

rules and regulations

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Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published February 12, 1974 (39 FR 5303), and June 3, 1974 (39 FR 19446), which were designated for barley crop insurance for the 1975 crop year.

CALIFORNIA

San Joaquin.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager.

[FR Doc.74-16300 Filed 7-16-74; 8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published June 3, 1974 (39 FR 19446), which were designated for cotton crop insurance for the 1975 crop year.

LOUISIANA

Lafayette

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager.

[FR Doc.74-16299 Filed 7-16-74; 8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published June 3, 1974 (39 FR 19447), which were designated for grain sorghum crop insurance for the 1975 crop year.

SOUTH DAKOTA

Lyman

Tripp

TEXAS

Fannin

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager.

[FR Doc.74-16298 Filed 7-16-74; 8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SUGARCANE CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published June 3, 1974 (39 FR 19447), which were designated for sugarcane crop insurance for the 1975 crop year.

LOUISIANA

Lafayette

[SEAL] M. R. PETERSON,
Manager.

[FR Doc.74-16297 Filed 7-16-74; 8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published February 12, 1974 (39 FR 5303), and June 3, 1974 (39 FR 19447), which were designated for wheat crop insurance for the 1975 crop year.

CALIFORNIA

San Joaquin

GEORGIA

Houston

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager.

[FR Doc.74-16296 Filed 7-16-74; 8:45 am]

CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER G—MISCELLANEOUS

PART 662—EQUIPMENT GRANTS TO CONSERVATION DISTRICTS

Soil, Water and Other Conservation Districts

Notice of proposed rulemaking was published in the FEDERAL REGISTER on April 16, 1974 (39 FR 13666-13667) setting forth the plan to codify long-standing Soil Conservation Service (SCS)

policy and procedures for the granting of equipment and materials to soil, water and other conservation districts.

Interested persons were invited to submit written data, views, or arguments to SCS on the policy and procedures outlined.

A. *Summary of comments and SCS response.* The following summarizes comments received by SCS. Following the summary of each, a response is set forth stating the changes made or the reasons why change is unnecessary.

1. *Comment.* Comments of many writers assumed that the proposal is a new or re-activated SCS grant program.

Response. The proposal is not a new or re-activated program; it covers SCS policy that has been in effect since the 1930's. Pub. L. 74-46, dated April 27, 1935, authorizes granting of equipment and materials. National policy on making equipment and materials available to districts by loan or grant dates from 1938.

Historically, the SCS equipment grant program has shown a steady decline. During fiscal year 1958, 25 state offices of SCS granted equipment and materials valued at approximately \$11,730,000. In fiscal year 1973, 13 state offices granted equipment and materials valued at approximately \$532,000. Indications are that the program will continue to decline.

2. *Comment.* Numerous comments objected to SCS making grants to districts under any condition because this would result in unfair competition to the private sector of the economy.

Response. SCS proposes to continue the equipment grant program until it is demonstrated that there is no need for the program in any locality to accomplish needed soil and water conservation work. It is not the intent of the program to compete in any manner with private contractors and the equipment industry, but the intent is to complement soil and water conservation work at needed locations until such time the volume of work supports private contractors.

3. *Comment.* Many of the comments received which objected to SCS making equipment or materials grants to districts also requested that surplus government equipment be disposed of by public sales.

Response. SCS has practically no machines or equipment that can be employed in applying conservation practices and techniques. Equipment obtained for grant has been declared excess by other federal agencies and reported to General Services Administration as prescribed

in the Federal Property Management Regulations. SCS acquires excess property for grant from other federal agencies by the request and transfer system administered by the General Services Administration. SCS is not authorized to sell equipment or materials meeting the requirements of this part. Many federal activities grant equipment to public bodies. SCS equipment grants are a minor part of the total grant program.

4. *Comment.* Numerous comments objected to the conditions set forth in § 663.1(c). This provides as one grant condition that equipment grants may be made to districts if there is not a sufficient number of local contractors available at a reasonable cost. The comments said that the condition is indefinable, is subject to varying interpretations, discretionary in application, and is impracticable as a condition on which to base a grant determination. Many said that the "at a reasonable cost" provision would permit districts to acquire equipment indiscriminately, and thus would not provide adequate protection against unfair competition for the private contractor.

Response. SCS has deleted the "at a reasonable cost" provision. The policy permits districts to be eligible for grants only if qualified contractors are not available or that they indicate they are not interested in performing soil and water conservation work. All references to granting equipment if contractors or equipment are not available at a reasonable cost in §§ 663.1, 663.3 and 663.4 are deleted.

5. *Comment.* Numerous comments requested that districts be required to certify in grant requests that qualified contractors are not available or that they indicate they are not interested in performing soil and water conservation work.

Response. SCS requires districts to certify in their grant requests that this condition exists. See § 662.2.

6. *Comment.* Comments were received on § 663.2(c), sixth line, as to "state soil and conservation districts." The comments questioned whether this language meant the state soil conservation committee, board or commission which aids local districts.

Response. The language refers to the state governmental body; therefore the language is revised.

7. *Comment.* Numerous comments concerned publication of grant eligibility determinations as contained in § 663.2(c). A majority requested that in addition to publishing grant determinations in the FEDERAL REGISTER, SCS state conservationists be required to publish a similar notice in a newspaper of general circulation in the district involved. Some questioned the need for the determination to be published in the FEDERAL REGISTER. Some expressed the view that publication was not necessary and served no useful purpose.

Response. SCS has instructed state conservationists to publish grant determinations in a newspaper of general cir-

culation in the district involved, as well as in the FEDERAL REGISTER. The notices are to be at least 30 days prior to the intended date of the grant.

8. *Comment.* One comment said the provisions of § 663.2(d)(2)(i) and (iii) on disposal did not provide adequate safeguards to prevent granted equipment from being placed on the market soon after acquisition.

Response. SCS has revised the requirements on disposals within the first year as set forth in § 663.2(d)(2). The requirement is revised to provide that during the first year after grant equipment may be disposed of only if fully justified by the district, and with the written concurrence of the state conservationist.

9. *Comment.* One comment objected to the equipment use provisions of § 663.2(d)(4) as too restrictive. It proposed that the equipment usage provision be broadened to include projects which are clearly within the public interest as approved by the state conservationist, and to permit districts to lease the equipment to other public agencies.

Response. SCS declines to modify its policy to permit granted equipment to be used for any purpose other than the installation of soil and water conservation measures. SCS also continues to limit equipment loan or use by other public agencies, except in cases of emergency involving danger to property or life.

10. *Comment.* Several comments contended grantable and nongrantable items of equipment of §§ 663.3 and 663.4 were too restrictive. One requested that the listing of grantable items be revised to include light motor vehicles, engineering equipment and office equipment. Another requested that the listing of grantable items be revised to include repair parts and assemblies, and tires and tubes which are not commonly available from commercial sources.

Response. SCS declines to modify its policy on grantable and nongrantable items. Long-standing SCS policy provides for granting only items which are usually considered as heavy field equipment and materials in the construction trade.

B. *The following changes are made.*
1. Part 663 is changed to Part 662 to conform to the present SCS outline of the Code of Federal Regulations.

2. § 662.1 (formerly § 663.1):

(a) The first sentence is changed as follows to differentiate "materials" from "plant materials," and to make an editorial change.

This part sets forth Soil Conservation Service (SCS) policy and procedures for the granting of equipment and materials (other than plant materials) to soil, water and other conservation districts (districts).

(b) The third sentence is changed as follows:

If districts choose to acquire and operate equipment to install soil and water conservation measures, the SCS may grant equipment and materials to districts for the purpose only if qualified contractors are not available or that they

indicate they are not interested in performing soil and water conservation work.

3. § 662.2 (formerly § 663.2):

(a) Paragraph (b)(2) is changed as follows:

Certify that the condition specified in § 662.1 exists.

(b) Paragraph (c) is changed as follows:

The state conservationist shall determine if the request meets the conditions and requirements of this part and, as applicable, give due consideration to the equipment grant policies of the state soil conservation committee, board or commission which aids local districts, in making this determination. If the state conservationist determines that the district's request meets the grant requirements, he shall make and document a grant eligibility determination and cause the determination evidencing the proposed grant to be published in (1) the FEDERAL REGISTER as a general notice document and (2) a newspaper of general circulation in the district which requested the grant at least 30 days prior to the intended date of the grant.

(c) Paragraph (d)(2) is changed as follows:

The property is granted by title transfer, and the district intends to retain the granted property throughout the remainder of its economic life or until it is no longer needed for the purpose for which it was granted, except that during the first year after date of grant granted equipment may be disposed of only if fully justified by the district and with the written concurrence of the state conservationist. The equipment may be disposed of by:

(d) Paragraph (d)(4) is changed as follows to clarify what is considered cases of emergencies:

The property is to be used only for the installation of soil and water conservation measures, and will not be used in other work or leased or otherwise made available to contractors, units of state or local governments, or public authorities or districts, except in cases of emergencies involving danger to property or life.

4. § 662.3 (formerly § 663.3):

First sentence is changed to read as follows:

Only the types of equipment or materials that are used to install soil and water conservation measures, and are not generally owned by or otherwise available to landusers within a district may be granted to districts.

5. § 662.4 (formerly § 663.4):

The phrase "at reasonable cost" appearing in the seventh and eighth lines of the section is deleted.

After consideration of the above comments, Chapter VI of Title 7 of the Code of Federal Regulations is amended as set forth below.

Effective date. These regulations shall be effective on July 17, 1974.

Dated: July 11, 1974.

KENNETH E. GRANT,
Administrator.

Chapter VI of Title 7 of the Code of Federal Regulations is amended by adding a new Part 662, reading as follows:

PART 662—EQUIPMENT GRANTS TO CONSERVATION DISTRICTS

- Sec.
662.1 Purpose and policy.
662.2 Conditions and requirements of equipment and material grants.
662.3 Grantable items.
662.4 Nongrantable items.

AUTHORITY: Pub. L. 74-46, 49 Stat. 163 (16 U.S.C. 590a (3)).

§ 662.1 Purpose and policy.

This part sets forth Soil Conservation Service (SCS) policy and procedures for the granting of equipment and materials (other than plant materials) to soil, water and other conservation districts (districts). SCS encourages districts and their cooperating land-users to deal directly with independent contractors in applying soil and water conservation measures requiring the use of heavy equipment and materials. If districts choose to acquire and operate equipment to install soil and water conservation measures, the SCS may grant equipment and materials to districts for this purpose only if qualified contractors are not available or that they indicate they are not interested in performing soil and water conservation work.

§ 662.2 Conditions and requirements for equipment and material grants.

(a) SCS will grant only equipment and materials that are available from federal excess property sources at no cost to SCS. Handling, packing, loading, transporting, servicing, repairing, and reconditioning expenses associated with equipment and materials granted must be borne by the district.

(b) A request from a district for grant of equipment and materials must be submitted in writing to the SCS state conservationist and include the following:

(1) Identify the specific items of equipment or materials requested and describe the type of work for which the items will be used.

(2) Certify that the condition specified in § 662.1 exists.

(3) Agree to pay all handling, packing, loading, transporting, servicing, repairing, and reconditioning expenses that may be involved.

(c) The state conservationist shall determine if the request meets the conditions and requirements of this part and, as applicable, give due consideration to the equipment grant policies of the state soil conservation committee, board or commission which aids local districts, in making this determination. If the state conservationist determines that the district's request meets the grant requirements, he shall make and document a grant eligibility determination and cause the determination evidencing the proposed grant to be published in (1) the *FEDERAL REGISTER* as a general notice document and (2) a newspaper of general circulation in the district which requested the grant at least 30 days prior to the intended date of the grant.

(d) Prior to the grant and as a condition thereof, the district must enter into a grant agreement with SCS which provides that:

(1) The purpose of the grant is to enable the district to carry out soil and water conservation work more effectively, and the district will use the granted property only for this purpose on lands under cooperative or working agreement with the district or on lands otherwise under control of the district.

(2) The property is granted by title transfer, and the district intends to retain the granted property throughout the remainder of its economic life or until it is no longer needed for the purpose for which it was granted, except that during the first year after date of grant granted equipment may be disposed of only if fully justified by the district and with the written concurrence of the state conservationist. The equipment may be disposed of by:

(i) Trade-in or sale with proceeds applied on the acquisition of other grantable type items of property named in § 662.3 to be used to accomplish soil and water conservation work; or

(ii) Transfer of title to another district which SCS is assisting to be used to accomplish soil and water conservation work; or

(iii) Other methods that are mutually satisfactory to the district and the state conservationist. After the first year, the district may dispose of the granted property by informing the state conservationist in writing at least 30 days prior to making disposal.

(3) The district will maintain the granted property in good operating condition, properly service it, and make necessary repairs.

(4) The property is to be used only for the installation of soil and water conservation measures, and will not be used in other work or leased or otherwise made available to contractors, units of State or local governments, or public authorities or districts, except in cases of emergencies involving danger to property or life.

(5) The district will comply with the nondiscrimination provision required by the Civil Rights Act of 1964 (Secs. 601, 602, Pub. L. 88-352, 78 Stat. 252 (42 U.S.C. 2000d, 2000d-1)).

(6) Noncompliance with the terms and conditions of the grant agreement will make the district ineligible for further grants of property until district policy is revised to conform to the requirements of this part.

§ 662.3 Grantable items.

Only the types of equipment or materials that are used to install soil and water conservation measures, and are not generally owned by or otherwise available to landusers within a district, may be granted to districts. This category includes those items which are usually considered as "heavy field equipment and materials" in the construction trade. This category is illustrated as follows:

(a) Motorized equipment such as crane-shovels, draglines, shovels, back-

hoes, ditching machines, motorized road scrapers, motorized road graders, crawler tractors, wheeled-type industrial tractors, semitractor trailers and dump and other types of trucks, 1½-tons or larger.

(b) Heavy construction equipment such as trailer-mounted air compressors and concrete mixers, towed-type ditchers, earth borers and drilling equipment, road towed type graders, land levelers, subsoil plows, dewatering pumps, rippers, towed sheepfoot rollers, earth moving towed type scrapers, low bed semitrailers, tilt bed trailers, terracers, and trailer-mounted electric welders.

(c) Materials such as cable and anchor chain used for streambank stabilization and brush clearing.

(d) Miscellaneous equipment such as bulldozer and angledozer blades, crane booms, dragline and clamshell buckets, crane fairleads, power control units, and similar attachments for tractors, cranes, etc.

§ 662.4 Nongrantable items.

The following types of property shall not be granted to districts: Buildings, office furniture, fixtures, machines and supplies, scientific and engineering instruments and equipment, agricultural machinery and implements that are generally owned or otherwise available to landusers in the district, passenger motor vehicles, pickups and other types of trucks of less than 1½-ton capacity, repair parts and assemblies, and operation and maintenance materials and supplies for grantable and nongrantable types of property identified in this part.

[FR Doc.74-16257 Filed 7-16-74;8:45 am]

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

[Lime Reg. 7, Amdt. 2]

PART 911—LIMES GROWN IN FLORIDA
Limitation of Handling

This regulation increases the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period July 7, 1974 through July 13, 1974. The quantity that may be shipped is increased due to improved market conditions for Florida limes. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 F.R. 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Florida Lime 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 limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of limes available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lime Regulation 7 (39 FR 24881). The marketing picture now indicates that there is a greater demand for limes than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of limes to fill the current market demand thereby making a greater quantity of limes available to meet such increased demand, the regulation should be amended, 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 amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of limes grown in Florida.

(b) *Order, as amended.* Paragraph (b) (1) of § 911.407 (Lime Regulation 7, 39 FR 24881) is hereby amended to read as follows: "The quantity of limes grown in Florida which may be handled during the period July 7, 1974 through July 13, 1974, is hereby fixed at 25,000 bushels".

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

Dated: July 11, 1974.

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

[FR Doc. 74-16291 Filed 7-16-74; 8:45 am]

[Prune Reg. 12]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Limitation of Shipments

This regulation requires fresh Washington-Oregon Prunes, during the period August 1, 1974, through August 31, 1975, to grade U.S. No. 1, except for off-color and an additional tolerance for defects, and be at least 1 1/4 inches in diameter.

On June 18, 1974, notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 21056), regarding a proposed regulation to be made effective pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of prunes grown in

designated counties in Washington and in Umatilla County, Oregon. This notice allowed interested persons until July 8, 1974, to file written data, views or arguments pertaining thereto. None were submitted. The proposed regulation was recommended by the Washington-Oregon Fresh Prune Marketing Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

This regulation is based upon an appraisal of the crop and current and prospective market conditions. Fresh shipments of Washington-Oregon Prunes are expected to start on or about August 1, 1974, and total 18,000 tons, compared with 16,375 tons last season. Hence, ample supplies of fresh prunes meeting the regulation requirements should be available to fill fresh market needs. The regulation is designed to prevent the handling of lower quality and smaller size prunes which do not provide consumer satisfaction and to promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

The provision which excepts the Brooks variety of prunes from the requirements of this regulation recognizes the fact that prunes of this variety are primarily consumed locally, that they do not withstand shipment well, and that the amount of prunes of this variety produced is insignificant compared to the total supply. Individual shipments, not exceeding 500 pounds, of the Stanley or Merton varieties of prunes, subject to necessary safeguards, are excepted from these requirements because the production of these varieties is relatively small and those few which are produced are primarily consumed locally or are sold for home use and not for resale. Individual shipments, not exceeding 150 pounds, of any variety other than Stanley or Merton varieties of prunes sold for home use and not for resale, subject to necessary safeguards, are excepted from these requirements in that the quantity of prunes so handled is relatively inconsequential when compared with the total quantity handled, and because it would be administratively impracticable to regulate the handling of such shipments due to the nearness of the source of supply.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Washington-Oregon Fresh Prune Marketing Committee, and other available information, it is hereby found and determined that the regulation as hereinafter set forth, is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL

REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (39 FR 21056), and no objection to this regulation or such effective date was received; (2) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipments of the current crop of such prunes are expected to begin on or about the effective date hereof and this regulation should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act.

§ 924.312 Prune Regulation 12.

(a) Prune Regulation 11 (38 FR 19661) is hereby terminated on August 1, 1974.

(b) During the period August 1, 1974, through August 31, 1975, no handler shall handle any lot of prunes, except prunes of the Brooks variety, unless:

(1) Such prunes grade at least U.S. No. 1, except that only two-thirds of the surface of the prune is required to be purplish color; and such prunes measure not less than 1 1/4 inches in diameter as measured by a rigid ring: Provided, that the following tolerances, by count, of the prunes in any lot shall apply in lieu of the tolerances for defects provided in the United States Standards for Grades of Fresh Plums and Prunes: A total of not more than 15 percent for defects, including therein not more than the following percentage for the defect listed:

(i) 10 percent for prunes which fail to meet the color requirement;

(ii) 10 percent for prunes which fail to meet the minimum diameter requirement;

(iii) 10 percent for prunes which fail to meet the remaining requirements of the grade; Provided, that not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in the latter amount not more than 1 percent for decay; or

(2) Such prunes are handled in accordance with paragraph (c) of this section.

(c) Notwithstanding any other provision of this regulation, any individual shipment which, in the aggregate, does not exceed 500 pounds net weight, of prunes of the Stanley or Merton varieties of prunes, or 150 pounds net weight, of prunes of any variety other than Stanley or Merton varieties of prunes, which meets each of the following requirements may be handled without regard to the provisions of paragraph (b) of this section, and of §§ 924.41 and 924.55:

(1) The shipment consists of prunes sold for home use and not for resale, and

(2) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(d) The term "U.S. No. 1" shall have the same meaning as when used in the

United States Standards for Fresh Plums and Prunes (7 CFR 51.1520-51.1538); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (June 5, 1972) and in the Oregon State Department of Agriculture Standards for Italian Prunes (July 15, 1972); the term "diameter" means the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit; and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: July 11, 1974.

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

[FR Doc.74-16292 Filed 7-16-74; 8:45 am]

[Area No. 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

This document authorizes expenses of \$3,795 for the Area No. 3 Committee under Marketing Order No. 948, as amended, during the 1974-75 fiscal period and fixes a rate of assessment of \$0.0085 per hundredweight of potatoes handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

Notice of rule making regarding the proposed expenses and rate of assessment for Area No. 3 (Northern Colorado) was published in the June 18, 1974, FEDERAL REGISTER (39 FR 21056). This regulatory program is effective 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 July 3, 1974. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice which were recommended by the Area No. 3 Committee it is hereby determined that:

§ 948.271 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area No. 3 Committee to enable it to perform its functions, under this part, during the fiscal period ending June 30, 1975, will amount to \$3,795.

(b) The rate of assessment to be paid by each handler under this part shall be \$0.0085 per hundredweight of potatoes grown in Area No. 3 handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1975, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of this part require that the rate of assessment for a particular fiscal period apply to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on July 1, 1974, and the rate of assessment herein fixed will apply to all assessable potatoes beginning with such date.

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

Dated: July 11, 1974.

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

[FR Doc.74-16293 Filed 7-16-74; 8:46 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, 1974-Crop Wheat Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1974 Crop Wheat Loan and Purchase Program

On August 16, 1973, the U.S. Department of Agriculture announced loan rates for the 1974 crop of wheat on a national average of \$1.37 per bushel. And on May 10, 1974, the Department announced that beginning with 1974-crop wheat, deductions for unpaid storage charges will no longer be made from the loan value of the commodity. Instead, in order for a producer to obtain a warehouse storage loan on wheat, the warehouse receipt must indicate that storage has been paid or otherwise provided for through the loan maturity date. Since storage prepayment is now required, § 1421.487, "Warehouse charges" is hereby deleted and § 1421.488, "Maturity of loans", and § 1421.489, "Loan and purchase rates, premiums and discounts" are renumbered §§ 1421.487 and 1421.488 respectively.

In view of the need for an early announcement of the 1974 wheat program and inasmuch as wheat is currently being harvested in many parts of the wheat-producing area, it has been determined that compliance with the notice of proposed rulemaking and public participation procedure is impracticable and contrary to the public interest. Therefore, this regulation is being issued without following such procedure.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops, published at 35 FR 7363 and 7781 and any amendments thereto and the 1970 and Subsequent Crops Wheat

Loan and Purchase Program regulations published at 35 FR 8204 and 9106, and any amendments to such regulations are further supplemented for the 1974 crop of wheat. The material previously appearing in §§ 1421.485 through 1421.489 shall remain in full force and effect as to the crops to which they are applicable.

Subpart—1974 Crop Wheat Loan and Purchase Program

Sec.
1421.485 Availability.
1421.486 Compliance requirements.
1421.487 Maturity of loans.
1421.488 Loan and purchase rates, premiums and discounts.

AUTHORITY: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b). Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, as amended (15 U.S.C. 714c, 7 U.S.C. 1445a, 1421).

Subpart—1974 Crop Wheat Loan and Purchase Program

§ 1421.485 Availability.

A producer desiring to participate in the program through loans must request a loan on his 1974 crop of eligible wheat on or before April 30, 1975, on wheat stored in Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming, and on or before March 31, 1975, on wheat stored in all other States. To sell eligible wheat to CCC, a producer must execute and deliver to the appropriate county ASCS office a purchase agreement (Form CCC-614), indicating the approximate quantity of 1974 crop wheat he will sell to CCC, on or before May 31, 1975, for wheat stored in the States named in this section and on or before April 30, 1975, for wheat stored in all other States.

§ 1421.486 Compliance requirements.

A producer shall be eligible for a loan or purchase with respect to the wheat being tendered if the producer files an "Intention to Participate and Report of Acreage" (Form CCC-580) in compliance with the 1974 wheat program regulations published in part 728 of this title pertaining to the wheat program for crop years 1974 through 1977 and any amendments thereto, on the farm on which such wheat was produced.

§ 1421.487 Maturity of loans.

Loans mature on demand but not later than: May 31, 1974, on wheat stored in the States of Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming; April 30, 1974, on wheat stored in all other States.

§ 1421.488 Loan and purchase rates, premiums and discounts.

(a) Basic rates (counties). Basic county loan and purchase rates per bushel for loan and settlement purposes for wheat are established for wheat grading U.S. No. 1 and are as follows:

BASIC COUNTY LOAN AND PURCHASE RATES FOR GRADE NO. 1 WHEAT

ALABAMA			
County	Rate per bushel	County	Rate per bushel
Mobile	\$1.55	All other counties	\$1.36

RULES AND REGULATIONS

ARIZONA

County	Rate per bushel
All counties	\$1.43

ARKANSAS

All counties	\$1.37
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CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	\$1.58	Riverside	\$1.52
Alpine	1.39	Sacramento	1.58
Amador	1.55	San Benito	1.52
Butte	1.47	San Bernar-	
Calaveras	1.55	dino	1.55
Colusa	1.52	San Diego	1.58
Contra Costa	1.55	San Fran-	
El Dorado	1.54	cisco	1.58
Fresno	1.49	San Joaquin	1.58
Glenn	1.48	San Luis	
Humboldt	1.35	Obispo	1.48
Imperial	1.52	San Mateo	1.58
Inyo	1.44	Santa Bar-	
Kern	1.55	bara	1.50
Kings	1.51	Santa Clara	1.56
Lake	1.45	Santa Cruz	1.51
Lassen	1.33	Shasta	1.35
Los Angeles	1.58	Sierra	1.37
Madera	1.50	Siskiyou	1.32
Marin	1.50	Solano	1.55
Mariposa	1.50	Sonoma	1.51
Mendocino	1.41	Stanislaus	1.56
Merced	1.52	Sutter	1.54
Modoc	1.32	Tehama	1.44
Monterey	1.47	Tulare	1.52
Napa	1.52	Tuolumne	1.51
Orange	1.58	Ventura	1.54
Placer	1.54	Yolo	1.55
Plumas	1.34	Yuba	1.51

COLORADO

Adams	\$1.23	La Plata	\$1.14
Alamosa	1.20	Larimer	1.23
Arapahoe	1.23	Las Animas	1.30
Archuleta	1.17	Lincoln	1.23
Baca	1.30	Logan	1.24
Bent	1.24	Mesa	1.14
Boulder	1.23	Moffat	1.20
Chaffee	1.20	Montezuma	1.14
Cheyenne	1.25	Montrose	1.14
Conejos	1.20	Morgan	1.23
Costilla	1.20	Otero	1.23
Crowley	1.23	Ouray	1.14
Guster	1.25	Phillips	1.25
Delta	1.14	Pitkin	1.14
Denver	1.23	Prowers	1.27
Dolores	1.14	eblo	1.23
Douglas	1.23	Rio Blanco	1.17
Eagle	1.17	Rio Grande	1.20
Elbert	1.23	Routt	1.17
El Paso	1.23	Saguache	1.20
Fremont	1.25	San Miguel	1.14
Garfield	1.17	Sedgwick	1.25
Grand	1.20	Summit	1.17
Huerfano	1.25	Teller	1.23
Jackson	1.20	Washington	1.23
Jefferson	1.23	Weld	1.23
Kiowa	1.25	Yuma	1.25
Kit Carson	1.25		

CONNECTICUT

All counties	\$1.39
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DELAWARE

All counties	\$1.42
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FLORIDA

All counties	\$1.38
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GEORGIA

All counties	\$1.38
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IDAHO

Ada	\$1.28	Bear Lake	\$1.27
Adams	1.28	Benewah	1.40
Bannock	1.28	Bingham	1.28

IDAHO—Continued

County	Rate per bushel	County	Rate per bushel
Blaine	\$1.27	Jefferson	\$1.26
Boise	1.27	Jerome	1.29
Bonner	1.32	Kootenai	1.39
Bonneville	1.26	Latah	1.40
Boundary	1.30	Lemhi	1.25
Butte	1.25	Lewis	1.36
Camas	1.28	Lincoln	1.29
Canyon	1.28	Madison	1.26
Caribou	1.27	Minidoka	1.30
Cassia	1.30	Nez Perce	1.40
Clark	1.24	Oneida	1.29
Clearwater	1.38	Owyhee	1.28
Custer	1.25	Payette	1.28
Elmore	1.28	Power	1.28
Franklin	1.29	Shoshone	1.25
Fremont	1.25	Teton	1.26
Gem	1.28	Twin Falls	1.32
Gooding	1.28	Valley	1.27
Idaho	1.36	Washington	1.28

ILLINOIS

Adams	\$1.37	Lee	\$1.46
Alexander	1.45	Livingston	1.45
Bond	1.44	Logan	1.40
Boone	1.46	McDonough	1.40
Brown	1.38	McHenry	1.46
Bureau	1.44	McLean	1.42
Calhoun	1.44	Macon	1.42
Carroll	1.44	Macoupin	1.45
Cass	1.34	Madison	1.45
Champaign	1.44	Marion	1.44
Christian	1.42	Marshall	1.43
Clark	1.40	Mason	1.38
Clay	1.40	Massac	1.40
Clinton	1.44	Menard	1.39
Coles	1.40	Mercer	1.42
Cook	1.46	Monroe	1.45
Crawford	1.39	Montgomery	1.44
Cumberland	1.38	Morgan	1.42
De Kalb	1.46	Moultrie	1.41
De Witt	1.40	Ogle	1.45
Douglas	1.41	Peoria	1.42
Du Page	1.46	Perry	1.44
Edgar	1.42	Platt	1.40
Edwards	1.40	Pike	1.39
Effingham	1.42	Pope	1.40
Fayette	1.43	Pulaski	1.44
Ford	1.44	Putnam	1.43
Franklin	1.44	Randolph	1.45
Fulton	1.42	Richland	1.39
Gallatin	1.37	Rock Island	1.43
Greene	1.44	St. Clair	1.45
Grundy	1.46	Saline	1.39
Hamilton	1.38	Sangamon	1.42
Hancock	1.41	Schuyler	1.38
Hardin	1.38	Scott	1.42
Henderson	1.40	Shelby	1.42
Henry	1.43	Stark	1.43
Iroquois	1.46	Stephenson	1.45
Jackson	1.45	Tazewell	1.42
Jasper	1.39	Union	1.44
Jefferson	1.44	Vermilion	1.45
Jersey	1.45	Wabash	1.39
Jo Daviess	1.43	Warren	1.42
Johnson	1.42	Washington	1.44
Kane	1.46	Wayne	1.40
Kankakee	1.46	White	1.37
Kendall	1.46	Whiteside	1.45
Knox	1.42	Will	1.46
Lake	1.46	Williamson	1.42
La Salle	1.46	Winnebago	1.46
Lawrence	1.38	Woodford	1.43

INDIANA

Adams	\$1.33	Cass	\$1.43
Allen	1.36	Clark	1.41
Bartholo-		Clay	1.39
mew	1.35	Clinton	1.39
Benton	1.43	Crawford	1.44
Blackford	1.35	Daviess	1.37
Boone	1.36	Dearborn	1.34
Brown	1.35	Decatur	1.35
Carroll	1.41	De Kalb	1.36

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Delaware	\$1.34	Newton	\$1.46
Dubois	1.41	Noble	1.38
Elkhart	1.41	Ohio	1.36
Fayette	1.32	Orange	1.41
Floyd	1.44	Owen	1.35
Fountain	1.41	Parke	1.41
Franklin	1.34	Perry	1.41
Fulton	1.43	Pike	1.39
Gibson	1.39	Porter	1.45
Grant	1.36	Posey	1.39
Greene	1.35	Pulaski	1.43
Hamilton	1.35	Putnam	1.38
Hancock	1.35	Randolph	1.32
Harrison	1.44	Ripley	1.36
Hendricks	1.35	Rush	1.33
Henry	1.33	St. Joseph	1.43
Howard	1.39	Scott	1.39
Huntington	1.36	Shelby	1.33
Jackson	1.39	Spencer	1.41
Jasper	1.43	Starke	1.45
Jay	1.33	Steuben	1.36
Jefferson	1.39	Sullivan	1.39
Jennings	1.39	Switzerland	1.37
Johnson	1.33	Tippecanoe	1.41
Knox	1.38	Tipton	1.37
Kosciusko	1.41	Union	1.31
Lagrange	1.38	Vanderburgh	1.39
Lake	1.46	Vermillion	1.41
La Porte	1.45	Vigo	1.41
Lawrence	1.39	Wabash	1.39
Madison	1.37	Warren	1.41
Marion	1.35	Warrick	1.41
Marshall	1.43	Washington	1.41
Martin	1.37	Wayne	1.31
Miami	1.41	Wells	1.33
Monroe	1.35	White	1.43
Montgomery	1.39	Whitley	1.39
Morgan	1.33		

IOWA

Pottawat-		All other	
tomie	\$1.43	counties	\$1.35

KANSAS

Allen	\$1.41	Harvey	\$1.33
Anderson	1.43	Haskell	1.27
Atchison	1.43	Hodgeman	1.29
Barber	1.33	Jackson	1.42
Barton	1.32	Jefferson	1.43
Bourbon	1.41	Jewell	1.33
Brown	1.43	Johnson	1.43
Butler	1.35	Kearney	1.26
Chase	1.36	Kingman	1.33
Chautauqua	1.37	Kiowa	1.32
Cherokee	1.39	Labette	1.39
Cheyenne	1.25	Lane	1.27
Clark	1.29	Leavenworth	1.43
Clay	1.36	Lincoln	1.33
Cloud	1.35	Linn	1.43
Coffey	1.40	Logan	1.26
Comanche	1.30	Lyon	1.38
Cowley	1.35	McPherson	1.34
Crawford	1.40	Marion	1.34
Decatur	1.29	Marshall	1.38
Dickinson	1.34	Meade	1.28
Doniphan	1.43	Miami	1.43
Douglas	1.43	Mitchell	1.33
Edwards	1.32	Montgomery	1.39
Elk	1.37	Morris	1.38
Ellis	1.32	Morton	1.28
Ellsworth	1.33	Nemaha	1.41
Finney	1.27	Neosho	1.40
Ford	1.30	Ness	1.29
Franklin	1.43	Norton	1.32
Geary	1.37	Osage	1.40
Gove	1.29	Osborne	1.33
Graham	1.31	Ottawa	1.33
Grant	1.26	Pawnee	1.32
Gray	1.29	Phillips	1.32
Greeley	1.25	Pottawatomie	1.41
Greenwood	1.38	Pratt	1.33
Hamilton	1.26	Rawlins	1.26
Harper	1.33	Reno	1.33

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Republic	\$1.35	Stafford	\$1.32
Rice	1.33	Stanton	1.26
Riley	1.38	Stevens	1.28
Rooks	1.31	Sumner	1.34
Rush	1.32	Thomas	1.26
Russell	1.31	Trego	1.31
Saline	1.33	Wabaunsee	1.39
Scott	1.25	Wallace	1.25
Sedgwick	1.33	Washington	1.36
Seward	1.28	Wichita	1.25
Shawnee	1.42	Wilson	1.39
Sheridan	1.29	Woodson	1.40
Sherman	1.25	Wyandotte	1.43
Smith	1.33		

KENTUCKY

Jefferson	\$1.45	All other counties	\$1.36
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LOUISIANA

Parish	Rate per bushel	Parish	Rate per bushel
East Baton Rouge	\$1.55	St. Charles	\$1.55
Jefferson	1.55	West Baton Rouge	1.55
Orleans	1.55	All other Parishes	1.40

MAINE

County	Rate per bushel
All counties	\$1.36

MARYLAND

Baltimore City	\$1.52	All other counties	\$1.42
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MASSACHUSETTS

All counties	\$1.38
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MICHIGAN

Alcona	\$1.27	Lake	\$1.29
Alger	1.29	Lapeer	1.34
Allegan	1.37	Leelanau	1.28
Alpena	1.24	Lenawee	1.41
Antrim	1.25	Livingston	1.36
Arenac	1.28	Luce	1.29
Baraga	1.29	Mackinac	1.29
Barry	1.37	Macomb	1.36
Bay	1.32	Manistee	1.28
Benzie	1.31	Marquette	1.29
Berrien	1.43	Mason	1.31
Branch	1.39	Mecosta	1.32
Calhoun	1.37	Menominee	1.29
Cass	1.41	Midland	1.32
Charlevoix	1.23	Missaukee	1.27
Cheboygan	1.23	Monroe	1.41
Chippewa	1.29	Montcalm	1.33
Clare	1.30	Montmorency	1.25
Clinton	1.34	Muskegon	1.33
Crawford	1.27	Newaygo	1.31
Delta	1.29	Oakland	1.36
Dickinson	1.29	Oceana	1.31
Eaton	1.36	Ogemaw	1.28
Emmet	1.21	Ontonagon	1.29
Genesee	1.34	Osceola	1.29
Gladwin	1.30	Oscoda	1.27
Gogebic	1.29	Otsego	1.25
Grand Traverse	1.29	Ottawa	1.35
Gratiot	1.33	Presque Isle	1.23
Hillsdale	1.39	Roscommon	1.27
Houghton	1.29	Saginaw	1.33
Huron	1.30	St. Clair	1.36
Ingham	1.36	St. Joseph	1.41
Ionia	1.35	Sanilac	1.32
Iosco	1.28	Schoolcraft	1.29
Iron	1.29	Shiawassee	1.34
Isabella	1.32	Tuscola	1.32
Jackson	1.37	Van Buren	1.41
Kalamazoo	1.38	Washtenaw	1.38
Kalkaska	1.27	Wayne	1.38
Kent	1.35	Wexford	1.27
Keweenaw	1.29		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	\$1.56	Martin	\$1.54
Anoka	1.56	Meeker	1.56
Becker	1.49	Miller	1.56
Beltrami	1.50	Morrison	1.56
Benton	1.56	Mower	1.53
Big Stone	1.49	Murray	1.50
Blue Earth	1.56	Nicollet	1.56
Brown	1.55	Nobles	1.48
Carleton	1.56	Norman	1.45
Carver	1.56	Olmsted	1.56
Cass	1.53	Otter Tail	1.50
Chippewa	1.53	Pennington	1.45
Chisago	1.56	Pine	1.56
Clay	1.47	Pipestone	1.47
Clearwater	1.49	Polk	1.46
Cottonwood	1.53	Pope	1.54
Crow Wing	1.56	Ramsey	1.56
Dakota	1.56	Red Lake	1.45
Dodge	1.56	Redwood	1.55
Douglas	1.54	Renville	1.55
Faribault	1.54	Rice	1.56
Fillmore	1.52	Rock	1.47
Freeborn	1.54	Roseau	1.43
Goodhue	1.56	Saint Louis	1.56
Grant	1.51	Scott	1.56
Hennepin	1.56	Sherburne	1.56
Houston	1.49	Sibley	1.56
Hubbard	1.52	Stearns	1.56
Isanti	1.56	Steele	1.56
Itasca	1.53	Stevens	1.52
Jackson	1.52	Swift	1.52
Kanabec	1.56	Todd	1.54
Kandiyohi	1.55	Traverse	1.49
Kittson	1.41	Wabasha	1.56
Koochiching	1.51	Wadena	1.52
Lac Qui Parle	1.50	Waseca	1.56
Lake of the Woods	1.47	Washington	1.56
Le Sueur	1.56	Watsonwan	1.55
Lincoln	1.50	Wilkin	1.48
Lyon	1.52	Winona	1.53
McLeod	1.56	Wright	1.56
Mahnomen	1.47	Yellow Medi-	1.51
Marshall	1.43	cine	

MISSISSIPPI

Harrison	\$1.55	All other counties	\$1.36
Jackson	1.55		

MISSOURI

Adair	\$1.34	Dallas	\$1.35
Andrew	1.41	Davies	1.39
Atchison	1.41	De Kalb	1.41
Audrain	1.37	Dent	1.39
Barry	1.35	Douglas	1.33
Barton	1.38	Dunklin	1.39
Bates	1.40	Franklin	1.43
Benton	1.37	Gasconade	1.41
Bollinger	1.39	Gentry	1.40
Boone	1.35	Greene	1.35
Buchanan	1.43	Grundy	1.38
Butler	1.39	Harrison	1.40
Caldwell	1.41	Henry	1.40
Callaway	1.37	Hickory	1.36
Camden	1.35	Holt	1.41
Cape Girardeau	1.41	Howard	1.36
Carroll	1.40	Howell	1.33
Carter	1.37	Iron	1.39
Cass	1.41	Jackson	1.43
Cedar	1.37	Jasper	1.37
Chariton	1.39	Jefferson	1.43
Christian	1.33	Johnson	1.41
Clark	1.33	Knox	1.33
Clay	1.41	Laclede	1.35
Clinton	1.41	Lafayette	1.41
Cole	1.37	Lawrence	1.35
Cooper	1.37	Lewis	1.33
Crawford	1.41	Lincoln	1.41
Dade	1.37	Linn	1.39
		Livingston	1.39

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
McDonald	\$1.35	Randolph	\$1.36
Macon	1.37	Ray	1.41
Madison	1.39	Reynolds	1.37
Maries	1.39	Ripley	1.37
Marion	1.35	Saint Charles	1.43
Mercer	1.38	Saint Clair	1.38
Miller	1.37	Saint	
Mississippi	1.43	Genevieve	1.41
Moniteau	1.35	Saint Francois	1.41
Monroe	1.35	Saint Louis	1.45
Montgomery	1.39	Saline	1.39
Morgan	1.36	Schuyler	1.33
New Madrid	1.41	Scotland	1.33
Newton	1.35	Scott	1.43
Nodaway	1.41	Shannon	1.35
Oregon	1.35	Shelby	1.35
Osage	1.39	Stoddard	1.41
Ozark	1.33	Stone	1.35
Pemiscot	1.39	Sullivan	1.36
Perry	1.39	Taney	1.33
Pettis	1.39	Texas	1.37
Phelps	1.39	Vernon	1.38
Pike	1.39	Warren	1.41
Platte	1.41	Washington	1.41
Polk	1.37	Wayne	1.39
Pulaski	1.37	Webster	1.35
Putnam	1.36	Worth	1.40
Ralls	1.37	Wright	1.35

MONTANA

Beaverhead	\$1.23	McCone	\$1.25
Big Horn	1.24	Madison	1.25
Blaine	1.24	Meagher	1.25
Broadwater	1.25	Mineral	1.26
Carbon	1.24	Missoula	1.26
Carter	1.26	Musselshell	1.24
Cascade	1.24	Park	1.25
Chouteau	1.24	Petroleum	1.24
Custer	1.26	Phillips	1.24
Daniels	1.25	Pondera	1.24
Dawson	1.25	Powder River	1.25
Deer Lodge	1.25	Powell	1.25
Fallon	1.26	Prairie	1.26
Fergus	1.24	Ravalli	1.25
Flathead	1.27	Richland	1.25
Gallatin	1.25	Roosevelt	1.25
Garfield	1.24	Rosebud	1.24
Glacier	1.24	Sanders	1.26
Golden		Sheridan	1.25
Valley	1.24	Silver Bow	1.25
Granite	1.25	Stillwater	1.24
Hill	1.24	Sweet Grass	1.25
Jefferson	1.25	Teton	1.24
Judith Basin	1.24	Toole	1.24
Lake	1.25	Treasure	1.24
Lewis and Clark	1.24	Valley	1.24
Liberty	1.24	Wheatland	1.24
Lincoln	1.28	Wibaux	1.26
		Yellowstone	1.24

NEBRASKA

Adams	\$1.37	Custer	\$1.33
Antelope	1.40	Dakota	1.42
Arthur	1.26	Dawes	1.23
Banner	1.23	Dawson	1.33
Blaine	1.32	Deuel	1.24
Boone	1.41	Dixon	1.42
Box Butte	1.25	Dodge	1.43
Boyd	1.36	Douglas	1.43
Brown	1.32	Dundy	1.25
Buffalo	1.36	Fillmore	1.40
Burt	1.43	Franklin	1.33
Butler	1.43	Frontier	1.31
Cass	1.43	Furnas	1.33
Cedar	1.40	Gage	1.40
Chase	1.25	Garden	1.25
Cherry	1.29	Garfield	1.36
Cheyenne	1.23	Gosper	1.33
Clay	1.37	Grant	1.27
Colfax	1.43	Greeley	1.40
Cuming	1.43	Hall	1.40

RULES AND REGULATIONS

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Hamilton	\$1.41	Perkins	\$1.27
Harlan	1.33	Phelps	1.33
Hayes	1.27	Pierce	1.42
Hitchcock	1.28	Platte	1.42
Holt	1.37	Polk	1.42
Hooker	1.28	Red Willow	1.29
Howard	1.39	Richardson	1.42
Jefferson	1.40	Rock	1.33
Johnson	1.40	Saline	1.41
Kearney	1.34	Sarpy	1.43
Keith	1.26	Saunders	1.43
Keya Paha	1.32	Scotts Bluff	1.23
Kimball	1.23	Seward	1.43
Knox	1.40	Sheridan	1.25
Lancaster	1.43	Sherman	1.36
Lincoln	1.28	Sioux	1.23
Logan	1.32	Stanton	1.43
Loup	1.33	Thayer	1.39
McPherson	1.30	Thomas	1.29
Madison	1.43	Thurston	1.44
Merrick	1.40	Valley	1.36
Morrill	1.23	Washington	1.43
Nance	1.41	Wayne	1.42
Nemaha	1.41	Webster	1.35
Nuckolls	1.37	Wheeler	1.40
Otoe	1.43	York	1.41
Pawnee	1.41		

NEVADA

All counties.....\$1.34

NEW HAMPSHIRE

All counties.....\$1.38

NEW JERSEY

All counties.....\$1.42

NEW MEXICO

All counties.....\$1.37

NEW YORK

Albany	\$1.52	All other counties	\$1.40
New York City	1.52		

NORTH CAROLINA

All counties.....\$1.40

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	\$1.31	McKenzie	\$1.25
Barnes	1.41	McLean	1.39
Benson	1.35	Mercer	1.28
Billings	1.26	Morton	1.30
Bottineau	1.31	Mountrail	1.26
Bowman	1.28	Nelson	1.41
Burke	1.27	Oliver	1.30
Burleigh	1.33	Pembina	1.39
Cass	1.44	Pierce	1.33
Cavaller	1.36	Ramsey	1.37
Dickey	1.42	Ransom	1.44
Divide	1.25	Renville	1.29
Dunn	1.26	Richland	1.46
Eddy	1.38	Rolette	1.32
Emmons	1.37	Sargent	1.44
Poster	1.38	Sheridan	1.33
Golden Valley	1.26	Sioux	1.35
Grand Forks	1.42	Slope	1.28
Grant	1.32	Stark	1.28
Griggs	1.39	Steele	1.41
Hettinger	1.29	Stutsman	1.39
Kidder	1.36	Towner	1.33
La Moure	1.42	Trall	1.43
Logan	1.40	Walsh	1.41
McHenry	1.30	Ward	1.29
McIntosh	1.40	Wells	1.36
		Williams	1.25

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	\$1.33	Licking	\$1.38
Allen	1.39	Logan	1.34
Ashland	1.40	Lorain	1.39
Ashtabula	1.38	Lucas	1.44
Athens	1.35	Madison	1.35
Auglaize	1.36	Mahoning	1.38
Belmont	1.38	Marion	1.39
Brown	1.33	Medina	1.39
Butler	1.33	Meigs	1.33
Carroll	1.39	Mercer	1.36
Champaign	1.34	Miami	1.34
Clark	1.33	Monroe	1.38
Clermont	1.33	Montgomery	1.33
Clinton	1.33	Morgan	1.38
Columbiana	1.39	Morrow	1.38
Coshocton	1.38	Muskingum	1.38
Crawford	1.40	Noble	1.38
Cuyahoga	1.38	Ottawa	1.42
Darke	1.34	Paulding	1.37
Defiance	1.37	Perry	1.37
Delaware	1.37	Pickaway	1.37
Erie	1.41	Pike	1.33
Fairfield	1.37	Portage	1.38
Fayette	1.33	Preble	1.33
Franklin	1.37	Putnam	1.39
Fulton	1.41	Richland	1.39
Gallia	1.33	Ross	1.35
Geauga	1.38	Sandusky	1.42
Greene	1.33	Scioto	1.33
Guernsey	1.38	Seneca	1.41
Hamilton	1.33	Shelby	1.36
Hancock	1.41	Stark	1.38
Hardin	1.39	Summit	1.38
Harrison	1.38	Trumbull	1.38
Henry	1.40	Tuscarawas	1.38
Highland	1.33	Union	1.37
Hocking	1.35	Van Wert	1.37
Holmes	1.38	Vinton	1.35
Huron	1.40	Warren	1.33
Jackson	1.33	Washington	1.38
Jefferson	1.40	Wayne	1.38
Knox	1.38	Williams	1.38
Lake	1.38	Wood	1.42
Lawrence	1.33	Wyandot	1.40

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	\$1.39	Le Flore	\$1.39
Alfalfa	1.36	Lincoln	1.39
Atoka	1.42	Logan	1.39
Beaver	1.32	Love	1.42
Beckham	1.39	McClain	1.40
Blaine	1.40	McCurtain	1.42
Bryan	1.43	McIntosh	1.39
Caddo	1.41	Major	1.36
Canadian	1.40	Marshall	1.42
Carter	1.42	Mayes	1.39
Cherokee	1.39	Murray	1.41
Choctaw	1.42	Muskogee	1.39
Cimarron	1.31	Noble	1.39
Cleveland	1.40	Nowata	1.39
Coal	1.41	Okfuskee	1.39
Comanche	1.41	Oklahoma	1.39
Cotton	1.42	Okmulgee	1.39
Craig	1.39	Osage	1.37
Creek	1.39	Ottawa	1.39
Custer	1.39	Pawnee	1.39
Delaware	1.39	Payne	1.39
Dewey	1.36	Pittsburg	1.39
Ellis	1.33	Pontotoc	1.41
Garfield	1.38	Pottawatomie	1.39
Garvin	1.41	Pushmataha	1.42
Grady	1.40	Roger Mills	1.36
Grant	1.36	Rogers	1.39
Greer	1.41	Seminole	1.39
Harmon	1.41	Sequoyah	1.39
Harper	1.32	Stephens	1.41
Haskell	1.39	Texas	1.32
Hughes	1.39	Tillman	1.41
Jackson	1.41	Tulsa	1.39
Jefferson	1.42	Wagoner	1.39
Johnston	1.42	Washington	1.39
Kay	1.37	Washita	1.39
Kingfisher	1.39	Woods	1.35
Kiowa	1.40	Woodward	1.34
Latimer	1.39		

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	\$1.40	Lake	\$1.38
Benton	1.47	Lane	1.47
Clackamas	1.52	Lincoln	1.37
Clatsop	1.57	Linn	1.49
Columbia	1.57	Malheur	1.29
Coos	1.27	Marion	1.50
Crook	1.44	Morrow	1.47
Curry	1.26	Multnomah	1.57
Deschutes	1.44	Polk	1.50
Douglas	1.31	Sherman	1.50
Gilliam	1.49	Tillamook	1.54
Grant	1.42	Umatilla	1.46
Harney	1.34	Union	1.42
Hood River	1.54	Wallowa	1.40
Jackson	1.31	Wasco	1.51
Jefferson	1.47	Washington	1.54
Josephine	1.31	Wheeler	1.46
Klamath	1.35	Yamhill	1.52

PENNSYLVANIA

Philadelphia \$1.52 All other counties \$1.40

RHODE ISLAND

All counties.....\$1.39

SOUTH CAROLINA

Charleston \$1.52 All other counties \$1.39

SOUTH DAKOTA

Aurora	\$1.39	Jackson	\$1.32
Beadle	1.43	Jerauld	1.40
Bennett	1.30	Jones	1.34
Bon Homme	1.39	Kingsbury	1.45
Brookings	1.47	Lake	1.44
Brown	1.41	Lawrence	1.26
Brule	1.37	Lincoln	1.41
Buffalo	1.37	Lyman	1.35
Butte	1.26	McCook	1.41
Campbell	1.36	McPherson	1.38
Charles Mix	1.37	Marshall	1.44
Clark	1.44	Meade	1.29
Clay	1.41	Mellette	1.32
Codington	1.46	Miner	1.42
Corson	1.33	Minnehaha	1.44
Custer	1.23	Moody	1.45
Davison	1.41	Pennington	1.26
Day	1.44	Perkins	1.30
Deuel	1.48	Potter	1.37
Dewey	1.34	Roberts	1.47
Douglas	1.37	Sanborn	1.41
Edmunds	1.39	Shannon	1.27
Fall River	1.23	Spink	1.42
Faulk	1.39	Stanley	1.35
Grant	1.48	Sully	1.37
Gregory	1.35	Todd	1.32
Haakon	1.31	Tripp	1.35
Hamlin	1.46	Turner	1.41
Hand	1.40	Union	1.41
Hanson	1.41	Walworth	1.36
Harding	1.27	Washabaugh	1.30
Hughes	1.38	Yankton	1.41
Hutchinson	1.39	Ziebach	1.31
Hyde	1.38		

TENNESSEE

Shelby \$1.47 All other counties \$1.37

TEXAS

Andrews	\$1.37	Bosque	\$1.51
Archer	1.43	Bowie	1.45
Armstrong	1.37	Briscoe	1.38
Atascosa	1.52	Brown	1.46
Bailey	1.37	Burleson	1.57
Bandera	1.50	Burnet	1.48
Bastrop	1.52	Caldwell	1.54
Baylor	1.42	Calhoun	1.55
Bee	1.58	Callahan	1.44
Bell	1.52	Carson	1.37
Bexar	1.51	Castro	1.37
Blanco	1.52	Chambers	1.61
Borden	1.37	Cherokee	1.54

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Childress	\$1.42	Knox	\$1.42
Clay	1.45	Lamar	1.46
Cochran	1.37	Lamb	1.37
Coke	1.42	Lampasas	1.48
Coleman	1.45	Limestone	1.51
Collin	1.47	Lipscomb	1.33
Collingsworth	1.41	Live Oak	1.58
Comal	1.54	Llano	1.47
Comanche	1.46	Loving	1.38
Concho	1.43	Lubbock	1.37
Cooke	1.46	Lynn	1.37
Coryell	1.51	McCulloch	1.45
Cottle	1.39	McLennan	1.52
Crosby	1.37	Martin	1.37
Culberson	1.38	Mason	1.47
Dallam	1.33	Maverick	1.41
Dallas	1.49	Medina	1.49
Dawson	1.37	Menard	1.43
Deaf Smith	1.37	Midland	1.38
Delta	1.47	Milam	1.54
Denton	1.47	Mills	1.47
DeWitt	1.55	Mitchell	1.39
Dickens	1.38	Montague	1.46
Dimmit	1.47	Moore	1.33
Donley	1.37	Motley	1.39
Eastland	1.44	Navarro	1.51
Edwards	1.43	Nolan	1.42
Ellis	1.61	Nueces	1.61
El Paso	1.36	Ochiltree	1.33
Erath	1.47	Oldham	1.37
Falls	1.52	Palo Pinto	1.45
Fannin	1.46	Parker	1.47
Fisher	1.42	Parmer	1.37
Floyd	1.37	Pecos	1.38
Foard	1.42	Potter	1.37
Frio	1.49	Presidio	1.35
Gaines	1.37	Randall	1.37
Galveston	1.61	Real	1.47
Garza	1.37	Reeves	1.38
Gillespie	1.50	Refugio	1.58
Glasscock	1.38	Roberts	1.33
Goliad	1.56	Robertson	1.52
Gray	1.37	Rockwall	1.47
Grayson	1.48	Runnels	1.43
Guadalupe	1.54	San Patricio	1.61
Hale	1.37	San Saba	1.45
Hall	1.40	Schleicher	1.41
Hamilton	1.48	Scurry	1.39
Hansford	1.33	Shackelford	1.44
Hardeman	1.42	Sherman	1.33
Harris	1.61	Somervell	1.50
Hartley	1.33	Stephens	1.44
Haskell	1.42	Sterling	1.39
Hays	1.54	Stonewall	1.40
Hemphill	1.33	Sutton	1.43
Hill	1.51	Swisher	1.37
Hockley	1.37	Tarrant	1.49
Hood	1.49	Taylor	1.42
Howard	1.37	Terry	1.36
Hudspeth	1.36	Throckmorton	1.44
Hunt	1.47	Tom Green	1.42
Hutchinson	1.33	Travis	1.52
Irion	1.40	Uvalde	1.47
Jack	1.46	Van Zandt	1.50
Jackson	1.55	Victoria	1.55
Jeff Davis	1.38	Waller	1.57
Jefferson	1.57	Ward	1.38
Johnson	1.51	Wharton	1.58
Jones	1.42	Wheeler	1.39
Karnes	1.56	Wichita	1.42
Kaufman	1.50	Wilbarger	1.42
Kendall	1.52	Williamson	1.52
Kent	1.38	Wilson	1.56
Kerr	1.49	Wise	1.46
Kimble	1.46	Yoakum	1.36
King	1.39	Young	1.44
Kinney	1.43	Zavala	1.47

UTAH

All counties..... \$1.32

VERMONT

All counties..... \$1.38

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Chesapeake (Norfolk)	\$1.52	All other counties	\$1.38
WASHINGTON			
Adams	\$1.45	Klickitat	1.51
Asotin	1.42	Lewis	1.54
Benton	1.47	Lincoln	1.43
Chelan	1.46	Mason	1.43
Clallam	1.37	Okanogan	1.43
Clark	1.57	Pacific	1.49
Columbia	1.46	Pend Oreille	1.32
Cowlitz	1.57	Pierce	1.57
Douglas	1.43	San Juan	1.41
Ferry	1.38	Skagit	1.49
Franklin	1.46	Snohomish	1.54
Garfield	1.46	Spokane	1.40
Grant	1.44	Stevens	1.36
Grays Harbor	1.49	Thurston	1.53
Island	1.41	Wahkiakum	1.53
Jefferson	1.41	Walla Walla	1.46
King	1.57	Whatcom	1.47
Kitsap	1.35	Whitman	1.42
Kittitas	1.49	Yakima	1.47

WEST VIRGINIA

All counties..... \$1.41

WISCONSIN

Douglas 1.56 All other counties \$1.35

WYOMING

All counties..... \$1.23

(b) *Premiums and discounts.* The basic loan and purchase rate shall be adjusted as applicable by premiums and discounts as follows (all footnotes at end of paragraph):

Cents per bushel

(1) <i>Class premiums and discounts.</i>	
(i) <i>Premiums:</i>	
Hard Amber Durum (U.S. No. 3 or better)	+5
(ii) <i>Discounts:</i>	
Durum	-5
Red Durum	-20
Mixed wheat (mixtures of classes other than contrasting classes)	-2
Mixed wheat (mixtures of contrasting classes)	-10
(2) <i>Grade premiums and discounts.</i> (i) <i>Premium:</i>	
Heavy, U.S. No. 3 or better (Hard Red Spring only)	+2
(ii) <i>Discounts:</i>	
U.S. No. 2	-1
U.S. No. 3	-3
U.S. No. 4	-6
U.S. No. 5	-9
Smut-degree basis:	
Light smutty	-2
Smutty	-6
Garlic-degree basis:	
Light garlicky	-5
Garlicky	-10

Sample on one or more of the factors test weight, total damage (with not more than 3 percent heat damage), foreign material, and total defects (with not more than 3 percent heat damage), apply a discount of 14 cents. Add 1 cent for each pound or fraction thereof that test weight is below 50 pounds (49 pounds for Hard Red Spring and White Club) through 40 pounds and add 1 cent for each percent or fraction thereof that total defects are in excess of 21 percent. Total discount on these factors shall not exceed 30 cents per bushel if total

defects are not in excess of 50 percent, or 45 cents per bushel if total defects are in excess of 50 percent.

(3) *Protein premiums.* Applicable to grade U.S. No. 5 or better, Hard Red Winter, Hard Red Spring, and Hard White Wheat of the varieties Baart, Bluestem, and Burt.

Protein content (percent):	Cents per bushel
12.0 to 12.4	+ 1½
12.5 to 12.9	+ 3
13.0 to 13.4	+ 4½
13.5 to 13.9	+ 6
14.0 to 14.4	+ 7½
14.5 to 14.9	+ 9
15.0 to 15.4	+ 10½
15.5 to 15.9	+ 12
16.0 to 16.4	+ 13½
16.5 to 16.9	+ 15
17.0 to 17.4	+ 16½
17.5 and above	+ 18

(4) *Weed control discount* (where required by § 1421.25)..... 10

(5) *Other factors.* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of wheat, such as (but not limited to) moisture, weevily, ergoty, stones, musty, sour, and heating. Such discounts will be established not later than the time delivery of wheat to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices.

NOTE: Premiums and discounts are cumulative except only one grade discount shall be applied.

Effective date: July 17, 1974.

Signed at Washington, D.C., on July 10, 1974,

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

[FR Doc. 74-16248 Filed 7-16-74; 8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

Group Licensing for Certain Medical Uses

The Atomic Energy Commission published in the FEDERAL REGISTER on January 21, 1974 (39 FR 2384) proposed amendments to its regulations in 10 CFR Parts 31, 32, and 35 to add certain materials and uses to Groups I and II of medical uses of byproduct material, to establish several new groups of medical uses, to specify licensing requirements for the distribution of byproduct material to group licensees, and to add new byproduct material to the general license for certain in vitro clinical and laboratory testing.

Interested persons were invited to submit written comments or suggestions for consideration in connection with the proposed amendments within 45 days after publication of the notice of proposed rule making in the FEDERAL REGISTER.

After consideration of the comments received and other factors involved, the Commission has adopted the proposed amendments to 10 CFR Parts 31, 32, and 35, with certain modifications.

Some modifications in the regulations, based on discussions with the Food and Drug Administration (FDA), have been made in order to provide an orderly transition of the regulation of pharmaceutical safety and effectiveness of radiopharmaceuticals from the Commission to the FDA, and to prevent any disruption in the existing supply and distribution of these drugs.

Licenses issued by the Commission that are in effect on the effective date of these amendments and that specifically authorize investigational use of byproduct material will continue in effect according to their terms and until their expiration dates. Specific licenses of broad scope that are in effect on the effective date of these amendments and that authorize the use of byproduct material for medical research, diagnosis, and therapy without listing specific materials or uses will continue in effect according to their terms and until their expiration dates. The authority granted in these licenses by the AEC does not, however, exempt the licensee from any FDA regulations. After the effective date of the amendments, the Commission will continue to issue specific licenses for materials and uses which are not included in the group licenses pursuant to §§ 35.14 and 35.100. Some well-established diagnostic and therapeutic uses are omitted from the groups because they involve radiation protection procedures which are not similar to those required for the uses listed in the groups. Some other omitted uses, such as metabolic tracer studies, are not now regulated by FDA as diagnostic or therapeutic radiopharmaceutical uses but FDA has informed the AEC that it intends to promulgate regulations regarding these uses in the near future. Authorization to use new investigational radiopharmaceuticals which are not in the group licenses will be granted upon notification from FDA that it has accepted a "Notice of Claimed Investigational Exemption for a New Drug" (IND) in accordance with previously established administrative procedures until such time as FDA terminates its existing exemption to 21 CFR 312.1 (formerly 21 CFR 130.3) for radiopharmaceuticals and brings the control of safety and efficacy of these drugs fully under its regulations.

When the amendments to 10 CFR Part 35 become effective, byproduct material for use under group licenses must have been manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the Commission pursuant to §§ 32.72, 32.73, or 32.74 or in accordance with a specific license issued to the manufacturer by an Agreement State pursuant to equivalent State regulations. In order to allow manufacturers of such products to be licensed prior to the effective date of requirements for licensees to obtain materials

from such licensed manufacturers, and to ensure the availability of licensed products for group licensees, §§ 32.72, 32.73, and 32.74 will become effective 150 days before the amendments to §§ 35.14 and 35.100 become effective. In the meantime, licenses that authorize the present Groups I and II and licenses that authorize specified materials and uses will remain in effect. Further, §§ 32.72, 32.73, and 32.74 have been changed from the proposed rule to provide that any manufacturer who makes application within 60 days of the effective date of §§ 32.72, 32.73, and 32.74 to distribute to group licensees a product that was distributed commercially to licensees of the Commission on or before the effective date of §§ 32.72, 32.73, and 32.74 may continue distribution of such product to group licensees until the Commission issues the license pursuant to § 32.72, 32.73 or 32.74 or notifies the applicant manufacturer otherwise.

Sections 32.72 and 32.73 have been changed to provide that a manufacturer who applies for a license to distribute radiopharmaceuticals, or generators and reagent kits for the preparation of radiopharmaceuticals shall submit evidence that such product will be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act or that the manufacture and distribution of such product are not subject to those Acts. This will provide more flexibility in how compliance with appropriate Food and Drug Administration requirements can be established as a requirement for issuance by the Commission of a license to distribute radiopharmaceutical products to group licensees.

The present title of 10 CFR Part 32 is "Specific Licenses to Manufacture, Distribute, or Import Exempted and Generally Licensed Items Containing Byproduct Material". Since the new §§ 32.72, 32.73 and 32.74 apply to licensing the manufacturer of radiopharmaceuticals, sources and devices containing byproduct materials for distribution to group specific licensees, the title of 10 CFR Part 32 is changed to "Specific Licenses to Manufacture, Distribute or Import Certain Items Containing Byproduct Material".

The following changes in the effective rule from the proposed rule are based primarily on the public comments received.

(1) Section 35.14(a) (3) has been modified to delete the enumeration of specific classes of persons, other than physicians, who participate in the use of radioactive materials, since classes of persons in addition to those enumerated can be involved in the human use of radioactive materials.

(2) Section 35.14(b) (4) and (5), which would have required persons using investigational radiopharmaceuticals to register with the Commission have been deleted because such registration would be an unnecessary duplication of regulatory effort by the Commission and the FDA. The subsequent paragraphs of

§ 35.14(b) have been renumbered accordingly. Conforming changes have been made in § 35.100 to delete references to § 35.14(b) (4) concerning such registration.

(3) Paragraph 35.14(b) (7), which would have required hospitalization of patients containing more than 8 millicuries of iodine 131 for the treatment of thyroid carcinoma or more than 23 millicuries of gold 198, has been deleted. These values are the most conservative ones recommended by the National Council on Radiation Protection and Measurements in NCRP Report No. 37, and were not intended for use in all situations.

Requirements for hospitalization of such patients will continue in accordance with current licensing practices, pending consideration of modifications to such requirements in future rule changes.

(4) Section 35.14(b) (8) (i), renumbered § 35.14(b) (5) (i), has been changed to provide that required leak tests on sources and devices may be permitted at intervals longer than six months, as is now provided for certain industrial sources, when sufficient information is furnished by the manufacturer to demonstrate that such longer interval is justified by performance characteristics of the source or device and by design features that have a significant bearing on the probability or consequences of leakage of radioactive material from the source or device. Provisions for approval of leak test intervals longer than six months have been added to § 32.74.

(5) Section 35.14(d) has been changed to provide additional flexibility in the use of byproduct material for calibration and reference standards by providing larger sources of certain standards which are needed and used in nuclear medicine and by establishing more specific manufacturing and use standards for such larger sources.

(6) Xenon 133 has been deleted from § 35.100 (a) Group I and (b) Group II because the use and disposal of xenon 133 requires specialized equipment and procedures for occupational and public health and safety that are not required for other byproduct materials in these groups. This radioisotope will continue to be specifically licensed for blood flow, pulmonary function and heart and lung imaging studies.

(7) Iodine 131 as IHSA for cisternography has been deleted from § 35.100(b) Group II because this product in high specific activity form suitable for cisternography has not been made commercially available or licensed by FDA for this purpose. I-131 as low specific activity IHSA, which is licensed by FDA and distributed for other uses, is not appropriate for use in cisternography because the use of low specific activity IHSA for cisternography can cause adverse reactions in patients. This use will be reconsidered when a suitable product is commercially available.

(8) The use of gold 198 and phosphorus 32 colloids for interstitial use

have been deleted from § 35.100(d) Group IV because the training, experience and procedures requirements for these seldom used procedures are different from such requirements for other materials and uses in the group. These radiopharmaceuticals will continue to be specifically licensed for interstitial therapy.

(9) Technetium 99m as pertechnetate for blood flow studies and mercury 197 as chlormerodrin for kidney function studies have been added to § 35.100(a) Group I, iodine 125 as sodium iodide for thyroid imaging has been added to § 35.100(b) Group II, and technetium 99m as pertechnetate for use with reagent kits for preparation of radiopharmaceuticals containing technetium 99m has been added to § 35.100(c) Group III in order to be consistent with current licensing practices for well established procedures. Subsequent listings in these groups have been renumbered accordingly.

(10) Section 35.100(d) Group IV has been divided into § 35.100(d) Group IV for therapeutic uses that do not usually require facilities and procedures for hospitalization of patients for purposes of radiation safety and § 35.100(e) Group V for therapeutic uses that require facilities and procedures for hospitalization of patients for radiation safety. Proposed § 35.100(e) Group V for sources and devices has been renumbered § 35.100(f) Group VI. Conforming paragraph number changes have been made in the cross references in § 35.14 (b).

(11) Editorial and clarifying changes have been made.

A number of commentators suggested that cobalt 57 be added to § 35.14(d) as calibration and reference standards, to § 35.100(a) Group I as cyanocobalamin, and to §§ 31.11 and 32.71 for in vitro use. While cobalt 57 is a widely used isotope in nuclear medicine, it is not byproduct material as defined in the Atomic Energy Act (i.e., it is not produced in a nuclear reactor) and it is therefore not subject to regulation by the Commission.

Two commentators suggested that I-125 as interstitial seeds be added to § 35.100(e) Group V, now renumbered § 35.100(f) Group VI. This isotope and use is still undergoing clinical evaluation and it is not yet considered a well-established use for listing in the group.

Section 35.14 provides that an application for a license for any use of byproduct material in one of the groups will be approved for all of the uses in that group if the applicant's experience, training, equipment and procedures are adequate for all uses in that group. In some cases, the applicant's qualifications may be appropriate for certain specified materials and uses but not for all of the uses in a group, in which cases the license may be issued only for specified materials and uses.

If a person who already holds a specific license for specified medical uses of byproduct material applies for a license amendment to add any use in

§ 35.100, the Commission will consider amendment of the license for all the groups of uses in § 35.100 which include the uses previously licensed.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to 10 CFR Parts 31, 32, and 35 are published as a document subject to codification.

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

1. Section 35.14 of 10 CFR Part 35 is amended to read as follows:

§ 35.14 Specific licenses for certain groups of medical uses of byproduct material.

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, an application for a specific license pursuant to § 35.11, § 35.12, or § 35.13 for any medical use or uses of byproduct material specified in one or more of Groups I to VI, inclusive, of § 35.100 will be approved for all of the uses within the group or groups which include the use or uses specified in the application if:

(1) The applicant satisfies the requirements of § 35.11, § 35.12, or § 35.13;

(2) The applicant, or the physician designated in the application as the individual user, has adequate clinical experience in the types of uses included in the group or groups;

(3) The applicant or the physicians and all other personnel who will be involved in the preparation and use of the byproduct material have adequate training and experience in the handling of radioactive material appropriate to their participation in the uses included in the group or groups;

(4) The applicant's radiation detection and measuring instrumentation is adequate for conducting the procedures involved in the uses included in the group or groups;

(5) The applicant's radiation safety operating procedures are adequate for handling and disposal of the radioactive material involved in the uses included in the group or groups;

(b) Any licensee who is authorized to use byproduct material pursuant to one or more groups in §§ 35.14(a) and 35.100 is subject to the following conditions:

(1) For Groups I, II, IV, and V no licensee shall receive, possess, or use byproduct material except as a radiopharmaceutical manufactured in the form to be administered to the patient, labeled, packaged, and distributed in accordance with:

(i) A specific license issued by the Commission pursuant to § 32.72 of this chapter; or

(ii) A specific license issued to the manufacturer by an Agreement State pursuant to equivalent State regulations; or

(iii) An application filed with the Atomic Energy Commission pursuant to § 32.72 of this chapter or with an Agreement State pursuant to equivalent State

regulations on or before October 15, 1974 for a license to manufacture and distribute a radiopharmaceutical that the applicant distributed commercially on or before August 16, 1974 on which application the Commission or Agreement State has not acted.

(2) For Group III, no licensee shall receive, possess, or use generators or reagent kits containing byproduct material or shall use reagent kits that do not contain byproduct material to prepare radiopharmaceuticals containing byproduct material, except:

(i) Reagent kits not containing byproduct material that are approved by the Commission or an Agreement State for use by persons licensed pursuant to this § 35.14 and Group III of Schedule A, § 35.100 or equivalent Agreement State regulations; or

(ii) Generators or reagent kits containing byproduct material that are manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the Commission pursuant to § 32.73 of this chapter or by an Agreement State pursuant to equivalent State regulations; or

(iii) Generators or reagent kits that the manufacturer distributed on or before August 16, 1974 for which an application for license or approval was filed with the Commission pursuant to § 32.73 of this chapter or with an Agreement State pursuant to equivalent regulations on or before October 15, 1974 on which application the Commission or Agreement State has not acted.

(3) For Group VI no licensee shall receive, possess, or use byproduct material except as contained in a source or device that has been manufactured, labeled, packaged, and distributed in accordance with:

(i) A specific license issued by the Commission pursuant to § 32.74 of this chapter; or

(ii) A specific license issued to the manufacturer by an Agreement State pursuant to equivalent State regulations; or

(iii) An application filed with the Atomic Energy Commission pursuant to § 32.74 of this chapter or with an Agreement State pursuant to equivalent State regulations on or before October 15, 1974 for a license to manufacture a source or device that the applicant distributed commercially on or before August 16, 1974 on which application the Commission or Agreement State has not acted.

(4) For Group III, any licensee who uses generators or reagent kits shall elute the generator or process radioactive material with the reagent kit in accordance with instructions which are approved by the Atomic Energy Commission or an Agreement State and are furnished by the manufacturer on the label attached to or in the leaflet or brochure that accompanies the generator or reagent kit.

(5) For Group VI any licensee who possesses and uses sources or devices containing byproduct material shall:

(i) Cause each source or device containing more than 100 microcuries of byproduct material with a half-life greater than thirty days, except iridium 192 seeds encased in nylon ribbon, to be tested for contamination and/or leakage at intervals not to exceed six months or at such other intervals as are approved by the Atomic Energy Commission or an Agreement State and described by the manufacturer on the label attached to the source, device or permanent container thereof, or in the leaflet or brochure which accompanies the source or device. Each source or device shall be so tested prior to its first use unless the supplier furnishes a certificate that the source or device has been so tested within six months prior to the transfer;

(ii) Assume that the test required by paragraph (b)(5)(i) of this section is capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. The test sample shall be taken from the source or from the surfaces of the device in which the source is permanently or semipermanently mounted or stored on which one might expect contamination to accumulate. Records of leak test results shall be kept in units of microcuries and maintained for inspection by the Commission;

(iii) If the test required by paragraph (b)(5)(i) of this section reveals the presence of 0.005 microcurie or more of removable contamination, immediately withdraw the source from use and cause it to be decontaminated and repaired or to be disposed of in accordance with Commission regulations. A report shall be filed within 5 days of the test with the appropriate Atomic Energy Commission Regulatory Operations Regional Office listed in Appendix D of Part 20 of this chapter, describing the equipment involved, the test results, and the corrective action taken;

(iv) Follow the radiation safety and handling instructions approved by the Atomic Energy Commission or an Agreement State and furnished by the manufacturer on the label attached to the source, device or permanent container thereof, or in the leaflet or brochure that accompanies the source or device, and maintain such instruction in a legible and conveniently available form;

(v) Conduct a quarterly physical inventory to account for all sources and devices received and possessed. Records of the inventories shall be maintained for inspection by the Commission and shall include the quantities and kinds of byproduct material, location of sources and devices, and the date of the inventory;

(vi) Assume that needles or standard medical applicator cells containing cobalt 60 as wire are not opened while in the licensee's possession unless specifically authorized by a license issued to him by the Atomic Energy Commission;

(vii) Assume that patients containing cobalt 60, cesium 137 and/or iridium 192 implants shall remain hospitalized until the implants are removed.

(c) Any licensee who is licensed pursuant to paragraph (a) of this section for one or more of the medical use groups in § 35.100 also is authorized to use byproduct material under the general license in § 31.11 of this chapter for the specified in vitro uses without filing Form AEC-483 as required by § 31.11(b); *Provided*, That the licensee is subject to the other provisions of § 31.11.

(d) Any licensee who is licensed pursuant to paragraph (a) of this section for one or more of the medical use groups in § 35.100 also is authorized, subject to the provisions of paragraphs (e) and (f) of this section, to receive, possess, and use for calibration and reference standards:

(1) Any byproduct material listed in Group I, Group II, or Group III of Schedule A, § 35.100, with a half-life not longer than 100 days, in amounts not to exceed 15 millicuries total;

(2) Any byproduct material listed in Group I, Group II, or Group III of Schedule A, § 35.100 with half-life greater than 100 days in amounts not to exceed 200 microcuries total;

(3) Technetium 99m in amounts not to exceed 30 millicuries;

(4) Any byproduct material, in amounts not to exceed 3 millicuries per source, contained in calibration or reference sources that have been manufactured, labeled, packaged, and distributed in accordance with:

(i) A specific license issued by the Commission pursuant to § 32.74 of this chapter; or

(ii) A specific license issued to the manufacturer by an Agreement State pursuant to equivalent State regulations; or

(iii) An application filed with the Atomic Energy Commission pursuant to § 32.74 of this chapter or with an Agreement State pursuant to equivalent State regulations on or before October 15, 1974 for a license to manufacture a source that the applicant distributed commercially on or before August 16, 1974, on which application the Commission or Agreement State has not acted.

(e) (1) (i) Any licensee who possesses sealed sources as calibration or reference sources pursuant to paragraph (d) of this section shall cause each sealed source containing byproduct material, other than hydrogen 3, with a half-life greater than thirty days in any form other than gas to be tested for leakage and/or contamination at intervals not to exceed six months. In the absence of a certificate from a transferor indicating that a test has been made within six months prior to the transfer, the sealed source shall not be used until tested, *Provided, however*, That no leak tests are required when:

(a) The source contains 100 microcuries or less of beta and/or gamma emitting material or 10 microcuries or less of alpha emitting material, or

(b) The sealed source is stored and is not being used; such sources shall, however, be tested for leakage prior to any use or transfer unless they have been

leak tested within six months prior to the date of use or transfer.

(2) The leak test shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. The test sample shall be taken from the sealed source or from the surfaces of the device in which the sealed source is permanently mounted or stored on which contamination might be expected to accumulate. Records of leak test results shall be kept in units of microcuries and maintained for inspection by the Commission.

(3) If the leak test reveals the presence of 0.005 microcurie or more of removable contamination, the licensee shall immediately withdraw the sealed source from use and shall cause it to be decontaminated and repaired or to be disposed of in accordance with Parts 20 and 30 of this chapter. A report shall be filed within 5 days of the test with the appropriate Atomic Energy Commission Regulatory Operations Regional Office listed in Appendix D of Part 20 of this chapter describing the equipment involved, the test results, and the corrective action taken;

(f) Any licensee who possesses and uses calibration and reference sources pursuant to paragraph (d)(4) of this section shall:

(1) Follow the radiation safety and handling instructions approved by the Atomic Energy Commission or an Agreement State and furnished by the manufacturer on the label attached to the source, or permanent container thereof, or in the leaflet or brochure that accompanies the source, and maintain such instruction in a legible and conveniently available form;

(2) Conduct a quarterly physical inventory to account for all sources received and possessed. Records of the inventories shall be maintained for inspection by the Commission and shall include the quantities and kinds of byproduct material, location of sources, and the date of the inventory.

2. Section 35.100 of 10 CFR Part 35 is amended by changing the title and subtitles, by adding certain new uses to the present paragraphs (a) Group I and (b) Group II, and by adding new paragraphs (c) Group III, (d) Group IV, (e) Group V, and (f) Group VI. The section as amended, will read as follows:

§ 35.100 Schedule A—Groups of medical uses of byproduct material.

(a) *Group I.* Use of prepared radiopharmaceuticals for certain diagnostic studies involving measurements of uptake, dilution and excretion. This group does not include uses involving imaging and tumor localizations.

(1) Iodine 131 as sodium iodide (NaI^{131}) for measurement of thyroid uptake;

(2) Iodine 125 as sodium iodide (NaI^{125}) for measurement of thyroid uptake;

(3) Iodine 131 as iodinated human serum albumin (IHSA) for determination of blood and blood plasma volume;

(4) Iodine 125 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume;

(5) Iodine 131 as labeled rose bengal for liver function studies;

(6) Iodine 125 as labeled rose bengal for liver function studies;

(7) Iodine 131 as labeled fats or fatty acids for fat absorption studies;

(8) Iodine 125 as labeled fats or fatty acids for fat absorption studies;

(9) Iodine 131 as labeled iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, sodium acetrizoate, or sodium iothalamate for kidney function studies;

(10) Iodine 125 as labeled iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, sodium acetrizoate, or sodium iothalamate for kidney function studies;

(11) Cobalt 58 as labeled cyanocobalamin for intestinal absorption studies;

(12) Cobalt 60 as labeled cyanocobalamin for intestinal absorption studies;

(13) Chromium 51 as sodium chromate for determination of red blood cell volume and studies of red blood cell survival time;

(14) Chromium 51 as labeled human serum albumin for gastrointestinal protein loss studies;

(15) Iron 59 as chloride, citrate, or sulfate for iron turnover studies;

(16) Potassium 42 as chloride for potassium space determinations;

(17) Sodium 24 as chloride for sodium space determinations;

(18) Technetium 99m as pertechnetate for blood flow studies;

(19) Mercury as chlormerodrin for kidney function studies;

(20) Any byproduct material in a radiopharmaceutical and for a diagnostic use involving measurements of uptake, dilution, or excretion for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

(b) *Group II.* Use of prepared radiopharmaceuticals for diagnostic studies involving imaging and tumor localizations.

(1) Iodine 131 as sodium iodide for thyroid imaging;

(2) Iodine 125 as sodium iodide for thyroid imaging;

(3) Iodine 131 as iodinated human serum albumin (IHSA) for brain tumor localizations and cardiac imaging;

(4) Iodine 131 as macroaggregated iodinated human serum albumin for lung imaging;

(5) Iodine 131 as colloidal (microaggregated) iodinated human serum albumin for liver imaging;

(6) Iodine 131 as labeled rose bengal for liver imaging;

(7) Iodine 131 as iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, sodium acetrizoate for kidney imaging;

(8) Iodine 131 as sodium iodipamide for cardiac imaging;

(9) Iodine 131 as iodinated human serum albumin (IHSA) for placenta localization;

(10) Chromium 51 as sodium chromate for spleen imaging;

(11) Chromium 51 as labeled human serum albumin for placenta localization;

(12) Gold 198 in colloidal form for liver imaging;

(13) Mercury 197 as labeled chlormerodrin for kidney and brain imaging;

(14) Mercury 203 as labeled chlormerodrin for brain imaging;

(15) Selenium 75 as labeled selenomethionine for pancreas imaging;

(16) Strontium 85 as nitrate or chloride for bone imaging in patients with suspected or diagnosed cancer;

(17) Technetium 99m as pertechnetate for brain imaging;

(18) Technetium 99m as pertechnetate for thyroid imaging;

(19) Technetium 99m as pertechnetate for salivary gland imaging;

(20) Technetium 99m as pertechnetate for blood pool imaging, including placenta localization;

(21) Technetium 99m as labeled sulfur colloid for liver and spleen imaging;

(22) Technetium 99m as labeled macroaggregated human serum albumin for lung imaging;

(23) Any byproduct material in a radiopharmaceutical and for a diagnostic use involving imaging for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

(c) *Group III.* Use of generators and reagent kits for the preparation and use of radiopharmaceuticals containing byproduct material for certain diagnostic uses.

(1) Molybdenum 99/technetium 99m generators for the elution of technetium 99m as pertechnetate for:

(i) Brain imaging;

(ii) Thyroid imaging;

(iii) Salivary gland imaging;

(iv) Blood pool imaging including placenta localization;

(v) Blood flow studies;

(vi) Use with reagent kits for preparation and use of radiopharmaceuticals containing technetium 99m as provided in paragraphs (c) (3) and (4) of this section;

(2) Technetium 99m as pertechnetate for use with reagent kits for preparation and use of radiopharmaceuticals containing technetium 99m as provided in paragraphs (c) (3) and (4) of this section;

(3) Reagent kits for preparation of technetium 99m labeled:

(i) Sulfur colloid for liver and spleen imaging;

(ii) Iron-ascorbate-diethylenetriamine pentaacetic acid complex for kidney imaging;

(iii) Diethylenetriamine pentaacetic acid (Sn) for kidney imaging and kidney function studies;

(iv) Diethylenetriamine pentaacetic acid (Sn) for brain imaging;

(v) Human serum albumin microspheres for lung imaging;

(vi) Polyphosphates for bone imaging;

(vii) Macroaggregated human serum albumin for lung imaging;

(viii) Disodium etidronate for bone imaging;

(4) Any generator or reagent kit for preparation and diagnostic use of a radiopharmaceutical containing byproduct material for which generator or reagent kit a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

(d) *Group IV.* Use of prepared radiopharmaceuticals for certain therapeutic uses that do not normally require hospitalization for purposes of radiation safety:

(1) Iodine 131 as iodide for treatment of hyperthyroidism and cardiac dysfunction;

(2) Phosphorus 32 as soluble phosphate for treatment of polycythemia vera, leukemia and bone metastases;

(3) Phosphorus 32 as colloidal chromic phosphate for intracavitary treatment of malignant effusions;

(4) Any byproduct material in a radiopharmaceutical and for a therapeutic use not normally requiring hospitalization for purposes of radiation safety for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

(e) *Group V.* Use of prepared radiopharmaceuticals for certain therapeutic uses that normally require hospitalization for purposes of radiation safety:

(1) Gold 198 as colloid for intracavitary treatment of malignant effusions;

(2) Iodine 131 as iodide for treatment of thyroid carcinoma;

(3) Any byproduct material in a radiopharmaceutical and for a therapeutic use normally requiring hospitalization for radiation safety reasons for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

(f) *Group VI.* Use of sources and devices containing byproduct material for certain medical uses:

(1) Americium 241 as a sealed source in a device for bone mineral analysis;

(2) Cesium 137 encased in needles and applicator cells for topical, interstitial, and intracavitary treatment of cancer;

(3) Cobalt 60 encased in needles and applicator cells for topical, interstitial, and intracavitary treatment of cancer;

(4) Gold 198 as seeds for interstitial treatment of cancer;

(5) Iodine 125 as a sealed source in a device for bone mineral analysis;

(6) Iridium 192 as seeds encased in nylon ribbon for interstitial treatment of cancer;

(7) Strontium 90 sealed in an applicator for treatment of superficial eye conditions.

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL

3. Section 31.11 of 10 CFR Part 31 is amended by adding new paragraphs (a)

(4) and (5), by amending the first sentence of paragraph (b), and by amending paragraphs (c) (1) and (d) (1) to read as follows:

§ 31.11 General license for use of byproduct material for certain in vitro clinical or laboratory testing.

(a) A general license is hereby issued to any physician, clinical laboratory or hospital to receive, acquire, possess, transfer, or use, for any of the following stated tests, in accordance with the provisions of paragraphs (b), (c), (d), (e), and (f) of this section, the following byproduct materials in prepackaged units:

(4) Hydrogen 3 (tritium), in units not exceeding 50 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of byproduct material, or the radiation therefrom, to human beings or animals.

(5) Iron 59, in units not exceeding 20 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of byproduct material, or the radiation therefrom, to human beings, or animals.

(b) No person shall receive, acquire, possess, use, or transfer byproduct material pursuant to the general license established by paragraph (a) of this section until he has filed form AEC-483, "Registration Certificate-In Vitro Testing with Byproduct Material Under General License," with the Materials Branch, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545, and received from the Commission a validated copy of Form AEC-483 with registration number assigned or until he has been authorized pursuant to § 35.14 (c) of this chapter to use byproduct material under the general license in this § 31.11. ***

(c) A person who receives, acquires, possesses, or uses byproduct material pursuant to the general license established by paragraph (a) of this section shall comply with the following:

(1) The general licensee shall not possess at any one time, pursuant to the general license in paragraph (a) of this section, at any one location of storage or use, a total amount of iodine 125, iodine 131, and/or iron 59 in excess of 200 microcuries.

(d) The general licensee shall not receive, acquire, possess, or use byproduct material pursuant to paragraph (a) of this section:

(1) Except as prepackaged units which are labeled in accordance with the provisions of a specific license issued under the provisions of § 32.71 of this chapter or in accordance with the provisions of a specific license issued by an Agreement State that authorizes manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), or iron-59 for distribution to persons generally licensed by the Agreement State.

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

4. The title of 10 CFR Part 32 is amended to read as set forth above.

5. Section 32.71 of 10 CFR Part 32 is amended by adding new §§ 32.71 (b) (4) and (5) and by amending § 32.71 (c) (1) to read as follows:

§ 32.71 Manufacture and distribution of byproduct material for certain in vitro clinical or laboratory testing under general license.

An application for a specific license to manufacture or distribute byproduct material for use under the general license of § 31.11 of this chapter will be approved if:

(b) The byproduct material is to be prepared for distribution in prepackaged units of:

(4) Hydrogen 3 (tritium) in units not exceeding 50 microcuries each;

(5) Iron 59 in units not exceeding 20 microcuries each.

(c) Each prepackaged unit bears a durable, clearly visible label:

(1) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 10 microcuries of iodine 131, iodine 125, or carbon 14; 50 microcuries of hydrogen 3 (tritium); or 20 microcuries of iron 59; and

6. A new § 32.72 is added to 10 CFR Part 32 to read:

§ 32.72 Manufacture and distribution of radiopharmaceuticals containing byproduct material for medical use under group licenses.

(a) An application for a specific license to manufacture and distribute radiopharmaceuticals containing byproduct material for use by persons licensed pursuant to § 35.14 of this chapter for the uses listed in Group I, Group II, Group IV, or Group V of Schedule A, § 35.100 of this chapter will be approved if:

(1) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(2) The applicant submits evidence that:

(i) The radiopharmaceutical containing byproduct material will be manufactured, labeled, and packaged in accordance with the Federal Food, Drug and Cosmetic Act or the Public Health Service Act, such as a new drug application (NDA) approved by the Food and Drug Administration (FDA), a biologic product license issued by FDA, or a "Notice of Claimed Investigational Exemption for a New Drug" (IND) accepted by FDA; or

(ii) The manufacture and distribution of the radiopharmaceutical containing byproduct material is not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act.

(3) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package, and shielding provided by the packaging of the byproduct material that is appropriate for safe handling and storage of radiopharmaceuticals by group licensees; and

(4) (i) The label affixed to each package of the radiopharmaceutical contains information on the radionuclide, quantity, and date of assay, and the label affixed to each package, or the leaflet or brochure which accompanies each package, contains a statement that the radiopharmaceutical is licensed by the U.S. Atomic Energy Commission for distribution to persons licensed pursuant to § 35.14 and § 35.100 Group I, Group II, Group IV, or Group V of 10 CFR Part 35, as appropriate, or under equivalent licenses of Agreement States or that an application for such license has been filed with the Commission on or before October 15, 1974 and is still pending.

(ii) The labels, leaflets or brochures required by this paragraph are in addition to the labeling required by the Food and Drug Administration (FDA) and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

(b) If an application is filed pursuant to paragraph (a) of this section on or before October 15, 1974, for a license to manufacture and distribute a radiopharmaceutical that was distributed commercially on or before August 16, 1974, the applicant may continue the distribution of such radiopharmaceutical to group licensees until the Commission issues the license or notifies the applicant otherwise.

7. A new § 32.73 is added to 10 CFR Part 32 to read:

§ 32.73 Manufacture and distribution of generators or reagent kits for preparation of radiopharmaceuticals containing byproduct material.

(a) An application for a specific license to manufacture and distribute generators or reagent kits containing byproduct material for preparation of radiopharmaceuticals by persons licensed pursuant to § 35.14 of this chapter for the uses listed in Group III of Schedule A, § 35.100 of this chapter will be approved if (See Note 1):

(1) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(2) The applicant submits evidence that:

(i) The generator or reagent kit is to be manufactured, labeled, and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act, such as a new drug application (NDA) approved by the Food and Drug Administration (FDA), a biologic product license issued by FDA, or a "Notice of Claimed Investigational Exemption for a New Drug" (IND) accepted by FDA; or

(ii) The manufacture and distribution of the generator or reagent kit are not subject to the Federal Food, Drug, and

Cosmetic Act and the Public Health Service Act.

NOTE 1. Although the Commission does not regulate the manufacture and distribution of reagent kits that do not contain byproduct material, it does regulate the use of such reagent kits for the preparation of radiopharmaceuticals containing byproduct material as part of its licensing and regulation of the users of byproduct material. Any manufacturer of reagent kits that do not contain byproduct material who desires to have his reagent kits approved by the Commission for use by persons licensed pursuant to § 35.14 and Group III of Schedule A, § 35.100 of this chapter may submit the pertinent information specified in this § 32.73.

(3) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package, and shielding provided by the packaging of the byproduct material contained in the generator or reagent kit;

(4) The label affixed to the generator or reagent kit contains information on the radionuclide, quantity, and date of assay; and

(5) The label affixed to the generator or reagent kit, or the leaflet or brochure which accompanies the generator or reagent kit, contains:

(i) Adequate information, from a radiation safety standpoint, on the procedures to be followed and the equipment and shielding to be used in eluting the generator or processing radioactive material with the reagent kit, and

(ii) A statement that this generator or reagent kit (as appropriate) is approved for use by persons licensed by the U.S. Atomic Energy Commission pursuant to §§ 35.14 and 35.100 Group III of 10 CFR Part 35 or under equivalent licenses of Agreement States, or that an application for such license has been filed with the Commission on or before October 15, 1974 and is still pending.

The labels, leaflets or brochures required by this paragraph are in addition to the labeling required by FDA and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

(b) If an application is filed pursuant to paragraph (a) of this section on or before October 15, 1974, for a license to manufacture and distribute a generator or reagent kit that was distributed commercially on or before August 16, 1974, the applicant may continue the distribution of such generator or reagent kit until the Commission issues the license or notifies the applicant otherwise.

8. A new § 32.74 is added to 10 CFR Part 32 to read:

§ 32.74 Manufacture and distribution of sources or devices containing byproduct material for medical use.

(a) An application for a specific license to manufacture and distribute sources and devices containing byproduct material to persons licensed pursuant to § 35.14 of this chapter for use as a calibration or reference source or for the uses listed in Group VI Sched-

ule A, § 35.100 of this chapter will be approved if:

(1) The applicant satisfies the general requirements in § 30.33 of this chapter;

(2) The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:

(i) The byproduct material contained, its chemical and physical form, and amount;

(ii) Details of design and construction of the source or device;

(iii) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents;

(iv) For devices containing byproduct material, the radiation profile of a prototype device;

(v) Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;

(vi) Procedures and standards for calibrating sources and devices;

(vii) Legend and methods for labeling sources and devices as to their radioactive content;

(viii) Instructions for handling and storing the source or device from the radiation safety standpoint; these instructions are to be included on a durable label attached to the source or device or attached to a permanent storage container for the source or device; *Provided*, That instructions which are too lengthy for such label may be summarized on the label and printed in detail on a brochure which is referenced on the label;

(3) The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, quantity, and date of assay, and a statement that the (name of source or device) is licensed by the U.S. Atomic Energy Commission for distribution to persons licensed pursuant to §§ 35.14 and 35.100 Group VI of 10 CFR Part 35 or under equivalent licenses of Agreement States or that a pending application for such license has been filed with the Commission on or before October 15, 1974; *Provided*, That such labeling for sources which do not require long term storage (e.g., gold 198 seeds) may be on a leaflet or brochure which accompanies the sources.

(b) (1) In the event the applicant desires that the source or device be required to be tested for leakage of radioactive material at intervals longer than six months, he shall include in his application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of leakage of radioactive material from the source.

(2) In determining the acceptable interval for test of leakage of radioactive

material, the Commission will consider information that includes, but is not limited to:

(i) Primary containment (source capsule);

(ii) Protection of primary containment;

(iii) Method of sealing containment;

(iv) Containment construction materials;

(v) Form of contained radioactive material;

(vi) Maximum temperature withstood during prototype tests;

(vii) Maximum pressure withstood during prototype tests;

(viii) Maximum quantity of contained radioactive material;

(ix) Radiotoxicity of contained radioactive material;

(x) Operating experience with identical sources or devices or similarly designed and constructed sources or devices.

(c) If an application is filed pursuant to paragraph (a) of this section on or before October 15, 1974, for a license to manufacture and distribute a source or device that was distributed commercially on or before August 16, 1974, the applicant may continue the distribution of such source or device to group licensees until the Commission issues the license or notifies the applicant otherwise.

Effective date. The foregoing amendments of §§ 31.11 and 32.71, and new §§ 32.72, 32.73, and 32.74 become effective on August 16, 1974. The foregoing amendments of §§ 35.14 and 35.100 become effective on January 13, 1975.

(Sec. 81, 161, 182, 183, Pub. L. 83-703, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233))

Dated at Germantown, Maryland, this 10th day of July, 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc. 74-16278 Filed 7-16-74; 8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER A—GENERAL REGULATIONS OF THE FEDERAL HOME LOAN BANK BOARD

[No. 74-668]

PART 505—AVAILABILITY AND CHARACTER OF RECORDS

Access to Records

JULY 10, 1974.

The Federal Home Loan Bank Board, by Resolution No. 74-77, proposed amendments to Part 505 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.4 (a) and (d)) in order to provide for public access, retrieval and production of certain computerized information. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on March 26, 1974 (39 FR 11199), with an invitation for interested persons to submit written

comments by April 10, 1974. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the proposed amendment, as set forth below.

Paragraph 50.4(a) states the Board's general rule that records are to be made available to any person for inspection and copying, subject to the limitations found in §§ 505.5 and 505.6, even though such records may, in the Board's discretion, be exempted from disclosure under the Freedom of Information Act, section 552 of Title 5 of the United States Code. However, a request for information which requires special computer programming is in effect a request for the Board's staff to perform a research project, and this type of information is not considered to be a form of "identifiable records" within the meaning of section 552(a)(3). Information which can be produced by computer processing and which does not involve special processing is considered a form of "identifiable records". The amendment therefore adds a sentence to § 505.4(a) which provides that computerized information which can be produced only by special processing, although not required to be provided, will be made publicly available in accordance with the policy guidelines now set forth in the paragraph, to the extent that it is not otherwise exempt from disclosure and its retrieval and production are not unduly burdensome.

Paragraph 505.4(d) sets out the procedures for inspection and copying of public records and the costs of searching, preparing for inspection and copying. The costs of retrieval and production of computerized materials (whether special processing is required or not) do not fit within the given payment schedule of \$5 per research hour, 10¢ per page. The amendment therefore requires payment of the full cost of such retrieval and production, as determined by the Director of the Board's Information Systems Division or his designate and with the concurrence of the Director of the Board's Office of Economic Research or his designate. Provision is also made for a waiver of costs in certain cases involving unnecessary hardship and the advancement of the public interest.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 505 by adding new provisions to §§ 505.4 (a) and (d) thereto to read as set forth below, effective August 16, 1974.

§ 505.4 Access to records.

(a) *General rule.* All records of the Board are made available to any person for inspection and copying in accordance with the provisions of this section and subject to the limitations stated in §§ 505.5 and 505.6. It is the policy of the Board to disclose its records to the public, even though such records may, in the Board's discretion, be exempted from disclosure by section 552 of Title 5 of the United States Code or by § 505.6, whenever such disclosure can be made without resulting in injury to a public or private interest intended to be protected by the foregoing statute or in a significant in-

terference with the statutory responsibilities of the Board and the national interest. Requests for information which can be produced only by processing through an information systems program specially designed for that purpose are not regarded as requests for identifiable records that must be disclosed pursuant to section 552 of Title 5 of the United States Code; but it is the policy of the Board to make such information available if it is not otherwise exempt from disclosure, provided that the retrieval or production of such information does not unduly burden or interfere with the functioning of the Board.

(d) *Obtaining access to records.* Records of this Board subject to this section are available for public inspection or copying during regular business hours on regular business days at the offices of the Federal Home Loan Bank Board Building, 101 Indiana Avenue, N.W., Washington, D.C. 20552. Any person requesting access to, or copying of, such records shall submit such request in writing to the Secretary to the Board. The request shall state the full name and address of the person requesting access to, or copying of, such records and a description of the records sought that is reasonably sufficient to permit their identification without undue difficulty. Wherever possible requests should be submitted in advance of the date inspection or copying is desired, preferably by mail. A person requesting access to or copies of particular records shall pay the costs of searching, preparing for inspection, or copying such records at the rate of \$5 per hour for searching and preparing and 10 cents per page for copying. The Secretary or an Assistant Secretary designated by the Secretary is authorized to waive such payment in instances in which total charges are less than \$2 or in which unnecessary hardship would be inflicted upon the requesting person or in which waiver would serve the public interest. With respect to information obtainable only by processing through an information systems program, which has been made available under paragraph (a) of this section, a person requesting such information shall pay a fee equal to the full cost of retrieval and production of the information requested; and the Director, Information Systems Division, or such person or persons as he may designate, with the concurrence of the Director, Office of Economic Research, or such person or persons as he may designate, is authorized to determine the cost of such retrieval and production, and to waive such payment in instances in which unnecessary hardship would be inflicted upon the requesting person or in which waiver would serve the public interest.

(Secs. 11, 17, 47 Stat. 733, 736, as amended; 12 U.S.C. 1431, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.
Assistant Secretary.

[FR Doc. 74-16306 Filed 7-16-74; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-SW-17]

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

Alteration of Transition Area

Correction

In FR Doc. 74-14370 appearing at page 22416 in the issue for Monday, June 24, 1974, the description of the Stephenville, Texas, transition area should be corrected to read as follows:

STEPHENVILLE, TEX.

That airspace extending upward from 700 feet AGL within a 5-mile radius of Clark Field, Tex. (latitude 32°13'00" N., longitude 98°10'42" W.); within 3 miles each side of the Acton, Tex., VORTAC 244° radial extending from the 5-mile radius area to 27 miles from the VORTAC; and within 3 miles each side of the 139° bearing from the Stephenville, Tex., RBN (latitude 32°13'00" N., longitude 98°10'42" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN.

[Airspace Docket No. 74-GL-11]

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

Designation of Transition Area

On Page 16365 of the FEDERAL REGISTER dated May 8, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Litchfield, Minnesota.

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

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

This amendment shall be effective September 12, 1974.

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

Issued in Des Moines, Illinois, on July 8, 1974.

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

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

LITCHFIELD, MINNESOTA

That airspace extending upward from 700 feet above the surface within a five mile radius of the Litchfield Municipal Airport (latitude 45°08'00" N., longitude 94°30'45" W.); and within three and one half miles each side of the Darwin VORTAC 139° radial extending from the five mile radius of 11½ miles southeast of the VORTAC.

[FR Doc. 74-16276 Filed 7-16-74; 8:45 am]