at Delta, Colo., to points and places in Kansas, Oklahoma, Texas, Missouri, Arkansas, Iowa, Illinois, and Nebraska, for 180 days. SUPPORTING SHIPPER: Skyland Food Corporation, 917 Dodge Street, P.O. Box 250, Delta, Colo. 81416. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114211 Sub 216 TA, filed December 14, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50701. Applicant's representative: Patrick Smyth, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from the plantsite of Bethlehem Steel Corporation, Lackawanna, N.Y., to points in Illinois, Indiana, Iowa, Michigan (Lower Peninsula), Ohio, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Bethlehem Steel Corporation, Bethlehem, Pa. 18016. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 119400 Sub 13 TA, filed December 18, 1973. Applicant: SIMANEK, INC., 150 West 7th Street, Wahoo, Nebr. 68066. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Liquid fertilizer solutions,* in bulk, in tank vehicles, (1) from Doniphan, Nebr., and Kansas City, Mo., to points in Kansas; and (2) from Kansas City, Mo., and Kansas City, Kans., to points in Nebraska, for 180 days. SUPPORTING SHIPPER: J. J. Stefanec, Agrico Chemical Company, Box 3166, Tulsa, Okla. 74101. SEND PROTESTS TO: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Court House, Lincoln, Nebr. 68508.

No. MC 119641 Sub 116 TA, filed December 13, 1973. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, P.O. Box 471, Fowler, Ind. 47944. Applicant's representative: Leo A. Maciolek, R.R. No. 1, Box 335, Moline, Ill. 61265. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), from Philadelphia, Pa. to points in Illinois, Indiana, Iowa, Kentucky, Michigan, and Ohio, for 150 days. SUPPORTING SHIPPER: Deere & Company 400–19 Street, Moline, Ill. 61265. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 123651 Sub-1 TA, filed December 13, 1973. Applicant: LABARGE TRUCKING CO., INC., P.O. Box 118, LaBarge, Wyo. 83123. Applicant's representative: Miss Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* in tank vehicles, from points in Davis County, Utah, to points in Uinta, Lincoln, Sublette, Teton and Sweetwater Counties, Wyo., and from points in Lincoln, Sweetwater, and Sublette Counties, Wyo., to points in Davis County, Utah, for 180 days. SUPPORTING SHIPPER: Decker Oil Inc., LaBarge, Wyo. 83123. SEND PROTESTS TO: District Supervisor Paul A. Naughton, Bureau of Operating Rights, Interstate Commerce Commission, Room 1006, Federal Bldg. and Post Office, 100 East B Street, Casper, Wyo. 82601.

No. MC 135797 (Sub-No. 18 TA), filed December 10, 1973. Applicant: J. B. HUNT TRANSPORT, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Antifreeze or engine coolant preparations* (except in bulk or tank equipment), from Texas City, Tex., to points in Arkansas, Louisiana, Missouri, Oklahoma, Kansas, and Tennessee (Brownsville only). RESTRICTION: Restricted to traffic destined to Wal-Mart Stores, Inc., at named destination states and points, for 180 days. SUPPORTING SHIPPER: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, Ark. 72712. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 135797 (Sub-No. 19 TA), filed December 13, 1973. Applicant: J. B. HUNT TRANSPORT, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Pet foods,* in cans or containers, from the plant site of Hi-Life Packing Company at Chicago, Ill., to points in Mississippi, Minnesota, Wisconsin, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, and Kentucky (except the commercial zone of Louisville, Ky.), for 180 days. SUPPORTING SHIPPER: Hi-Life Packing Company, 8 S. Michigan Ave., Chicago, Ill. 60605. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309

No. MC 136482 (Sub-No. 3 TA), filed December 19, 1973. Applicant: GENE DAVIS, doing business as TAR-HEEL OIL COMPANY OF STATESVILLE, Route 3, Box 15, Statesville, N.C. 28677. Applicant's representative: Bill R. Davis, 1208 Gas Light Tower, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Asphalt,* in bulk, in tank vehicles, from Charleston, S.C., to points in Georgia, North Carolina, Tennessee, and Virginia, for 180 days. SUPPORTING SHIPPER: G. G. Ray Company/Rays Company, P.O. Box 17128, Charlotte, N.C. 28211. SEND PROTESTS TO: District Supervisor Terrell Price, Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Road, Room CC516, Charlotte, N.C. 28205.

No. MC 139292 (Sub-No. 1 TA), filed December 11, 1973. Applicant: SATURN EXPRESS, INC. 1725 Eye Street, Omaha, Nebr. 20006. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Swift Fresh Meats Company at or near Grand Island, Nebr., to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. SUPPORTING SHIPPER: Swift Fresh Meats Company, a Division of Swift and Company, 115 West Jackson Blvd., Chicago, Ill. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 110 North 14th Street, Suite 620, Union Pacific Plaza Building, Omaha, Nebr. 68102.

No. MC 139301 (Sub-No. 1 TA), filed December 11, 1973. Applicant: JOE BROWN, doing business as LIMOUSINE CREW CAR SERVICE, 815 Commerce Street, Forth Worth, Tex. 76102. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Railway train crews of the Atchison, Topeka and Santa Fe Railway Co.,* between Gainesville, Tex., on the one hand, and, on the other, Thackerville, Marietta, Overbrook, Ardmore, Lone Grove, Wilson, Gaspurs, Healdton, Ringling, Gene Autry, Crusher, Dolese, Dougherty, Rayford, Davis, Wynnewood, Pauls Valley, Lindsay Jct., Neill, Maysville, Paoli, Wayne, Purcell, Noble, Norman, Moore, Flynn, Oklahoma City, Guthrie, Stillwater, and Perry, Okla., and Arkansas City, Kans., for 180 days. RESTRICTION: The service authorized herein is (1) restricted to the transportation of railroad train crews under contract with the Atchison, Topeka and Santa Fe Railway Co.; (2) restricted to the pickup or delivery of such railroad train crews at train locations on the rail sidings of the Atchison, Topeka and Santa Fe Railway Co., and (3) restricted to the use of vehicles of a rated seating capacity of 12 passengers. SUPPORTING SHIPPER. Atchison, Topeka & Santa Fe Railway Co., P.O. Box 2138, 1601 Jones Street, Fort Worth, Tex. 76101. SEND PROTESTS TO: H. C. Morrison, Sr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 139321 (Sub-No. 1 TA), filed December 18, 1973. Applicant: COILE CONTRACT CARRIER, INC., Blue Ridge Industrial Park, Norcross, Ga. 30071. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) (a) *Lead bearing scrap materials and equipment, materials and supplies used in the processing thereof;* and (b) *brass ferrules and brass flanges; lead wool solder and scrap materials,* from points in Alabama, Florida, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin to plantsites and warehouse facilities utilized by Seitzinger's, Inc., in Atlanta, Ga.; (2) (a) *metal alloys;* and (b) *fabricated lead products,* from the plantsites and warehouse facilities of Seitzinger's, Inc., in Atlanta, Ga.; to points in the United States on and East of the westernmost boundaries of Minnesota, Iowa, Missouri, Arkansas, and Texas. RESTRICTION: (1) restricted against the transportation of commodities in bulk and those which because of size or weight require the use of special

equipment; (2) restricted to services to be performed under a continuing contract with Seitzinger's, Inc., for 180 days. SUPPORTING SHIPPER: Seitzinger's Inc., 900 Ashby Street NW., Atlanta, Ga. 30318. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 139324 TA (CORRECTION), filed December 5, 1973, published in the FEDERAL REGISTER issue of December 27, 1973, and republished as corrected this issue. Applicant: COURTESY MOBILE HOME TRANSPORTING, INC., Shady Lane Tr. Ct., Route 4, Kalispell, Mont. 59901. Applicant's representative: Merrel Cline (same address as applicant).

NOTE.—The purpose of this partial republication is to correct the MC number to No. MC 139324 TA in lieu of No. MC 139323 TA, which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 139335 Sub 1 TA, filed December 13, 1973. Applicant: JACKSON TRANSFER, INC., 1803 W. Washington St., Bloomington, Ill. 61701. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Rd., Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and warehouse facilities of LaSalle Steel Company at Hammond, Ind., to points in Illinois, for 180 days. SUPPORTING SHIPPER: Mr. M. O. Jarchow, Traffic Manager, LaSalle Steel Company, 1412 150th Street, Hammond, Ind. 46320. SEND PROTESTS TO: Richard K. Shullaw, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 139350 TA, filed December 10, 1973. Applicant: JORDAN SAND AND GRAVEL CO., INC., 1300 West 32d, Route 3, Sedalia, Mo. 65301. Applicant's representative: Luther Jordan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Barytes ore* (crude barium sulfate), in bulk, in dump vehicles, from points in the counties of Benton, Camden, Franklin, Hickory, Jefferson, Miller, Morgan, and Washington, Mo., to the plant of Sherwin Williams Chemicals, Coffeyville, Kans., for 180 days. SUPPORTING SHIPPER: Sherwin Williams Chemicals, P.O. Box 855, Coffeyville, Kans. 67337. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

MOTOR CARRIERS OF PASSENGERS

No. MC 139343 (Sub-No. 1 TA), filed December 14, 1973. Applicant: MEXICOACH, INC., 1050 Kettner Street, San Diego, Calif. 92101. Applicant's representative: Fred J. Kling, 1901 Avenue of the Stars, Suite 1600, Los Angeles, Calif. 90067. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* having prior or subsequent transportation by rail via Amtrak, Amtrak Station, Kettner Street and Broad, San Diego, Calif., to terminal and taxi station in Tijuana, Baja California, Mexico, via Interstate No. 5, for 180 days.

NOTE.—Applicant states it intends to tack with its authority with Amtrak Rail Service. SUPPORTING SHIPPER: National Railroad Passenger Corporation (Amtrak), 955 L'Enfant Plaza North, SW., Washington, D.C. 20024. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Bureau of Operations, Interstate Commerce Commission, 300 N. Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

WATER CARRIERS OF PROPERTY

No. W-417 (Sub-No. 22 TA), filed December 18, 1973. Applicant: WEYERHAEUSER COMPANY, Tacoma, Wash. 98401. Applicant's representative: John Cunningham, Tower Building, 1401 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier* by water, by non-self-propelled vessels with the use of separate towing vessels, in the transportation of *Lumber and lumber products*, from the port of Vancouver, Wash., to the ports of Baltimore, Md.; Philadelphia, Pa.; New York, N.Y.; and Portsmouth, R.I., for 180 days. SUPPORTING SHIPPER: Weyerhaeuser Company, Tacoma, Wash. 98401. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. W-1040 (Sub-No. 6 TA), filed December 19, 1973. Applicant: PACIFIC FAR EAST LINE, INC., One Embarcadero Center, San Francisco, Calif. 94111. Applicant's representative: T. C. Elliott (same address as above). Authority sought to engage in operation, in interstate or foreign commerce as a *contract carrier* by water, in the transportation of: *A nuclear steam supply system reactor vessel and closure head*, from Port of New Orleans, La., to Port of Long Beach, Calif., for 30 days. SUPPORTING SHIPPERS: Pacific Gas and Electric Company, 77 Beale Street, San Francisco, Calif. 94106, and Westinghouse Electric Corp., NES, P.O. Box 355, Pittsburgh, Pa. 15230. SEND PROTESTS TO: Calud W. Reeves, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

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

[FR Doc.74-926 Filed 1-10-74;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

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